



**CITY COUNCIL SPECIAL SESSION  
CITY COUNCIL CHAMBER CONFERENCE ROOM  
MONDAY, JUNE 2, 2014, 6:00 T0 to 6:15 PM**

1. Call to Order
2. Interviews  
6:05 Jan Metzmaker – Weed Control Advisory Committee
3. Public Comment
4. Appointments – (Councilor appointment)
  - a. **WEED CONTROL ADVISORY COMMITTEE** – open to residents of the City and the Zoning jurisdiction. 2 Positions, 2-year terms.

**PLEASE NOTE: The City Clerk’s Office still has not received any letters of interest for the two positions below, or for the additional vacancy for the Weed Committee listed above.**

**LIBRARY BOARD OF TRUSTEES** – One (1) position open to residents who live inside the City Limits. 5-year term.

**IMPACT FEE ADVISORY COMMITTEE** – 2-Year term – One (1) Position – The open position is for a person from the Development Community. Committee specifications require the applicant either lives or works within the Whitefish zoning jurisdiction. The Committee meets once a year.

5. Adjourn

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**CITY COUNCIL WORK SESSION  
CITY COUNCIL CHAMBER CONFERENCE ROOM  
MONDAY, JUNE 2, 2014, 6:15 T0 to 7:00 PM**

1. Call to Order
2. Update on proposal for a conservation easement on approximately 3,000 acres of land owned by Stoltze Land and Lumber Company in Haskill Basin and the City’s watershed
3. Public Comment
4. Adjourn



# PUBLIC NOTICE

## THE CITY OF WHITEFISH HAS POSITIONS OPEN ON THE FOLLOWING VOLUNTEER COMMITTEES

**PARK BOARD** – Residency requirement: Applicants must have resided within the City Limits for 2 years and within the State for 3 years, and must be at least 21 years old. 2 Positions, 2-year terms.

**POLICE COMMISSION** – Open to City residents who have maintained residency within the City for one year prior to appointment to the Commission. 1 Position, 3-year term.

**ARCHITECTURAL REVIEW COMMITTEE** – open to residents of the City or the Zoning Jurisdiction who are either employed by or is an owner of a business in the city of Whitefish, or owner of property in the city of Whitefish. One position is open for licensed architects or licensed design professionals, one opening for a Member at Large. 2 Positions, 3-year terms.

**PEDESTRIAN & BICYCLE PATH ADVISORY COMMITTEE**– open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. Vacancies this year are for two Members at Large, one who lives inside the City Limits, and one who lives outside the City Limits but within the Zoning Jurisdiction. 2 Positions, 2-year terms.

**TREE ADVISORY COMMITTEE** – open to residents of the City or the Zoning Jurisdiction, who have maintained their residency for a minimum of one year prior to appointment. 2 Positions, 2-year terms.

**WEED CONTROL ADVISORY COMMITTEE** – open to residents of the City and the Zoning jurisdiction. 2 Positions, 2-year terms.

**RESORT TAX MONITORING COMMITTEE** – applicants can be an owner, operator or representative of any of a Bar/Restaurant, Lodging Business, or a Retail Business in the City Limits of Whitefish, or an interested City resident as a Member at Large. The two (2) positions expiring this year are both Members at Large. 3-year terms.

**WHITEFISH CONVENTION AND VISITOR BUREAU COMMITTEE** - Three (3) Committee positions expire this year – 3-year terms. Open to residents of the City of Whitefish and the Whitefish planning jurisdiction. Up to 2 positions may be residents in Flathead County outside of the Whitefish Planning Jurisdiction if they are an owner or manager of a business located and operating within the City of Whitefish zoning jurisdiction. Committee Membership includes representatives of Whitefish Mountain Resort, Finance, Large and Small Lodging properties, Restaurant and Bar Businesses, Retail Businesses, Transportation Businesses and the Whitefish Lake Golf Course. Openings include preference for representatives of Retail Businesses, Transportation Businesses, and one for any category.

**LIBRARY BOARD OF TRUSTEES** – One (1) position open to residents who live inside the City Limits. 5-year term.

**IMPACT FEE ADVISORY COMMITTEE** – 2-Year term – One (1) Position – The open position is for a person from the Development Community. Committee specifications require the applicant either lives or works within the Whitefish zoning jurisdiction. The Committee meets once a year.

**WHITEFISH CITY-COUNTY PLANNING BOARD** – One (1) position to fill the remainder of a term expiring December 31, 2014. Applicants must reside within the City Limits.

**Please submit** a letter of interest to serve on any of the above committees to the Whitefish City Clerk's Office at 418 E. 2nd Street or mail to P.O. Box 158, Whitefish, MT 59937, by **Wednesday, April 23, 2014**. Interviews will be scheduled for May and June as needed. Thereafter, if vacancies still exist, letters of interest will be accepted until the positions are filled. If you have any questions please call the City Clerk's Office at 863-2400. These are also posted on the City's website: [www.cityofwhitefish.org](http://www.cityofwhitefish.org).

\*\*\*\*\*THANK YOU FOR YOUR INTEREST!\*\*\*\*\*  
City Council Packet June 2, 2014 page 2 of 385

received  
4/8/14



City of Whitefish, City Clerk's Office  
418 E. 2<sup>nd</sup> Street, PO Box 158  
Whitefish, Mt 59937  
406-863-2400  
nlorang@cityofwhitefish.org

March 27, 2014

Dear Jan:

Your term on the Weed Control Advisory Committee  
expires this year on May 31, 2014

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is April 23, 2014. Interviews with the Council will be scheduled in May and June as needed; I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

I have enclosed a copy of the ad we will be running.

If you are not planning to 're-up' for your position again, please let me know.

Thank you, and thank you for your service to the community of Whitefish!

Necile Lorang, CMC  
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Weed Comm

Signature

Daytime Phone #

**WEED CONTROL ADVISORY COMMITTEE – WCC 2-11-1 – Two year terms, meet Last Wednesday/monthly, 3:00 pm  
Parks & Recreation Dept**

<b>No.</b>	<b>Position Specification (*Minimum of 5 Whitefish City Residents Required)</b>		<b>Expiration Date</b>
1.	City Staff, City of Whitefish	863-2410	Continuous
2.	*(Mayor or Councilor) Pam Barberis, PO Box 158, WF	871-0223	5-31-2016
3.	*Member at Large – Life Noell, PO Box 5505, WF	212-0002	5-31-2015
4.	*Member at Large – Jake How, 11 Idaho Ave	862-8757	5-31-2015
5.	*Member at Large - Vacancy		5-31-2014
6.	*Member at Large - Jan Metzmaker, 915 Dakota Avenue, WF	862-7960	5-31-2014
7.	*Jim DeHerrera, Park Board Representative, 339 Fairway Drive	407-730-2424	5-31-2015

## WEED CONTROL ADVISORY COMMITTEE

**2-11-1: ESTABLISHED:**

There is hereby established a weed control advisory committee (the "committee") as a permanent city committee. (Ord. 06-15, 6-5-2006)

**2-11-2: PURPOSE:**

The mission of the committee shall be to assist in identifying and reporting noxious weed infestations to the city's code enforcement officer, to develop recommendations to the city council for a permanent weed control strategy, to educate the public to create an increased awareness and knowledge of methods of controlling noxious weeds, and to advise city staff regarding the need for weed control on city owned properties. The committee shall have no independent authority to commit or spend city funds, or to direct city staff. (Ord. 06-15, 6-5-2006)

**2-11-3: MEMBERSHIP; TERMS:**

A. Appointment; Compensation: The committee shall consist of seven (7) members, who shall be appointed by the city council, and who shall serve at the pleasure of the city council. One member shall be a city councilor. One member shall be a member of the city park board. One member shall be the city's code enforcement officer. Four (4) members shall be from the public and shall reside within the Whitefish zoning jurisdiction. The city clerk shall make appropriate notation of a member's category on the official committee roster. Committee members shall receive no compensation. Contracted consultants and city staff shall not serve as members, but may assist and participate in the facilitation of committee business.

B. Term; Positions: Committee terms shall be two (2) years, except for the initial terms identified below, some of which shall be longer than two (2) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the committee, which positions are currently filled as follows:

<u>Position Number</u>	<u>Position Specification</u>	<u>Initial Expiration Date</u>
1	Code enforcement officer	Continuous
2	Mayor or councilor	May 31, 2007
3	Member at large	May 31, 2007
4	Member at large	May 31, 2007
5	Member at large	May 31, 2008
6	Member at large	May 31, 2008
7	Member at large	May 31, 2008

Thereafter members appointed to each position shall serve for two (2) year terms; the first of such terms beginning on June 1 of the year in which the term for the position expires. At the discretion of the city council, members may be appointed for more than one term.

C. Removal Of Member: A member may be removed from the committee by majority vote of the city council for cause upon written charges and after a public hearing. Willful disregard of this chapter and the rules of procedure of the committee, or absences from three (3) consecutive meetings, including regular and special meetings, or absences from more than fifty percent (50%) of such meetings held during the calendar year, shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chair or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting. Any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the

vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 06-15, 6-5-2006)

**2-11-4: ORGANIZATION:**

At its first meeting after June 1 of each year, the committee shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 06-15, 6-5-2006)

**2-11-5: MEETINGS, RULES AND REGULATIONS:**

Four (4) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every three (3) months or at the call of the chair and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 06-15, 6-5-2006)

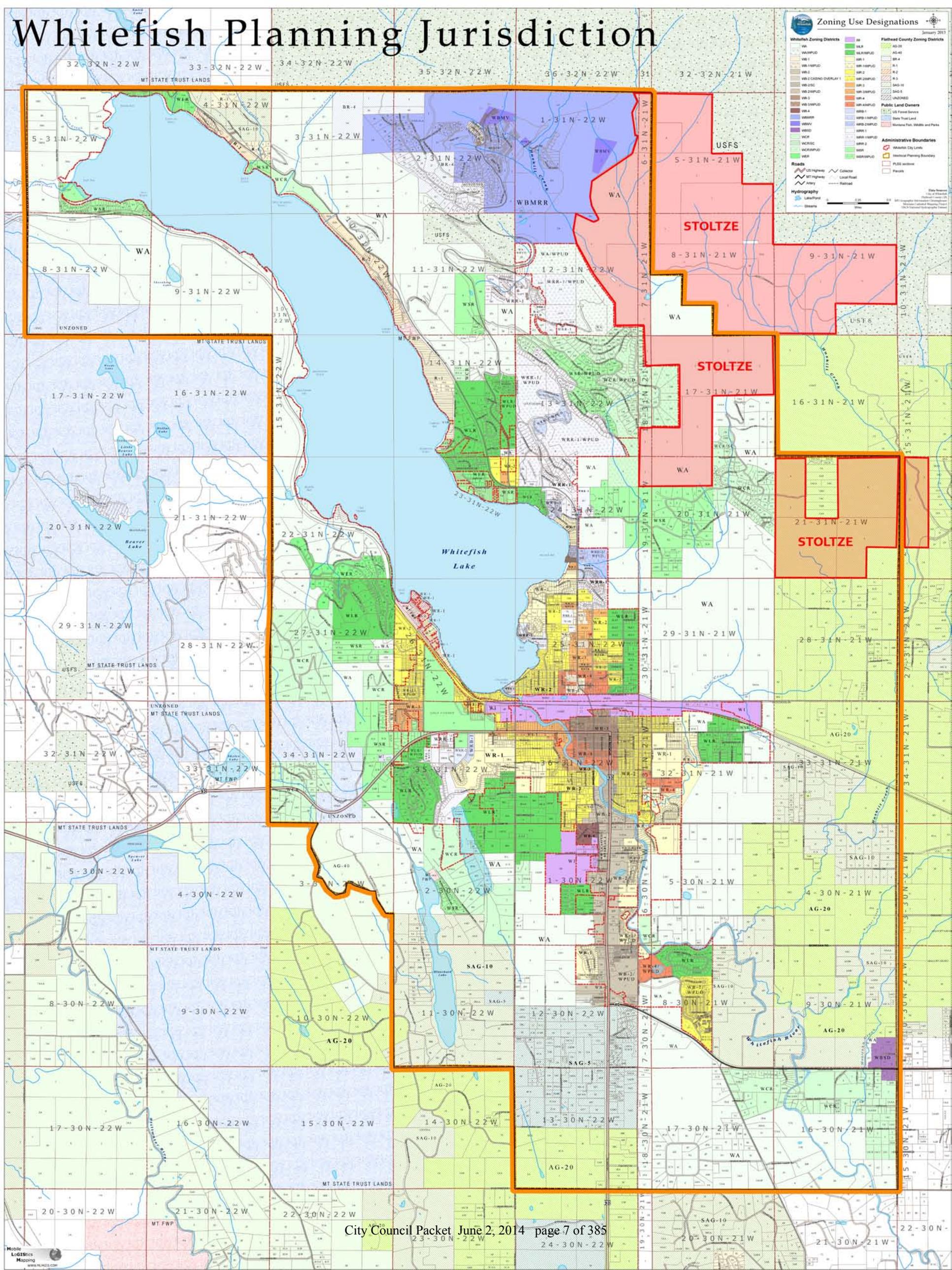
**2-11-6: ENFORCEMENT OF DECISIONS:**

The individual members of the committee shall not directly or personally contact members of the public concerning the need to control noxious weeds on their property, but shall work through the city's code enforcement officer to address individual noxious weed problems or infestations. Individual members of the committee may distribute informational material to members of the public, but all enforcement activity shall be funneled through the city's code enforcement officer. Enforcement decisions shall remain with the code enforcement officer, or his/her supervisor. (Ord. 06-15, 6-5-2006)

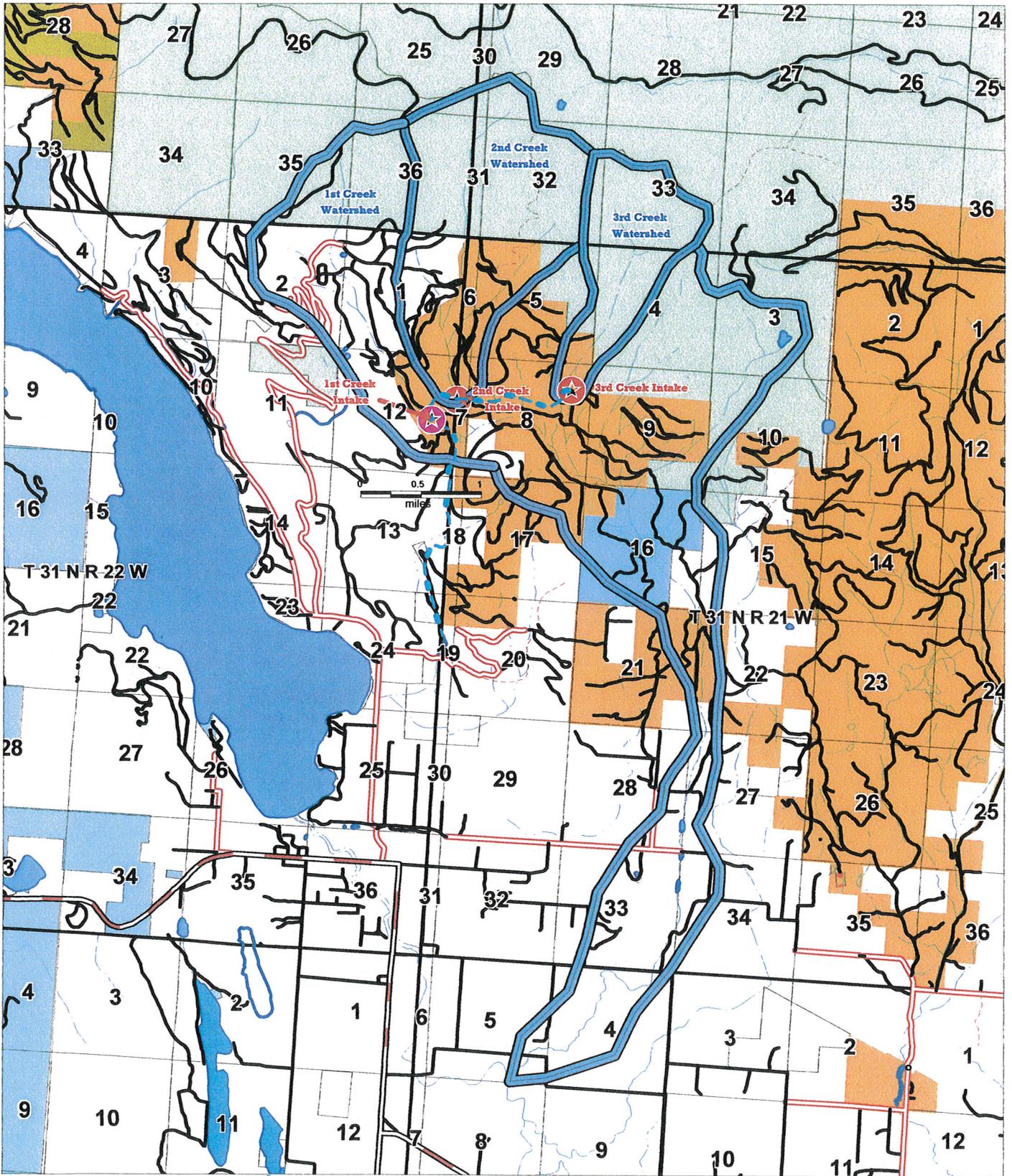
# Whitefish Planning Jurisdiction

**Zoning Use Designations**  
January 2013

<b>Whitefish Zoning Districts</b>	<b>Flathead County Zoning Districts</b>
WA	AG-20
WAWPUD	AG-40
WB-1	AG-10
WB-1-WPUD	AG-15
WB-2	AG-25
WB-2-CASINO OVERLAY	AG-30
WB-3	AG-35
WB-3C	AG-45
WB-3D	AG-50
WB-3E	AG-55
WB-3F	AG-60
WB-3G	AG-65
WB-3H	AG-70
WB-3I	AG-75
WB-3J	AG-80
WB-3K	AG-85
WB-3L	AG-90
WB-3M	AG-95
WB-3N	AG-100
WB-3O	AG-105
WB-3P	AG-110
WB-3Q	AG-115
WB-3R	AG-120
WB-3S	AG-125
WB-3T	AG-130
WB-3U	AG-135
WB-3V	AG-140
WB-3W	AG-145
WB-3X	AG-150
WB-3Y	AG-155
WB-3Z	AG-160
WB-3AA	AG-165
WB-3AB	AG-170
WB-3AC	AG-175
WB-3AD	AG-180
WB-3AE	AG-185
WB-3AF	AG-190
WB-3AG	AG-195
WB-3AH	AG-200
WB-3AI	AG-205
WB-3AJ	AG-210
WB-3AK	AG-215
WB-3AL	AG-220
WB-3AM	AG-225
WB-3AN	AG-230
WB-3AO	AG-235
WB-3AP	AG-240
WB-3AQ	AG-245
WB-3AR	AG-250
WB-3AS	AG-255
WB-3AT	AG-260
WB-3AU	AG-265
WB-3AV	AG-270
WB-3AW	AG-275
WB-3AX	AG-280
WB-3AY	AG-285
WB-3AZ	AG-290
WB-3BA	AG-295
WB-3BB	AG-300
WB-3BC	AG-305
WB-3BD	AG-310
WB-3BE	AG-315
WB-3BF	AG-320
WB-3BG	AG-325
WB-3BH	AG-330
WB-3BI	AG-335
WB-3BJ	AG-340
WB-3BK	AG-345
WB-3BL	AG-350
WB-3BM	AG-355
WB-3BN	AG-360
WB-3BO	AG-365
WB-3BP	AG-370
WB-3BQ	AG-375
WB-3BR	AG-380
WB-3BS	AG-385
WB-3BT	AG-390
WB-3BU	AG-395
WB-3BV	AG-400
WB-3BV	AG-405
WB-3BW	AG-410
WB-3BX	AG-415
WB-3BY	AG-420
WB-3BZ	AG-425
WB-3CA	AG-430
WB-3CB	AG-435
WB-3CC	AG-440
WB-3CD	AG-445
WB-3CE	AG-450
WB-3CF	AG-455
WB-3CG	AG-460
WB-3CH	AG-465
WB-3CI	AG-470
WB-3CJ	AG-475
WB-3CK	AG-480
WB-3CL	AG-485
WB-3CM	AG-490
WB-3CN	AG-495
WB-3CO	AG-500
WB-3CP	AG-505
WB-3CQ	AG-510
WB-3CR	AG-515
WB-3CS	AG-520
WB-3CT	AG-525
WB-3CU	AG-530
WB-3CV	AG-535
WB-3CW	AG-540
WB-3CX	AG-545
WB-3CY	AG-550
WB-3CZ	AG-555
WB-3DA	AG-560
WB-3DB	AG-565
WB-3DC	AG-570
WB-3DD	AG-575
WB-3DE	AG-580
WB-3DE	AG-585
WB-3DF	AG-590
WB-3DF	AG-595
WB-3DG	AG-600
WB-3DG	AG-605
WB-3DH	AG-610
WB-3DH	AG-615
WB-3DI	AG-620
WB-3DI	AG-625
WB-3DJ	AG-630
WB-3DJ	AG-635
WB-3DK	AG-640
WB-3DK	AG-645
WB-3DL	AG-650
WB-3DL	AG-655
WB-3DM	AG-660
WB-3DM	AG-665
WB-3DN	AG-670
WB-3DN	AG-675
WB-3DO	AG-680
WB-3DO	AG-685
WB-3DP	AG-690
WB-3DP	AG-695
WB-3DQ	AG-700
WB-3DQ	AG-705
WB-3DR	AG-710
WB-3DR	AG-715
WB-3DS	AG-720
WB-3DS	AG-725
WB-3DT	AG-730
WB-3DT	AG-735
WB-3DU	AG-740
WB-3DU	AG-745
WB-3DV	AG-750
WB-3DV	AG-755
WB-3DW	AG-760
WB-3DW	AG-765
WB-3DX	AG-770
WB-3DX	AG-775
WB-3DY	AG-780
WB-3DY	AG-785
WB-3DZ	AG-790
WB-3DZ	AG-795
WB-3EA	AG-800
WB-3EA	AG-805
WB-3EB	AG-810
WB-3EB	AG-815
WB-3EC	AG-820
WB-3EC	AG-825
WB-3ED	AG-830
WB-3ED	AG-835
WB-3EE	AG-840
WB-3EE	AG-845
WB-3EF	AG-850
WB-3EF	AG-855
WB-3EG	AG-860
WB-3EG	AG-865
WB-3EH	AG-870
WB-3EH	AG-875
WB-3EI	AG-880
WB-3EI	AG-885
WB-3EJ	AG-890
WB-3EJ	AG-895
WB-3EK	AG-900
WB-3EK	AG-905
WB-3EL	AG-910
WB-3EL	AG-915
WB-3EM	AG-920
WB-3EM	AG-925
WB-3EN	AG-930
WB-3EN	AG-935
WB-3EO	AG-940
WB-3EO	AG-945
WB-3EP	AG-950
WB-3EP	AG-955
WB-3EQ	AG-960
WB-3EQ	AG-965
WB-3ER	AG-970
WB-3ER	AG-975
WB-3ES	AG-980
WB-3ES	AG-985
WB-3ET	AG-990
WB-3ET	AG-995
WB-3EU	AG-1000
WB-3EU	AG-1005
WB-3EV	AG-1010
WB-3EV	AG-1015
WB-3EW	AG-1020
WB-3EW	AG-1025
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WB-3EX	AG-1035
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WB-3EZ	AG-1055
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WB-3FB	AG-1075
WB-3FC	AG-1080
WB-3FC	AG-1085
WB-3FD	AG-1090
WB-3FD	AG-1095
WB-3FE	AG-1100
WB-3FE	AG-1105
WB-3FF	AG-1110
WB-3FF	AG-1115
WB-3FG	AG-1120
WB-3FG	AG-1125
WB-3FH	AG-1130
WB-3FH	AG-1135
WB-3FI	AG-1140
WB-3FI	AG-1145
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WB-3FK	AG-1160
WB-3FK	AG-1165
WB-3FL	AG-1170
WB-3FL	AG-1175
WB-3FM	AG-1180
WB-3FM	AG-1185
WB-3FN	AG-1190
WB-3FN	AG-1195
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WB-3FO	AG-1205
WB-3FP	AG-1210
WB-3FP	AG-1215
WB-3FQ	AG-1220
WB-3FQ	AG-1225
WB-3FR	AG-1230
WB-3FR	AG-1235
WB-3FS	AG-1240
WB-3FS	AG-1245
WB-3FT	AG-1250
WB-3FT	AG-1255
WB-3FU	AG-1260
WB-3FU	AG-1265
WB-3FV	AG-1270
WB-3FV	AG-1275
WB-3FW	AG-1280
WB-3FW	AG-1285
WB-3FX	AG-1290
WB-3FX	AG-1295
WB-3FY	AG-1300
WB-3FY	AG-1305
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WB-3FZ	AG-1315
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WB-3HA	AG-1585
WB-3HB	AG-1590
WB-3HB	AG-1595
WB-3HC	AG-1600
WB-3HC	AG-1605
WB-3HD	AG-1610
WB-3HD	AG-1615
WB-3HE	AG-1620
WB-3HE	AG-1625
WB-3HF	AG-1630
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WB-3HH	AG-1650
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WB-3HI	AG-1660
WB-3HI	AG-1665
WB-3HJ	AG-1670
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WB-3HM	AG-1700
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WB-3HO	AG-1725
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WB-3HQ	AG-1740
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WB-3ID	AG-1875
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WB-3IE	AG-1885
WB-3IF	AG-1890
WB-3IF	AG-1895
WB-3IG	AG-1900
WB-3IG	AG-1905
WB-3IH	AG-1910
WB-3IH	AG-1915
WB-3II	AG-1920
WB-3II	AG-1925
WB-3IJ	AG-1930
WB-3IJ	AG-1935
WB-3IK	AG-1940
WB-3IK	AG-1945
WB-3IL	AG-1950
WB-3IL	AG-1955
WB-3IM	AG-1960
WB-3IM	AG-1965
WB-3IN	AG-1970
WB-3IN	AG-1975
WB-3IO	AG-1980
WB-3IO	AG-1985
WB-3IP	AG-1990
WB-3IP	AG-1995
WB-3IQ	AG-2000
WB-3IQ	AG-2005



# Haskill Creek Watershed Ownership Map



1 inch = 5373 feet

Printed: 1/29/2010

-Watershed Boundary

Waterline

Intake

F.H. Stoltze Land & Lumber Co.

Private

US Forest Service

State of Montana

## Groups announce plan to preserve Whitefish watershed

21 HOURS AGO • BY BRETT BERNTSEN FOR THE MISSOULIAN

WHITEFISH – A conservation group and a lumber company have agreed on a plan prohibiting further development on 3,000 acres of land in the Haskill Basin watershed outside Whitefish.

Under the arrangement announced Wednesday, the Trust for Public Land will purchase a conservation easement on the property owned by F.H. Stoltze Land and Lumber Co.

Located adjacent to Whitefish Mountain Resort and Iron Horse golf course, the working forest land provides numerous outdoor recreation opportunities in addition to roughly three-quarters of Whitefish's water supply.

"That's really an important part," said Alex Diekmann of the Trust for Public Land. "The city owns the water rights but has no control of what happens on the land the water flows from."

Diekmann said the conservation easement would maintain private ownership on the vulnerable acreage, while blocking additional development projects.

"It's not just us trying to buy the land outright," he said. "It's not a public land grab."

Whitefish Mayor John Muhfeld said the city supports the plan to protect the popular hunting, biking and horseback-riding area.

"It has a high potential for development given the lay of the land," he said. "My impression is that the community is going to provide a lot of support."

The Trust for Public Land will fund the purchase with contributions from various public and private parties. Diekmann declined to identify specific donors or a final appraisal value of the easement, calling the situation an "evolving process" with a "2 1/2-year" time frame.

"We have confidence that with a lot of hard work and by holding our nose to the grindstone that we'll be able to get this deal done," he said. "I think it could be a win-win for everyone."

F.H. Stoltze general manager Chuck Roady backed up this sentiment.

"We've been trying for a long time to find the right tool to protect the watershed," Roady said. "Everything kind of came together."

Roady said the proposal fits the company's mission of providing public access to lands while still supporting the local economy through forest management. While the Trust for Public Land facilitates the purchase, Roady said Stoltze ultimately will work with Montana Fish, Wildlife and Parks as the easement's holder.

Whitefish has a long history of land ownership dilemmas, but the plan for Haskill Basin could represent the end of one chapter.

“The timing is right,” Muhlfield said. “This has been discussed in concept for 10 years. If we’re ever going to get it done, it’s now.”

Brett Berntsen is a University of Montana journalism student and an intern at the Missoulian. He can be reached at 523-5210 or at [brett.berntsen@missoulian.com](mailto:brett.berntsen@missoulian.com).



July 2, 2013  
Letter #2013-002

Deb Love, Northern Rockies State Director  
Dee Frankfourth, Associate National Director Conservation Strategies  
The Trust for Public Land  
Emerson Cultural Center  
111 South Grand Ave, Suite 203  
Bozeman, Montana 59715

Dear Ms. Love and Ms. Frankfourth:

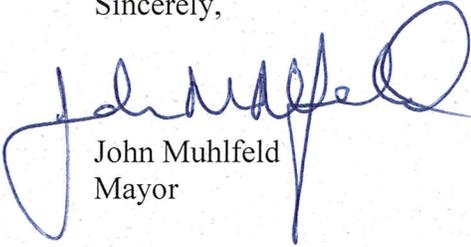
By this letter, the City of Whitefish officially requests technical advice and assistance from your organization in connection with our efforts to develop a program to finance land conservation and potential related ballot measure. As part of your advice and assistance, we understand you may provide feasibility research, conduct a public opinion survey, and develop strategies for our consideration.

We are interested not only in the factual information that you can provide to us, but also your organization's opinions and recommendations on public financing measures available to us. Although your submissions will be directed to the attention of Chuck Stearns, City Manager, we understand that your responses to this request will be for the general use of the City of Whitefish.

This request will continue in effect for any subsequent advice you offer or presentations you submit for the use of the City related to such matters. In addition, we would like to take this opportunity to request that you continue to be available to provide technical advice and assistance in this area and on related matters in the future.

Thank you for your organization's contribution to the work of the City of Whitefish.

Sincerely,



John Muhlfeld  
Mayor

cc: City Council Members

**Water Treatment Plant Operational Cost Analysis (Summer Months)**

Operational Cost per Million Gallons Treated		Additional Cost per Million Gallons Treated While Pumping			
		Blend	Lake Pump Flow Rates		
Haskill Basin Supply		500 gpm 1/3	1100 gpm 1/2	1500 gpm 2/3	Lake Only
Energy	\$30.38	\$202.50	\$225.95	\$259.55	\$303.67
Chemicals	\$43.16	\$23.17	\$30.56	\$40.01	\$57.39
Cl <sub>2</sub>	\$12.21	\$3.05	\$5.50	\$8.55	\$12.21
CMI-633	\$0.53	\$1.59	\$2.39	\$3.18	\$5.04
EC-462	\$30.35	\$18.39	\$22.07	\$26.67	\$36.79
Alum	\$0.07	\$0.13	\$0.60	\$1.61	\$3.35
Labor	\$593	\$98	\$186	\$314	\$686
Lab	\$45	\$113	\$113	\$113	\$45
Operational Cost/MG *	\$712	\$1,148	\$1,267	\$1,437	\$1,804
% increase	-	61.3%	78.0%	102.0%	153.5%
Effect on delivered water rates Additional cost/ 1000 gallons		\$0.45	\$0.57	\$0.74	\$1.12

\$ 500,000 Annual Higher Cost

\* Costs reflect water plant operational costs only. Does not include administration, debt service or distribution and storage costs.

		Average Clarifier Runs			
	Haskill	500 gpm	1100 gpm	1500gpm	>1500 gpm
Hours	80	40	24	12	4
MG	2.4	1.14	0.65	0.23	0.08

		Average Filter Runs			
	Haskill	500 gpm	1100 gpm	1500gpm	>1500 gpm
Hours	160	120	96	60	24
MG	4.8	3.42	2.59	1.15	0.5

		Water Waste per Million Gallons Treated (Flushing & Backwash)			
	Haskill	500 gpm	1100 gpm	1500gpm	>1500 gpm
Gallons	11,458	21,199	27,992 *	63,043	* 162,500

\* Due to the number of flush and backwash cycles we would have to provide for additional settling to meet discharge parameters if operating at 50/50 blend for extended periods. (Add plate or tube settlers to existing basin or add a basin) Operation at 2/3 blend or higher for extended periods would require additional staff.

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## CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, June 2, 2014, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 14-05. Resolution numbers start with 14-15.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 5) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
  - a) Minutes from the May 19, 2014 Council special meeting (p. 30)
  - b) Minutes from the May 19, 2014 Council regular meeting (p. 32)
  - c) Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Jackson Trust LLC for Whitefish Lake Lakeshore Permit (#WLP-14-W17) at 2532 East Lakeshore Drive to install a 629 square foot 'F' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone subject to 32 conditions (p. 38)
  - d) Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Jackson Trust LLC for Whitefish Lake Lakeshore Permit (#WLP-14-W18) at 2530 East Lakeshore Drive to install a 754 square foot 'E' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone subject to 33 conditions (p.63)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
  - a) Consideration of an application for a Conditional Use Permit from Todd Kotila, Headmaster of Whitefish Christian Academy, to expand the school by adding up to four temporary modular classrooms at 820 Ashar Avenue (p. 89)
  - b) Ordinance No. 14-\_\_\_; An Ordinance approving a zoning change and amendment of the Whitefish Zoning Jurisdiction Map to rezone Tracts 1D and 1DA, located at 1500 E. 2<sup>nd</sup> Street, Section 32, Township 31 North, Range 21 West, Whitefish, Montana, from WA (Agricultural District) to WER (Estate Residential District) (First Reading) (p. 114)

- c) Ordinance No. 14-\_\_\_; An Ordinance approving the Second Street Residences Preliminary Plat and Planned Unit Development for 62 lots located at 100 Wild Rose Lane and 1500 E. 2<sup>nd</sup> Street, Whitefish (First Reading) (p. 116)

7) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) Consideration of recommendation from the Whitefish Lake & Lakeshore Protection Committee to deny an application from the City of Whitefish for Whitefish Lake Lakeshore Permit (#WLP-14-W16) at City Beach to install a trench grate and an oil/water separator (structural BMP) within the Lake and Lakeshore Protection Zone to capture and treat boat bilge subject to 12 conditions (p. 335)

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Resolution No. 14-\_\_\_; A Resolution establishing "No Parking" Zones along a portion of Flathead Avenue (p. 375)

9) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 381)
- b) Other items arising between May 28<sup>th</sup> and June 2<sup>nd</sup>

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Letter from North Valley Food Bank regarding a request to change the name of a portion of West 15<sup>th</sup> Street alongside the Food Bank to June's Way (p. 385)

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



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

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

Adopted by Resolution 07-09  
February 20, 2007

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May 28, 2014

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

Mayor Muhlfeld and City Councilors:

### **Monday, June 2, 2014 City Council Agenda Report**

There will be a special session beginning at 6:00 p.m. for an interview for a board and commission vacancy. There will also be a work session for an update on the proposal for a conservation easement on approximately 3,000 acres of land owned by Stoltze Land and Lumber Company in Haskill Basin and the City's watershed. Food will be provided.

The regular Council meeting will begin at 7:10 p.m.

**CONSENT AGENDA** (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)

- a) Minutes from the May 19, 2014 Council special meeting (p. 30)
- b) Minutes from the May 19, 2014 Council regular meeting (p. 32)
- c) Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Jackson Trust LLC for Whitefish Lake Lakeshore Permit (#WLP-14-W17) at 2532 East Lakeshore Drive to install a 629 square foot 'F' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone subject to 32 conditions (p.38)
- d) Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Jackson Trust LLC for Whitefish Lake Lakeshore Permit (#WLP-14-W18) at 2530 East Lakeshore Drive to install a 754 square foot 'E' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone subject to 33 conditions (p.63)

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

**Items a and b are administrative matters; items c and d are quasi-judicial matters.**

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

- a) Consideration of an application for a Conditional Use Permit from Todd Kotila, Headmaster of Whitefish Christian Academy, to expand the school by adding up to four temporary modular classrooms at 820 Ashar Avenue (p. 89)

From Senior Planner Wendy Compton-Ring's transmittal memo:

**Summary of Requested Action:** Todd Kotila, Headmaster of Whitefish Christian Academy, is requesting approval of a Conditional Use Permit to expand the school by adding up to four temporary modular classrooms at 820 Ashar Avenue. The property is currently developed with the Whitefish Christian Academy, parking area and playground. The property is zoned WR-1 (One-Family Residential District). The Whitefish Growth Policy designates this property as "Urban Residential".

**Planning Board Action:** The Whitefish City-County Planning Board met on May 15, 2014 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with six (6) conditions as contained in the staff report and adopted the staff report as findings of fact. (Smith, Stein and Phillips were absent)

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with six (6) conditions set forth in the attached staff report.

**Public Hearing:** The applicant's representative spoke at the hearing. The draft minutes for this item are attached as part of this packet.

There is a full staff report in the packet.

**RECOMMENDATION:** Staff respectfully recommends that the City Council, after considering the staff report, the Planning Board recommendation, and public testimony, approve a Conditional Use Permit for the Whitefish Christian Academy, to expand the school by adding up to four temporary modular classrooms at 820 Ashar Avenue with six (6) conditions.

**This item is a quasi-judicial matter.**

- b) Ordinance No. 14-\_\_\_; An Ordinance approving a zoning change and amendment of the Whitefish Zoning Jurisdiction Map to rezone Tracts 1D and 1DA, located at 1500 E. 2<sup>nd</sup> Street, Section 32, Township 31 North, Range 21 West, Whitefish, Montana, from WA (Agricultural District) to WER (Estate Residential District) (First Reading) (p. 114)

From Senior Planner Wendy Compton-Ring's transmittal memo:

**Summary of Requested Action:** Will McDonald, on behalf of Community Infill Partners, LLC, are requesting a rezone, preliminary plat and planned unit development (PUD) overlay in order to develop 23 acres into 62 dwelling units (54 single family detached units and 8-townhouse units in four buildings). The homes are accessed by a public street network. There are a series of trails and open space areas within the development.

In 2013, Community Infill Partners LLC brought three different development projects to the Planning Board. These projects were mostly multi-family and had a greater density than the current proposal. Ultimately, the Planning Board recommended approval of the 3<sup>rd</sup> revision subject to a number of conditions. The Council held a public hearing in August which was continued until September. However, the applicant pulled the application from the agenda before the Council could act on it. There is no current approval on this property.

The project consists of three parcels with two single family homes. The properties have two zoning classifications. The western parcel is zoned WR-1 (One-Family Residential District) and is proposed to remain WR-1. The other two parcels are zoned WA (Agriculture District) and they are proposed to be zoned WER (Estate Residential District). All three parcels are proposed to have the PUD overlay. There are two Growth Policy designations on the project. The western parcel has an 'Urban' designation and the other two parcels have a 'Suburban' designation.

**Planning Board Action:** The Whitefish City-County Planning Board held a public hearing on May 15, 2014 to consider the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced rezone (WZC 14-01) and the preliminary plat and planned unit development subject to 27 conditions as contained in the staff report and adopted the staff report as findings of fact (Smith, Stein and Phillips were absent). The Planning Board deleted Condition #12 and amended Conditions #13 and #20.

- ~~12. Remove the eyebrow within the public rights of way.~~
13. ~~The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. An emergency egress off Ponderosa Court shall be explored, reviewed and approved by the Public Works Director.~~ The final location and alignment shall be determined by the Public Works Director.
20. A trail, open to the public, shall be installed the entire length of the creek/wetland buffer connecting to E 2<sup>nd</sup> Street sidewalk. ~~The trail shall not be constructed of dirt or gravel.~~ The final detail of the trail installation shall be submitted to the Planning Department for review and approval.

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced rezone, preliminary plat and planned unit development subject to 28 conditions set forth in the attached staff report.

Staff supports the recommended change in condition regarding the construction of the trail; however, staff is concerned with the changed conditions concerning the streets.

*Condition 12:*

Both the Public Works Department and the Fire Department continue to have concerns with the ‘eyebrow’ in the vicinity of Lots 6-9. As this is going to be a public right-of-way, the City will be obligated to maintain this portion of the road. Snow removal will be difficult and may not live up to the standards that a resident living in these lots might expect. In addition, this design will require excessively long water service lines. This is a concern for the City because longer service lines in the right-of-way unnecessarily add time and expense in the form of maintenance requirements for the Water Department and increase the risk of unmetered water leaks.

The Fire Department is concerned with these landscaping features because of the turning radius requirements needed – even in the winter months and the obstructions that could be located within these islands.

Staff respectfully requests, the Council re-instate condition #12:

12. Remove the eyebrow within the public rights-of-way.

*Condition 13:*

Both the Public Works Department and the Fire Department are concerned with the excessive length in the cul-de-sac. In the staff report to the Planning Board and City Council, we requested Ponderosa Court be extended down the hill to the west and terminate on the newly extended Armory Road in a ‘T’ intersection near the vicinity of Lot 28, similar to what was shown by the developer on earlier site plans (July 2013 site plan attached). The developer and their design engineer have never met with Public Works to consider various road profiles and have a detailed discussion as to the feasibility of this connection or similar alternatives. The Public Works Department pointed out that there is no provision in the city standards for a cul-de-sac this length.

The Fire Department is also concerned with the length of the cul-de-sac. While at some point in the future the road could be extended to the east but, as proposed, the road is a dead end. The Fire Department does not support the variance request to exceed the cul-de-sac length and wants to see this roadway connected to the larger transportation network or have the length reduced.

The applicant pointed out to the Planning Board that it could be nearly impossible to construct a road and meet the grades required for a street in the City. One of the Board members suggested that a gated secondary emergency egress could be developed

between lots 53-56 out to E 2<sup>nd</sup> Street in order to alleviate the emergency access concerns. This is the Planning Board recommendation to the City Council.

Staff has concerns with this option. The landscaping island in the middle of the cul de sac will not be removed, which neither the Public Works Department nor the Fire Department support. In addition, these types of secondary emergency accesses have their own challenges for Homeowners' maintenance. They need to be maintained in a drivable condition year-round. This includes plowing through any gates during the winter. This responsibility would fall to the homeowners' association. Finally, the Public Works Department cannot support an emergency access route or a street intersecting E 2<sup>nd</sup> Street between Armory Road and the crest of the hill to the east due to the very poor site distance for westbound traffic.

Staff respectfully requests, the Council re-instate condition #13 as originally recommended with clarifications from the Public Works Department:

13. The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. The final location and alignment shall be ~~determined~~ approved by the Public Works Director/Department.

*Subdivision Variances:*

Part of the subdivision request was for variances to the subdivision standards. The Planning Board was in support of all the Subdivision variance requests. Staff was in support of the following variance request:

- Sidewalk on one side of the street for a short segment of a road along Wild Rose Lane to the east of Lot 14

Staff was not in support of the following variance requests:

- Cul-de-Sac Length.
- Landscaping Islands within the Right-of-Way.

Staff respectfully requests, the Council deny these two subdivision variances.

**Public Hearing:** The applicant and his representatives spoke at the hearing. The draft minutes for the May Planning Board are attached as part of this packet.

There is a full staff report in the packet.

**RECOMMENDATION:** Staff respectfully recommends that the City Council, after considering the staff report, the Planning Board recommendation, and public testimony, adopt an Ordinance approving a zoning change and amendment of the Whitefish Zoning Jurisdiction Map to rezone Tracts 1D and 1DA, located at 1500 E.

2<sup>nd</sup> Street, Section 32, Township 31 North, Range 21 West, Whitefish, Montana, from WA (Agricultural District) to WER (Estate Residential District) (First Reading)

**This item is a quasi-judicial matter.**

- c) Ordinance No. 14-\_\_\_; An Ordinance approving the Second Street Residences Preliminary Plat and Planned Unit Development for 62 lots located at 100 Wild Rose Lane and 1500 E. 2<sup>nd</sup> Street, Whitefish (First Reading) (p. 116)

See transmittal memo information above.

There is a full staff report in the packet.

**RECOMMENDATION:** Staff respectfully recommends that the City Council, after considering the staff report, the Planning Board recommendation, and public testimony, adopt an Ordinance approving the Second Street Residences Preliminary Plat and Planned Unit Development for 62 lots located at 100 Wild Rose Lane and 1500 E. 2<sup>nd</sup> Street, Whitefish with the reinstatement of conditions as recommended by staff (First Reading)

**This item is a quasi-judicial matter.**

#### COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

- a) Consideration of recommendation from the Whitefish Lake & Lakeshore Protection Committee to deny an application from the City of Whitefish for Whitefish Lake Lakeshore Permit (#WLP-14-W16) at City Beach to install a trench grate and an oil/water separator (structural BMP) within the Lake and Lakeshore Protection Zone to capture and treat boat bilge subject to 12 conditions (p. 335)

From Planner I Bailey Minnich's staff report:

**Summary of Requested Action:** The City of Whitefish is proposing to install a trench grate and an oil/water separator (structural BMP) within the Lake and Lakeshore Protection Zone. The separator will be used to capture and treat any surface runoff from the parking lot area near City Beach and any boat bilge water prior to entering Whitefish Lake. When boats and other motorized watercraft exit the lake, it is common for the operators to drain the boats on the boat ramp while the vehicle is still inclined. The boat bilge water that is drained from the boats contains more than just lake water, including gasoline, motor oil, grease, power steering fluid, etc. This water is currently drained onto the concrete boat ramp and flows directly into Whitefish Lake. The proposed infrastructure improvements are designed to capture any boat bilge water and direct it to the structural BMP device that will remove the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage is proposed to be installed

that will inform operators to not spill fuel when fueling and to ensure that any boat bilge water is captured by the trench grate. The water will be collected via a trench drain that will be installed on the boat ramp. This trench drain shall be installed above the high water elevation of Whitefish Lake. The existing concrete ramp will be cut and the trench installed. From the trench drain, the water will be directed to the oil/water separator. A tee will be installed with valves that will allow the City to by-pass the separator during the off-season and allow for flow to be discharged to the Lake. It is anticipated that this by-pass could be used during the winter months. The separator will use coalescing media to efficiently remove freely dispersed oil and other liquid pollutants from runoff and other discharges. The maintenance of the system can be completed by the City utilizing their vacuum truck to clean out the manhole/vault. The coalescence element requires cleaning by spraying clean water with a hose and can be done in the vault or by removing it.

**Lakeshore Protection Committee Recommendation:** The Whitefish Lake and Lakeshore Protection Committee met on May 14, 2014 and considered the request. Following staff's presentation and public comment, the Committee moved and seconded to recommend approval of the above referenced lakeshore construction permit. However the motion failed 2-6 and the permit recommendation was denial. (Gunderson and Peschel were in approval.)

The main concerns of the Committee were the overall operation of the separator, how it would be buried underground, if it would be submerged during high-water events, if the outflow pipe is solid or perforated, the number of days it takes for the concrete to cure completely, moving the project location further above the high water elevation, how many people actually drain their boats at the city ramp, and the potential for the project to be installed in the fall instead of immediately.

**Planning & Building Department Recommendation:** Staff recommends approval of the above referenced lakeshore construction permit with twelve (12) conditions set forth in the attached staff report.

**Public Hearing:** Mike Koopal with the Whitefish Lake Institute commented during the meeting on the proposed project. His concerns were regarding if the separator would treat the lighter gasoline products as well as the heavier products. He recommended the exit line extend perpendicular to the lake so the water would enter the dry zone instead of the wet zone of the lake. This may allow certain products to evaporate instead of entering back into the water.

The draft minutes for this item are attached as part of this packet. Additionally, updated project plans and an email from RPA addressing the Lakeshore Protection Committee's concerns are attached. Ryan Mitchell from RPA will be in attendance at the June 2<sup>nd</sup> meeting to address any concerns the Council may have on the proposed project.

**RECOMMENDATION:** Staff respectfully recommends the City Council consider the Whitefish Lake & Lakeshore Protection Committee's denial of the City's Lake & Lakeshore Permit application and, if the City Council is satisfied that the concerns

have been addressed, approve the application from the City of Whitefish for Whitefish Lake Lakeshore Permit (#WLP-14-W16) at City Beach to install a trench grate and an oil/water separator (structural BMP) within the Lake and Lakeshore Protection Zone to capture and treat boat bilge subject to 12 conditions or send it back to the Whitefish Lake & Lakeshore Committee for further consideration.

**This item is a quasi-judicial matter.**

#### COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Resolution No. 14-\_\_\_; A Resolution establishing "No Parking" Zones along a portion of Flathead Avenue (p. 375)

From Public Works Director John Wilson's staff report:

The Police and Fire Departments have noted challenges for emergency vehicles and general roadway traffic due to congestion on Flathead Avenue immediately west of Baker Avenue. The apparent cause of congestion is on-street parking from adjacent businesses.

This memo is to recommend the City Council adopt the attached resolution, establishing "No Parking" zones along portions of Flathead Avenue as follows:

- Along the north side of Flathead Avenue, from the west edge of the Baker Avenue right-of-way to a point 80 feet west and
- Along the south side of the Flathead Avenue, from the west edge of the Baker Avenue right-of-way to a point 110 feet west.

The area in question is the curb line along the north side of the street between Baker Avenue and the east approach to the Wave and also along the south side of the street between Baker Avenue and the east approach to the Credit Union.

Copies of the enabling resolution and the notice sent to adjacent property owners are attached. We have not received any written comments in response to the notice. Public Works crews would install the necessary signs at a cost of approximately \$200.

**RECOMMENDATION:** Staff respectfully recommends the City Council adopt A Resolution establishing "No Parking" Zones along a portion of Flathead Avenue.

**This item is a legislative matter.**

**COMMUNICATIONS FROM CITY MANAGER**

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 381)
- b) Other items arising between May 28<sup>th</sup> and June 2<sup>nd</sup>

**COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

- a) Letter from North Valley Food Bank regarding a request to change the name of a portion of West 15<sup>th</sup> Street alongside the Food Bank to June's Way (p. 385)

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

Sincerely,



Chuck Stearns  
City Manager

## "Cheat Sheet" for Robert's Rules

<b>Motion</b>	In Order When Another has the Floor?	Second Required?	Debatable?	Amendable?	Vote Required for Adoption	Can be reconsidered?
<b>Main Motion</b>	N	Y	Y	Y	Majority unless other spec'd by Bylaws	Y
<b>Adjournment</b>	N	Y	N	Y	Majority	N
<b>Recess</b> (no question before the body)	N	Y	N	Y	Majority	N
<b>Recess</b> (question before the body)	N	Y	Y	Y	Majority	N
<b>Accept Report</b>	N	Y	Y	Y	Majority	Y
<b>Amend Pending Motion</b>	N	Y	If motion to be amended is debatable	Y	Majority	Y
<b>Amend an Amendment of Pending Motion</b>	N	Y	See above	N	Majority	Y
<b>Change from Agenda</b> to Take a Matter out of Order	N	Y	N	N	Two-thirds	N
<b>Limit Debate Previous Question / Question</b>	N	Y	N	Y	Two-thirds	Yes, but not if vote taken on pending motion.
<b>Limit Debate</b> or extend limits for duration of meeting	N	Y	Y	Y	Two-thirds	Y
<b>Division of Assembly (Roll Call)</b>	Y	N	N	N	Demand by a single member compels division	N
<b>Division of Ques/ Motion</b>	N	Y	N	Y	Majority	N
<b>Point of Information</b>	Y	N	N	N	Vote is not taken	N
<b>Point of Order / Procedure</b>	Y	N	N	N	Vote is not taken	N
<b>Lay on Table</b>	N	Y	N	N	Majority	N
<b>Take from Table</b>	N	Y	N	N	Majority	N
<b>Suspend the Rules</b> as applied to rules of order or, take motion out of order	N	Y	N	N	Two-thirds	N
<b>Refer (Commit)</b>	N	Y	Y	N	Majority	Neg. vote only

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**WHITEFISH CITY COUNCIL MINUTES**  
**MAY 19, 2014**  
**SPECIAL SESSION, 5:00 PM TO 7:00 PM**

**1. Call to Order**

Deputy Mayor Hildner called the meeting to order. Councilors present were Anderson, Sweeney, Feury, Barberis, and Frandsen. City Staff present were City Manager Stearns, City Clerk Lorang, and City Attorney VanBuskirk. Rhonda Fitzgerald attended the interviews during those for the Whitefish Convention and Visitors Bureau.

**2. Interviews**

The Mayor and Council conducted interviews with George Gardner for the Architectural Review Committee. For that same committee Scott Freudenberger was scheduled but did not attend the interview; his letter of interest in being reappointed to another term on the committee was included in the packet. Julia Olivares and Ken Stein interviewed for the Resort Tax Monitoring Committee. Bruce Boody and Dan Cassidy interviewed for the Tree Advisory Committee. Luke Walrath, Jason St. Clair, Matt Cuffe and Jennifer Fisher all interviewed for the Whitefish Convention & Visitors Bureau Committee (WCVB). Councilor Frandsen abstained from both interviewing and voting for any of the applicants for the WCVB as her company does work for the WCVB.

**3. Public Comment - None**

**4. Appointments**

**4a. Councilor Sweeney offered a motion, second by Councilor Anderson, to reappoint George Gardner to the Architectural Review Committee, for another 3-year term. The motion passed unanimously.**

**Councilor Feury offered a motion, second by Councilor Barberis, to reappoint Scott Freudenberger to the Architectural Review Committee, for another 3-year term. The motion passed unanimously.**

**4b. Councilor Frandsen offered a motion, second by Councilor Anderson, to reappoint Julia Olivares and newly appoint Ken Stein, both to the Resort Tax Monitoring Committee, for 3-year terms. The motion passed unanimously.**

**4c. Councilor Feury offered a motion, second by Councilor Frandsen, to reappoint Bruce Boody and Dan Cassidy, both to the Tree Advisory Committee, for another 2-year term. The motion passed unanimously.**

**4d. Councilor Anderson offered a motion, second by Councilor Barberis, to appoint Jennifer Fisher to the WCVB, Transportation category, for a 3-year term. The motion passed with five (5) votes in the affirmative, Councilor Frandsen abstaining.**

**Councilor Sweeney offered a motion, second by Councilor Barberis, to reappoint Luke Walrath to the WCVB. The motion passed with five (5) votes in the affirmative, Councilor Frandsen abstaining.**

**Councilor Sweeney offered a motion, second by Councilor Anderson, to appoint Jason St. Clair to the WCVB, representing Large Lodging Properties, for a 3-year term. The motion passed with three (3) aye votes and two (2) no votes, Councilor Frandsen abstaining.**

**4e. Affirm other recommendations for representatives on other committees**

1. Terri Dunn – Park Board representative on the Tree Advisory Committee
2. Ron Brunk – Park Board representative on the Pedestrian & Bicycle Path Advisory Committee
3. Bailey Minnich – Whitefish Curling Club representative to Ice Rink Advisory Committee

**Councilor Anderson offered a motion, second by Councilor Sweeney, to affirm the appointments as recommended. The motion passed unanimously.**

The Mayor and Council appreciated all the applications and expressed their hopes that those who applied and were interviewed but not appointed would continue their interest and pursue positions upon the occurrence of future vacancies.

**5. Adjournment** – Deputy Mayor Hildner adjourned the meeting at 6:55 p.m.

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Deputy Mayor Hildner

Attest:

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Necile Lorang, City Clerk

**WHITEFISH CITY COUNCIL MINUTES**

**MAY 19, 2014**

**7:10 P.M.**

**1) CALL TO ORDER**

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Anderson, Feury, Hildner and Sweeney. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Planning and Building Director Taylor, Public Works Director Wilson, Interim Parks and Recreation Director Loveless, Fire Chief Kennelly, and Police Chief Dial. Approximately 9 people were in the audience.

**2) PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Scott Sorensen to lead the audience in the Pledge of Allegiance.

**3) COMMUNICATIONS FROM THE PUBLIC** – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda) (CD 0:49)

Scott Sorensen, 285 Glenwood Road, asked when the lakeshore variance for an expanded marina would be coming to the Council; Planning & Building Director Taylor said it would be on the second Council meeting in June, June 16<sup>th</sup>.

Rebecca Norton, 530 Scott Avenue, spoke in support of the Mountain Mall's request, but expressed concern on the hotel request for Block 46 citing water problems if it included underground parking and also of concern is that the use was formerly a gas station.

Rick Baker, 2300 Lion Mountain Road, said he volunteered at the Soroptomist, and all who worked there were volunteers so they would like the City to mow their boulevard. He said he was a great friend of June's at the Food Bank. He was against a hotel at the former Wendy's site because he'd like to see more open spaces.

**4) COMMUNICATIONS FROM VOLUNTEER BOARDS** (CD 4:24)

Police Chief Dial reported the 911 Board met last week and approved the FY15 Budget with a 4.2% overall increase which was mostly due to labor contracts. It is a barebones budget including only \$30,000 for capital improvements. The County Commissioners will have a county-wide funding proposal on the November ballot which is a more fair assessment and city residents won't be doubly assessed. He said the funding subcommittee, which City Manager Stearns sits on, did a good job.

**5) CONSENT AGENDA** (The consent agenda is a means of expediting routine matters that require the Council's action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC) (CD 5:50)

**a) Minutes from the May 5, 2014 Council special meeting, executive session, and regular meeting (p. 48)**

**Councilor Feury offered a motion, second by Councilor Sweeney, to approve the Consent Agenda as presented. The motion pass unanimously.**

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

- a) Resolution No. 14-14; A Resolution establishing fees for temporary food vendor permits as allowed by Whitefish City Code §11-3-23(B)(1), and to establish the fee for appeal of an Architectural Review Committee decision to the City Council as allowed by Whitefish City Code §2-10-2 (p. 59) (CD 6:05)**

Planning and Building Director Taylor said staff is proposing to amend two application fees for services provided by the Planning Department. One change revises the Food Vendor permit fee reflecting the recent code revision that allows a one-year permit. The other change is adding a fee to appeal an Architectural Review Committee (ARC) decision to City Council. The Code provides for the appeal process in 2-10-2.A; but a fee was never established. Staff had been treating appeals with the same fee as appeals of the Board of Adjustment which was \$990, the new proposed fee for ARC decision appeals is \$490.00. The table in the packet on pages 59 and 61 show the changes.

Following some questions for staff from Council, Mayor Muhlfeld opened the Public Hearing. No one wished to speak and the Public Hearing was closed and the matter turned over to Council for consideration.

**Councilor Sweeney offered a motion, second by Councilor Feury, to adopt Resolution No. 14-14 establishing fees for temporary food vendor permits as allowed by Whitefish City Code §11-3-23(B)(1), and to establish the fee for appeal of an Architectural Review Committee decision to the City Council as allowed by Whitefish City Code §2-10-2. The motion passed with five (5) aye votes and one (1) no vote, Councilor Frandsen voting in the negative.**

**7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR**

- a) Consideration of amendment #2 to storm drainage engineering design contract with Robert Peccia and Associates (p. 64) (CD 17:10)**

Public Works Director Wilson said the City has a consultant agreement with Robert Peccia and Associates (RPA) for the 2013 Storm Drainage Improvement Project which included preliminary work for drainage at Crestwood, Birch Hill Drive and Armory Park areas, and to address bilge water pollution at the City Beach boat ramp (see page 90 in the packet). Preliminary work is done; the next phase is final design and construction. The memo in the packet on page 62 includes a recommendation for Council to approve an Amendment No. 2 to the RPA agreement. The original agreement was for \$41,700, Amendment No. 1 was a small amendment made administratively by City Manager Stearns for \$9600, and this Amendment No. 2 for an additional fee not to exceed \$25,700 is more than 60% of the original contract so requires Council approval. With Amendment No. 2, the contract ceiling will be \$77,000. If approved, costs will be paid out of the Stormwater Funds set aside in the FY 2014 budget.

**Councilor Hildner offered a motion, second by Councilor Frandsen, to approve Amendment No. 2 to the consultant agreement for the 2013 Storm Drainage Improvement Projects with Robert Peccia and Associates in the amount of \$25,700. The motion passed unanimously.**

- b) Resolution No. 14-\_\_\_; A Resolution authorizing the City transfer a 3.24 foot-wide strip of right-of-way located along the southern edge of Lots 1 and 2, a 36-square foot right-of-way on the southwest edge of Lot 1, and its interest in a roadway cul-de-sac easement located on the**

**southeast corner of Lot 1 and southwest corner of Lot 2, Birch Point, in order to assist reconstruction and future work on the Birch Point Sewer Pump Station (p. 67)**

This item was withdrawn by the City.

**8) COMMUNICATIONS FROM CITY MANAGER (CD 19:14)**

- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p. 87) – None.**
- b) **Other items arising between May 14<sup>th</sup> and May 19<sup>th</sup>**

City Manager Stearns said on page 88 in his report he addressed the 911 Center funding issues that Police Chief Dial discussed during his comments under Volunteer Boards. Along with the proposal to have a county-wide levy, a Special District fee or assessment for residential and commercial units, similar to the flat fee assessed by the landfill, is being considered. That still has to be proposed to the County Commissioners. The combination would build up the fund for more capital improvements and work better over time.

Manager Stearns, as a reminder, invited the Council and the Public to attend an Open House, Wednesday evening, at 7:00 pm at Grouse Mountain Lodge to meet and greet the four finalists who have applied for the Parks and Recreation Director, the committee will hold interviews on Thursday.

- c) **Consideration of a request for \$400,000 of Tax Increment Funds to assist an exterior façade renovation at the Mountain Mall, 6475 Hwy 93 South (p. 106)**

Manager Stearns said for the last few months he and the Mayor have met with Tom Kraus, manager of the Mountain Mall (Mall), to discuss options regarding a Mall remodeling project being planned that they hope will attract a new large tenant in the Mall. The packet includes the request and calculations of the project. Mountain Mall is requesting \$400,000 of Tax Increments Funds (TIF) to assist with the exterior renovation. Since the TIF ends in 2020, there is limited time for repayment of the entire \$400,000 return to the taxpayers from increased property valuation and higher taxes; so the Mall projects the remainder would be recouped through increased Resort Tax collections. In addition, Carrington Company, owner of the mall, proposed to cover any shortfall at the end of 2020 with a check from them. Upon approval of this concept, details would be worked out in a Development Agreement which would be brought back to Council for their consideration. Manager Stearns said there are enough funds in the TIF for this project if the Council approves the concept.

Tom Kraus approached the Council with the presentation. He said the Mall, since its beginning in the 1980s, has historically had high vacancy rates and high tenant turnover and they are presented with an opportunity to stabilize the Mall and community economy. The project involves a remodel both internally and externally. Discussions with the Whitefish Chamber of Commerce led to the information that a moderate-priced general merchandise and clothing store is needed in Whitefish; so the Mall searched for companies to fill that need and are currently negotiating with ShopKo Hometown, a small town format of the ShopKo chain. The current agreement is contingent upon the Mall getting an exterior facelift. The current exterior has fallen into disrepair and has been described as “blighted” so they feel it fits the definition required to receive TIF. He said the proposal in the packet includes the cost estimates and projected returns on the investment through increased property taxes and increased Resort Tax collections, along with the promise from the Carrington Company to issue a check if there was any shortfall. He said the information in the packet was based on estimates and for illustrative purposes only. ShopKo has verbally agreed to the exterior remodeling plans but they will be contingent upon Whitefish Architectural Committee approval; and when asked by Councilor

Barberis if ShopKo has approved of the colors as presented, he said they had – the store front will not be their typical red, white, and blue. They'd like to update the outside of the Mall to compliment the recent facelift done by the Sportsman Ski Haus, this project would start there and go all down the front to the Super 1 Store. Councilor Hildner asked if the Sportsman Ski Haus did their remodel on their own and Mr. Kraus said the Mall gave them \$200,000. Councilors Anderson and Frandsen and Sweeney all expressed their concern that historically TIF development funds are used for public structures and infrastructure, and not to assist private enterprise. Mr. Kraus was asked why not a loan provided by the City's Business Rehabilitation Loan Program (packet page 119), as other businesses in Whitefish have done; and Mr. Kraus said the Mall considered the loan but it didn't work for them so they came back with the current proposal. Councilors Feury and Sweeney both expressed the concern on the mix of revenue streams; development funds from TIF then partial reimbursement to TIF from property taxes but the remainder from Resort Taxes. When asked by the Council about the risk being taken, if all the reimbursements fell short would there be a guarantee that they could count on for full payback, Mr. Kraus said the Carrington Company has 47 properties in 32 states. They have been a stable company for 40 years; they could be depended upon to fulfill the terms of the development agreement.

**Councilor Frandsen offered a motion, second Councilor Anderson, to deny the request of \$400,000 of Tax Increment Funds towards the exterior improvements at the Mountain Mall.**

Councilor Frandsen spoke to her motion saying this proposal sent up red flags for her; the proposal sets out strong projections so why couldn't it just go for traditional financing instead of tying up the TIF. The remodeling proposal seems to be outside the realm of what is needed for an agreement with ShopKo. If approved, this could be a slippery slope, opening up for more requests from private businesses for public funds when there could be other ways to do it. More discussion followed between Mr Kraus and Council.

**The motion to deny the request was approved by four (4) aye votes and two (2) no votes. Councilors Feury and Barberis voting in the negative.**

**d) Consideration of a request from NDI Inc. (Sean and Brian Averill) for a preliminary commitment of Tax Increment Funds to relocate and improve infrastructure for a proposed boutique hotel on Block 46 – SE corner of 2<sup>nd</sup> Street and Spokane Avenue (Hwy 93) (p.121)**

Manager Stearns said this request is similar to the last in that, again, it is a private enterprise requesting Tax Increment Funds (TIF) assistance. The applicants have met with both himself and Public Works Director Wilson regarding their request. The proposal is similar to one considered by Council last year from Orlan Sorenson, however the development plans are still in early stages. The assistance of TIF would go towards the relocation of the sewer main that runs under Block 46, and street improvements. Last year's cost estimates from the prior request may be lower than today's construction costs, but at that time the Council gave their preliminary commitment of \$543,345. This proposal does not included the extensive streetscape and parking capacity of the former proposal, so staff's recommendation is to limit their commitment up to \$513,633 in TIF if they agree this is an appropriate use of the funds.

Sean Averill said the designs in the packet starting on page 126 are just renderings of their basic idea for an 80-room boutique hotel on Block 46 at the SE corner of 2<sup>nd</sup> Street and Spokane Avenue. The request for TIF assistance is for a public private partnership to address the relocation of the 3<sup>rd</sup> Street sewer main and road reconstruction of E. 3<sup>rd</sup> Street and Kalispell Avenue. They plan to have a classic and historic design and provide the need for more rooms downtown. The increased tax base will repay the TIF and the project would provide community benefit in other ways as well, as clients of a boutique hotel shop, dine, and recreate off-

premise. Councilor Frandsen asked if this wouldn't be just taking customers from other hospitality establishments and Mr. Averill said it would boost Resort Tax revenue as evidenced by increased collections over the last 8 years since the Whitefish Lake Lodge has been open. He feels it won't "divide the pie", it will be a drawing card that increases visitors to Whitefish.

The Mayor and some on Council expressed concern if the plan included enough parking. Mr. Averill said they thought they had adequate parking planned but would be open to more parking if it can be squeezed in. The Council had more discussion and City Manager Stearns noted that the sewer line could stay where it is unless significant development needs it moved, but it is not currently a high priority job that the City will be doing on its own. Council's preliminary commitment will address assistance with sewer work and some streetscape. Mayor Muhlfeld said he supported the project last year; it is development that fits into the Master Plan and it deals with infrastructure and site improvements. Councilor Anderson said at this time he didn't feel comfortable as it isn't clear what they are committing to.

**Councilor Feury offered a motion, second by Councilor Sweeney, to preliminarily commit up to \$513,633 in TIF funds for infrastructure assistance for a Block 46 boutique hotel, and direct staff to work with the applicant on a development agreement.**

Councilor Feury said his motion is approving the concept, a development agreement will come back to the Council for final approval. This will get the ball rolling; the lot is currently blighted – it is a graveled lot that needs infrastructure improvements before development can happen, and this type of development is called for in the Master Plan. Councilor Hildner said he'd like a lot more parking.

**The motion was approved with five (5) aye votes and one (1) no vote. Councilor Anderson voting in the negative.**

**9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 1:39:50)**

**a) Email from Heather Mull regarding Birch Point Drive railroad crossing quiet zone and City Manager's response (p.144)**

Mayor Muhlfeld thanked City Manager Stearn's for his response to the letter. Mayor Muhlfeld said they are still waiting to hear from the BNSF engineers with an updated cost estimate. Councilor Barberis asked if the repayment for this improvement couldn't be shared by more properties than just those in Birch Point as the benefit of a quiet zone would be shared by many others close by. The sound of the train's whistles is heard way beyond Birch Point. Manager Stearns said the wider the area that is involved, the harder is it to get approval for a special improvement district.

**b) Discussion and direction on when and how to proceed with Hwy 93 South Corridor study (p. 146)**

Director Taylor said that staff is currently bringing forward the mandatory two-year review of the 2007 Growth Policy which will come to the Council in July following the City-County Planning Board's review. Part of that includes the Board's recommendation of implementation of major projects including the Highway 93 South Plan, along with recommendations for other implementation of prioritized projects. Councilor Anderson said it is a short term goal under Resolution 14-11 wherein the Council adopted their annual goals, and it has been pending for six years – he would like to get specific dates set for steps of the process and have it in place by the end of next year. Discussion followed concerning the uncertainty of jurisdiction while waiting for a decision from the Montana Supreme Court on the doughnut issue, other

projects out there like the Wisconsin Corridor Study and other projects on the table, staff's available time as normal business is on the increase, and the necessity of working with and budgeting for outside consultants.

The Council took a brief recess at 9:04 p.m. and reconvened at 9:07 p.m.

Director Taylor said it is up to the Council, staff could put something together that mirrored the Hwy 93 West Corridor Study and Councilor Anderson said he would be okay with that.

**Councilor Frandsen offered a motion, second by Councilor Anderson, to direct Staff to prepare a preliminary scope and outline for a corridor study for the Hwy 93 S. Corridor and a Wisconsin Corridor Study, with projected costs.**

Councilors discussed with Director Taylor when that could come back to Council – Director Taylor said it will have to include elements required by the Master Plan. Councilor Feury said the 93 W Corridor Study needs to be completed, the Downtown Master Plan update and the Growth Policy review and this just added, so all of those need to be entered into a timeline to give the Council a realistic picture. Director Taylor noted it will be Council's decision what to include in the Hwy 93 S Corridor Study as there are sections; a portion starting at 6<sup>th</sup> Street, then down to and including the intersection of Hwy 40, and south of that intersection. Both the maker of the motion and the second said they'd like to see those parts. They agreed that as development increases the staff gets busier but a plan needs to be in place. Mayor Muhlfeld said it could be presented in a simple outline.

**The motion passed unanimously.**

c) **Committee/board appointments not made during prior Special Meeting** – None.

**Council Comments:**

Councilor Feury said work needs to be done to clarify private concessions and rentals at City Beach. He believes there are some misconceptions of the process. Mayor Muhlfeld asked if any new business licenses have been issued recently and Director Taylor said he hadn't signed on anything new.

Councilor Hildner said he is still on a mission to get the bridge monument properly aligned and Public Works Director Wilson said he has been in contact the MDOT and the project contractors, all agree it is out of plumb. Councilor Hildner said something should be in writing that it will be corrected before they sign off on the project.

**10) ADJOURNMENT** (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority) (CD 2:04:40)

Mayor Muhlfeld adjourned the meeting at 9:18 p.m.

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Mayor John M. Muhlfeld

Attest:

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Necile Lorang, Whitefish City Clerk

**JACKSON TRUST LLC  
WHITEFISH LAKE LAKESHORE PERMIT  
STAFF REPORT #WLP-14-W17  
JUNE 2, 2014**

<b>Property Owner:</b>	Jackson Trust LLC
<b>Mailing Address:</b>	253 Polhemus Ave. Atherton, CA 94027
<b>Applicant:</b>	Bruce Boody Landscape Architect, Inc.
<b>Mailing Address:</b>	301 2 <sup>nd</sup> Street, Suite1b Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.4755
<b>Contractor:</b>	Bear Mountain Builders
<b>Mailing Address:</b>	623 Woodland Place Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.3302
<b>Property Legal Description:</b>	Lot 3, Whitefish Lake Summer Homes 1 Add Amd, Section 14, Township 31 North, Range 22 West
<b>Property Address:</b>	2532 E. Lakeshore Drive
<b>Lake:</b>	Whitefish Lake
<b>Lake Frontage:</b>	108.78' per 2013 survey
<b>Project Description:</b>	Install a 629 square foot 'F' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to complete multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of a floating 'F' shaped EZ dock and gangway. The main portion of the dock will be 44 feet long by 6.48 feet wide with a breakwater wing 22.52 feet long by 8 feet wide. The slip wing will be 22.52 feet long by 4.86 feet wide. The dock will be connected to the shoreline by a gangway 16 feet long by 3 feet wide. The dock and gangway will extend 60 feet out into the lake, and will be placed near the middle of the subject property. The entire dock and gangway will equal approximately 629 square feet of impervious coverage.

The second activity is the installation of a waterline and pump into Whitefish Lake for the purpose of domestic water. The waterline will cross through the lakeshore protection zone, avoiding existing trees. The waterline and pump will be located below the proposed dock and weighted to avoid snagging. The applicant has submitted an application for a water right and is currently in process. However, as a condition of approval, a copy of the approved water right shall be submitted to the City of Whitefish Planning Office.

The third activity will be the construction of a dry-set stone stairway approximately 4 feet wide, extending approximately 21 feet through the lakeshore protection area. The stairs will equal approximately 85.14 square feet of impervious coverage.

The final activity is the removal of 340 square feet of an existing lawn located in the lakeshore protection zone. A portion of the existing lawn will remain near the top of the lakeshore protection zone. The applicant is proposing the area to be restored with native vegetation.

The total amount of proposed impervious constructed area is approximately 714.14 square feet. The total amount of constructed area within the Lakeshore Protection Zone, including proposed and existing, is approximately 856 square feet.

Frontage and allowable constructed area: The subject property has 108.78 feet of lakeshore frontage, and is eligible for 870.24 square feet of constructed area.

Existing Constructed Area: There is an existing stone patio located within the Lakeshore Protection Zone, approximately 84.73 square feet. Additionally, there is an existing dry-stacked stone wall, approximately 57.22 square feet. The stone patio and stone wall total 141.95 square feet of constructed area within the Lakeshore Protection Zone. The existing dock will be removed in order to install the new proposed dock.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, General Construction Standards of the Whitefish Lake and Lakeshore Regulations.

**Recommendation:** The Whitefish Planning Department staff and the Whitefish Lakeshore Protection Committee recommend approval of the requested lakeshore construction permit to the Whitefish City Council subject to the following conditions.

**Recommended Conditions of Approval:**

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed dock dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.

Dock

6. Only one dock is permitted per property ownership.
7. The dock shall be placed in the middle of the subject property.
8. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.

9. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
10. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
11. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.

#### Stairs

12. The stairs shall have a maximum width of four feet (4') and shall be designed to provide access only.
13. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
14. Elevated stairways shall follow the natural grade of the existing shoreline and no portion of the walking surface of the stairway or landing shall be situated higher than two (2') vertical feet above the underlying lakeshore.
15. Stairways shall be constructed of wood composite (i.e., Trex) or untreated wood left in its natural (unpainted) condition.
16. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
17. Clean, washed gravel may be used in setting the steps but cannot be used to modify existing terrain.
18. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.

#### Waterline

19. The waterline and pump shall be located as proposed in the application. Under no circumstances shall the waterline be located closer than 10 feet from either riparian property boundary line.
20. Water rights are required to install the water line. A copy of the approved water right shall be submitted to the City of Whitefish Planning Office.
21. All work shall be done when the lake is at low pool and the construction site is dry.

22. During excavation, only the minimum amount of material necessary to lay the line and power cable conduit shall be removed from the trench.
23. Any rock lying over the proposed trench shall be removed prior to excavation and saved. After refilling the trench, said rock shall be restacked over the top to serve as a protective measure to inhibit washing and erosion. Any material which is not replaced back into the trench shall be completely removed from the lakeshore protection zone.
24. A trenching machine may extend its bucket or digger into the lake to extend the trench below low water line of the lake. At no time shall the wheels of any vehicle come in contact with the lake.
25. That portion of the waterline which is not buried and does lie exposed on the bottom of the lakeshore shall be weighted to prohibit floatation or snagging. No waterline shall lie on top of or be attached to a floating dock or raft.
26. A waterline using a submersible pump shall be installed in accordance with the State Uniform Plumbing and Electrical Codes. Conduit is strongly recommended for the power cable to prevent damage by ice/rocks.

#### Lawn Removal

27. The establishment of a new lawn in the Lakeshore Protection Zone is prohibited.
28. Grandfathered lawns which existed prior to the establishment of the lakeshore regulations, may be maintained by mowing, but not fertilized or treated with any chemicals or pesticides.
29. Turf grass or non-native vegetation, including grandfathered lawns, once removed from or destroyed in the Lakeshore Protection Zone must be replanted with native vegetation.
30. New plants introduced into the Lakeshore Protection Zone must be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Office.
31. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
32. Application of fertilizer, pesticide, insecticide, or herbicide, is prohibited in the Lakeshore Protection Zone.

Report by: Bailey Minnich

**WHITEFISH LAKESHORE PROTECTION COMMITTEE**  
**MINUTES OF May 14, 2014**

The meeting was called to order at 6:00pm by Chairman Herb Peschel.

***MEMBERS PRESENT:***

- Herb Peschel, Ron Hauf, Greg Gunderson, Jeff Jensen (via phone), Sharon Morrison, Joe Malletta, Scott Ringer and Koel Abell. Bailey Minnich of the Whitefish Planning Office was also present.

***MEMBERS ABSENT:*** none

***ADDITIONS/CORRECTIONS TO TONIGHT'S AGENDA:*** none

***GENERAL PUBLIC COMMENT:***

- Jim Stack – mentioned that there have been questions regarding the lakeshore regulations in previous meetings and that Staff or the committee can email or call him to find out what was interpreted in the past. There has also been a video of the lakeshore completed years ago that could be used in certain instances if needed. One question which has been raised is why canopies are included in the constructed surface area. He explained that it is because of the criteria in the regulations which evaluates if the use creates a visual impact discordant with natural scenic values. He discussed the Whitefish Lake Lodge variance request and his concerns on the proposal creating a precedence if approved. However, the main reason he was present at the meeting was to discuss the potential occurrence of high water on Whitefish Lake due to the above average snowpack. He expressed concern on how fast the lake water could rise, and potential issues with wake boats doing damage to the shoreline. Discussion was held regarding what agency may be the best to contact regarding this situation. Staff will discuss possible options with Fish, Wildlife & Parks and the City Attorney. Also discussed past situations where temporary shoreline protection was permitted if no modifications to the shoreline were made. Some examples include tarps, sandbags, etc. If a situation arises for a property owner on the lake, they should contact staff to discuss possible options.
- Mike Koopal, Whitefish Lake Institute – there is a perception going around that he recommended approval of the Whitefish Lake Lodge major variance application and he wanted to make it clear that the Institute only assists with questions, not give opinions. In the future he can give written comments if the Committee would like. Also, he mentioned that the Institute now has real time water information with their new gauge for every 30 minutes. It is located near the Whitefish Lake Lodge property.
- Bruce Boody, Bruce Boody Landscape Architects – wanted to follow up on Jim Stack's comments regarding high water damage. Discussed possibly putting up signs during high water for boat owners informing them that wakes can create damage. Maybe the public doesn't know what they are doing, or it is people from out of town causing problems. Discussed a possible fact sheet or brochure to give out to boat owners or other

ways to increase public awareness about potential issues.

***ADOPTION of MINUTES from LAST MEETING:***

- Minutes of April 9, 2014 were reviewed; moved to adopt by Ron Hauf, seconded by Sharon Morrison. All in favor and motion carried.

***NEW BUSINESS***

**WLP-14-W15 – Rob Isackson – Dock, Shore Station**

[Present: none]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 875, 883, and 889 Delrey Road at the end of Whitefish Lake. The application is for the installation of a shared floating ‘T’ shaped EZ dock and a shore station with a canopy. The dock would extend 59 feet out into the lake and be placed in the middle of the subject property. The dock, shore station canopy, and existing stairs would equal 1590.36 square feet of constructed area. Since the subject property has a combined lakeshore frontage of 355 feet, the property owner can apply for a shared dock between the three lots. The total property is eligible for 2,840 square feet of constructed area. Following staff’s presentation, the board discussed the submitted application and differences between the dock calculations. It was discussed that Staff contact the applicant about future submittals and making sure the plans and dimensions specified on the application match the actual dimensions. Also discussed were the shared dock standards and the deviations allowed under those standards.

*Motion:*

- Scott Ringer moved to recommend approval of the permit application. Ron Hauf seconded. No further discussion. Motion was approved unanimously 8-0.

**WLP-14-W16 – City of Whitefish – City Beach Boat Bilge Pump Separator**

[Present: Mike Koopal, Whitefish Lake Institute for public comment]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at City Beach off Oregon Avenue. The application is for the installation of a trench grate and oil/water separator (structural BMP) adjacent to the boat ramp at City Beach. Staff explained that the separator will be used to capture and treat any surface runoff from the parking lot area and any boat bilge water prior to entering Whitefish Lake. The boat bilge water currently is drained onto the concrete boat ramp and flows directly into Whitefish Lake. The proposed improvements will direct the water into the device to removal the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage is proposed to be installed to ensure any water is captured by the trench grate. Mike Koopal from the Whitefish Lake Institute stated his comments/concerns were regarding if the separator would treat the lighter gasoline products as well as the heavier products. He recommended the exit line extend perpendicular to the lake so the water would enter the dry zone instead of the wet zone of the lake. This may allow certain products to evaporate instead of enter back into the water. Following staff’s presentation and public comment, the board discussed the submitted application. Concerns were raised regarding the operation of the separator, if it would be buried underground and potentially

submerged during high-water events, if the outflow pipe is solid or perforated, the installation of signage, and the number of days it may take for the concrete to cure completely.

*Motion:*

- Greg Gunderson moved to recommend approval of the permit application. Ron Hauf seconded. Further discussion followed regarding requesting additional information for the City Council, moving the project in the lakeshore protection zone further above the high water elevation, possible wordage of the signage, the potential for the project to be installed in the fall instead of immediately, how many people actually drain their boats at the ramp, the possibility of tabling the application until the next meeting, and potential recommended conditions. Motion was denied 2-6.

**WLP-14-W17 – Jackson Trust LLC – Dock, Waterline, Stairs, Lawn Removal**

[Present: Bruce Boody, Applicant's Representative]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 2532 E. Lakeshore Drive. The application is for the installation of a 'F' shaped EZ dock, a waterline and pump, the construction of dry-set stone stairs, and to remove a portion of an existing lawn within the Lakeshore Protection Zone. Following staff's presentation, the Board discussed the amount of shoreline frontage for each individual lot, the status of each property connected to City sewer, the status of the applicant's water right application to the DNRC, and the reasoning for the applicant requesting the maximum amount of dock extension into the lake.

*Motion:*

- Ron Hauf moved to recommend approval of the permit application. Sharon Morrison seconded. No further discussion. Motion was approved unanimously 8-0.

**WLP-14-W18 – Jackson Trust LLC – Dock, Waterline, Stairs, Lawn Removal**

[Present: Bruce Boody, Applicant's Representative]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 2530 E. Lakeshore Drive. The application is for the installation of an 'E' shaped EZ dock, a waterline and pump, the construction of dry-set stone stairs, and to remove a portion of an existing lawn within the Lakeshore Protection Zone. Following staff's presentation the Board discussed the amount of constructed area existing for the property and the existing satellite dish. It was determined that the satellite dish was not a grandfathered structure and therefore is not permitted within the Lakeshore Protection Zone. The Board discussed adding a condition for the removal of the satellite dish. Also discussed was the dock size, and the actual dimensions versus the project drawing. The applicant stated they will use the actual dock dimensions to make sure the dock is compliant with the permit if approved.

*Motion:*

- Sharon Morrison moved to recommend approval of the permit application. Scott Ringer seconded. Further discussion followed with an amendment to the motion to recommend the addition of a condition requiring the removal of the existing satellite dish from the

Lakeshore Protection Zone. Motion was approved unanimously 8-0.

***OLD BUSINESS***

Staff discussed possible ways to send the committee members the upcoming meeting packets. Staff will place the packets in the Dropbox folder and also on the City of Whitefish website in case members have issues.

***ADJOURNMENT***

Motion to adjourn the meeting was moved and seconded. All approved and motion passed. The meeting was adjourned at 7:30 pm.

**NEXT MEETING**

**June 11<sup>th</sup>, 2014 \* 6:00pm  
Whitefish Planning & Building Office  
510 Railway Street – Whitefish, MT**

DRAFT

**JACKSON TRUST LLC  
WHITEFISH LAKE LAKESHORE PERMIT  
STAFF REPORT #WLP-14-W17  
MAY 7, 2014**

<b>Property Owner:</b>	Jackson Trust LLC
<b>Mailing Address:</b>	253 Polhemus Ave. Atherton, CA 94027
<b>Applicant:</b>	Bruce Boody Landscape Architect, Inc.
<b>Mailing Address:</b>	301 2 <sup>nd</sup> Street, Suite1b Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.4755
<b>Contractor:</b>	Bear Mountain Builders
<b>Mailing Address:</b>	623 Woodland Place Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.3302
<b>Property Legal Description:</b>	Lot 3, Whitefish Lake Summer Homes 1 Add Amd, Section 14, Township 31 North, Range 22 West
<b>Property Address:</b>	2532 E. Lakeshore Drive
<b>Lake:</b>	Whitefish Lake
<b>Lake Frontage:</b>	108.78' per 2013 survey
<b>Project Description:</b>	Install a 629 square foot 'F' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to complete multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of a floating 'F' shaped EZ dock and gangway. The main portion of the dock will be 44 feet long by 6.48 feet wide with a breakwater wing 22.52 feet long by 8 feet wide. The slip wing will be 22.52 feet long by 4.86 feet wide. The dock will be connected to the shoreline by a gangway 16 feet long by 3 feet wide. The dock and gangway will extend 60 feet out into the lake, and will be placed near the middle of the subject property. The entire dock and gangway will equal approximately 629 square feet of impervious coverage.

The second activity is the installation of a waterline and pump into Whitefish Lake for the purpose of domestic water. The waterline will cross through the lakeshore protection zone, avoiding existing trees. The waterline and pump will be located below the proposed dock and weighted to avoid snagging. The applicant has submitted an application for a water right and is currently in process. However, as a condition of approval, a copy of the approved water right shall be submitted to the City of Whitefish Planning Office.

The third activity will be the construction of a dry-set stone stairway approximately 4 feet wide, extending approximately 21 feet through the lakeshore protection area. The stairs will equal approximately 85.14 square feet of impervious coverage.

The final activity is the removal of 340 square feet of an existing lawn located in the lakeshore protection zone. A portion of the existing lawn will remain near the top of the lakeshore protection zone. The applicant is proposing the area to be restored with native vegetation.

The total amount of proposed impervious constructed area is approximately 714.14 square feet. The total amount of constructed area within the Lakeshore Protection Zone, including proposed and existing, is approximately 856 square feet.

Frontage and allowable constructed area: The subject property has 108.78 feet of lakeshore frontage, and is eligible for 870.24 square feet of constructed area.

Existing Constructed Area: There is an existing stone patio located within the Lakeshore Protection Zone, approximately 84.73 square feet. Additionally, there is an existing dry-stacked stone wall, approximately 57.22 square feet. The stone patio and stone wall total 141.95 square feet of constructed area within the Lakeshore Protection Zone. The existing dock will be removed in order to install the new proposed dock.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, General Construction Standards of the Whitefish Lake and Lakeshore Regulations.

**Recommendation:** Staff recommends that the Whitefish Lakeshore Protection Committee recommend approval of the requested lakeshore construction permit to the Whitefish City Council subject to the following conditions.

**Recommended Conditions of Approval:**

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed dock dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.

Dock

6. Only one dock is permitted per property ownership.
7. The dock shall be placed in the middle of the subject property.
8. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.

9. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
10. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
11. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.

#### Stairs

12. The stairs shall have a maximum width of four feet (4') and shall be designed to provide access only.
13. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
14. Elevated stairways shall follow the natural grade of the existing shoreline and no portion of the walking surface of the stairway or landing shall be situated higher than two (2') vertical feet above the underlying lakeshore.
15. Stairways shall be constructed of wood composite (i.e., Trex) or untreated wood left in its natural (unpainted) condition.
16. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
17. Clean, washed gravel may be used in setting the steps but cannot be used to modify existing terrain.
18. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.

#### Waterline

19. The waterline and pump shall be located as proposed in the application. Under no circumstances shall the waterline be located closer than 10 feet from either riparian property boundary line.
20. Water rights are required to install the water line. A copy of the approved water right shall be submitted to the City of Whitefish Planning Office.
21. All work shall be done when the lake is at low pool and the construction site is dry.

22. During excavation, only the minimum amount of material necessary to lay the line and power cable conduit shall be removed from the trench.
23. Any rock lying over the proposed trench shall be removed prior to excavation and saved. After refilling the trench, said rock shall be restacked over the top to serve as a protective measure to inhibit washing and erosion. Any material which is not replaced back into the trench shall be completely removed from the lakeshore protection zone.
24. A trenching machine may extend its bucket or digger into the lake to extend the trench below low water line of the lake. At no time shall the wheels of any vehicle come in contact with the lake.
25. That portion of the waterline which is not buried and does lie exposed on the bottom of the lakeshore shall be weighted to prohibit floatation or snagging. No waterline shall lie on top of or be attached to a floating dock or raft.
26. A waterline using a submersible pump shall be installed in accordance with the State Uniform Plumbing and Electrical Codes. Conduit is strongly recommended for the power cable to prevent damage by ice/rocks.

#### Lawn Removal

27. The establishment of a new lawn in the Lakeshore Protection Zone is prohibited.
28. Grandfathered lawns which existed prior to the establishment of the lakeshore regulations, may be maintained by mowing, but not fertilized or treated with any chemicals or pesticides.
29. Turf grass or non-native vegetation, including grandfathered lawns, once removed from or destroyed in the Lakeshore Protection Zone must be replanted with native vegetation.
30. New plants introduced into the Lakeshore Protection Zone must be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Office.
31. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
32. Application of fertilizer, pesticide, insecticide, or herbicide, is prohibited in the Lakeshore Protection Zone.

Report by: Bailey Minnich

**WHITEFISH, BLANCHARD & LOST COON LAKE  
Lakeshore Construction Permit Application**

# Jackson Property-Lot 3

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## Whitefish Lakeshore Construction Permit Application

**Owner:**  
Jackson Trust LLC  
(P) 2532 E. Lakeshore Dr.  
Whitefish, MT 59937  
(M) 253 Polhemus Ave.  
Atherton, CA 94027

**Date Submitted:**  
5/1/2014

**Prepared By:**  
Bruce Boody Landscape Architect, Inc.  
301 E. 2<sup>nd</sup> St.  
Whitefish, MT 59937  
(406) 862-4755ph

**Attachment to Whitefish Lakeshore Construction Permit Application  
For the Jackson Property Lot 3 (Job #13-44)  
Whitefish, Flathead County**

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Bruce Boody ASLA  
Applicant's Signature

05/01/14  
Date

Bruce Boody, Landscape Architect  
Print Name

\_\_\_\_\_  
Representative's Signature  
Bruce Boody, Landscape Architect  
Print Name

\_\_\_\_\_  
Date

**APPLICATION CONTENTS:**

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

- \_\_\_\_ Lakeshore Construction Permit Application
- \_\_\_\_ Written description how the project meets the criteria in Sections C-F
- \_\_\_\_ Site Plan drawn to scale
- \_\_\_\_ Project Drawing that is drawn to scale
- \_\_\_\_ Vicinity Map
- \_\_\_\_ Minimum of three (3) photos: 1 photo of property from lake; 2 photos showing lakeshore protection zoning from property boundary toward the other property boundary (e.g., from the north property line across property to the south) and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boathouse, stairs, etc.)

**B. OWNER(S) OF RECORD:**

Name: Jackson Trust LLC, Suzanna Jackson Phone: \_\_\_\_\_  
Mailing Address: 253 Polhemus Ave.  
City, State, Zip: Atherton, CA 94027  
Email: \_\_\_\_\_

**APPLICANT (if different than above):**

Name: Bruce Boody, Landscape Architect Phone: 406-862-4755  
Mailing Address: 301 2nd St., Ste. 1B  
City, State, Zip: Whitefish, MT 59937  
Email: boodyla@bruceboody.com

**CONTRACTOR:**

Name: Bear Mountain Builders Phone: 406-862-3302  
Mailing Address: 623 Woodland Pl.  
City, State, Zip: Whitefish, MT 59937  
Email: kelcey@bearmountainbuilders.com

**C. NATURE OF THE PROPOSED WORK:** (describe what you propose to build, demolish or install. Give dimensions, material and list heavy equipment, if any to be used.)

SEE ATTACHED

**D.** Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.

SEE ATTACHED

**E.** Describe existing improvements on the property within the lakeshore protection zone along with the square footage of each such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.

SEE ATTACHED

**F.** If a variance is requested in addition to this permit, specify the reasons or conditions which require or warrant the variance on a separate variance form. An additional fee is required for a variance request. What is the variance proposal?

N/A

**FEES:**

<b>Administrative Permit</b> no committee meeting: waterlines, dead trees, buoys, burning etc.	\$75
<b>Administrative Permit</b> with committee meeting: docks under 60', shore stations	\$255
<b>Standard Permit</b> (construction, rip rap, stairs, dredging, filling, excavation, clearing, machinery operations)	\$350 base fee (1 activity) \$140 each additional activity <i>(Activity is defined as a separate component or project that by itself would require a permit)</i>
<b>Variance – Minor</b>	\$490/variance – added to standard permit fee; supplemental application required
<b>Variance – Major</b>	\$1,400/variance – added to standard permit fee; supplemental application required
<b>“After-the-Fact” Permit</b>	4 times the normal fee

**Lakeshore Application Description of Existing Conditions and Proposed Work**

**1. Nature of the Proposed Work (describe what you propose to build, demolish, or install. Give dimensions, material and list heavy equipment, if any to be used).**

Lakeshore Activity #1: Water Line & Pump Installation

Activity #1 proposes the installation a pump and water line in Whitefish Lake for purposes of domestic water and irrigation. The course of the water line is such that it will avoid existing trees within the lakeshore protection zone. The water line and pump will be weighted to the lake bottom below the proposed dock location as to avoid snagging. The water right application is in process and will be acquired by Applied Water Consulting, Inc. and will be forwarded to the City upon receipt.

Lakeshore Activity #2: Dock & Gangway

Activity #2 proposes the removal of existing dock of unknown sq. ft. and unknown construction date. Existing dock will be replaced by a dock and gangway by EZ Docks (impervious constructed area=628.75 sq. ft.).

Lakeshore Activity #3: Dry-Set Stone Stairs

Activity #3 proposes to build 4' wide dry-set stone steps within the lakeshore protection zone (impervious constructed area=85.14 sq. ft.).

Lakeshore Activity #4: Removal of Lawn and Restoration of Native Vegetation

Activity #4 proposes to remove approximately 340 sq. ft. of existing lawn within the lakeshore protection zone, and to restore the area with native vegetation.

**2. Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.**

As a result of this work, we anticipate no negative environmental impacts. Best management practices, such as straw wattles and silt fences, will be used to avoid lake sedimentation during the installation of stone steps and walkway within the lakeshore protection zone. All disturbed areas will be re-vegetated with native materials as soon as possible following construction activities.

**3. Describe existing improvements on the property within the lakeshore protection zone along with the square footage of each such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.**

<u>Existing Items</u>	<u>Date Constructed</u>	<u>Constructed Area</u>
Existing Dock	Unknown ("Grandfathered")	Unknown
Existing Stone Patio	Unknown ("Grandfathered")	84.73 sq. ft.
Existing Dry-Stack Stone Wall	Unknown ("Grandfathered")	57.22 sq. ft.
Total Existing Impervious Constructed Area (Excluding Dock):		= 141.95 sq. ft.

**4. If a variance is requested in addition to this permit, specify the reasons or conditions which require or warrant the variance on a separate variance form. An additional fee is required for a variance request. What is the variance proposal?**

N/A



Attachment to Whitefish Lakeshore Construction Permit Application  
For the Jackson Property Lot 3 (Job #13-44)  
Whitefish, Flathead County

**Lakeshore Activity Calculations**

*Bruce Boody Landscape Architecture, Inc.*

**Square Footage Calculations within Lakeshore Protection Zone:**

**Total Allowable Impervious Constructed Area: 108.78 LF (Per Sands Survey Dated 10/28/13) x 8' = 870.24 sq. ft.**

**Existing Impervious Constructed Area to remain:**

Existing Stone Patio	84.73 sq. ft.
Existing Dry-Stack Rock Wall	57.22 sq. ft.
Existing Total:	141.95 sq. ft.

**Proposed Impervious Constructed Area:**

Proposed Stone Stairs	85.14 sq. ft.
Proposed Dock	628.75 sq. ft.
Proposed Total:	713.89 sq. ft.

**Grand Total Impervious Area: 855.84 sq. ft.**

Attachment to Whitefish Lakeshore Construction Permit Application  
For the Jackson Property Lot 3 (Job #13-44)  
Whitefish, Flathead County

Existing Lakeshore Photos:

Bruce Boody Landscape Architecture, Inc.



**Photo #1: Existing Dock & Lakeshore Looking North**



**Photo #2: Existing Lakeshore Looking at South Property Line**



**Photo #3: Existing Lakeshore Protection Zone**



**Photo #4: Existing Dry-Stack Rock Wall within Lakeshore Protection Zone (to remain)**

I hereby authorize Bruce Boody Landscape Architect, Inc. to act on our behalf as applicant in all matters regarding my Whitefish, Blanchard, and Lost Coon Lake Lakeshore Construction Permit Application.



Signature

Suzanna Jackson

Print Name

1 MAY 2014

Date

## Kurt Vomfell

---

**From:** Ray Halloran <ray@appliedwater.net>  
**Sent:** Tuesday, April 29, 2014 7:56 AM  
**To:** kurt@bruceboody.com  
**Cc:** 'Roger Noble'  
**Subject:** FW: Jackson Properties: Water Rights

We submitted the water right applications for these properties on January 29, 2014. They have been assigned the following pending water right numbers: Lot 3 – 76LJ 30068085 and Lot 4 – 76LJ 30068087. They are in the DNRC backlog and have not been assessed yet for correct and complete. The DNRC still have approximately 3 more months to complete that first process. I expect that they will likely be reviewing these applications in the next month based on other reviews.

*Ray L. Halloran*

*Applied Water Consulting LLC  
P.O. Box 7667  
Kalispell, MT 59904  
[Ray@AppliedWater.net](mailto:Ray@AppliedWater.net)  
Phone: (406) 756-2550  
Fax: (406) 756-0527*

This communication is the property of Applied Water Consulting and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender by reply email and destroy all copies of the communication and any attachments. Thank you.

---

**From:** Roger Noble [mailto:roger@appliedwater.net]  
**Sent:** Monday, April 28, 2014 6:37 PM  
**To:** Ray Halloran  
**Subject:** Fwd: Jackson Properties: Water Rights

Ray, please respond.

----- Original Message -----

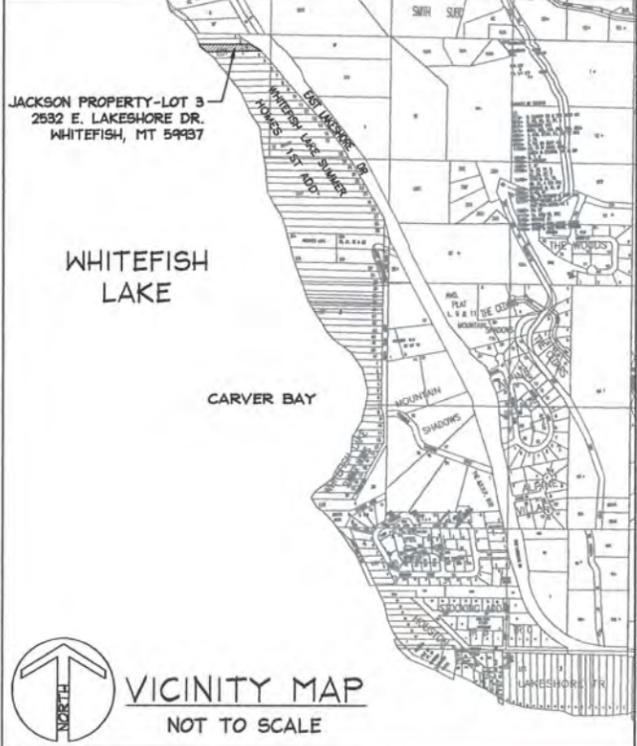
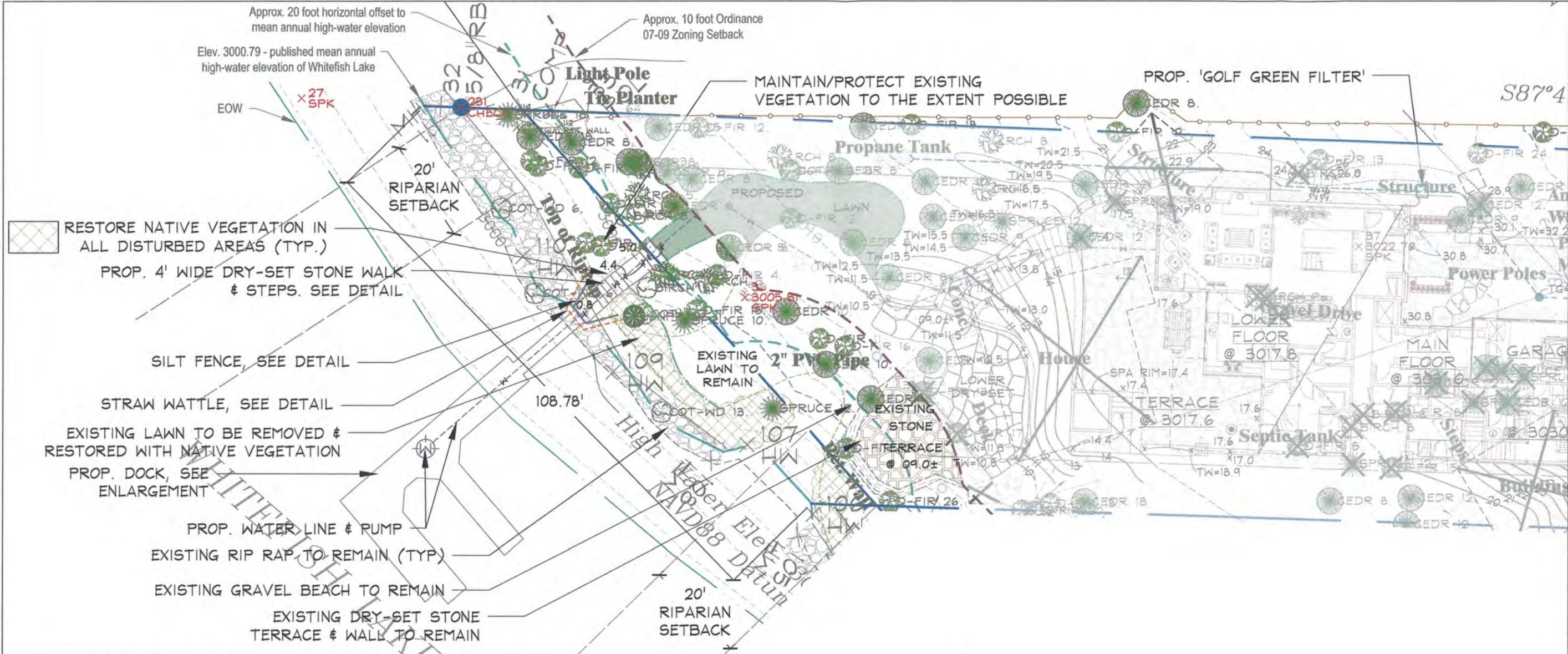
**Subject:** Jackson Properties: Water Rights  
**From:** Kurt Vomfell <kurt@bruceboody.com>  
**To:** roger@appliedwater.net  
**CC:**

Roger,

What is the status of the Water Rights for Lot 3 and Lot 4? I am preparing to submit my lakeshore applications and want to make mention of the status.

Thanks,

Kurt Vomfell



**LEGEND**

EXISTING	PROPOSED
EXISTING PROPERTY LINE BY SURVEY	PROPOSED CONTOUR
EXISTING SETBACK LINE BY SURVEY	PROPOSED SPOT ELEVATION
EXISTING EASEMENT LINE BY SURVEY	PROPOSED PAVED/ASPHALT DRIVE
EXISTING INDEX CONTOUR BY SURVEY	PROPOSED GRAVEL TRAIL
EXISTING CONTOUR BY SURVEY	PROPOSED LARGE MORTAR-SET FLAGSTONES
EXISTING CENTERLINE OF ROAD BY SURVEY	PROPOSED LARGE DRYSET FLAGSTONES
EXISTING EDGE OF ROAD/GRAVEL BY SURVEY	PROPOSED DRYSET OVERSIZED ROCK RETAINING WALL
EXISTING DECK LINE BY SURVEY	PROPOSED CONCRETE WALL WITH MORTAR-SET STONE
EXISTING BUILDING LINE BY SURVEY	PROPOSED BUILDING LINE w/ OVERHANG
EXISTING TREE BY SURVEY	PROPOSED LAWN LINE
EXISTING TREE BY SURVEY TO BE REMOVED	PROPOSED PLANTING AREA
EXISTING UTILITIES	PROPOSED STORM DRAIN
EXISTING EDGE OF LAKE/ShORE LINE BY SURVEY	
EXISTING HIGH/LOW WATER LINE BY SURVEY	
20' LAKESHORE SETBACK	

**BOODY**  
 Landscape  
 Architect Inc.  
 201 Second Street  
 Whitefish, MT  
 59937  
 Phone 406-892-4750  
 Fax 406-892-0785

**SURVEY BY:**  
 SANDS SURVEYING, INC.  
 TOM SANDS  
 2 VILLAGE LOOP  
 KALISPELL, MT 59901  
 (406) 755-6481

**Revisions:**


**JACKSON PROPERTY**  
 514, T91, R22, Lot 3  
 First Addition to Whitefish Lake  
 Summer Homes Arroyo  
 Whitefish, MT 59937

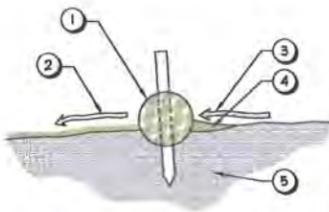
**SCALE: 1"=20'**  
**DATE: 05-01-14**  
**JOB #: 13-44**

**LAKESHORE APPLICATION SITE PLAN**

**SHEET 8 OF 9**



Z:\2013 Projects\13-44 Jackson (Bear Mtn)\13-44 Lakeshore.dwg, LOT 3-Site Plan 11x17-20sc, 5/1/2014 11:16:11 AM

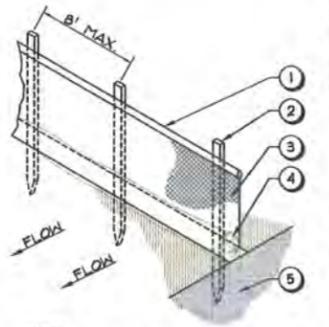


**DETAIL LEGEND**

**SYM. DESCRIPTION**

- ① STRAW WATTLE, STAKED & ENTRENCHED, 2' MIN. BURY
- ② FILTERED RUNOFF
- ③ SEDIMENT LADEN RUNOFF
- ④ COMPACTED SOIL TO PREVENT PIPING
- ⑤ EXISTING UNDISTURBED SUBGRADE

**(A) STRAW WATTLE**  
NOT TO SCALE



**DETAIL LEGEND**

**SYM. DESCRIPTION**

- ① PROVIDE 1" TUCK WITH ROPE IN THE HEM
- ② FENCE POSTS SHALL BE ROUGH OR FINISHED 2" X 4" (NOM.), 2 1/2" DIA. WOOD; SCHED 40 STEEL PIPE; OR 1.33 LB/FT MIN. STANDARD "T" OR "U" SECTION STEEL. FENCE POSTS SHALL BE 42" MIN. IN LENGTH, DRIVEN 18" MIN. INTO GROUND.
- ③ SILT FENCE FABRIC, SEE NOTES
- ④ INSTALL STRAW WATTLES ON DOWNHILL SIDE OF FENCE, SEE DETAIL A, THIS SHEET
- ⑤ EXISTING UNDISTURBED SUBGRADE

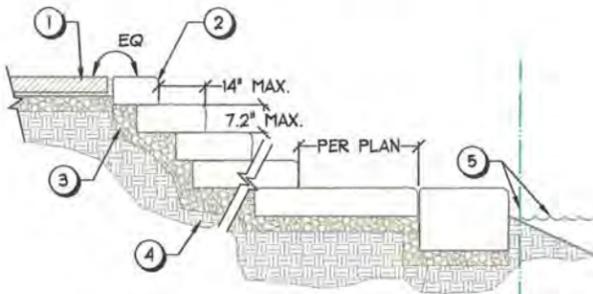
- NOTES:**
- SILT FENCE FABRIC TO BE FASTENED SECURELY TO STEEL FENCE POST BY USE OF WIRE TIES OR HOG RINGS (3 FASTENERS PER POST). FOR WOODEN POSTS, FASTENERS SHALL BE NO. 17 GAUGE STAPLES (3/8" WIDE X 1 1/2" LONG), SPACED EVENLY AT 5 PER POST OR NO. 14 GAUGE NAILS (1" LONG WITH 3/8" BUTTON HEAD) SPACED EVENLY AT 4 PER POST.
  - ENDS OF INDIVIDUAL ROLLS OF FABRIC SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6" OVERLAP.
  - ECO BERM OR FILTERSOXX IS RECOMMENDED AS A PREFERRED OPTION TO BE USED IN PLACE OF SILT FENCING.

**(B) SILT FENCE**  
NOT TO SCALE

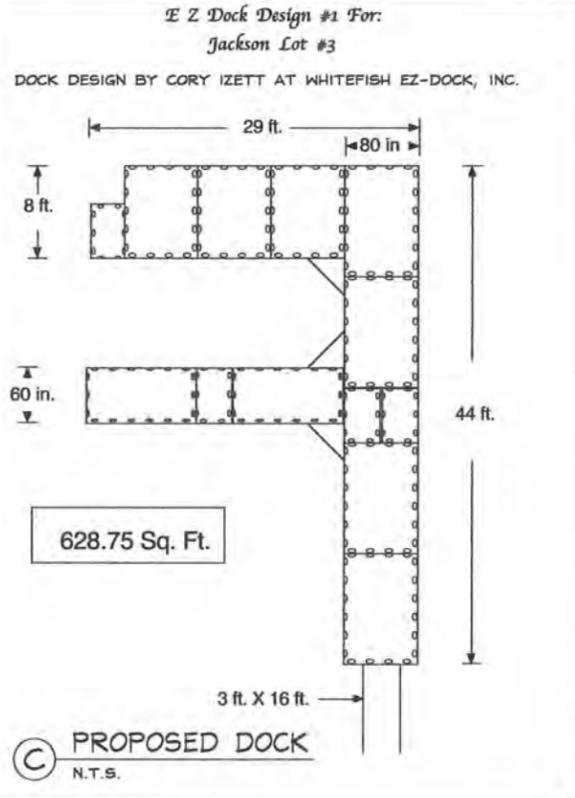
**DETAIL LEGEND**

**SYM. DESCRIPTION**

- ① PROPOSED DRY-SET STONE PAVING PER PLAN
- ② OVERSIZE STONE SLAB STEP (4" WIDE MAX.). STONE TO MATCH COLOR & STYLE OF STONE RETAINING WALLS.
- ③ 1" GRAVEL LEVELING COURSE (NO FINES), MIN. NEEDED FOR LEVELING, COMPACTED TO 95% (TYP.)
- ④ EXISTING UNDISTURBED COMPACTED SUBGRADE
- ⑤ PUBLISHED AVERAGE HIGH WATER ELEVATION=3000.79.



**(D) DRY-SET STONE SLAB STEPS**  
1/4"=1'-0"



**LOT 3-LAKESHORE PROTECTION ZONE SQUARE FOOTAGE CALCULATIONS**

<b>TOTAL ALLOWABLE IMPERVIOUS CONSTRUCTED AREA:</b>			
SHORELINE (LINEAR FEET)	108.78 LF	X 8 SF	870.24 SF
<b>EXISTING CONSTRUCTED AREA:</b>			
EXIST. STONE PATIO		84.73 SF	
EXIST. DRY-STACK ROCK WALL		57.22 SF	
<b>EXISTING TOTAL:</b>		141.95 SF	
<b>PROPOSED IMPERVIOUS CONSTRUCTED AREA:</b>			
PROPOSED STONE WALK & STAIRS		85.14 SF	
PROPOSED DOCK		628.75 SF	
PROPOSED WATER LINE		N/A	
<b>PROPOSED IMPERVIOUS TOTAL:</b>		713.89 SF	
<b>GRAND TOTAL IMPERVIOUS:</b>		855.84 SF	

**LAKESHORE PROTECTION ZONE PLANT SCHEDULE**

SYMBOL	BOTANICAL NAME	COMMON NAME	QNTY	SIZE	REMARKS
<b>NATIVE RESTORATION/REVEGETATION</b>					
☒	Restore Native Area = 350sf±	Salvage Native Species from onsite availability and purchase remainder.			
	*Arctostaphylos uva-ursi	Kinnikinnick	16	35%:Plugs @ 36" o.c.-Irreg. Spacing	
	*Festuca idahoensis	Idaho Fescue	36	20%:Plugs @ 18-24" o.c.-Irreg. Spacing	
	*Mahonia repens	Creeping Oregon Grape	46	45%:Plugs @ 24" o.c.-Irreg. Spacing	
	*Native Plant Material				

**BOBBY**  
Landscapes  
Architect, Inc.  
244 N. Second Street  
Whitefish, MT  
59901  
Phone: 406.832.4752  
Fax: 406.832.9733  
www.bobbylandscapes.com

**SURVEY BY:**  
SANDS SURVEYING, INC.  
TOM SANDS  
2 VILLAGE LOOP  
KALISPELL, MT 59901  
(406) 755-6481

**Revisions:**


**JACKSON PROPERTY**  
S14, T91, R22, Lot 3  
First Addition to Whitefish Lake  
Summer Homes Amended  
Whitefish, MT 59907

SCALE: SEE SHEET  
DATE: 05-06-14  
JOB #: 13-44

LAKESHORE APPLICATION PROJECT DRAWING

SHEET 9 OF 9

Z:\2013 Projects\13-44 Jackson (Bear Mtn)\13-44 Drawings\13-44 Lakeshore-SUBMITTED 050614.dwg, LOT 3-Project Drawing 11x17, 5/6/2014 12:05:03 PM

**JACKSON TRUST LLC  
WHITEFISH LAKE LAKESHORE PERMIT  
STAFF REPORT #WLP-14-W18  
JUNE 2, 2014**

<b>Property Owner:</b>	Jackson Trust LLC
<b>Mailing Address:</b>	253 Polhemus Ave. Atherton, CA 94027
<b>Applicant:</b>	Bruce Boody Landscape Architect, Inc.
<b>Mailing Address:</b>	301 2 <sup>nd</sup> Street, Suite1b Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.4755
<b>Contractor:</b>	Bear Mountain Builders
<b>Mailing Address:</b>	623 Woodland Place Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.3302
<b>Property Legal Description:</b>	Lot 4, Whitefish Lake Summer Homes 1 Add Amd, Section 14, Township 31 North, Range 22 West
<b>Property Address:</b>	2530 E. Lakeshore Drive
<b>Lake:</b>	Whitefish Lake
<b>Lake Frontage:</b>	100.45' per 2013 survey
<b>Project Description:</b>	Install a 754 square foot 'E' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to complete multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of a floating 'E' shaped EZ dock, gangway, and Max 2i Port. The main portion of the dock will be 44 feet long by 6.48 feet wide with a breakwater wing 22.52 feet long by 8 feet wide. The first slip wing will be 22.52 feet long by 4.86 feet wide, and the second slip wing will be 20 feet long by 3.24 feet wide. The dock will be connected to the shoreline by a gangway 16 feet long by 3 feet wide. The Max 2i Port is approximately 14 feet long by 4.86 feet wide. The dock and gangway will extend 60 feet out into the lake, and will be placed northwest of the center of the subject property due to existing tree vegetation. The dock will still comply with the required setbacks of 20 feet from the side property riparian boundary. The entire dock, gangway, and port will equal approximately 754 square feet of impervious coverage.

The second activity is the installation of a waterline and pump into Whitefish Lake for the purpose of domestic water. The waterline will cross through the lakeshore protection zone, avoiding existing trees. The waterline and pump will be located below the proposed dock and weighted to avoid snagging. The applicant has submitted an application for a water right and is currently in process. However, as a condition of approval, a copy of the approved water right shall be submitted to the City of Whitefish Planning Office.

The third activity will be the construction of a dry-set stone stairway approximately 4 feet wide, extending approximately 11 feet through the lakeshore protection area. The stairs will equal approximately 43.48 square feet of impervious coverage.

The final activity is the removal of 350 square feet of an existing lawn located in the lakeshore protection zone. A portion of the existing lawn will remain near the top of the lakeshore protection zone. The applicant is proposing the area to be restored with native vegetation.

The total amount of proposed impervious constructed area is approximately 797 square feet.

Frontage and allowable constructed area: The subject property has 100.45 feet of lakeshore frontage, and is eligible for 803.6 square feet of constructed area.

Existing Constructed Area: There is no additional constructed area existing within the Lakeshore Protection Zone.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, General Construction Standards of the Whitefish Lake and Lakeshore Regulations.

**Recommendation:** Staff and the Whitefish Lakeshore Protection Committee recommend approval of the requested lakeshore construction permit to the Whitefish City Council subject to the following conditions.

**Recommended Conditions of Approval:**

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed dock dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.

Dock

6. Only one dock is permitted per property ownership.
7. The dock shall be placed on the subject property at the location specified on the submitted site plan.
8. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.

9. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
10. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
11. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.

#### Stairs

12. The stairs shall have a maximum width of four feet (4') and shall be designed to provide access only.
13. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
14. Elevated stairways shall follow the natural grade of the existing shoreline and no portion of the walking surface of the stairway or landing shall be situated higher than two (2') vertical feet above the underlying lakeshore.
15. Stairways shall be constructed of wood composite (i.e., Trex) or untreated wood left in its natural (unpainted) condition.
16. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
17. Clean, washed gravel may be used in setting the steps but cannot be used to modify existing terrain.
18. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.

#### Waterline

19. The waterline and pump shall be located as proposed in the application. Under no circumstances shall the waterline be located closer than 10 feet from either riparian property boundary line.
20. Water rights are required to install the water line. A copy of the approved water right shall be submitted to the City of Whitefish Planning Office.
21. All work shall be done when the lake is at low pool and the construction site is dry.

22. During excavation, only the minimum amount of material necessary to lay the line and power cable conduit shall be removed from the trench.
23. Any rock lying over the proposed trench shall be removed prior to excavation and saved. After refilling the trench, said rock shall be restacked over the top to serve as a protective measure to inhibit washing and erosion. Any material which is not replaced back into the trench shall be completely removed from the lakeshore protection zone.
24. A trenching machine may extend its bucket or digger into the lake to extend the trench below low water line of the lake. At no time shall the wheels of any vehicle come in contact with the lake.
25. That portion of the waterline which is not buried and does lie exposed on the bottom of the lakeshore shall be weighted to prohibit floatation or snagging. No waterline shall lie on top of or be attached to a floating dock or raft.
26. A waterline using a submersible pump shall be installed in accordance with the State Uniform Plumbing and Electrical Codes. Conduit is strongly recommended for the power cable to prevent damage by ice/rocks.

#### Lawn Removal

27. The establishment of a new lawn in the Lakeshore Protection Zone is prohibited.
28. Grandfathered lawns which existed prior to the establishment of the lakeshore regulations, may be maintained by mowing, but not fertilized or treated with any chemicals or pesticides.
29. Turf grass or non-native vegetation, including grandfathered lawns, once removed from or destroyed in the Lakeshore Protection Zone must be replanted with native vegetation.
30. New plants introduced into the Lakeshore Protection Zone must be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Office.
31. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
32. Application of fertilizer, pesticide, insecticide, or herbicide, is prohibited in the Lakeshore Protection Zone.
33. The existing satellite dish shall be removed from the Lakeshore Protection Zone.

Report by: Bailey Minnich

**WHITEFISH LAKESHORE PROTECTION COMMITTEE**  
**MINUTES OF May 14, 2014**

The meeting was called to order at 6:00pm by Chairman Herb Peschel.

**MEMBERS PRESENT:**

- Herb Peschel, Ron Hauf, Greg Gunderson, Jeff Jensen (via phone), Sharon Morrison, Joe Malletta, Scott Ringer and Koel Abell. Bailey Minnich of the Whitefish Planning Office was also present.

**MEMBERS ABSENT:** none

**ADDITIONS/CORRECTIONS TO TONIGHT'S AGENDA:** none

**GENERAL PUBLIC COMMENT:**

- Jim Stack – mentioned that there have been questions regarding the lakeshore regulations in previous meetings and that Staff or the committee can email or call him to find out what was interpreted in the past. There has also been a video of the lakeshore completed years ago that could be used in certain instances if needed. One question which has been raised is why canopies are included in the constructed surface area. He explained that it is because of the criteria in the regulations which evaluates if the use creates a visual impact discordant with natural scenic values. He discussed the Whitefish Lake Lodge variance request and his concerns on the proposal creating a precedence if approved. However, the main reason he was present at the meeting was to discuss the potential occurrence of high water on Whitefish Lake due to the above average snowpack. He expressed concern on how fast the lake water could rise, and potential issues with wake boats doing damage to the shoreline. Discussion was held regarding what agency may be the best to contact regarding this situation. Staff will discuss possible options with Fish, Wildlife & Parks and the City Attorney. Also discussed past situations where temporary shoreline protection was permitted if no modifications to the shoreline were made. Some examples include tarps, sandbags, etc. If a situation arises for a property owner on the lake, they should contact staff to discuss possible options.
- Mike Koopal, Whitefish Lake Institute – there is a perception going around that he recommended approval of the Whitefish Lake Lodge major variance application and he wanted to make it clear that the Institute only assists with questions, not give opinions. In the future he can give written comments if the Committee would like. Also, he mentioned that the Institute now has real time water information with their new gauge for every 30 minutes. It is located near the Whitefish Lake Lodge property.
- Bruce Boody, Bruce Boody Landscape Architects – wanted to follow up on Jim Stack's comments regarding high water damage. Discussed possibly putting up signs during high water for boat owners informing them that wakes can create damage. Maybe the public doesn't know what they are doing, or it is people from out of town causing problems. Discussed a possible fact sheet or brochure to give out to boat owners or other

ways to increase public awareness about potential issues.

***ADOPTION of MINUTES from LAST MEETING:***

- Minutes of April 9, 2014 were reviewed; moved to adopt by Ron Hauf, seconded by Sharon Morrison. All in favor and motion carried.

***NEW BUSINESS***

**WLP-14-W15 – Rob Isackson – Dock, Shore Station**

[Present: none]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 875, 883, and 889 Delrey Road at the end of Whitefish Lake. The application is for the installation of a shared floating ‘T’ shaped EZ dock and a shore station with a canopy. The dock would extend 59 feet out into the lake and be placed in the middle of the subject property. The dock, shore station canopy, and existing stairs would equal 1590.36 square feet of constructed area. Since the subject property has a combined lakeshore frontage of 355 feet, the property owner can apply for a shared dock between the three lots. The total property is eligible for 2,840 square feet of constructed area. Following staff’s presentation, the board discussed the submitted application and differences between the dock calculations. It was discussed that Staff contact the applicant about future submittals and making sure the plans and dimensions specified on the application match the actual dimensions. Also discussed were the shared dock standards and the deviations allowed under those standards.

*Motion:*

- Scott Ringer moved to recommend approval of the permit application. Ron Hauf seconded. No further discussion. Motion was approved unanimously 8-0.

**WLP-14-W16 – City of Whitefish – City Beach Boat Bilge Pump Separator**

[Present: Mike Koopal, Whitefish Lake Institute for public comment]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at City Beach off Oregon Avenue. The application is for the installation of a trench grate and oil/water separator (structural BMP) adjacent to the boat ramp at City Beach. Staff explained that the separator will be used to capture and treat any surface runoff from the parking lot area and any boat bilge water prior to entering Whitefish Lake. The boat bilge water currently is drained onto the concrete boat ramp and flows directly into Whitefish Lake. The proposed improvements will direct the water into the device to removal the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage is proposed to be installed to ensure any water is captured by the trench grate. Mike Koopal from the Whitefish Lake Institute stated his comments/concerns were regarding if the separator would treat the lighter gasoline products as well as the heavier products. He recommended the exit line extend perpendicular to the lake so the water would enter the dry zone instead of the wet zone of the lake. This may allow certain products to evaporate instead of enter back into the water. Following staff’s presentation and public comment, the board discussed the submitted application. Concerns were raised regarding the operation of the separator, if it would be buried underground and potentially

submerged during high-water events, if the outflow pipe is solid or perforated, the installation of signage, and the number of days it may take for the concrete to cure completely.

*Motion:*

- Greg Gunderson moved to recommend approval of the permit application. Ron Hauf seconded. Further discussion followed regarding requesting additional information for the City Council, moving the project in the lakeshore protection zone further above the high water elevation, possible wordage of the signage, the potential for the project to be installed in the fall instead of immediately, how many people actually drain their boats at the ramp, the possibility of tabling the application until the next meeting, and potential recommended conditions. Motion was denied 2-6.

**WLP-14-W17 – Jackson Trust LLC – Dock, Waterline, Stairs, Lawn Removal**

[Present: Bruce Boody, Applicant's Representative]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 2532 E. Lakeshore Drive. The application is for the installation of a 'F' shaped EZ dock, a waterline and pump, the construction of dry-set stone stairs, and to remove a portion of an existing lawn within the Lakeshore Protection Zone. Following staff's presentation, the Board discussed the amount of shoreline frontage for each individual lot, the status of each property connected to City sewer, the status of the applicant's water right application to the DNRC, and the reasoning for the applicant requesting the maximum amount of dock extension into the lake.

*Motion:*

- Ron Hauf moved to recommend approval of the permit application. Sharon Morrison seconded. No further discussion. Motion was approved unanimously 8-0.

**WLP-14-W18 – Jackson Trust LLC – Dock, Waterline, Stairs, Lawn Removal**

[Present: Bruce Boody, Applicant's Representative]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 2530 E. Lakeshore Drive. The application is for the installation of an 'E' shaped EZ dock, a waterline and pump, the construction of dry-set stone stairs, and to remove a portion of an existing lawn within the Lakeshore Protection Zone. Following staff's presentation the Board discussed the amount of constructed area existing for the property and the existing satellite dish. It was determined that the satellite dish was not a grandfathered structure and therefore is not permitted within the Lakeshore Protection Zone. The Board discussed adding a condition for the removal of the satellite dish. Also discussed was the dock size, and the actual dimensions versus the project drawing. The applicant stated they will use the actual dock dimensions to make sure the dock is compliant with the permit if approved.

*Motion:*

- Sharon Morrison moved to recommend approval of the permit application. Scott Ringer seconded. Further discussion followed with an amendment to the motion to recommend the addition of a condition requiring the removal of the existing satellite dish from the

Lakeshore Protection Zone. Motion was approved unanimously 8-0.

***OLD BUSINESS***

Staff discussed possible ways to send the committee members the upcoming meeting packets. Staff will place the packets in the Dropbox folder and also on the City of Whitefish website in case members have issues.

***ADJOURNMENT***

Motion to adjourn the meeting was moved and seconded. All approved and motion passed. The meeting was adjourned at 7:30 pm.

**NEXT MEETING**

**June 11<sup>th</sup>, 2014 \* 6:00pm  
Whitefish Planning & Building Office  
510 Railway Street – Whitefish, MT**

DRAFT

**JACKSON TRUST LLC  
WHITEFISH LAKE LAKESHORE PERMIT  
STAFF REPORT #WLP-14-W18  
MAY 7, 2014**

<b>Property Owner:</b>	Jackson Trust LLC
<b>Mailing Address:</b>	253 Polhemus Ave. Atherton, CA 94027
<b>Applicant:</b>	Bruce Boody Landscape Architect, Inc.
<b>Mailing Address:</b>	301 2 <sup>nd</sup> Street, Suite1b Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.4755
<b>Contractor:</b>	Bear Mountain Builders
<b>Mailing Address:</b>	623 Woodland Place Whitefish, MT 59937
<b>Telephone Number:</b>	406.862.3302
<b>Property Legal Description:</b>	Lot 4, Whitefish Lake Summer Homes 1 Add Amd, Section 14, Township 31 North, Range 22 West
<b>Property Address:</b>	2530 E. Lakeshore Drive
<b>Lake:</b>	Whitefish Lake
<b>Lake Frontage:</b>	100.45' per 2013 survey
<b>Project Description:</b>	Install a 754 square foot 'E' shaped EZ dock, install a waterline and pump, construct dry-set stone stairs, and remove a portion of an existing lawn within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to complete multiple projects within the Lake and Lakeshore Protection Zone. The first activity is the installation of a floating 'E' shaped EZ dock, gangway, and Max 2i Port. The main portion of the dock will be 44 feet long by 6.48 feet wide with a breakwater wing 22.52 feet long by 8 feet wide. The first slip wing will be 22.52 feet long by 4.86 feet wide, and the second slip wing will be 20 feet long by 3.24 feet wide. The dock will be connected to the shoreline by a gangway 16 feet long by 3 feet wide. The Max 2i Port is approximately 14 feet long by 4.86 feet wide. The dock and gangway will extend 60 feet out into the lake, and will be placed northwest of the center of the subject property due to existing tree vegetation. The dock will still comply with the required setbacks of 20 feet from the side property riparian boundary. The entire dock, gangway, and port will equal approximately 754 square feet of impervious coverage.

The second activity is the installation of a waterline and pump into Whitefish Lake for the purpose of domestic water. The waterline will cross through the lakeshore protection zone, avoiding existing trees. The waterline and pump will be located below the proposed dock and weighted to avoid snagging. The applicant has submitted an application for a water right and is currently in process. However, as a condition of approval, a copy of the approved water right shall be submitted to the City of Whitefish Planning Office.

The third activity will be the construction of a dry-set stone stairway approximately 4 feet wide, extending approximately 11 feet through the lakeshore protection area. The stairs will equal approximately 43.48 square feet of impervious coverage.

The final activity is the removal of 350 square feet of an existing lawn located in the lakeshore protection zone. A portion of the existing lawn will remain near the top of the lakeshore protection zone. The applicant is proposing the area to be restored with native vegetation.

The total amount of proposed impervious constructed area is approximately 797 square feet.

Frontage and allowable constructed area: The subject property has 100.45 feet of lakeshore frontage, and is eligible for 803.6 square feet of constructed area.

Existing Constructed Area: There is no additional constructed area existing within the Lakeshore Protection Zone.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, General Construction Standards of the Whitefish Lake and Lakeshore Regulations.

**Recommendation:** Staff recommends that the Whitefish Lakeshore Protection Committee recommend approval of the requested lakeshore construction permit to the Whitefish City Council subject to the following conditions.

**Recommended Conditions of Approval:**

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed dock dimensions specified on the application project drawing shall not be exceeded. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.

Dock

6. Only one dock is permitted per property ownership.
7. The dock shall be placed on the subject property at the location specified on the submitted site plan.
8. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.

9. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
10. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
11. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.

#### Stairs

12. The stairs shall have a maximum width of four feet (4') and shall be designed to provide access only.
13. Stairways and walkways constructed of impervious material, including dry laid stone, are subject to the maximum allowable constructed area.
14. Elevated stairways shall follow the natural grade of the existing shoreline and no portion of the walking surface of the stairway or landing shall be situated higher than two (2') vertical feet above the underlying lakeshore.
15. Stairways shall be constructed of wood composite (i.e., Trex) or untreated wood left in its natural (unpainted) condition.
16. Hand railings are permitted. The railing shall not extend higher than four feet (4') above the stairway and landing walking surface and shall have a visually open design. Metal, non-ornate railings may be painted brown or green by the manufacturer prior to installation.
17. Clean, washed gravel may be used in setting the steps but cannot be used to modify existing terrain.
18. Rock may be handpicked from the immediate lakeshore but removal of said rock shall only be allowed if a solid armament of rock remains in place. The removal of any rock which exposes silts, sands or fines is prohibited.

#### Waterline

19. The waterline and pump shall be located as proposed in the application. Under no circumstances shall the waterline be located closer than 10 feet from either riparian property boundary line.
20. Water rights are required to install the water line. A copy of the approved water right shall be submitted to the City of Whitefish Planning Office.
21. All work shall be done when the lake is at low pool and the construction site is dry.

22. During excavation, only the minimum amount of material necessary to lay the line and power cable conduit shall be removed from the trench.
23. Any rock lying over the proposed trench shall be removed prior to excavation and saved. After refilling the trench, said rock shall be restacked over the top to serve as a protective measure to inhibit washing and erosion. Any material which is not replaced back into the trench shall be completely removed from the lakeshore protection zone.
24. A trenching machine may extend its bucket or digger into the lake to extend the trench below low water line of the lake. At no time shall the wheels of any vehicle come in contact with the lake.
25. That portion of the waterline which is not buried and does lie exposed on the bottom of the lakeshore shall be weighted to prohibit floatation or snagging. No waterline shall lie on top of or be attached to a floating dock or raft.
26. A waterline using a submersible pump shall be installed in accordance with the State Uniform Plumbing and Electrical Codes. Conduit is strongly recommended for the power cable to prevent damage by ice/rocks.

#### Lawn Removal

27. The establishment of a new lawn in the Lakeshore Protection Zone is prohibited.
28. Grandfathered lawns which existed prior to the establishment of the lakeshore regulations, may be maintained by mowing, but not fertilized or treated with any chemicals or pesticides.
29. Turf grass or non-native vegetation, including grandfathered lawns, once removed from or destroyed in the Lakeshore Protection Zone must be replanted with native vegetation.
30. New plants introduced into the Lakeshore Protection Zone must be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Office.
31. A finely ground bark (less than ½ inch in size) or compost is recommended for ground cover in conjunction with the native plants.
32. Application of fertilizer, pesticide, insecticide, or herbicide, is prohibited in the Lakeshore Protection Zone.

Report by: Bailey Minnich

**WHITEFISH, BLANCHARD & LOST COON LAKE  
Lakeshore Construction Permit Application**

# Jackson Property-Lot 4

---

## Whitefish Lakeshore Construction Permit Application

**Owner:**  
Jackson Trust LLC  
(P) 2530 E. Lakeshore Dr.  
Whitefish, MT 59937  
(M) 253 Polhemus Ave.  
Atherton, CA 94027

**Date Submitted:**  
5/1/2014

**Prepared By:**  
Bruce Boody Landscape Architect, Inc.  
301 E. 2<sup>nd</sup> St.  
Whitefish, MT 59937  
(406) 862-4755ph

**Attachment to Whitefish Lakeshore Construction Permit Application  
For the Jackson Property Lot 4 (Job #13-44)  
Whitefish, Flathead County**

**Table of Contents**

**Whitefish Lakeshore Application** ..... 1-4

**Lakeshore Application Attachments** .....

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    Lakeshore Application: Calculations..... 6

    Lakeshore Application: Photos of Existing Conditions ..... 7

    Lakeshore Application: 11x17 Site Plan & Vicinity Map ..... 8

    Lakeshore Application: 11X17 Project Drawing & Lakeshore Protection Zone Area Calculations ..... 9

    Lakeshore Application: 24X36 Site Plan & Vicinity Map ..... 1

    Lakeshore Application: 24X36 Project Drawing & Lakeshore Protection Zone Area Calculations ..... 2





Bruce Boody ASLA  
Applicant's Signature

05/01/14  
Date

Bruce Boody, Landscape Architect  
Print Name

\_\_\_\_\_  
Representative's Signature  
Bruce Boody, Landscape Architect  
Print Name

\_\_\_\_\_  
Date

**APPLICATION CONTENTS:**

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

- \_\_\_\_ Lakeshore Construction Permit Application
- \_\_\_\_ Written description how the project meets the criteria in Sections C-F
- \_\_\_\_ Site Plan drawn to scale
- \_\_\_\_ Project Drawing that is drawn to scale
- \_\_\_\_ Vicinity Map
- \_\_\_\_ Minimum of three (3) photos: 1 photo of property from lake; 2 photos showing lakeshore protection zoning from property boundary toward the other property boundary (e.g., from the north property line across property to the south) and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boathouse, stairs, etc.)

**B. OWNER(S) OF RECORD:**

Name: Jackson Trust LLC, Suzanna Jackson Phone: \_\_\_\_\_  
Mailing Address: 253 Polhemus Ave.  
City, State, Zip: Atherton, CA 94027  
Email: \_\_\_\_\_

**APPLICANT (if different than above):**

Name: Bruce Boody, Landscape Architect Phone: 406-862-4755  
Mailing Address: 301 2nd St., Ste. 1B  
City, State, Zip: Whitefish, MT 59937  
Email: boodyla@bruceboody.com

**CONTRACTOR:**

Name: Bear Mountain Builders Phone: 406-862-3302  
Mailing Address: 623 Woodland Pl.  
City, State, Zip: Whitefish, MT 59937  
Email: kelcey@bearmountainbuilders.com

**C. NATURE OF THE PROPOSED WORK:** (describe what you propose to build, demolish or install. Give dimensions, material and list heavy equipment, if any to be used.)

SEE ATTACHED

**D.** Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.

SEE ATTACHED

**E.** Describe existing improvements on the property within the lakeshore protection zone along with the square footage of each such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.

SEE ATTACHED

**F.** If a variance is requested in addition to this permit, specify the reasons or conditions which require or warrant the variance on a separate variance form. An additional fee is required for a variance request. What is the variance proposal?

N/A

**FEES:**

<b>Administrative Permit</b> no committee meeting: waterlines, dead trees, buoys, burning etc.	\$75
<b>Administrative Permit</b> with committee meeting: docks under 60', shore stations	\$255
<b>Standard Permit</b> (construction, rip rap, stairs, dredging, filling, excavation, clearing, machinery operations)	\$350 base fee (1 activity) \$140 each additional activity <i>(Activity is defined as a separate component or project that by itself would require a permit)</i>
<b>Variance – Minor</b>	\$490/variance – added to standard permit fee; supplemental application required
<b>Variance – Major</b>	\$1,400/variance – added to standard permit fee; supplemental application required
<b>“After-the-Fact” Permit</b>	4 times the normal fee

## Lakeshore Application Description of Existing Conditions and Proposed Work

**1. Nature of the Proposed Work (describe what you propose to build, demolish, or install. Give dimensions, material and list heavy equipment, if any to be used).**

### Lakeshore Activity #1: Water Line & Pump Installation

Activity #1 proposes the installation a pump and water line in Whitefish Lake for purposes of domestic water and irrigation. The course of the water line is such that it will avoid existing trees within the lakeshore protection zone. The water line and pump will be weighted to the lake bottom below the proposed dock location as to avoid snagging. The water right application is in process and will be acquired by Applied Water Consulting, Inc. and will be forwarded to the City upon receipt.

### Lakeshore Activity #2: Dock & Gangway

Activity #2 proposes the installation of a dock and gangway by EZ Docks (impervious constructed area=753.5sq. ft.).

### Lakeshore Activity #3: Dry-Set Stone Stairs

Activity #3 proposes to build 4' wide dry-set stone steps within the lakeshore protection zone (impervious constructed area=43.48sq. ft.).

### Lakeshore Activity #4: Removal of Lawn and Restoration of Native Vegetation

Activity #4 proposes to remove approximately 350 sq. ft. of existing lawn within the lakeshore protection zone, and to restore the area with native vegetation.

**2. Describe any Environmental Impacts (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.**

As a result of this work, we anticipate no negative environmental impacts. Best management practices, such as straw wattles and silt fences, will be used to avoid lake sedimentation during the installation of stone steps and walkway within the lakeshore protection zone. All disturbed areas will be re-vegetated with native materials as soon as possible following construction activities.

**3. Describe existing improvements on the property within the lakeshore protection zone along with the square footage of each such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.**

N/A

**4. If a variance is requested in addition to this permit, specify the reasons or conditions which require or warrant the variance on a separate variance form. An additional fee is required for a variance request. What is the variance proposal?**

N/A

Attachment to Whitefish Lakeshore Construction Permit Application  
For the Jackson Property Lot 4 (Job #13-44)  
Whitefish, Flathead County

Lakeshore Activity Calculations

*Bruce Boody Landscape Architecture, Inc.*

Square Footage Calculations within Lakeshore Protection Zone:

Total Allowable Impervious Constructed Area: 100.45 LF (Per Sands Survey Dated 10/28/13) x 8' = 803.6 sq. ft.

Existing Impervious Constructed Area: N/A

**Proposed Impervious Constructed Area:**

Proposed Stone Stairs	43.48 sq. ft.
Proposed Dock	753.50 sq. ft.
<b>Proposed Total:</b>	<b>796.98 sq. ft.</b>

**Grand Total Impervious Area:** 796.98 sq. ft.

Attachment to Whitefish Lakeshore Construction Permit Application  
For the Jackson Property Lot 4 (Job #13-44)  
Whitefish, Flathead County

Existing Lakeshore Photos:

*Bruce Boody Landscape Architecture, Inc.*



**Photo #1: Existing Lakeshore Looking North**



**Photo #2: Existing Lakeshore Looking South**



**Photo #3: Lakeshore Protection Zone & Existing Native Rip Rap & Gravels at Lakeshore**

I hereby authorize Bruce Boody Landscape Architect, Inc. to act on our behalf as applicant in all matters regarding my Whitefish, Blanchard, and Lost Coon Lake Lakeshore Construction Permit Application.



Signature

Suzanna Jackson

Print Name

1 MAY 2014

Date

## Kurt Vomfell

---

**From:** Ray Halloran <ray@appliedwater.net>  
**Sent:** Tuesday, April 29, 2014 7:56 AM  
**To:** kurt@bruceboody.com  
**Cc:** 'Roger Noble'  
**Subject:** FW: Jackson Properties: Water Rights

We submitted the water right applications for these properties on January 29, 2014. They have been assigned the following pending water right numbers: Lot 3 – 76LI 30068085 and Lot 4 – 76LI 30068087. They are in the DNRC backlog and have not been assessed yet for correct and complete. The DNRC still have approximately 3 more months to complete that first process. I expect that they will likely be reviewing these applications in the next month based on other reviews.

*Ray L. Halloran*

*Applied Water Consulting LLC  
P.O. Box 7667  
Kalispell, MT 59904  
[Ray@AppliedWater.net](mailto:Ray@AppliedWater.net)  
Phone: (406) 756-2550  
Fax: (406) 756-0527*

This communication is the property of Applied Water Consulting and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender by reply email and destroy all copies of the communication and any attachments. Thank you.

---

**From:** Roger Noble [mailto:roger@appliedwater.net]  
**Sent:** Monday, April 28, 2014 6:37 PM  
**To:** Ray Halloran  
**Subject:** Fwd: Jackson Properties: Water Rights

Ray, please respond.

----- Original Message -----

**Subject:** Jackson Properties: Water Rights  
**From:** Kurt Vomfell <kurt@bruceboody.com>  
**To:** roger@appliedwater.net  
**CC:**

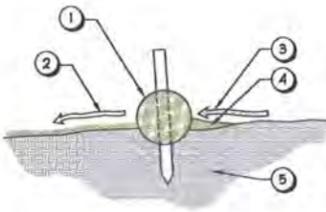
Roger,

What is the status of the Water Rights for Lot 3 and Lot 4? I am preparing to submit my lakeshore applications and want to make mention of the status.

Thanks,

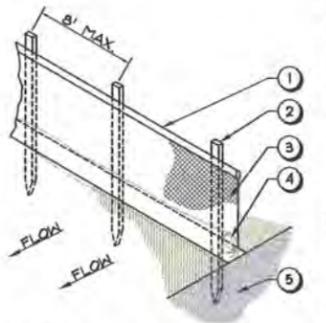
Kurt Vomfell





- DETAIL LEGEND**  
SYM. DESCRIPTION
- ① STRAW WATTLE, STAKED & ENTRENCHED, 2" MIN. BURY
  - ② FILTERED RUNOFF
  - ③ SEDIMENT LADEN RUNOFF
  - ④ COMPACTED SOIL TO PREVENT PIPING
  - ⑤ EXISTING UNDISTURBED SUBGRADE

**(A) STRAW WATTLE**  
NOT TO SCALE



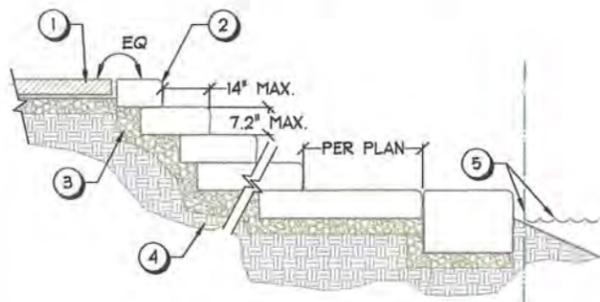
- DETAIL LEGEND**  
SYM. DESCRIPTION
- ① PROVIDE 1" TUCK WITH ROPE IN THE HEM
  - ② FENCE POSTS SHALL BE ROUGH OR FINISHED 2" X 4" (NOM.), 2 1/2" DIA. WOOD, SCHED 40 STEEL PIPE, OR 1.33 LB/FT MIN. STANDARD "1" OR "1/2" SECTION STEEL. FENCE POSTS SHALL BE 42" MIN. IN LENGTH, DRIVEN 18" MIN. INTO GROUND.
  - ③ SILT FENCE FABRIC, SEE NOTES
  - ④ INSTALL STRAW WATTLES ON DOWNHILL SIDE OF FENCE, SEE DETAIL A, THIS SHEET
  - ⑤ EXISTING UNDISTURBED SUBGRADE

- NOTES:**
1. SILT FENCE FABRIC TO BE FASTENED SECURELY TO STEEL FENCE POST BY USE OF WIRE TIES OR HOG RINGS (3 FASTENERS PER POST). FOR WOODEN POSTS, FASTENERS SHALL BE NO. 17 GAUGE STAPLES (3/8" WIDE X 3/4" LONG), SPACED EVENLY AT 5 PER POST OR NO. 14 GAUGE NAILS (1" LONG WITH 3/8" BUTTON HEAD) SPACED EVENLY AT 4 PER POST.
  2. ENDS OF INDIVIDUAL ROLLS OF FABRIC SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6" OVERLAP.
  3. ECO BERM OR FILTERSOXX IS RECOMMENDED AS A PREFERRED OPTION TO BE USED IN PLACE OF SILT FENCING.

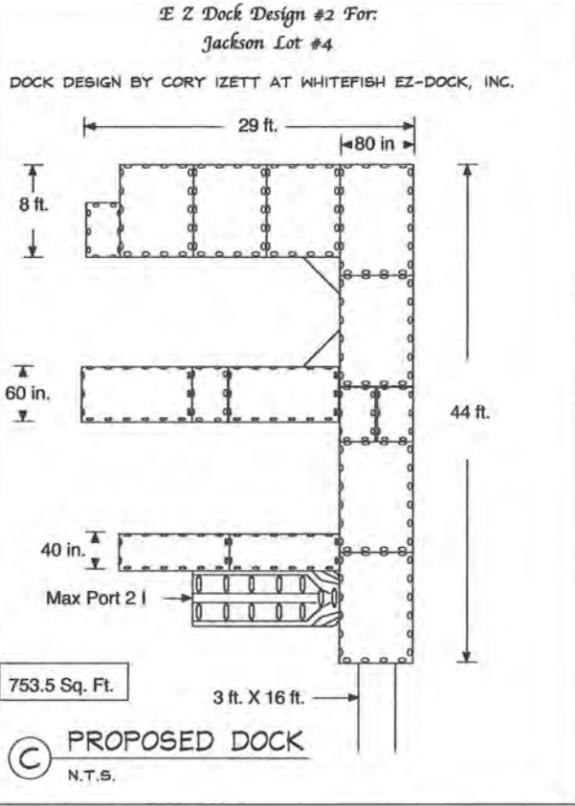
**(B) SILT FENCE**  
NOT TO SCALE

**DETAIL LEGEND**  
SYM. DESCRIPTION

- ① PROPOSED DRY-SET STONE PAVING PER PLAN
- ② OVERSIZE STONE SLAB STEP (4' WIDE MAX.). STONE TO MATCH COLOR & STYLE OF STONE RETAINING WALLS.
- ③ 1" GRAVEL LEVELING COURSE (NO FINES), MIN. NEEDED FOR LEVELING, COMPACTED TO 95% (TYP.)
- ④ EXISTING UNDISTURBED COMPACTED SUBGRADE
- ⑤ PUBLISHED AVERAGE HIGH WATER ELEVATION=3000.79.



**(D) DRY-SET STONE SLAB STEPS**  
1/4"=1'-0"



**LOT 4-LAKESHORE PROTECTION ZONE SQUARE FOOTAGE CALCULATIONS**

TOTAL ALLOWABLE IMPERVIOUS CONSTRUCTED AREA:			
SHORELINE (LINEAR FEET)	100.45 LF	X 8 SF	803.60 SF
PROPOSED IMPERVIOUS CONSTRUCTED AREA:			
PROPOSED STONE STAIRS	43.48 SF		
PROPOSED DOCK	753.50 SF		
PROPOSED WATER LINE	N/A		
PROPOSED IMPERVIOUS TOTAL:	796.98 SF		
GRAND TOTAL IMPERVIOUS:	796.98 SF		

**LAKESHORE PROTECTION ZONE PLANT SCHEDULE**

SYMBOL	BOTANICAL NAME	COMMON NAME	QNTY	SIZE	REMARKS
<b>NATIVE RESTORATION/REVEGETATION</b>					
☒	Restore Native Area = 350sf±	Salvage Native Species from onsite availability and purchase remainder.			
	*Arctostaphylos uva-ursi	Kinnikinnick	16	35%:Plugs @ 36" o.c.-Irreg. Spacing	
	*Festuca idahoensis	Idaho Fescue	36	20%:Plugs @ 18-24" o.c.-Irreg. Spacing	
	*Mahonia repens	Creeping Oregon Grape	46	45%:Plugs @ 24" o.c.-Irreg. Spacing	
	*Native Plant Material				

**BOODY**  
Landscape Architect, Inc.  
200 Main Street  
Whitefish, MT 59901  
Phone: 406-837-4788  
Fax: 406-837-4788  
www.boodylandscape.com

**SURVEY BY:**  
SANDS SURVEYING, INC.  
TOM SANDS  
2 VILLAGE LOOP  
KALISPELL, MT 59901  
(406) 755-6481

**Revisions:**


**JACKSON PROPERTY**  
814, TBI, R22, Lot 4  
First Addition to Whitefish Lake  
Summer Homes Amended  
Whitefish, MT 59907

SCALE: SEE SHEET  
DATE: 05-06-14  
JOB #: 13-44

**LAKESHORE APPLICATION PROJECT DRAWING**

SHEET 9 OF 9

Z:\2013 Projects\13-44 Drawings\13-44 Lakeshore-SUBMITTED 050614.dwg, LOT 4-Project Drawing 11x17, 5/16/2014 12:47:19 PM

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**PLANNING & BUILDING DEPARTMENT**  
**510 Railway Street, PO Box 158, Whitefish, MT 59937**  
**(406) 863-2410 Fax (406) 863-2409**



May 27, 2014

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

RE: Whitefish Christian Academy at 820 Ashar Avenue; (WCUP 14-01)

Honorable Mayor and Council:

**Summary of Requested Action:** Todd Kotila, Headmaster of Whitefish Christian Academy, is requesting approval of a Conditional Use Permit to expand the school by adding up to four temporary modular classrooms at 820 Ashar Avenue. The property is currently developed with the Whitefish Christian Academy, parking area and playground. The property is zoned WR-1 (One-Family Residential District). The Whitefish Growth Policy designates this property as "Urban Residential".

**Planning Board Action:** The Whitefish City-County Planning Board met on May 15, 2014 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with six (6) conditions as contained in the staff report and adopted the staff report as findings of fact. (Smith, Stein and Phillips were absent)

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced conditional use permit with six (6) conditions set forth in the attached staff report.

**Public Hearing:** The applicant's representative spoke at the hearing. The draft minutes for this item are attached as part of this packet.

This item has been placed on the agenda for your regularly scheduled meeting on June 2, 2014. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

A handwritten signature in black ink that reads "Wendy Compton-Ring".

Wendy Compton-Ring, AICP  
Senior Planner

Att: Exhibit A: Recommended Conditions of Approval  
Draft Minutes of 5-15-14 Planning Board Meeting

***Exhibits from 5-15-14 Staff Packet***

1. Staff Report – WCUP 14-01, 5-8-14
2. Adjacent Landowner Notice, 4-25-14
3. Advisory Agency Notice, 4-21-14
4. Letter, Whitefish Church of Nazarene, 5-9-14

***The following were submitted by the applicant:***

5. Application for Conditional Use Permit, 3-28-14

c: w/att Necile Lorang, City Clerk

c: w/o att Todd Kotila, Whitefish Christian Academy, 820 Ashar Avenue Whitefish, MT  
59937  
Ron Nash, MT Creative, 158 Railway Street Whitefish, MT 59937

**Exhibit A**  
**Whitefish Christian Academy Expansion**  
**WCUP 14-01**  
**Whitefish City-County Planning Board**  
**Recommended Conditions of Approval**  
**May 15, 2014**

1. The project shall be constructed in compliance with the plan submitted on March 28, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. All on-site lighting shall be dark sky compliant. (§11-3-25)
3. All parking on non-paved surfaces shall either cease immediately and such parking shall be blocked in a manner to prohibit any future parking from occurring on non-paved surfaces or the parking and drive aisles shall be paved. (Finding 2)
4. The applicant shall provide the city with a copy of the shared parking agreement with the property owner to the north. (Finding 2)
5. All modular buildings shall be removed from the site four years from the time the first modular classroom is approved for occupancy by the building department. (IBC)
6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)

**DRAFT**

**WHITEFISH CITY PLANNING BOARD  
MINUTES OF MEETING  
MAY 15, 2014**

**CALL TO ORDER AND  
ROLL CALL**

The regular meeting of the Whitefish City-County Planning Board was called to order at 6:00 p.m. Board members present were: Vic Workman, Greg Gunderson, John Ellis, Scott Wurster, Karen Reeves and Theodore Roosendahl. Ken Stein, Chad Phillips and Diane Smith were absent. Planning Director Taylor, Senior Planner Compton-Ring and Planner Minnich represented the Whitefish Planning & Building Department. There were approximately 16 people in the audience.

**APPROVAL OF MINUTES**

Workman moved and Ellis seconded to approve the March 19, 2014 City minutes of the Whitefish Planning Board as submitted. On a vote of acclamations the motion passed unanimously.

**COMMUNICATIONS FROM  
THE PUBLIC**

None.

**OLD BUSINESS**

None.

**PUBLIC HEARINGS**

**WHITEFISH CHRISTIAN  
ACADEMY REQUESTING  
WCUP 14-01**

Whitefish Christian Academy is requesting a Conditional Use Permit in order to expand their school by adding up to four temporary modular classrooms. The property is located at 820 Ashar Avenue and can be legally described as Tract 1K in S31 T31N R22W and Tract 6W in S32 T31N R22W.

**STAFF REPORT WCUP 14-  
01**

Senior Planner Compton-Ring said the Whitefish Christian Academy is requesting a conditional use permit to expand their school with up to four temporary modular classrooms. The property is located at 820 Ashar Avenue. They will install two temporary modular classrooms to the west of the existing facility. There are no other proposed changes to the existing parking, traffic circulation, pedestrian circulation or playground area. The site plan also shows an optional Phase Two with two additional modular classrooms to the southwest of the existing facility. The purpose of these classrooms is to serve their expanding student populations and serve as a temporary bridge until a larger permanent facility can be secured. Phase two modular classrooms will only be installed if it takes longer to secure and construct a new location for their facilities. Temporary means that they will not be used for more than four years. The property is 3.04 acres and zoned WR-1 and with a Growth Policy designation of Urban.

**DRAFT**

A notice was mailed to adjacent land owners with 150-feet and to advisory agencies and was published in the Whitefish Pilot on April 30, 2014. They received a letter from the Nazarene Church in support of the application. A site visit revealed 27 parking spaces and they are not proposing any changes to this parking. They are required to have 1 space per employee. According to the application they will need 17 parking spaces. In addition, they have an agreement with the church to the north to share parking facilities. The school staff has been using an unpaved area to the west of the building and using the graveled portion of E 8<sup>th</sup> Street to the north of the school from Park Avenue to access this parking area; however, the city zoning regulations do not permit any parking on graveled areas. This is not in compliance with the zoning regulation §11-6-3-1D(1) for a dust-free surface and needs to either cease immediately or be paved.

They have adequate useable land area, access that meets the standards, no environmental constraints and they have quality and functionality.

If the additional modular buildings plus any associated paved areas exceed 5,000 square feet, an engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department. There will no impact on the neighborhood/community. This project went to the Architectural Review on May 6<sup>th</sup> for a preliminary review. The final ARC review will be in June after Council action.

The staff recommends approval subject to the following 6 conditions:

1. The project shall be constructed in compliance with the plan submitted on March 28, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. All on-site lighting shall be dark sky compliant. (§11-3-25)
3. All parking on non-paved surfaces shall either cease immediately and such parking shall be blocked in a matter to prohibit any future parking from occurring on non-paved surfaces or the parking and drive aisles shall be paved. (Finding 2)
4. The applicant shall provide the city with a copy of the shared parking agreement with the property owner to the north. (Finding 2)

**DRAFT**

5. All modular buildings shall be removed from the site four years from the time the first modular classroom is approved for occupancy by the building department. (IBC)
6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)

Ellis asked what the City is going to do with E 8<sup>th</sup> Street, Compton-Ring said they might turn it into a trail. Reeves asked if there are any regulations on modular inside the city. Compton-Ring said they will be put on a foundation and they will only be there for 4 years.

**APPLICANT/AGENCIES**

Ron Nash from Montana Creative and Design was there for any questions. Ellis asked if they will be building on this site or moving. Ron said he thought they are looking for another location as this area would not be big enough.

**PUBLIC HEARING**

None.

**MOTION**

Reeves moved and Roosenthal seconded to adopt staff report WCUP 14-01 as findings-of-fact and recommend to the Whitefish City Council that the Whitefish Christian Academy temporary modular classroom request be approved subject to the 6 conditions.

**BOARD DISCUSSION**

None.

**ROLL CALL**

The motion passed unanimously on a vote by acclamation. This item is scheduled to go to Council on June 2, 2014.

**UNSEATING OF BOARD MEMBER**

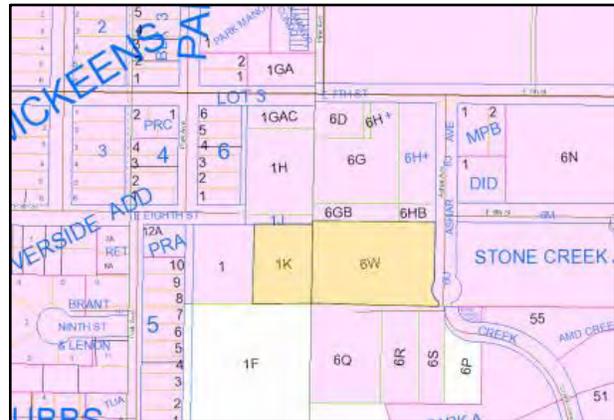
Wurster recused himself.

**WHITEFISH CHRISTIAN ACADEMY  
CONDITIONAL USE PERMIT  
WCUP 14-01  
MAY 8, 2014**

This is a report to the Whitefish City-County Planning Board and the Whitefish City Council regarding a request for a conditional use permit to expand the Whitefish Christian Academy with up to four temporary modular classrooms. This application has been scheduled before the Whitefish City-County Planning Board for a public hearing on Thursday, **May 15, 2014**. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, **June 2, 2014**.

**PROJECT SCOPE**

The Whitefish Christian Academy is proposing to expand their existing facility at 820 Ashar Avenue by installing two temporary modular classrooms to the west of the existing facility. There are no other proposed changes to the existing parking, traffic circulation, pedestrian circulation or playground area. The site plan also shows an optional Phase Two with two additional modular classrooms to the southwest of the existing facility.



The purpose of these classrooms is to serve their expanding student population and serve as a temporary bridge until a larger permanent facility can be secured. The Phase Two modular classroom will only be installed if it takes longer to secure and construct a new location for their facilities.

The term 'temporary' means that they will not be used for more than four years.

**Location of Temporary Classrooms**



**A. OWNER:**  
 Whitefish Christian  
 Academy  
 Todd Kotila, Headmaster  
 820 Ashar Ave  
 Whitefish, MT 59937

**B. SIZE AND LOCATION OF PROPERTY:**

The project is located on two parcels that total approximately 3.04 acres. The project is addressed as 820 Ashar Avenue and can be legally described as Tract 1K in S31 T31N R22W and Tract 6W in S32 T31N R22W, P.M.M., Flathead County, Montana.

**C. EXISTING LAND USE:**

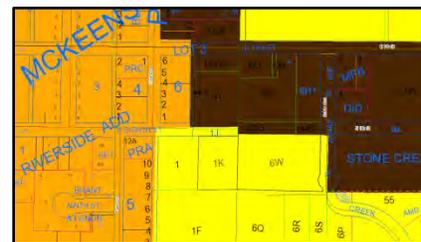
The subject property is currently developed as Whitefish Christian Academy and associated parking.

**D. ADJACENT LAND USES AND ZONING:**

North:	church/daycare	WR-4
West:	daycare	WR-1
South:	residential	WR-1
East:	residential	WR-4

**E. ZONING DISTRICT:**

The property is zoned WR-1 (One-Family Residential District). The purpose of the WR-1 District is intended 'for residential purposes to provide for single-family dwellings in an urban setting connected to all municipal utilities and services'.



**F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:**

The Growth Policy designation is Urban which corresponds to the WR-1 zoning districts.

“This is generally a residential designation that defines the traditional neighborhoods near downtown Whitefish, but it has also been applied to a second tier of neighborhoods both east of the

river and in the State Park Road area. Residential unit types are mostly one and two-family, but town homes and lower density apartments and condominiums are also acceptable in appropriate locations using the PUD. Densities generally range from 2 to 12 units per acre. Limited neighborhood commercial located along arterial or collector streets are also included in this designation. Zoning includes WLR, WR-1, and WR-2.”

**G. UTILITIES:**

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Electric:	Flathead Electric Co-op
Natural Gas:	Northwestern Energy
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	Whitefish Fire Department

**H. PUBLIC COMMENTS:**

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on April 25, 2014. A notice was emailed to advisory agencies on April 21, 2013. A notice of the public hearing was published in the *Whitefish Pilot* on April 30, 2014. As of the writing of this report, no comments have been received.

**REVIEW AND FINDINGS OF FACT**

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

**1. Growth Policy Compliance:**

**Finding 1:** The proposed use complies with Growth Policy Designation of Urban.

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

The property is zoned WR-1 (One Family Residential District) which conditionally permits 'schools.' Setback, lot coverage and height are all being met.

The site plan shows there are 43 parking spaces; however, a site visit revealed 27 parking spaces. They are not proposing any changes to this parking. They are required to have 1 space per employee. According to the application they will need 17 parking spaces. In addition, they have an agreement with the church to the north to share parking facilities.

The staff has been using an unpaved area to the west of the building and using the graveled portion of E 8<sup>th</sup> Street to the north of the school from Park Avenue to access this parking area; however, the city zoning regulations do not permit any parking on graveled areas. This is not in compliance with the zoning regulation §11-6-3-1D(1) for a dust-free surface and needs to either cease immediately or be paved. Staff will recommend a condition to this effect.



**Finding 2:** The project complies with the zoning regulations because all the zoning standards are being met with the exception of the current parking on gravel which does meet §11-6-3-1D(1).

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

Adequate usable land area: The subject parcel is over 2 acres in size. There is adequate space for the proposed structures to meet all required setbacks. The maximum permitted lot coverage in the WR-1 is 35% and the project is well under this standard.

Access that meets the standards set forth in these regulations, including emergency access: The applicant is not proposing to change the existing access or circulation. The Fire Department has reviewed the site plan and did not suggest any changes.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The proposed development is not located within the 100-year floodplain nor within an area mapped for high groundwater. The area where the proposed addition is located is not within 200-feet of a water body.

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

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

Parking locations and layout: The parking location is existing and there are no proposed changes.

Traffic Circulation: There are no proposed changes to the traffic circulation.

Open space: The site plan has adequate open space.

Fencing/Screening: There is no existing or proposed fencing or screening for these temporary structures.

Landscaping: The property is fairly landscaped and the proposed modular structures will be temporary. As such, staff will recommend landscaping around the temporary buildings in order to soften their appearance. A final landscaping plan will be reviewed and approved at the time of building permit review.

Signage: This project has existing signage and there are no proposed changes.

Undergrounding of new and existing utilities: Utilities are existing and underground.

**Finding 4:** The quality and functionality of the proposed development has effectively dealt with the site design issues because there is adequate parking, circulation and open space. A landscaping plan will be required to accompany the building plans.

**5. Availability and Adequacy of Public Services and Facilities.**

Sewer: Sewer is in place and adequate to service the project.

Water: Water services are currently available on site.

Storm Water Drainage: If the additional modular buildings plus any associated paved areas exceed 5,000 square feet, an engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department. As currently drawn, the two structures have a footprint of 3,584 square feet and the site plan shows 2,640 square feet of asphalt/concrete pad, which exceeds 5,000 square feet; therefore, staff will recommend a condition of approval that an engineered stormwater plan be required if the final design has impervious area that exceeds 5,000 square feet.

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

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

Streets: The project is accessed off of Ashar Avenue. This street is built to city standards.



**Finding 5:** Municipal water and sewer are currently in use for the building. Response times for police and fire are not anticipated to be affected due to the proposed development. The property has adequate access to a city street.

## 6. **Neighborhood/Community Impact:**

Traffic Generation: The existing streets should be able to handle any additional traffic.

Noise or Vibration: No additional noise or vibration is anticipated to be generated from the proposed use. Any additional noises or vibrations would be associated with construction and are not anticipated to be permanent impacts.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from the residential use currently onsite.

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

Hours of Operation: The hours of operation will remain unchanged.

**Finding 6:** The proposed development is not anticipated to have a negative neighborhood impact. Negative impacts on noise, dust, smoke, odor or other environmental nuisances are not expected. All outdoor lighting is required to meet city standards.

## 7. **Neighborhood/Community Compatibility:**

Structural Bulk and Massing: *Mass* means a building's bulk, size and magnitude – the overall volume. The temporary classrooms are single story with a low pitch roof.

Scale: *Scale* means the spatial relationship with neighboring buildings. There is adequate space on-site to situate the temporary classrooms on the property, maintain some open space/landscaped areas and meet the setbacks.

Context of Existing Neighborhood: The neighborhood is a combination of schools, daycares, a church and residential of varying densities.

Density: Not applicable.

Community Character: The project went to Architectural Review on May 6<sup>th</sup> for a preliminary review. The final review will be in June after any Council action. The Committee discussed their temporary nature and landscaping.

**Finding 7:** The project is compatible with the existing uses in the neighborhood because the mass and scale is not overwhelming, it fits within the context of the neighborhood and community character.

## RECOMMENDATION

It is recommended that the Whitefish City-County Planning Board adopt the findings of fact within staff report WCUP 14-01 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be constructed in compliance with the plan submitted on March 28, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. All on-site lighting shall be dark sky compliant. (§11-3-25)
3. All parking on non-paved surfaces shall either cease immediately and such parking shall be blocked in a manner to prohibit any future parking from occurring on non-paved surfaces or the parking and drive aisles shall be paved. (Finding 2)
4. The applicant shall provide the city with a copy of the shared parking agreement with the property owner to the north. (Finding 2)
5. All modular buildings shall be removed from the site four years from the time the first modular classroom is approved for occupancy by the building department. (IBC)
6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)



## Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Whitefish Christian Academy is proposing to expand their school by adding up to four temporary modular classrooms. The property is currently being used as a private school and is zoned WR-1. The property is located at 820 Ashar Avenue and can be legally described as Tract 1K in S31 T31N R22W and Tract 6W in S32 T31N R22W.

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

**Thursday, May 15, 2014  
6:00 p.m.  
Whitefish City Council Chambers, City Hall  
402 E. Second Street, Whitefish MT 59937**

The City-County Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on Monday, June 2, 2014 at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at [wcompton-ring@cityofwhitefish.org](mailto:wcompton-ring@cityofwhitefish.org). Comments received by the close of business on Monday, May 5, 2014, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.



Date: April 21, 2014  
To: Advisory Agencies & Interested Parties  
From: Whitefish Planning & Building Department

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The regular meeting of the Whitefish City-County Planning Board will be held on Thursday, May 15, 2014 at 6:00 pm. During the meeting, the Board will hold public hearings on the items listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold subsequent public hearing on items 1-3 on Monday, June 2, 2014 and items 4-6 on Monday, June 16, 2014. City Council meetings start at 7:10 pm. Planning Board and City Council meetings are held in the Whitefish City Council Chambers, Whitefish, Montana.

1. The Lodge at Whitefish Lake and Averill Family Trust are proposing a major lakeshore variance to expand an existing public marina originally approved with a Planned Unit Development in May 1990. The applicant is requesting the major variance to expand the number of slips for a total of 103 slips. The variance also requests to extend the existing gangway an additional 19 feet, and increase the amount of constructed area below the high water mark. The property is located at 1380 Wisconsin Avenue, and can be legally described as Tracts 2K, 2J also known as the Lodge at Whitefish Lake Condos, and the Amended Plat of Lot 1 Barkley Tracts also known as the Whitefish Lake Lodge Condos in Section 24 Township 31 North Range 22 West. (WLV-14-W10) Minnich
2. The Lodge at Whitefish Lake and Averill Family Trust are proposing an amendment to the existing Planned Unit Development originally approved in May 1990. The property is currently developed with a lodge and marina, which were completed in 2005. The marina is currently limited to 85 slips per the original PUD. The applicant is proposing to amend the PUD to allow for additional slips based on recently acquired lakefront property. The applicant is request a total of 18 new slips, for a total of 103 slips. The property is located at 1380 Wisconsin Avenue, and can be legally described as Tracts 2K, 2J also known as the Lodge at Whitefish Lake Condos, and the Amended Plat of Lot 1 Barkley Tracts also known as the Whitefish Lake Lodge Condos in Section 24 Township 31 North Range 22 West. (WPUD-14-03) Minnich
3. Whitefish Christian Academy is requesting a Conditional Use Permit in order to expand their school by adding up to four temporary modular classrooms. The property is located at 820 Ashar Avenue and can be legally described as Tract 1K in S31 T31N R22W and Tract 6W in S32 T31N R22W. (WCUP 14-01) Compton-Ring

4. Community Infill Partners llc is proposing a 62-lot subdivision with a Planned Unit Development overlay called Second Street Residences. The property is currently developed with two single family homes and is zoned WR-1 (One-Family Residential District) and WA (Agricultural District). The property is located at 100 Wild Rose Lane and can be legally described as Tracts 1K, 1D and 1DA in Section 32 Township 31 North Range 22W. (WPP 14-03/WPUD 14-02) Compton-Ring
5. Community Infill Partners llc is proposing a zone change in order to facilitate the Second Street Residences subdivision. The applicant is proposing to rezone the WA portion of the property (Tracts 1D and 1DA) to WER (Estate Residential District). (WZC 14-01) Compton-Ring
6. A request by the City of Whitefish to review the adopted 2007 Whitefish City-County Growth Policy, including a review of Future Land Use mapping, infill policy, and implementation priorities, as per directives contained in the Growth Policy establishing a biennial review. WGPA 14-01 (Taylor)

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 510 Railway Street during regular business hours. Inquiries are welcomed. Interested parties are invited to attend the hearing and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: [dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org). For questions or further information regarding these proposals, phone 406-863-2410.

## Wendy Compton-Ring

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**From:** Wendy Compton-Ring <[wcompton-ring@cityofwhitefish.org](mailto:wcompton-ring@cityofwhitefish.org)>  
**Sent:** Monday, April 21, 2014 4:01 PM  
**To:** 'Anne Moran ([asmoran@mt.gov](mailto:asmoran@mt.gov))'; Ashley Keltner ([a.keltner@flathead.coop](mailto:a.keltner@flathead.coop)); 'Ben DeVall'; Bill Dial ([bdialw1@bresnan.net](mailto:bdialw1@bresnan.net)); 'BJ Grieve'; Cal Scott ([cscott@flathead.mt.gov](mailto:cscott@flathead.mt.gov)); Christina L Schroeder ([christina.l.schroeder@usace.army.mil](mailto:christina.l.schroeder@usace.army.mil)); 'Chuck Curry ([c Curry@flathead.mt.gov](mailto:c Curry@flathead.mt.gov))'; Columbia Falls Fire Department ([cffire@centurytel.net](mailto:cffire@centurytel.net)); 'Dave Lawrence ([dlawrence@skiwhitefish.com](mailto:dlawrence@skiwhitefish.com))'; Dennis Oliver ([doliver@mt.gov](mailto:doliver@mt.gov)); 'Eric Smith ([eric.smith@northwestern.com](mailto:eric.smith@northwestern.com))'; Gary Engman ([gengman@mt.gov](mailto:gengman@mt.gov)); Gary Krueger ([gkrueger@flathead.mt.gov](mailto:gkrueger@flathead.mt.gov)); Ginger Kauffman ([gingerk@flatheadcd.org](mailto:gingerk@flatheadcd.org)); 'James Freyholtz ([jfreyholtz@mt.gov](mailto:jfreyholtz@mt.gov))'; 'Joe Page' ([jpage@cityofwhitefish.org](mailto:jpage@cityofwhitefish.org)); 'John Wilson'; 'Judy Williams ([juwilliams@mt.gov](mailto:juwilliams@mt.gov))'; Karen Reeves; 'Kate Cassidy ([kcassidy@flathead.mt.gov](mailto:kcassidy@flathead.mt.gov))'; Kate Orozco ([orozcok@wfps.k12.mt.us](mailto:orozcok@wfps.k12.mt.us)); 'Kuennen, Norman'; 'Lisa Timchak ([latimchak@fs.fed.us](mailto:latimchak@fs.fed.us))'; 'Lorch, Steve'; Lori Collins; 'Lynn Zanto ([lzanto@mt.gov](mailto:lzanto@mt.gov))'; 'Marcia Sheffels ([msheffels@flathead.mt.gov](mailto:msheffels@flathead.mt.gov))'; 'Mark Baumler ([mbaumler@mt.gov](mailto:mbaumler@mt.gov))'; 'Mark Deleray ([mdeleray@mt.gov](mailto:mdeleray@mt.gov))'; North Valley Refuse ([nvr@centurytel.net](mailto:nvr@centurytel.net)); 'Pamela Holmquist ([pholmquist@flathead.mt.gov](mailto:pholmquist@flathead.mt.gov))'; 'Patti V ([pattiv@flathead.mt.gov](mailto:pattiv@flathead.mt.gov))'; 'Pris, Jeremy'; 'Rita Hanson (for Whitefish Water & Sewer District)'; 'Steve Kilbreath ([skilbreath@mt.gov](mailto:skilbreath@mt.gov))'; 'Steve Kvapil ([steve.j.kvapil@usps.gov](mailto:steve.j.kvapil@usps.gov))'; 'Stickney, Nicole'; Tara Fugina ([tfugina@flathead.mt.gov](mailto:tfugina@flathead.mt.gov)); 'Tom Kennelly'; Tony.Hirsch@Centurylink.com; 'Traci Sears'; 'Virgil Bench ([vbench@cityofwhitefish.org](mailto:vbench@cityofwhitefish.org)); 'Whitefish Parks and Recreation'; William Reed ([william.reed@bnsf.com](mailto:william.reed@bnsf.com))  
**Subject:** FW: May City-County Planning Board  
**Attachments:** 5-2014\_PB meeting.pdf

Forgot the attachment – sorry.

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**From:** Wendy Compton-Ring [<mailto:wcompton-ring@cityofwhitefish.org>]  
**Sent:** Monday, April 21, 2014 12:59 PM  
**To:** 'Anne Moran ([asmoran@mt.gov](mailto:asmoran@mt.gov))'; Ashley Keltner ([a.keltner@flathead.coop](mailto:a.keltner@flathead.coop)); 'Ben DeVall'; Bill Dial ([bdialw1@bresnan.net](mailto:bdialw1@bresnan.net)); 'BJ Grieve'; Cal Scott ([cscott@flathead.mt.gov](mailto:cscott@flathead.mt.gov)); Christina L Schroeder ([christina.l.schroeder@usace.army.mil](mailto:christina.l.schroeder@usace.army.mil)); 'Chuck Curry ([c Curry@flathead.mt.gov](mailto:c Curry@flathead.mt.gov))'; Columbia Falls Fire Department ([cffire@centurytel.net](mailto:cffire@centurytel.net)); 'Dave Lawrence ([dlawrence@skiwhitefish.com](mailto:dlawrence@skiwhitefish.com))'; Dennis Oliver ([doliver@mt.gov](mailto:doliver@mt.gov)); 'Eric Smith ([eric.smith@northwestern.com](mailto:eric.smith@northwestern.com))'; Gary Engman ([gengman@mt.gov](mailto:gengman@mt.gov)); Gary Krueger ([gkrueger@flathead.mt.gov](mailto:gkrueger@flathead.mt.gov)); Ginger Kauffman ([gingerk@flatheadcd.org](mailto:gingerk@flatheadcd.org)); 'James Freyholtz ([jfreyholtz@mt.gov](mailto:jfreyholtz@mt.gov))'; 'Joe Page' ([jpage@cityofwhitefish.org](mailto:jpage@cityofwhitefish.org)); 'John Wilson'; 'Judy Williams ([juwilliams@mt.gov](mailto:juwilliams@mt.gov))'; Karen Reeves; 'Kate Cassidy ([kcassidy@flathead.mt.gov](mailto:kcassidy@flathead.mt.gov))'; Kate Orozco ([orozcok@wfps.k12.mt.us](mailto:orozcok@wfps.k12.mt.us)); 'Kuennen, Norman'; 'Lisa Timchak ([latimchak@fs.fed.us](mailto:latimchak@fs.fed.us))'; 'Lorch, Steve'; Lori Collins; 'Lynn Zanto ([lzanto@mt.gov](mailto:lzanto@mt.gov))'; 'Marcia Sheffels ([msheffels@flathead.mt.gov](mailto:msheffels@flathead.mt.gov))'; 'Mark Baumler ([mbaumler@mt.gov](mailto:mbaumler@mt.gov))'; 'Mark Deleray ([mdeleray@mt.gov](mailto:mdeleray@mt.gov))'; North Valley Refuse ([nvr@centurytel.net](mailto:nvr@centurytel.net)); 'Pamela Holmquist ([pholmquist@flathead.mt.gov](mailto:pholmquist@flathead.mt.gov))'; 'Patti V ([pattiv@flathead.mt.gov](mailto:pattiv@flathead.mt.gov))'; 'Pris, Jeremy'; 'Rita Hanson (for Whitefish Water & Sewer District)'; 'Steve Kilbreath ([skilbreath@mt.gov](mailto:skilbreath@mt.gov))'; 'Steve Kvapil ([steve.j.kvapil@usps.gov](mailto:steve.j.kvapil@usps.gov))'; 'Stickney, Nicole'; Tara Fugina ([tfugina@flathead.mt.gov](mailto:tfugina@flathead.mt.gov)); 'Tom Kennelly'; [Tony.Hirsch@Centurylink.com](mailto:Tony.Hirsch@Centurylink.com); 'Traci Sears'; 'Virgil Bench ([vbench@cityofwhitefish.org](mailto:vbench@cityofwhitefish.org)); 'Whitefish Parks and Recreation'; William Reed ([william.reed@bnsf.com](mailto:william.reed@bnsf.com))  
**Cc:** David Taylor; Bailey Minnich ([bmminich@cityofwhitefish.org](mailto:bmminich@cityofwhitefish.org))  
**Subject:** May City-County Planning Board

Attached please find the notice for May City-County Planning Board meeting. You will note that items 1,2, 4 and 5 were to be heard at the April Planning Board meeting, but the Board didn't have a quorum so the April meeting was cancelled.

Wendy Compton-Ring, AICP

received  
5-9-2014

## Whitefish Church of the Nazarene

1125 7th St. E.

Whitefish, MT 59937

406-862-2433 Fax 406-862-8094

wfnaz@montnasky.us

www.wfnaz.org



City of Whitefish Planning Department  
P.O. Box 158  
Whitefish, MT 59937

Re: Whitefish Christian Academy Planning Request

Dear Committee members,

As neighbors of Whitefish Christian Academy, we have long shared a positive relationship. Their staff and students have utilized our property as their growth has continued. They have been conscientious about caring for their property and being positive neighbors as well as positive citizens of our community.

We support their efforts to add temporary modular buildings as a way to house their growing population. We are blessed to see this exciting growth going on at WCA and know that they are actively looking to relocate to a larger campus in order to accommodate their growth and the traffic related to it.

Respectfully,

Kent Reimer  
Board Secretary  
Whitefish Nazarene Church



**City of Whitefish**  
**Planning & Building Department**  
 PO Box 158  
 510 Railway Street  
 Whitefish, MT 59937  
 Phone: 406-863-2410 Fax: 406-863-2409

File #: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Intake Staff: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_

**CONDITIONAL USE PERMIT**

**FEE ATTACHED \$** 990

(See current fee schedule)

**INSTRUCTIONS:**

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: 3/13/2014
- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the City-County Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 402 E 2<sup>nd</sup> Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

**A. PROJECT INFORMATION:**

Project Name: Whitefish Christian Academy

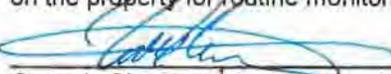
Project Address: 820 Ashar Avenue, Whitefish, MT 59937

Assessor's Tract No.(s) 0000013909 Lot No(s) \_\_\_\_\_

Block # \_\_\_\_\_ Subdivision Name \_\_\_\_\_

Section S32 Township T31N Range R21W

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

  
 Owner's Signature

3/24/14  
 Date

Whitefish Christian Academy/ Headmaster Todd Kotila  
 Print Name

\_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Representative's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Print Name

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

**APPLICATION CONTENTS:**

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

- Conditional Use Permit Application – 11 copies *K*
- Written description how the project meets the criteria in Section D – 11 copies *K*
- Site Plan – 11 copies The site plan, drawn to scale, which shows in detail your proposed use, your property lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc. *RW*
- Reduced copy of the site plan not to exceed 11" x 17" – 1 copy *RW + K*
- Where new buildings or additions are proposed, building sketches and elevations shall be submitted. *RW*
- Electronic version of entire application such as .pdf *K*
- Certified adjacent owners list for properties within 150-feet of subject site – 1 copy *K*
- Any other additional information requested during the pre-application process

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

**B. OWNER(S) OF RECORD:**

Name: Whitefish Christian Academy/ Headmaster Todd Kotila Phone: 862-5875  
 Mailing Address: 820 Ashar Avenue  
 City, State, Zip: Whitefish, MT 59937  
 Email: tkotila@whitefishacademy.org

**APPLICANT (if different than above):**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

**TECHNICAL/PROFESSIONAL:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Email: \_\_\_\_\_

**C. DESCRIBE PROPOSED USE:**

The proposed use, as well as the current use, is the operation of a private, educational facility.

ZONING DISTRICT: WR1

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

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

The addition of two temporary modular classroom does not significantly change the quality and character of the existing land use (school). The modular units will be used temporarily until a new facility can be built at another location. The modular units will not per se cause an increase in enrollment at the school but will better accommodate the already-projected enrollment for next year.

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

The proposal is not inconsistent with any regulation. It is consistent with the Master Plan. It will not adversely affect traffic congestion as the proposal is not anticipated to increase enrollment in the school per se (but to serve the already registered 2014-15 population). The addition of two modular units will help us better serve our existing student body and will serve as a stop gap as we absorb our growth trend while looking toward future permanent expansion to meet the demonstrated community desire for other educational options.

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

The proposed addition will not changed the current use of the property. Currently, our 13,500 sq. ft. school sits on 3.04 acres, the majority of which goes unused except for an occasional physical education classes during 4-5 months of the year and recess. The modulares would be placed in close proximity to the existing structure leaving the majority of our acreage still largely unused. Access to the current school for emergency vehicles would be unaffected. Environmentally sensitive areas are not an issue.

4. How are the following design issues addressed on the site plan?
  - a. Parking locations and layout
  - b. Traffic circulation
  - c. Open space
  - d. Fencing/screening
  - e. Landscaping

- f. Signage
- g. Undergrounding of new utilities
- h. Undergrounding of existing utilities

a. & b. Our circular driveway provides easy drop-off/pickup of the students. The school does not anticipate that the additional modulars will cause an increase in traffic flow, but will serve as enhancing the educational experience of students that are already registered to attend next year. Enrollment has increased consistently in the past couple years, and we do not attribute that increase to the proposed modular units (we had not considered the units until we realized our numbers for next fall). Our research indicates this enrollment increase is based primarily on word of mouth advertising about the positive results our students are achieving academically, spiritually, and socially. WCA will continue to assess ways to lighten congestion at the start and end of the school day, though expansion of our staggered class start/stop times, use of the Nazarene Church lot, and dedicating a larger portion of our unused acreage toward parking. Our staff of 16 full-time equivalent employees currently park in a location separate from where parents park. We anticipate the addition of 1 more staff member next year, so our current employee parking is adequate. We have a long-term agreement with the Naz to use their parking lot for our staff. With staggered start/stop times, our current family parking and drop off/pickup can be managed.

c. With the addition of the modular units, the vast majority of our school location will remain open space.

d. Current Fencing/screening separates our property from those on the south and west. The status of that fencing will remain undisturbed. As the modulars will simply be an extension of the existing rectangular school, we do not deem additional fencing necessary or desirable.

e. WCA currently has a volunteer parent who has done a wonderful job of keeping our landscaping beautiful and relevant. We plan to bring WCA into conformity with the rest of the school's existing landscaping and city architectural requirements.

f. Additional signs are not necessary.

g. and h. New utilities providing power to the modulars will be underground. Existing utilities will remain largely untouched.

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?

- a. Sewer
- b. Water
- c. Stormwater
- d. Fire Protection
- e. Police Protection
- f. Street (public or private)
- g. Parks (residential only)
- h. Sidewalks
- i. Bike/pedestrian ways – including connectivity to existing and proposed developments

All existing public services and facilities are adequate. Only electricity will be extended to the modular units. Students occupying the modular will be a variety of students for periodic purposes (e.g., once per week uses, such as library, music, art, etc.) who be moving in and out of the modulars throughout the day on 30 to 45 minutes rotations. Classrooms will not be used for "homeroom" or full-time classes. Restrooms will be located in the existing structure and not in the modulars.

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

- a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
- b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

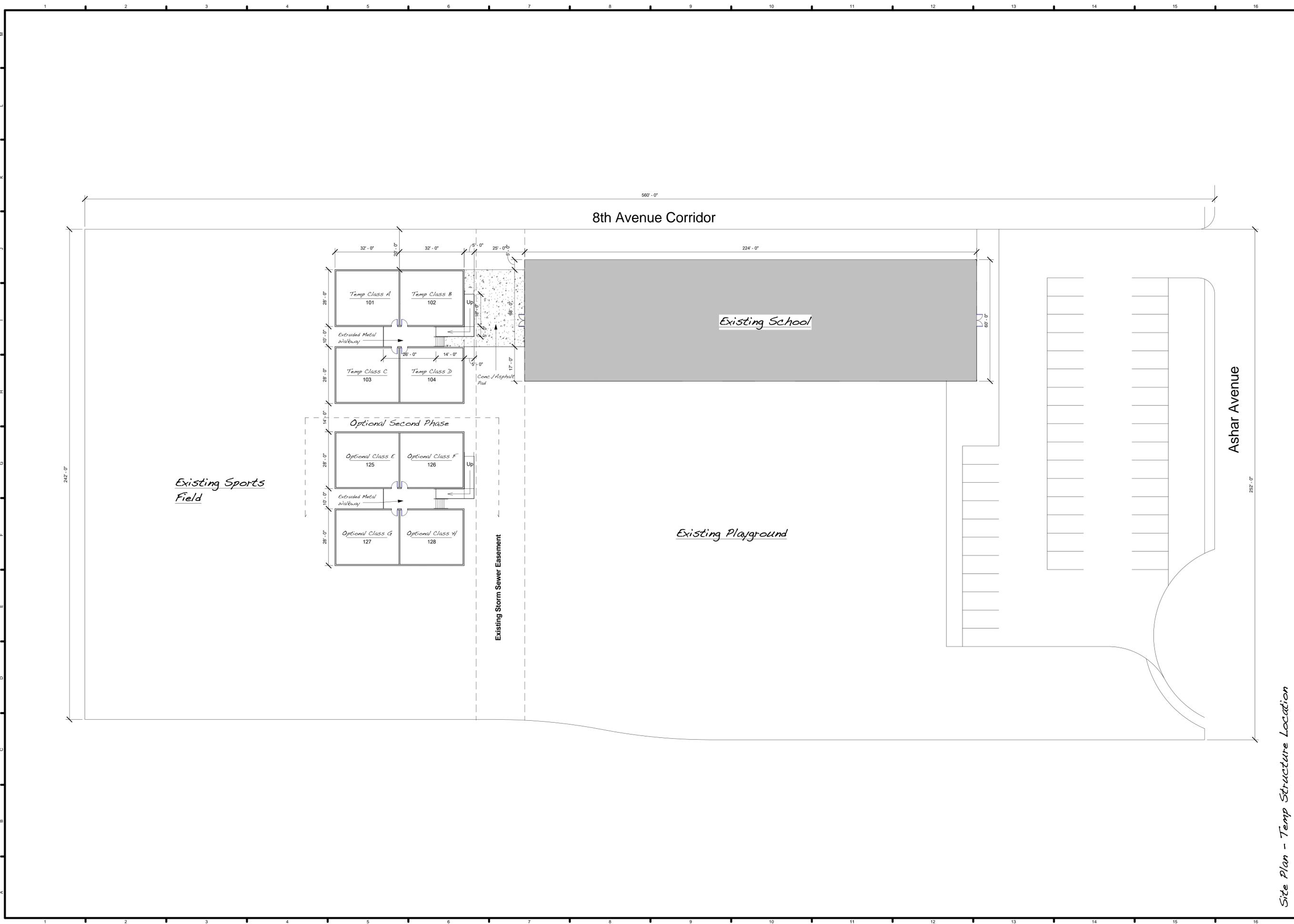
There should be minimal impact on the nearby neighborhoods. WCA has experienced significant growth in the past two years. However, the current enrollment for the 2014-15 school year is less than the legal capacity of the school. The modular units will ease congestion within the hallway of our school and help us better serve the student body, while maintaining the status quo of the current situation outside the school (traffic, parking, etc.). Noise, vibration, dust, glare, heat, smoke, fumes, and odors are not an issue.

7. What are the proposed hours of operation?

WCA will maintain the same general hours of operation, 7:30 a.m. through 4 p.m. during the regular school year. A skeleton staff works during the summer months.

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:
- a. Structural bulk and massing
  - b. Scale
  - c. Context of existing neighborhood
  - d. Density
  - e. Community Character

The proposal will not change the existing use of the property, other than temporarily to expand our existing structure by adding two freestanding modular buildings. At most, in future years, should the construction of a new facility be delayed, we have added to our CUP the possibility of 2 additional structures (for a total maximum of 4).



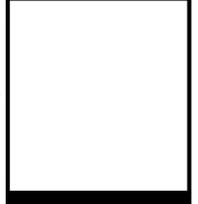
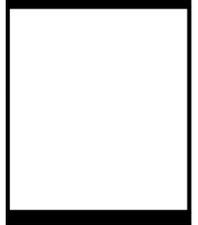
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional architect in the State of Montana, practicing in Whitefish, Montana.

**0635**

Reg. No. 2932      Date: 09.21.07  
 AARON J. WALLACE

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

Project Number: 0635  
 Date: 09.21.07  
 Drawn By: RJN  
 Checked By: -  
 Revisions: -



**Montana Creative architecture + design**

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

*Whitefish Christian Academy*

*Whitefish, MT*

**ST1**

Site Plan - Temp Structure Location

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**ORDINANCE NO. 14-\_\_\_\_\_**

**An Ordinance of the City Council of the City of Whitefish, Montana, approving a zoning change and amendment of the Whitefish Zoning Jurisdiction Map to rezone Tracts 1D and 1DA, located at 1500 E. 2nd Street, Section 32, Township 31 North, Range 21 West, Whitefish, Montana, from WA (Agricultural District) to WER (Estate Residential District).**

WHEREAS, Community Infill Partners, LLC (Applicant), seeks a zoning change and amendment of the Whitefish Zoning Jurisdiction Map to rezone Tracts 1D and 1DA from WA (Agricultural District) to WER (Estate Residential District), in Section 32, Township 31 North, Range 21 West, Whitefish, Flathead County, Montana, located at 1500 E. 2nd Street in conjunction with its Preliminary Plat and Planned Unit Development application (WPP 14-03/WPUD 14-02) to develop a 62-lot subdivision; and

WHEREAS, in response to Applicant's current zoning change request, the Whitefish Planning and Building Department prepared Zone Change Staff Report WZC 14-01, dated April 10, 2014, which reviewed the proposed zone change to facilitate the proposed Preliminary Plat and Planned Unit Development (PUD) and recommended that the Whitefish City Council approve the rezone, Staff Report WZC 14-01, proposed findings of fact, and zoning map amendment; and

WHEREAS, at a lawfully noticed public hearing on May 15, 2014, the Whitefish City-County Planning Board reviewed the Applicant's development plan, received an oral report from Planning Staff and Applicant, reviewed the April 10, 2014 Zone Change Staff Report WZC 14-01, proposed findings, invited public comment, and thereafter voted to recommend the zoning change request and map amendment to the Whitefish City Council; and

WHEREAS, at a lawfully noticed public hearing on June 2, 2014, the Whitefish City Council received an oral report from Planning Staff and Applicant, reviewed Zone Change Report WZC 14-01, proposed findings of fact, took public comment, and thereafter voted to approve the zone change and map amendment, the WZC 14-01 Staff Report, and adopted Findings of Fact; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the zone change and map amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are adopted as Findings of Fact.

Section 2: Zone Change Report WZC 14-01, review and proposed findings of fact, zone change and map amendment are approved, and hereby adopted as Findings of Fact.

Section 3: The property identified as Tracts 1D and 1DA, located at 1500 E. 2nd Street, Section 32, Township 31 North, Range 21 West, Whitefish, Montana, which was previously zoned WA (Agricultural District) is hereby rezoned to WER (Estate Residential District).

Section 4: The Zoning Administrator is hereby authorized and directed to amend the official zoning map to conform to the terms of this Ordinance.

Section 5: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 6: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

\_\_\_\_\_  
Necile Lorang, City Clerk

**ORDINANCE NO. 14-\_\_\_\_\_**

**An Ordinance of the City Council of the City of Whitefish, Montana, approving the Second Street Residences Preliminary Plat and Planned Unit Development for 62 lots located at 100 Wild Rose Lane and 1500 E. 2<sup>nd</sup> Street, Whitefish.**

WHEREAS, Community Infill Partners, LLC (Applicant), applied to the Whitefish Planning and Building Department for a Preliminary Plat and Planned Unit Development (PUD) overlay to develop 23.789 acres into 62 dwelling units (54 single family detached units and 8 townhouse units in four buildings), on the real property located at 100 Wild Rose Lane and 1500 E. 2nd Street and described as Tracts 1K, 1D and 1DA, in Section 32, Township 31 North, Range 21 West, Whitefish, Flathead County, Montana (WPP 14-03/WPUD 14-02), in conjunction with its proposed rezone; and

WHEREAS, in response to such application for a Preliminary Plat and PUD, the Whitefish Planning and Building Department prepared the Second Street Residences Staff Reports, dated April 10, 2014, WPP 14-03/WPUD 14-02, which reviewed and analyzed the proposed Preliminary Plat and PUD, deviations to the zoning standards, and subdivision variance criteria to street standards, and recommended that the Whitefish City Council approve the proposed Subdivision and PUD, adopt the proposed findings of fact, grant the deviations to the zoning, approve the subdivision variance for the sidewalk, but not approve the variance for the cul-de-sac length and landscape islands in the right-of-way, all subject to 28 conditions of approval; and

WHEREAS, at a lawfully noticed public hearing on May 15, 2014, the Whitefish City-County Planning Board received an oral report from Planning Staff and Applicant, reviewed the April 10, 2014 Second Street Residences Staff Report WPP 14-03/WPUD 14-02, proposed findings of fact, deviations to the zoning, and subdivision variance for the sidewalk, the cul-de-sac length and landscape islands in the right-of-way, and 28 conditions of approval, invited public comment, discussed the proposed subdivision and PUD and rezone request, deviations to zoning and subdivision variance, amended the proposed conditions of approval, and thereafter recommended approval of the subdivision and PUD, subject to 27 conditions of approval, as amended;

WHEREAS, at a lawfully noticed public hearing on June 2, 2014, the Whitefish City Council received an oral report from Planning Staff and Applicant, reviewed the Second Street Residences Staff Report WPP 14-03/WPUD 14-02, proposed findings of fact, deviations to the zoning, subdivision variances for the sidewalk, but not the cul-de-sac and landscape islands variance requests and 28 conditions of approval in favor of the subdivision and PUD, the Planning Board's recommendation of approval of the subdivision and PUD, the zoning deviations and subdivision variances and amended conditions of approval, invited public comment, and thereafter voted to approve the Second Street Residences Subdivision and PUD, April 10, 2014 Staff Report, WPP 14-03/WPUD 14-02, Findings of Fact, deviations to zoning, subdivision variance for the sidewalk, but denied the subdivision variance for the cul-de-sac length and landscape islands in the right-of-way, all subject to the 28 Conditions of Approval attached as Exhibit "A", and incorporated herein by reference; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the Subdivision, PUD, Staff Report WPP 14-03/WPUD 14-02, deviations to zoning, and subdivision variance for sidewalk only, subject to the 27 Conditions of Approval, attached as Exhibit "A", and adopt the Findings of Fact.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: All of the recitals set forth above are adopted as Findings of Fact.

Section 2: The City Council hereby approves the Second Street Residences Preliminary Plat and Planned Unit Development, zoning deviations, subdivision variances, subject to 28 Conditions of Approval, shown on Exhibit "A", the April 10, 2014 Staff Report WPP 14-03/WPUD 14-02, and adopts the Findings of Fact.

Section 3: The City Council hereby approves the requested Second Street Residences Planned Unit Development to overlay the real property identified as Tracts 1K, 1D and 1DA, in Section 32, Township 31 North, Range 21 West, to develop 23.789 acres into 62 dwelling units, subject to the Conditions of Approval, shown on Exhibit "A".

Section 4: The official zoning map of the City of Whitefish, Montana, be amended, altered and changed to provide that the real property located at 1500 E. 2nd Street, legally described as Tracts 1K, 1D and 1DA in Section 32, Township 31 N, Range 21 W, P.M.M., Flathead County, Montana, shall have a Planned Unit Development Overlay, which shall modify the requirements of the underlying WER zone and shall be subject to all of the requirements shown on Exhibit "A".

Section 5: The Zoning Administrator is hereby authorized and directed to amend the official zoning map to conform to the terms of this Ordinance.

Section 5: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 6: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

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Necile Lorang, City Clerk

**Exhibit A**  
**2<sup>nd</sup> STREET RESIDENCES**  
**WZC 14-01/WPP 14-03/WPUD 14-02**  
**Approved Zoning Deviations, Subdivision Variances and Conditions**  
**of Approval**

Zoning Deviations Approved:

- WR-1 setbacks across the entire project
- Minimum Lot Area Varied, but less than the WER and WR-1 zoning standards
- Minimum Lot Width Varied, but less than the WER and WR-1 zoning standards

Subdivision Variances Approved, as depicted on the approved preliminary plat map:

- Sidewalk on one side of the street along the railroad right-of-way
1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.
  2. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as “approved plans” by the City Council.
  3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish’s design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)
  4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage,

and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)

5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works and Planning/Building Department. The plan shall include, but may not necessarily be limited to, the following:
  - Dust abatement and control of fugitive dust.
  - Hours of construction activity.
  - Noise abatement.
  - Control of erosion and siltation.
  - Routing for heavy equipment, hauling, and employees.
  - Construction office siting, staging areas for material and vehicles, and employee parking.
  - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
  - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
  - Notation of any street closures or need to work in public right-of-way.(City Engineering Standards, 2009)
6. Provide a sewer and water easement from E 2<sup>nd</sup> Street to the north property line. In addition, the city will need maintenance easements to serve these lines. These easements shall be signed and recorded within 30-days of Council approval. (Staff Report, Finding 8)
7. Easement along E 2<sup>nd</sup> Street shall be renamed utility and sidewalk easement. (Finding 4)
8. A sidewalk and planter strip with street trees be installed along the frontage of E 2<sup>nd</sup> Street from Armory Road to the western boundary of the project be installed. In addition two crossing shall be installed across Armory Road at locations determined by the Public Works Director. (Finding 8)
9. A road extension of Wild Rose Lane and Ponderosa Court shall be fully constructed to the eastern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of these roadway extensions shall be determined by the Public Works Director. (Finding 4, Subdivision Regulations, §12-4-15H)
10. Street lighting shall be required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting shall be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (Zoning Regulations §11-3-25; City Engineering Standards, 2009)
11. No fire hydrants shall be located under any overhead power lines. (Finding 1)
12. Remove the eyebrow within the public rights-of-way. (Finding 1 & 4)

13. The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. The final location and alignment shall be ~~determined approved~~ by the Public Works ~~Director~~Department. (Finding 1 & 4)
14. Garage-forward designed townhouses are not permit within this development. Lots 28-31 shall be increased in width to enable the development of townhouses that are not garage-forward. (Finding 8, Architectural Review Standards 6.6.3., §12-4-12I)
15. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation and fire access. (UFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)
16. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)
17. The storm water facility shall only permitted in the outer 25% of the wetland buffer. (Finding 3, § 11-3-29C(5)(h))
18. A report shall be submitted with the final buffer averaging details. This report shall indicate the overall area required, the amount being reduce and a 'to scale' drawing showing the minimum width of no less than 50-feet. (Staff Report, Finding 3; Zoning Regulations §11-3-29C)
19. A wetland buffer restoration plan shall be submitted to Planning and Public Works Departments for review and approval. A financial guarantee of 125% of the restoration plant materials and installation to be held for the 5-year monitoring period and shall be held by the city. (Staff Report, Findings 3; Zoning Regulations §11-7-10E)
20. A trail, open to the public, shall be installed the entire length of the creek/wetland buffer connecting to E 2<sup>nd</sup> Street sidewalk. ~~The trail shall not be constructed of dirt or gravel.~~ The final details of the trail installation shall be submitted to the Planning Department for review and approval. (Finding 3 & 8, 11-3-29C(5)(c))
21. A split rail fence or some other delineation, with the exception of chain link, along the restored wetland buffer shall be installed and maintained for the life of the project. The proposed delineation shall be reviewed and approved by the Planning Department prior to its installation. (Staff Report, Finding 7)
22. The 4.04 acre parkland with the exception of the storm water facility shall be dedicated to the City at the time of final plat. (Finding 4)

23. An open space plan for each phase shall be submitted to the Planning Department for review and approval. Such plan shall include: landscaping, details on the active pocket parks, trail location and materials, outdoor lighting and plan for the open spaces behind and next to the single family lots to ensure usability, natural surveillance and delineation between private property and neighborhood open spaces. (Finding 4)
24. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)
25. The following notes shall be placed on the face of the plat:
- House numbers shall be located in a clearly visible location.  
(Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)
26. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)
27. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) for Second Street Residences Subdivision Homeowners' Association (HOA) providing for:
- Long-term maintenance of the open spaces – including proper mitigation for wildland fire protection and annual maintenance;
  - Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
  - Long-term maintenance plan for drainage and storm water management facilities.  
(Subdivision Regulations §12-4-30; Staff Report Finding 3; City Engineering Standards, 2009)
28. The Second Street Residences preliminary plat and planned unit development is approved for three years from Council action (Subdivision Regulations, §12-3-8)

**PLANNING & BUILDING DEPARTMENT**  
**510 Railway Street, PO Box 158, Whitefish, MT 59937**  
**(406) 863-2410 Fax (406) 863-2409**



May 27, 2014

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

RE: 2<sup>nd</sup> Street Residences (WZC 14-01/WPP 14-03/WPUD 14-02)

Honorable Mayor and Council:

**Summary of Requested Action:** Will McDonald, on behalf of Community Infill Partners, llc, are requesting a rezone, preliminary plat and planned unit development (PUD) overlay in order to develop 23 acres into 62 dwelling units (54 single family detached units and 8-townhouse units in four buildings). The homes are accessed by a public street network. There are a series of trails and open space areas within the development.

In 2013, Community Infill Partners llc brought three different development projects to the Planning Board. These projects were mostly multi-family and had a greater density than the current proposal. Ultimately, the Planning Board recommended approval of the 3<sup>rd</sup> revision subject to a number of conditions. The Council held a public hearing in August which was continued until September. However, the applicant pulled the application from the agenda before the Council could act on it. There is no current approval on this property.

The project consists of three parcels with two single family homes. The properties have two zoning classifications. The western parcel is zoned WR-1 (One-Family Residential District) and is proposed to remain WR-1. The other two parcels are zoned WA (Agriculture District) and they are proposed to be zoned WER (Estate Residential District). All three parcels are proposed to have the PUD overlay. There are two Growth Policy designations on the project. The western parcel has an 'Urban' designation and the other two parcels have a 'Suburban' designation.

**Planning Board Action:** The Whitefish City-County Planning Board held a public hearing on May 15, 2014 to consider the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced rezone (WZC 14-01) and the preliminary plat and planned unit development subject to 27 conditions as contained in the staff report and adopted the staff report as findings of fact (Smith, Stein

and Phillips were absent). The Planning Board deleted Condition #12 and amended Conditions #13 and #20.

~~12. Remove the eyebrow within the public rights of way.~~

13. ~~The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. An emergency egress off Ponderosa Court shall be explored, reviewed and approved by the Public Works Director. The final location and alignment shall be determined by the Public Works Director.~~

20. A trail, open to the public, shall be installed the entire length of the creek/wetland buffer connecting to E 2<sup>nd</sup> Street sidewalk. ~~The trail shall not be constructed of dirt or gravel.~~ The final detail of the trail installation shall be submitted to the Planning Department for review and approval.

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced rezone, preliminary plat and planned unit development subject to 28 conditions set forth in the attached staff report.

Staff supports the recommended change in condition regarding the construction of the trail; however, staff is concerned with the changed conditions concerning the streets.

*Condition 12:*

Both the Public Works Department and the Fire Department continue to have concerns with the 'eyebrow' in the vicinity of Lots 6-9. As this is going to be a public right-of-way, the City will be obligated to maintain this portion of the road. Snow removal will be difficult and may not live up to the standards that a resident living in these lots might expect. In addition, this design will require excessively long water service lines. This is a concern for the City because longer service lines in the right-of-way unnecessarily add time and expense in the form of maintenance requirements for the Water Department and increase the risk of unmetered water leaks.

The Fire Department is concerned with these landscaping features because of the turning radius requirements needed – even in the winter months and the obstructions that could be located within these islands.

Staff respectfully requests, the Council re-instate condition #12:

12. Remove the eyebrow within the public rights-of-way.

*Condition 13:*

Both the Public Works Department and the Fire Department are concerned with the excessive length in the cul-de-sac. In the staff report to the Planning Board and City Council, we requested Ponderosa Court be extended down the hill to the west and terminate on the newly extended Armory Road in a 'T' intersection near the vicinity of Lot 28, similar to what was shown by the developer on earlier site plans (July 2013 site

plan attached). The developer and their design engineer have never met with Public Works to consider various road profiles and have a detailed discussion as to the feasibility of this connection or similar alternatives. The Public Works Department pointed out that there is no provision in the city standards for a cul-de-sac this length.

The Fire Department is also concerned with the length of the cul-de-sac. While at some point in the future the road could be extended to the east but, as proposed, the road is a dead end. The Fire Department does not support the variance request to exceed the cul-de-sac length and wants to see this roadway connected to the larger transportation network or have the length reduced.

The applicant pointed out to the Planning Board that it could be nearly impossible to construct a road and meet the grades required for a street in the City. One of the Board members suggested that a gated secondary emergency egress could be developed between lots 53-56 out to E 2<sup>nd</sup> Street in order to alleviate the emergency access concerns. This is the Planning Board recommendation to the City Council.

Staff has concerns with this option. The landscaping island in the middle of the cul de sac will not be removed, which neither the Public Works Department nor the Fire Department support. In addition, these types of secondary emergency accesses have their own challenges for Homeowners' maintenance. They need to be maintained in a drivable condition year-round. This includes plowing through any gates during the winter. This responsibility would fall to the homeowners' association. Finally, the Public Works Department cannot support an emergency access route or a street intersecting E 2<sup>nd</sup> Street between Armory Road and the crest of the hill to the east due to the very poor site distance for westbound traffic.

Staff respectfully requests, the Council re-instate condition #13 as originally recommended with clarifications from the Public Works Department:

13. The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. The final location and alignment shall be ~~determined~~ approved by the Public Works ~~Director~~Department.

*Subdivision Variances:*

Part of the subdivision request was for variances to the subdivision standards. The Planning Board was in support of all the Subdivision variance requests. Staff was in support of the following variance request:

- Sidewalk on one side of the street for a short segment of a road along Wild Rose Lane to the east of Lot 14

Staff was not in support of the following variance requests:

- Cul-de-Sac Length.

- Landscaping Islands within the Right-of-Way.

Staff respectfully requests, the Council deny these two subdivision variances.

**Public Hearing:** The applicant and his representatives spoke at the hearing. The draft minutes for the May Planning Board are attached as part of this packet.

This item has been placed on the agenda for your regularly scheduled meeting on June 2, 2014. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Wendy Compton-Ring, AICP  
Senior Planner

Att: Exhibit A: Recommended Conditions of Approval  
Minutes, draft, City-County Planning Board, 5-15-14  
Letter to Mayor and City Council, Fire Marshal Joe Page, 5-26-14  
July 2013 Site Plan

***Exhibits from 5-15-14 Staff Packet***

1. Staff Report – WZC 14-01, 5-8-14
2. Staff Report – WPP 14-03/PUD 14-02, 5-8-14
3. Element Review, 2-25-14
4. Sufficiency Review, 3-18-14
5. Adjacent Landowner Notice, 3-27-14
6. Advisory Agency Notice, 3-27-14

***The following were submitted by the applicant***

7. Application for Rezone, Preliminary Plat and Planned Unit Development, 2-18-14

***The following items were submitted after the packets went out:***

8. Public Comment, Brian Roland, 4-17-14
9. Public Comment, Whitefish County Water & Sewer District, 4-24-14
10. Public Comment, Robert Horne, Jr. & Kate McMahon, 5-15-14

c: w/att Necile Lorang, City Clerk

c: w/o att Pine Hill Ip/Wild Rose Knoll Ip PO Box 91 Whitefish, MT 59937  
Community Infill Partners, llc PO Box 4600 Whitefish, MT 59937  
Sands Surveying, Eric Mulcahy, 2 Village Loop Kalispell, MT 59901  
RPA, Ryan Mitchell, PO Box 5100 Kalispell, MT 59901

**Exhibit A**  
**2<sup>nd</sup> STREET RESIDENCES**  
**WZC 14-01/WPP 14-03/WPUD 14-02**  
**Whitefish City-County Planning Board**  
**Recommended Zoning Deviations, Subdivision Variances and**  
**Conditions of Approval**  
**May 15, 2014**

Planning Board recommends approval of the following zoning deviations:

- WR-1 Setbacks Across the Entire Property
- Minimum Lot Area.
- Minimum Lot Width.
- Multi-family in a Single Family Zone.

Planning Board recommends approval of the following subdivision variances:

- Sidewalk on one side of the street for a short segment of a road along Wild Rose Lane to the east of Lot 14.
- Cul-de-Sac Length.
- Landscaping Islands within the Right-of-Way.

Planning Board recommended conditions of approval:

1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.
2. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as “approved plans” by the City Council.
3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish’s design and construction standards. The

Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)

4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)
5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works and Planning/Building Department. The plan shall include, but may not necessarily be limited to, the following:
  - Dust abatement and control of fugitive dust.
  - Hours of construction activity.
  - Noise abatement.
  - Control of erosion and siltation.
  - Routing for heavy equipment, hauling, and employees.
  - Construction office siting, staging areas for material and vehicles, and employee parking.
  - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
  - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
  - Notation of any street closures or need to work in public right-of-way.(City Engineering Standards, 2009)
6. Provide a sewer and water easement from E 2<sup>nd</sup> Street to the north property line. In addition, the city will need maintenance easements to serve these lines. These easements shall be signed and recorded within 30-days of Council approval. (Staff Report, Finding 8)
7. Easement along E 2<sup>nd</sup> Street shall be renamed utility and sidewalk easement. (Finding 4)
8. A sidewalk and planter strip with street trees be installed along the frontage of E 2<sup>nd</sup> Street from Armory Road to the western boundary of the project be installed. In

addition two crossing shall be installed across Armory Road at locations determined by the Public Works Director. (Finding 8)

9. A road extension of Wild Rose Lane and Ponderosa Court shall be fully constructed to the eastern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of these roadway extensions shall be determined by the Public Works Director. (Finding 4, Subdivision Regulations, §12-4-15H)

10. Street lighting shall be required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting shall be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (Zoning Regulations §11-3-25; City Engineering Standards, 2009)

11. No fire hydrants shall be located under any overhead power lines. (Finding 1)

~~12. Remove the eyebrow within the public rights-of-way. (Finding 1 & 4)~~

~~13.12. The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. An emergency egress off Ponderosa Court shall be explored, reviewed and approved by the Public Works Director. The final location and alignment shall be determined by the Public Works Director. (Finding 1 & 4)~~

~~14.13. Garage-forward designed townhouses are not permit within this development. Lots 28-31 shall be increased in width to enable the development of townhouses that are not garage-forward. (Finding 8, Architectural Review Standards 6.6.3., §12-4-12I)~~

~~15.14. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation and fire access. (UFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)~~

~~16.15. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)~~

~~17.16. The storm water facility shall only permitted in the outer 25% of the wetland buffer. (Finding 3, § 11-3-29C(5)(h))~~

~~18.17. A report shall be submitted with the final buffer averaging details. This report shall indicate the overall area required, the amount being reduce and a 'to scale' drawing showing the minimum width of no less than 50-feet. (Staff Report, Finding 3; Zoning Regulations §11-3-29C)~~

- | ~~19-18.~~ A wetland buffer restoration plan shall be submitted to Planning and Public Works Departments for review and approval. A financial guarantee of 125% of the restoration plant materials and installation to be held for the 5-year monitoring period and shall be held by the city. (Staff Report, Findings 3; Zoning Regulations §11-7-10E)
- | ~~20-19.~~ A trail, open to the public, shall be installed the entire length of the creek/wetland buffer connecting to E 2<sup>nd</sup> Street sidewalk. ~~The trail shall not be constructed of dirt or gravel.~~ The final details of the trail installation shall be submitted to the Planning Department for review and approval. (Finding 3 & 8, 11-3-29C(5)(c))
- | ~~24-20.~~ A split rail fence or some other delineation, with the exception of chain link, along the restored wetland buffer shall be installed and maintained for the life of the project. The proposed delineation shall be reviewed and approved by the Planning Department prior to its installation. (Staff Report, Finding 7)
- | ~~22-21.~~ The 4.04 acre parkland with the exception of the storm water facility shall be dedicated to the City at the time of final plat. (Finding 4)
- | ~~23-22.~~ An open space plan for each phase shall be submitted to the Planning Department for review and approval. Such plan shall include: landscaping, details on the active pocket parks, trail location and materials, outdoor lighting and plan for the open spaces behind and next to the single family lots to ensure usability, natural surveillance and delineation between private property and neighborhood open spaces. (Finding 4)
- | ~~24-23.~~ All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)
- | ~~25-24.~~ The following notes shall be placed on the face of the plat:
- House numbers shall be located in a clearly visible location. (Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)
- | ~~26-25.~~ A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)
- | ~~27-26.~~ Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) for Second Street Residences Subdivision Homeowners' Association (HOA) providing for:
- Long-term maintenance of the open spaces – including proper mitigation for wildland fire protection and annual maintenance;

- Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
- Long-term maintenance plan for drainage and storm water management facilities.

(Subdivision Regulations §12-4-30; Staff Report Finding 3; City Engineering Standards, 2009)

| ~~28-27.~~ The Second Street Residences preliminary plat and planned unit development is approved for three years from Council action (Subdivision Regulations, §12-3-8)

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**ROLL CALL**

The motion passed unanimously on a vote by acclamation.  
This item is scheduled to go before the Council on June 16, 2014

**RE-SEATING OF BOARD MEMBER**

Wurster was re-seated.

**BOARD MEMBER LEFT THE MEETING**

Workman left the meeting at 8:00 p.m.

**COMMUNITY INFILL PARTNERS LLC PROPOSING ZONE CHANGE**

Community Infill Partners llc is proposing a zone change in order to facilitate the Second Street Residences subdivision. The applicant is proposing to rezone the WA portion of the property (Tract 1D and 1DA) to WER (Estate Residential District).

**STAFF REPORT: WZC 14-01**

Senior Planner Compton-Ring said she will review both applications at the same time as it is one project. The first would be a zone change. There are asking to rezone two parcels from WA (Agricultural District) to WER (Estate Residential District) at 1500 E 2<sup>nd</sup> Street tracts 1D and 1DA, rezoning the properties is to facilitate the proposed Subdivision and Planned Unit Development. The properties are currently being used for a single family home and some agricultural purpose The Growth Policy identifies the parcels as Suburban Residential and the WER (Estate Residential District) zoning complies with this land use designation. The properties are served by the City of Whitefish Police and Fire Departments, public services and utilities are immediately available and schools and parks are nearby. A new public right-of-way will be extended into the project to facilitate a future transportation network on the north side of E 2<sup>nd</sup> Street.

**Reasonable Provision of Adequate Light and Air.** The proposed zoning designation includes setbacks and maximum building height standards.

**The Effect on Motorized and Nonmotorized Transportation Systems.** This project is in the city limits and is served by a public street, a new city right-of-way is proposed that would extend Armory Road. A traffic study was conducted and it will have little impact on the surrounding road system. Opportunities for reduced vehicular dependence are readily available with the sidewalk and city trail system nearby and fronting on this project. Further, the proximity of schools, the downtown and nearby city parks will promote less car dependence.

**Promotion of Compatible Urban Growth.** This project is considered infill as it is served by public services and facilities

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surrounded by residential development. The proposed project density is similar to the immediate surrounding neighborhoods. It is within walking distance to the schools, downtown and parks. The zone change itself is compatible with the surrounding neighborhoods.

**Consideration to the character of the district and its particular suitability for particular uses.** The district is predominately single family with urban-sized lots to the west and larger, more suburban-sized lots to the east. The character of this development will be greatly changed from a rural pastoral appearance to a single family development. This will blend into the existing neighborhood it will have open space is being preserved and buffering along the east and west side of the project.

**Conserving the Value of Buildings.** The project will be required to obtain Architectural Review approval for the four townhouses and fitting into the existing neighborhood is an important aspect of this review.

**Encouraging the Most Appropriate Use of Land Throughout the Jurisdictional Area.** These properties have remained in a rural-type usage while development has grown up around them. There are public services and facilities, they are near schools, shopping and the city's parks and trail system which makes them suited to suburban densities.

It is recommended that the Whitefish City-County Planning Board Report adopt staff report WZC 14-01 findings of fact and recommend to the Whitefish City Council the map amendment be approved.

### **COMMUNITY INFILL PARTNERS LLC PUD OVERLAY**

Community Infill Partners llc is proposing a 62-lot subdivision with a PUD overlay called Second Street Residences. The property is currently developed with two single family homes and is zoned WR-1 (One-Family Residential District) and WA (Agricultural District). The property is located at 100 Wild Rose Lane and can be legally described as Tracts 1K, 1D and 1DA in Section 32 Township 31North Range 22W.

### **STAFF REPORT: WPP 14-03/WPUD 14-02**

The second portion of this project is for Preliminary Plat and Planned Unit Development. In 2013, the Planning Board reviewed three different development proposals on this property. There is no current approval on this property. They are now proposing a 62-lot subdivision (54 single family lots and 8 townhouse lots-4 townhouse buildings) and the gross density is 2.61 dwelling units per acre. The

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entire project will be served by public streets. The streets will be within a 60-foot right-of-way and will have street lights, sidewalks, street trees and boulevards on both sides. There will be two access points onto E 2<sup>nd</sup> Street; one is located at the intersection of Armory Road and E 2<sup>nd</sup> Street and another access point is 335-feet to the west of the Armory Road/E 2<sup>nd</sup> Street. Also one road will have a cul-de-sac on the end, the eastern road will provide two right-of-way reserves to the property to the east in order to facilitate future development of the vacant parcel and properties further east.

The project will have 30% open space and there will be active open spaces for the residents including a tot lot and a half basketball court. There is a trail system that loops through the neighborhood connecting all the open space areas together and to the sidewalk system within the development. They are setting aside the stream/wetland buffer area as an open space/parkland to be dedicated to the city that will include a trail in the buffer.

The property is currently developed with two single family homes and the vast majority of the property is undeveloped. The applicant is proposing a Planned Unit Development (PUD) to overlay the entire development. The PUD is not needed for a density bonus but rather to accommodate the design of the project. Once the rezoning is complete it will blend the densities of the two zoning designations (WR-1 and WER) across the entire 23.789 acres and provide 4 townhouse buildings in a single family zone.

The following subdivision variance is being requested:

**Sidewalk on one side of the street for a short segment of a road.**

Not requested, but needed in order to approve the design as proposed:

**Cul-de-Sac Exceeding the Maximum Length and Landscaping Islands within the Right-of-Way.**

The following zoning deviation are being requested through the PUD

**WR-1 Setbacks Across the Entire Property.** This does include a change to the lot coverage within the WER portion of the zoning district. The WER has a lot coverage of 30% and the WR-1 has a lot coverage of 35%.

Items not requested, but needed in order to approve the design:

**Minimum Lot Area, Minimum Lot Width and Multi-family in a Single Family Zone.**

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In exchange for these zoning deviations, the applicant is proposing the following community benefits:

Sewer and water easement from E 2<sup>nd</sup> Street to the north edge of their property.

All the trails through the development are proposed to be open to the public for public use.

The parkland open space dedicated to the City, along Cow Creek, is larger than what would be required through a standard subdivision dedication. Early discussions with the Whitefish Lake Institute to provide buffer restoration along the stream and wetland areas along with installation of the trail and long-term maintenance of the parkland. These discussions have not been formalized as the project has not been approved. As part of the restoration and maintenance, the applicant would contribute the funding for the project. Buffer restoration is not a requirement with this project.

The Planning Department received one letter of support for the project. The letter has a couple of concerns which are water quality standards would have to be met by any stormwater discharge to Cow Creek and if a DEQ permit would be required. Furthermore, the developer's original plans called for single-family homes to front onto Second Street, and it is now or understanding that direct Second Street frontage has been eliminated by the City as they will produce a "back door" streetscape. Two letters voiced concerns with the increase in traffic and pointing out that careful consideration needs to occur with the stormwater planning due to high groundwater.

### **Effects of Health & Safety:**

The Fire Marshal has requested no fire hydrants be located under the overhead power line located along the east side of the proposed Wild Rose Lane. They are not supportive of the landscape islands in the middle of the street and would recommend these be removed. They are concerned about the length of the cul-de-sac. The Fire Department does not support the variance request to exceed the cul-de-sac length and wants to see this roadway connected to the larger transportation network or have the length reduced.

### **Wildland Urban Interface:**

The Fire Marshal recommends the open space areas and buffers be properly mitigated for wildland fire protection and maintained yearly.

### **Traffic Impacts:**

According to the engineer's report, the intersections will continue to

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operate at acceptable levels after the development is completely built out.

### **Effects on the Natural Environment:**

The property is mapped as being within the high groundwater area. The Public Works Department will work with the applicant's engineer to carefully review the infrastructure plans to ensure they function correctly due to the possibility of high groundwater. The building sites within 200-feet of water, but the slopes do not appear to exceed 10%. The applicant is proposing to protect Cow Creek and associated wetlands with buffers and setbacks that meet the Water Quality Protection (WQP) regulations. The buffer requirement is 100-feet for single family residential and there are eight single family lots along the stream that are meeting this standard.

**Allowed Activities within the Buffer:** They are proposing to construct a pedestrian trail. Staff and the Park Board recommended the path, open to the public, be located along the entire length of the stream connecting to E 2<sup>nd</sup> Street. Staff proposes the details of the trail construction be a condition of approval. Staff also recommends the trail be constructed of asphalt and not dirt or gravel in order to prevent erosion.

There have been some early discussions with the Whitefish Lake Institute to provide buffer restoration along the stream and wetland areas. No commitment has been included in the application; however, this would be a community benefit to the project as restoration is not a requirement with the project.

Finally, the applicant is proposing to place a stormwater facility in the buffer area, as the property drains toward the stream naturally. According to the WQP regulations, stormwater facilities may be located only in the outer 25% of buffers provided that no other location with less impact is feasible and impacts are mitigated.

### **Effects on Local Services:**

The applicant has proposed two possible right-of-way extensions to the east of Ponderosa Court. This is to facilitate a future transportation circulation system between the railroad tracks and E 2<sup>nd</sup> Street. The right-of-way extension between lots 46 and 58 may need further analysis.

The Public Works Department has identified a number of concerns with the roadways as proposed: the eyebrow/cul-de-sac in the vicinity of Lots 6-9. Public Works is concerned with inefficient snow removal and excessive length in water service lines beneath

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the roadway so this needs to be redesigned. The excessive length in the cul-de-sac. The Public Works Department requests that Ponderosa Court be extended down the hill to the west and terminate on the newly extended Armory Road in a 'T' intersection near the vicinity of Lot 28.

### **Parks and Open Space:**

The applicant is proposing to set aside 30% of the project in open space area. The applicant met with the Park Board in January 2014 and the Park Board unanimously recommended that the four acre park area be dedicated to the City exclusive of any stormwater facility and that a trail, open to the public, be developed the entire length of the park from E 2<sup>nd</sup> Street to the north. The applicant indicated their interest in having the Whitefish Lake Institute do a restoration project and possibly maintain the park. The City, over the years has entered into these types of agreements when it is in their interest – such as Smith Fields near the hospital. The particulars of this type of arrangement would be outside the subdivision review and would rest with the Parks Department and Park Board.

Staff is concerned with the open space areas behind lots. Staff has experience with these types of open spaces behind tall fences and they become yard clipping dumping areas and not usable open space areas. In addition, tall fencing can create a corridor and become so private and secluded that there is no natural surveillance of the areas. The applicant might consider requiring fencing that is more open such as picket, chain link or split rail. On the other hand, if no fencing is installed then open space user may not know where private property begins and open space ends. It's a tough balance with this type of design. It needs to be carefully implemented and staff has not seen enough detail to know how well it will work in this situation.

### **Compliance with Zoning:**

The dwelling units per acre is well within the acceptable density range for the zoning districts.

### **Preserve and protect the character and qualities of existing neighborhoods:**

City's Architectural Review Standards do not permit a garage-forward design for multi-family and the Subdivision Regulations state that lot design shall consider the design of multi-family unit subdivisions to avoid garage-forward design. Garage-forward design is defined as garage doors constructed forward of the foundation line of the main structure. Staff was concerned that the

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dimensions of the townhouse lots would require only a garage-forward design; therefore, requested the applicant submit conceptual drawing as to the type of townhouses that could be constructed that would not require a garage-forward design. The design submitted is a garage-forward design. Staff recommends these lots be increased in width to avoid this design.

### **Provide pedestrian and bicycle facilities and encourage transportation alternatives:**

The Ped-Bike Committee reviewed this project in 2013 and they made a unanimous recommendation that a 5-foot sidewalk with a 5-foot planter strip be constructed along the entire frontage of the project, as required by the city's engineering standards, and that at least two crossings be made to the south side of the project in logical locations.

### **Variance Request Analysis:**

1.The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;

Staff does not oppose the requested sidewalk on one side of the street for a short portion of the road.

Both the Public Works Department and the Fire Department are opposed to the cul-de-sac and the landscape islands in the middle of the rights-of-way. The departments point to public health, safety and general welfare when describing their concerns.

2.Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner;

A portion of a sidewalk along Wild Rose Lane along the railroad tracks is due to the physical surroundings.

The installation of landscaping island is not an undue hardship, but simply a design choice. The applicant has not proven to the satisfaction of city staff that a hardship exists that would warrant the installation of a longer than permitted cul-de-sac.

3. Undue hardship is not based exclusively on a personal or financial hardship, or any hardship that is self-imposed;

The applicant is not claiming a personal or financial hardship.

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4. The variance will not cause a substantial increase in public costs; and

The removal of a portion of a sidewalk along Wild Rose Lane along the railroad tracks will not cause an increase in public costs. However, the installation of the landscaping islands and the cul-de-sac will cause an increase in public costs for long-term maintenance and for snow removal.

5. The variance will not place the subdivision in nonconformance with any adopted zoning regulations, growth policy or other adopted policies or regulations.

The variances requested will not place the subdivision in nonconformance with any other city regulations or policies.

### **Staff Analysis of Zoning Deviations:**

One request they didn't make with the application is the lot coverage standard. As described earlier in this report, the WR-1 zoning has a lot coverage of 35% and the WER lot coverage is 30%.

Staff is concerned with the lot widths for the townhouse/duplex lots. As described earlier in the report, the subdivision regulations and Architectural Review standards prohibit the design of multi-family buildings, including townhouses, with a garage forward design.

As suggested previously in this report, staff is not supportive of these narrow townhouse lots and will recommend a condition of approval that the widths be increased.

### **Recommendation:**

Staff recommended the preliminary plat be **approved**, as submitted by the applicant, subject to a number of conditions, the deviation from the zoning standards as requested by the applicant, be **approved**, the subdivision variance for the sidewalk be **approved**, but the cul-de-sac length and landscape islands in the right-of-way **not be approved**:

Senior Planner Compton-Ring highlighted some of the conditions.

8.A sidewalk and planter strip with street trees be installed along the frontage of E 2<sup>nd</sup> Street from Armory Road to the western boundary of the project be installed. In addition two crossing shall be installed across Armory Road at locations determined by the Public Works Director.

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9. A road extension of Wild Rose Lane and Ponderosa Court shall be fully constructed to the eastern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of these roadway extensions shall be determined by the Public Works Director.

11. No fire hydrants shall be located under any overhead power lines.

12. Remove the eyebrow within the public rights-of-way.

13. The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. The final location and alignment shall be determined by the Public Works Director.

14. Garage-forward designed townhouses are not permit within this development. Lots 28-31 shall be increased in width to enable the development of townhouses that are not garage-forward.

17. The storm water facility shall only permitted in the outer 25% of the wetland buffer.

18. A report shall be submitted with the final buffer averaging details. This report shall indicate the overall area required, the amount being reduce and a 'to scale' drawing showing the minimum width of no less than 50-feet.

19. A wetland buffer restoration plan shall be submitted to Planning and Public Works Departments for review and approval. A financial guarantee of 125% of the restoration plant materials and installation to be held for the 5-year monitoring period and shall be held by the city.

20. A trail, open to the public, shall be installed the entire length of the creek/wetland buffer connecting to E 2<sup>nd</sup> Street sidewalk. The trail shall not be constructed of dirt or gravel. The final details of the trail installation shall be submitted to the Planning Department for review and approval.

21. A split rail fence or some other delineation, with the exception of chain link, along the restored wetland buffer shall be installed and maintained for the life of the project. The proposed delineation shall be reviewed and approved by the Planning Department prior to its installation.

22. The 4.04 acre parkland with the exception of the storm water

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facility shall be dedicated to the City at the time of final plat.

23. An open space plan for each phase shall be submitted to the Planning Department for review and approval. Such plan shall include: landscaping, details on the active pocket parks, trail location and materials, outdoor lighting and plan for the open spaces behind and next to the single family lots to ensure usability, natural surveillance and delineation between private property and neighborhood open spaces.

A portion of condition 27:

27. Long-term maintenance of the open spaces – including proper mitigation for wildland fire protection and annual maintenance.

## APPLICANT

Sean Averill said they had a couple of different proposals last year. They have been working with the neighbors on putting in just houses with a couple of townhouses instead of any apartments. There is an island of WA as the Kaufman's used as farming and this does not comply with the Growth Policy. The left side has open space along Cow Creek, every lot touches open space, on the hill there will be a road that goes around lots 28 and they have left the trees to help buffer the homes. Also on the left would be a city park and they are proposing to give this to Whitefish Lake Institute to take care of and restore the wetlands. They want a modern feel to this and 4 lots will face 2<sup>nd</sup> Street with the porches out front. The Fire Department would like a straight road. Ellis asked Sean if they were building the houses or selling the lots to be built on. Sean said they will sell the lots but they will have covenants.

All the utilities will be buried except for the power but everything would be buried up to the houses. Reeves asked if they were getting rid of all the trees and also Gunderson asked if they did a retaining plan for the trees. Sean said a lot of the open spaces will have trees and they could also have in the CC&R's about keeping the trees.

Wurster asked how they will be managing the water. Ryan Mitchell from Robert Peccia and Associate's said the groundwater in the Cow Creek area was 8 to 15 feet down and also by tracks, they will have a pipe that will go into the natural drain. They will be working with the City on working with a pretreatment device as they will try tying this into the project. They will be putting in a box culvert system.

Gunderson said the vegetation islands are nice because they do help break up the hard surfaces but he feels they could be designed so the fire trucks can get around them. Ryan said you can design them with

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low vegetation without any trees or rocks in the area if they need to be driven over in an emergency. They are harder for plowing for the City crews. Gunderson said staff asked if they could make a connecting road from Pondera Court to Armory Road. Ryan said they would have a 30-foot drop which would make it about 14% grade which exceeds city standards. They need to provide safe roads so there are no steep inclines and the vehicles end up sliding through intersections. Also, with steep roads, it would be hard for plowing and some houses would not be able to have driveways. Looking at the property to the west you can see that they would have a loop road. The loop road will have no access off of it and it will be at the max amount allowed by the City.

Ellis asked the Fire Marshal Joe Page his thoughts on this subdivision. Fire Marshal Page is concerned about the turning radius of their apparatus. He is not opposed to the island as long as they make sure the inside and outside radius are maintained. He is also concerned about the snow removal for in the winter as the roads do start to narrow down. The trucks would need 50' outside radius and 26' inside radius. His other concern is the long dead end road and for evacuation reasons. He said people would have to go towards the railroad tracks to leave and if they have their equipment set up people would not be able to get out.

Ellis said staff recommends approval but with 28 conditions so would they be able to work with all the conditions. Sean said they do like the islands and they would rather have a condition to say low vegetation and no trees or rocks. The biggest thing would be the loop road. They would like to see it come around the bottom as this would preserve the character of the neighborhood with saving the hill from a road. Ellis asked since this has been submitted have they sat down with the City road department and worked out a road they could work with. Sean said everything would have to be engineered at final plat. They said conditions #12 & #13 would be the hardest to work with.

Eric Mulcahy, a land use planner, said Ryan, Sean's partner and himself met with the City's staff. He does respect John Wilson but they feel it would do more damage to the character to this property by trying to cut this through. If they did that they would not be able to have driveways coming down to the road as they would be too steep. And he does understand Fire Marshal Page's concern on safety. Eric said there are other subdivisions in the City that have dead-end roads but they know in the future these roads will connect. They feel with the properties to the east the same thing will be happening and eventually there will be a road that comes out on E

## DRAFT

2<sup>nd</sup> Street. In long range they will get a secondary access out which would preserve the hill side and have neighborhoods that look nice. Wurster asked if there would be any emergency access towards the BNSF tracks. Ryan said the emergency vehicles would not be able to access the subdivision from the other side of the tracks as it is very steep. Ellis asked Senior Planner Compton-Ring what conditions could be hard for them to work with. Compton-Ring said condition #12 which is to remove the eyebrow within the public right-of-way and #13 which requires the removal of the cul-de-sac and looping back to Armory Road.

### **PUBLIC HEARING**

Chair Gunderson opened the public hearing for both the zone change and the preliminary plat/planned unit development and no one wished to speak.

### **MOTION**

Ellis moved seconded by Wurster to adopt staff report WPP 14-03/WPUD 14-02 except for conditions #12 and #13.

### **BOARD DISCUSSION**

Ellis feels these conditions can be worked. Reeves feels conditions #13 is very important because if there is an emergency with the train or fires. Gunderson feels the applicants are right in that it is a terrible place to put in a road from Ponderosa to Armory Road. If they could have an emergency egress location at the shared driveway that comes off the end of the cul-de-sac around lots 54 & 55.

Senior Planner Compton-Ring suggested maybe wording it to say the applicant and Public Works Director shall review the cul-de-sac design and look for other ways to mitigated the concern. Reeves asked if there was any other subdivisions that have other emergency accesses. Compton-Ring said there are some subdivisions they have secondary emergency accesses that are gated off but the Fire Department would have a key or it would be a break-away gate. If they choose to make a secondary emergency access, they have to make it wide enough for the emergency vehicles and it would have to stay plowed through the gate through the entire winter. Ryan said in the mountain areas they do have emergency access which are not paved it usually is just grass or natural ground cover with break-away gates. Also coming down the shared driveway access would work but the hill will still be steep as on the hill so if it was just for emergency it would work. Ryan thinks Public Works will still have concerns with snow plowing and building up on snow.

Gunderson said the City requirement are that the path systems be paved and he does feel it should be. With the 5' wide paths it is hard to get it compacted enough for paving without have it heaving. This

## DRAFT

would be condition #20 and it was just for entire length of the creek/wetland buffer. Sean said Mike Koppel from Whitefish Lake Institute has a trail plan which would consist of a boardwalk systems planned.

**Ellis said he would like to amend his motion to strike “the trails shall not be constructed of dirt or gravel” from condition #20 with Wurster as second.**

**Reeves made an amendment to condition #13 to say an emergency egress at the end of Ponderosa Court shall be explored, reviewed and approved by the Public Works Director with it being seconded by Gunderson.**

### ROLL CALL

The original motion with the two amendments was passed unanimously on a vote by acclamation. This is scheduled to go before the Council June 2, 2014.

### MOTION

Gunderson moved and seconded by Ellis to adopt staff report WZC 14-01 as findings-of-fact and recommend to the Whitefish City Council the map amendment.

### ROLL CALL

The original motion passed unanimously on vote by acclamation. This is scheduled to go before the council on June 2, 2014.

### **CITY OF WHITEFISH TO REVIEW ADOPTED 2007 WHITEFISH CITY-COUNTY GROWTH POLICY**

A request by the City of Whitefish to review the adopted 2007 Whitefish City-County Growth Policy, including a review of Future Land Use Mapping, infill policy, and implementation priorities, as per directives contained in the Growth Policy establishing a biennial review.



May 26, 2014

City Council  
City of Whitefish  
418 East 2<sup>nd</sup> Street  
Whitefish, MT 59937

Dear Councilors:

As Fire Marshal for the City of Whitefish I'm charged with reviewing site plans for a number of future developments to ensure each project meets adopted fire codes and provides adequate emergency access while ensuring the public has adequate emergency egress. This emergency planning involves a lot of "what ifs" with an attempt to plan ahead for future types of emergencies and city development.

Since April 30, 2013 various proposals for the development of the property located on the north side of East 2<sup>nd</sup> Street near Armory Road has been brought forward for review. In each proposal we have addressed with the developers the access and egress to all properties in the development. City Engineering standards, section 8.1 says, "dead-end streets are strongly discouraged, must terminate in an approved cul-de-sac and are only allowed in extraordinary circumstances". The developer's justification for the use of a cul-de-sac was that the extended road would be visible along the hillside and would possibly eliminate lots, neither is an extraordinary circumstance. Then Section 8.1 goes on to say, "Roadways that terminate at a cul-de-sac shall have a maximum length of one-thousand (1,000) feet". The latest plan now has a dead-end with a cul-de-sac more than one and a half times the maximum. On May 15, 2014 we attempted to raise these safety concern along with those of Public Works and we were rebuffed.

We are not convinced that enough effort has been put in by the developer to look into the fire department's or Public Works' concerns. The Planning Board's suggested compromise of an emergency escape route doesn't satisfy any of our concerns and may actually add more.

Emergency services' access is not just a Whitefish issue, the International Fire Code, which Whitefish has adopted, under section 503.1.2 says, "The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of single road access by vehicle congestion, condition of terrain, climatic conditions or factors that could limit access".

It doesn't take much to block a roadway during an emergency. When fire apparatus arrives on an emergency scene and is set up to operate there are out-riggers, compartment doors, ladder racks, and deployed hose, along with a safe area for firefighters to work that extends out around the apparatus. A fire apparatus will often block the entire street with just the first arriving engine not to mention all the additional emergency response resources that will respond. Fire apparatus could easily block a neighbor's evacuation route, or block an ambulance trying to get in or out when there's only one-way in and one-way out of a community.

I have personal experience with attempting to evacuate a one-way in one-way out community during Colorado's Lower North Fork fatal fire. In this case insuring the safety of the public evacuating and the firefighters responding became an incident in its self due to the bottle necks of competing traffic.

Let's not kid ourselves the entire City of Whitefish is within a wildland urban interface and one of the "what ifs" we worry about is an ember shower out more than a mile in front of a fast approaching wildland fire. Evacuation out of an area, along with emergency response into that same area within Whitefish is not just limited to wildland fires; emergency services have always been worried about evacuation necessitated by a hazardous materials incidents especially with regards to the BNSF rail yard, as you are aware of, the public has some legitimate concerns regarding this issue due to the recent Bakken Oil incidents.

We understand that removing the cul-de-sac and bringing the road back down to meet the new section of Armory Road will add cost due to the contour of the property at the 2<sup>nd</sup> street project; maybe this site is not suitable for this project. We are not convinced that

enough effort was given to addressing the fire department's concerns. We do not feel that the suggested emergency escape route satisfies our concerns, therefore, we cannot approve an escape route as an alternative design..

We have City engineering standards, International Fire Code standards along with the Public Works concerns listed in the Staff report, that need to be addressed. These standards have been developed and approved after serious consideration with public safety in mind and should not be sidestepped lightly. We'd like to see the developers redesign the project with the elimination of the long one-way in one-way out cul-de-sac design, that they build once, but we deal with day in and day out into the future.

At this time the Fire Marshal's Office cannot approve this development's access as currently proposed.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Joseph P. Page".

Joseph P. Page  
Fire Marshal

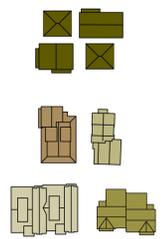
# 2nd Street Residences - Proposed Land Use Outline

Montana Creative  
architecture + design

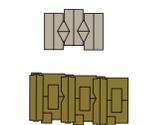


406 862 - 8152

Duplex Units



Triplex Units



Fourplex Units



Fiveplex Units



20' City Sewer Interceptor Project Easement

Pocket Neighborhood,  
92 Rental Units & Parking

City Water Connection Project Easement

Perimeter Units For Sale

143 Total Units  
59 - One Bedroom  
42 - Two Bedroom  
42 - Three Bedroom  
68% Green Space  
32% Impervious Surface

Maintain Existing  
Riparian Areas

Preseved Riparian Area  
-Public Access -

Existing Home

Maintain Existing  
Riparian Areas

Maintain  
Forested  
Hillside

Maintain  
Forested  
Hillside

Maintain Existing  
Forested Areas

Interior Access Trails

Trail 2,300 feet

Public Access - Old Tree Park

Picnic Shelter

Play Areas and Courtyard

Duplex

Covered Parking

Single Family Units

2nd Street

- Existing Mature Trees
- Parked Native Forest Trees and Bed
- Pavilion / BBQ
- Existing Russian Olive Red bark Dog Wood & Similar
- Natural Green Space

Paved Bike Trail

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



Robert Peccia & Associates, Inc.  
102 Cooperative Way, Suite 300  
Kalispell, MT 59901  
406.752-5025 / 406.752-5024 (fax)

SCALE: 1/2" = 60'

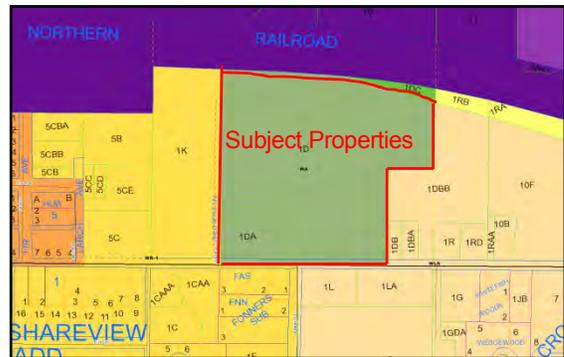
- 1/4 Corner (as noted)
- 1/16 Corner (as noted)
- Set 1/2"x24" Rebar & Cap (7975S)
- Found 5/8" Rebar & Cap (9344S)
- Found (as noted)

**SECOND STREET RESIDENCES  
ZONE CHANGE  
STAFF REPORT WZC 14-01  
APRIL 10, 2014**

A report to the Whitefish City-County Planning Board and the Whitefish City Council regarding a request by William MacDonald and Sean Averill on behalf of Community Infill Partners llc to rezone two parcels from WA (Agricultural District) to WER (Estate Residential District) at 1500 E 2<sup>nd</sup> Street. This request is scheduled before the Whitefish City-County Planning Board for public hearing on Thursday, April 17, 2014 at 6:00 PM. A recommendation will be forwarded to the City Council for a subsequent public hearing on Monday, May 19, 2014 at 7:10 PM. Both hearings will be held in the Whitefish City Council Chambers.

**PROJECT SCOPE**

The applicant is requesting a zone change on two parcels (Tracts 1D and 1DA) from WA (Agricultural District) to WER (Estate Residential District). Both parcels front on E 2<sup>nd</sup> Street and are located within the city limits.



The purpose of rezoning the properties is to facilitate the proposed Subdivision and Planned Unit Development (WPP 14-03/WPUD 14-02) to develop a 62-lot subdivision. The Subdivision and PUD applications accompany the rezone request.

**Purpose of WER:** A residential district to provide for single-family, large tract or estate development. These areas will typically be found in suburban areas, generally serviced by municipal sewer and water lines.

	<b><u>WER</u> (proposed zoning)</b>	<b><u>WA</u> (existing zoning)</b>
Minimum lot area:	20,000 s.f.	15 acre
Front yard setback:	25 feet	50 feet
Side yard setback:	15 feet	20 feet
Rear yard setback:	20 feet	20 feet
Maximum height:	35 feet	35 feet
Permitted lot coverage:	30% maximum	20% maximum for 2 acres or less; 10% maximum for 2 acres or more

**A. Property Owner:**  
Wild Rose Knoll Ip  
Pine Hill Ip  
PO Box 91  
Whitefish, MT 59937

**Applicant:**

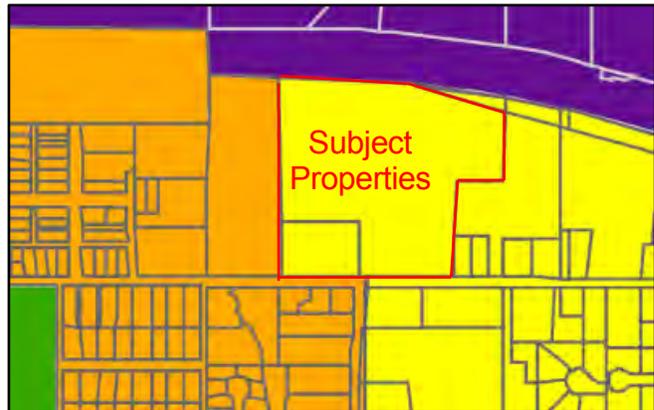
Community Infill Partners llc  
William MacDonald and Sean Averill  
PO Box 4600  
Whitefish, MT 59937

**B. Location and Size:**

The subject properties are located on E 2<sup>nd</sup> Street north of the E 2<sup>nd</sup> Street and Armory Road intersection. The properties can be legally described as Tracts 1D and 1DA in Section 32, Township 31N, Range 21W, P.M.M., Flathead County, Montana. Together they are approximately 18 acres in size.

**C. Existing Land Use, Zoning and Growth Policy Designation:**

The properties are currently being used for a single family homes and some agricultural purpose. The Growth Policy identifies the parcels as Suburban Residential.



**D. Adjacent Land Uses, Zoning and Growth Policy Designations:**

North:	BNSF Railway	WI	Planned Industrial
South:	residential	WLR/WR-1	Suburban/Urban Residential
East:	residential	WLR	Suburban Residential
West	residential	WR-1	Urban Residential

**E. Public Notice:**

A notice was mailed to adjacent land owners within 300-feet of the subject parcel on March 28, 2014, as part of the subdivision notice. Advisory agencies were noticed on March 28, 2014. A notice was published in the Whitefish Pilot on April 2, 2014. As of the writing of this report, no public comments have been received.

**F. Utilities**

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Electric:	Flathead Electric Co-op
Phone:	Centurylink
Police:	City of Whitefish

Fire: City of Whitefish  
Roads: City

**REVIEW AND FINDINGS OF FACT:**

This request is reviewed in accordance with the Whitefish Zoning Regulations Section 11-7-10 and based on statutory criteria on the purposes of zoning (76-2-304 & 305 M.C.A.).

The Whitefish Zoning Jurisdiction Regulations set forth the process for rezoning property and the considerations that both the Planning Board and the City Council must make in order to approve an amendment. While some of these considerations are not applicable as the existing and proposed zoning districts already address them, several considerations need to be reviewed in light of the proposed zoning district. The following is a review and discussion of considerations applicable to the proposed zoning district.

**A. Made in Accordance with a Growth Policy.**

The Growth Policy designates the two parcels with the Suburban designation which is consistent with the WCR (Country Residential District), WSR (Suburban Residential District) and WER (Estate Residential District) zoning categories.

**Finding 1:** The proposed zone change to WER is in accordance with the Growth Policy because it complies with the Suburban land use designation.

**B. Secure safety from fire, panic and other dangers.**

These properties are served by the City of Whitefish Police and Fire Departments. Any future development will meet all City requirements for roadway widths and Fire Department standards.

**Finding 2:** The proposed zone change will secure safety from fire, panic and other dangers because the city standards and zoning standards will be reviewed at the time of development.

**C. Promote the public health, public safety and general welfare.**

Public services and utilities are immediately available to the property and will be extended to serve the site.

**Finding 3:** The proposed zone change promotes public interest, health, comfort and general welfare because it is in conformance with the Growth Policy.

**D. Facilitate the Adequate Provision of Transportation, Water, Sewerage, Schools, Parks and other Public Requirements.**

Water and sewer will be extended into the project and the schools and parks are nearby. New public rights-of-way will be extended into the project to facilitate a future transportation network on the north side of E 2<sup>nd</sup> Street.

**Finding 4:** The proposed zone change facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements

because it is located inside city limits and is served by all public services and facilities.

**E. Reasonable Provision of Adequate Light and Air.**

The proposed zoning designation include setbacks, maximum building height and lot coverage. In addition, all construction will require conformance with the Building Code.

**Finding 5:** The proposed zone change provides reasonable provision of adequate light and air because the zoning and other city standards will prevent the overcrowding of the land through lot coverage, setbacks and conformance with the Building Code.

**F. The Effect on Motorized and Nonmotorized Transportation Systems.**

The property is located in the city limits and is served by a public street – E 2<sup>nd</sup> Street. As part of the Subdivision and PUD applications, a new city right-of-way is proposed that would extend Armory Road to the north to serve the development and then turn to the east where there are large undeveloped properties. As part of the entire application, a Traffic Impact Study was conducted. The Traffic Engineer found that the application will have little impact on the surrounding road system.

Opportunities for reduced vehicular dependence are readily available with the sidewalk and city trail system nearby and fronting on this project. Further, the proximity of schools, the downtown and nearby city parks will promote less car dependence.

**Finding 6:** The proposed zone change in and of itself will not have an effect on motorized and nonmotorized transportation systems; however, the zone change will facilitate the proposed project which will increase the density from the current development pattern. According to the Traffic Impact Study, the project will have little impact on the surrounding road system because the roads are already operating at acceptable levels of service. The property is located near schools, parks, trails and downtown.

**G. Promotion of Compatible Urban Growth.**

This project is considered infill, as it is served by public services and facilities and is surrounded by residential development. The proposed project density is similar to the immediate surrounding neighborhoods. It is within walking distance to the schools, downtown and parks.

The zone change itself is compatible with the surrounding neighborhoods. One could say that the current Agricultural District is not consistent within a neighborhood of suburban densities.

**Finding 7:** The proposed zone change will promote compatible urban growth because the property is served by public services and facilities, it is within walking

distance to the schools, downtown and city park and trail facilities, it is surrounded by urban and suburban-scale residential development and is consistent with the adopted Growth Policy designating the area as Suburban.

**H. Consideration to the character of the district and its particular suitability for particular uses.**

The character of the district is predominately single family with urban-sized lots to the west and larger, more suburban-sized lots to the east. There are scattered multi-family projects throughout the district. This area is near the downtown, schools, parks and the city's trail system.

The character of this development will be greatly changed from a rural pastoral appearance to a single family development. The applicant has designed the project to blend into the existing neighborhood. Considerable open space is being preserved and buffering along the east and west side of the project. Review through the PUD will also consider the character of the district.

**Finding 8:** The proposed zone change considers the character of the district and its particular suitability for particular uses with the proposed project because it is a predominately single family development in a predominately single family neighborhood, the lot sizes are comparable to the existing neighborhood and considerable open spaces will be retained.

**I. Conserving the Value of Buildings.**

The project will be required to obtain Architectural Review approval for the four townhouses and fitting into the existing neighborhood is an important aspect of this review. The existing historic home will remain as part of the project.

**Finding 9:** This criterion is subjective at best. However, it is permissible for the Board to consider testimony from nearby residents as prima facie evidence of adverse impact.

**J. Encouraging the Most Appropriate Use of Land Throughout the Jurisdictional Area.**

These properties have remained in a rural-type usage while development has grown up around them. There are public services and facilities and it makes sense to provide development in town as opposed to expanding into rural areas. These properties are near schools, shopping and the city's parks and trail system which makes them suited to suburban densities.

**Finding 10:** The proposed zone change encourages the most appropriate use of land throughout the jurisdictional area because it is orderly growth and is infill.

**K. That Historical Use and Establish Use Patterns and Recent Change in Use Trends will be Weighed Equally and Consideration not be Given One to the Exclusion of the Other.**

**Finding 11:** The Planning Board and the City Council should consider the historical and established use patterns, including trends, when making a decision on the project

**RECOMMENDATION**

It is recommended that the Whitefish City-County Planning Board Report adopt staff report WZC 14-01 findings of fact and recommend to the Whitefish City Council the map amendment be **approved**.

**SECOND STREET RESIDENCES  
STAFF REPORT  
PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT  
WPP 14-03/WPUD 14-02  
April 10, 2014**

A report to the Whitefish City-County Planning Board and the Whitefish City Council regarding a request by Community Infill Partners llc for a Preliminary Plat and a Planned Unit Development for 62 lots on 23.789 acres located to the north of the E 2<sup>nd</sup> Street and Armory Road intersection. A public hearing is scheduled before the Whitefish City-County Planning Board on April 17, 2014 and a subsequent hearing is set before the City Council on May 19, 2014.

**BACKGROUND**

The Planning Board reviewed three different development proposals on this property in 2013. At that time, the applicant was requesting a Planned Unit Development and Rezone, but no subdivision of the land. Below describes the various proposals reviewed by the Planning Board.

	Total Units	Density (dwelling units per acre)	Apartments	Attached Condos	Detached Condos	% of Open Space
<b>MARCH</b>	174	7.31	164	9	1	71%
<b>MAY</b>	150	6.31	112	9	29	69%
<b>JULY</b>	143	6.22	92	20	16 (15 with mother in-law apts.)	68%

Ultimately, the Planning Board recommended approval of the July application subject to a number of conditions. The Council held a public hearing in August which was continued until September. However, the applicant pulled the application from the agenda before the Council could act on it. There is no current approval on this property.

**I. PROJECT SCOPE**

The applicant is now proposing a 62-lot subdivision (54 single family lots and 8 townhouse lots – 4 townhouse buildings) on a total of 23.789 acres. Gross density of the project is 2.61 dwelling units per acre.

The entire project will be served by public streets. With the exception of the Subdivision Variance requested below, the streets will be within a 60-foot right-of-way and will have street lights, sidewalks, street trees and boulevards on both sides. There will be two access points onto E 2<sup>nd</sup> Street – one is



located at the intersection of Armory Road and E 2<sup>nd</sup> Street and another access point 335-feet to the west of the Armory Road/E 2<sup>nd</sup> Street intersection generally at the location of Wild Rose Lane. The extension of the Armory Road public right-of-way will enter the property and go north to a 'T' intersection. The road to the west will provide access to a number of homes and loop back to E 2<sup>nd</sup> Street. The road to the east will provide access to a number of homes and end in a cul-de-sac on the top of the hill. This eastern road will also provide two right-of-way reserves to the property to the east in order to facilitate future development of the vacant parcel and properties further west.



The project has 30% open space, as required in the PUD chapter, which is located throughout the neighborhood. There are active open space areas for the residents including a tot lot and a half basketball court. There is a trail system that loops through the neighborhood connecting all the open space areas together and to the sidewalk system within the development. Finally, the applicant is setting aside the stream/wetland buffer area as an open space parkland to be dedicated to the city that will include a trail in the buffer.

The property is currently developed with two single family homes. The home off Wild Rose Lane will be retained as one of the single family homes within the development and the other existing single family home fronting onto E 2<sup>nd</sup> Street will be removed. The vast majority of the property is undeveloped. It is bounded by the Burlington Northern Santa Fe on the north, Cow Creek on the west, E 2<sup>nd</sup> Street to the south and residential properties to the east.

In addition to the subdivision, the applicant is proposing a Planned Unit Development (PUD) to overlay the entire development. The PUD is not needed for a density bonus, but rather to accommodate the design of the project. The application, once the rezoning is complete, will blend the densities of the two zoning designations (WR-1 and WER) across the entire 23.789 acres and to provide 4 townhouse buildings in a single family zone.

The following **subdivision variance** is being requested:

- **Sidewalk on one side of the street for a short segment of a road.** The applicant is requesting approval of a variance to not place a sidewalk on a portion of the road adjacent to the BNSF right-of-way where no houses front on the street.

Items not requested, but needed in order to approve the design as proposed:

- **Cul-de-Sac Length.** The subdivision regulations prohibit dead end streets unless there are no opportunities for future connections. Also, the Public Works

Engineering Standards limit cul-de-sac lengths to a maximum of 1,000 feet. The proposed cul-de-sac on the eastern part of the subdivision exceeds this limitation. While the applicant is proposing two future right-of-way reserves to the east for future extensions this proposed road will function as a dead end until the adjacent neighbor extends the road and it is connected to E 2<sup>nd</sup> Street.

- **Landscaping Islands within the Right-of-Way.** The Public Works Standards for Streets do not provide for landscaped islands within the right-of-way, as proposed at the end of the cul de sac and road bulb out in the northwest corner of the project. The applicant would like to include these within the design of their project as a variance to the standard road design.

The following **zoning deviation** is being requested through the Planned Unit Development:

- **WR-1 Setbacks Across the Entire Property.** The applicant has requested that the WR-1 setbacks be applied across the entire property. The setbacks are:

	<b>WER (Estate Residential)</b>	<b>WR-1 (One-Family Residential)</b>
	Proposed Zoning on Tracts 1D & 1DA	
<b>FRONT:</b>	25-feet	25-feet
<b>SIDE:</b>	15-feet	10-feet
<b>REAR:</b>	20-feet	20-feet

Only the side yard setback is different between these zones. This zoning deviation request does not include a change to the lot coverage within the WER portion of the zoning district. The WER has a lot coverage of 30% and the WR-1 has a lot coverage of 35%.

Items not requested, but needed in order to approve the design as proposed:

- **Minimum Lot Area.** The minimum lot area in the WER zone is 20,000 square feet and the minimum lot area in the WR-1 zone is 10,000 square feet. The lot sizes in the proposed subdivision range from 23,428 square feet to 6,029 square feet for single family lots – the average lot size is 9,248 square feet. The sublots for the townhouses are 4,748 square feet or 9,496 square feet per townhouse.
- **Minimum Lot Width.** The minimum lot width in the WER zone is 100-feet and the minimum lot width in the WR-1 is 60-feet. Lots range in width between 51-feet to 80-feet and approximately 39-feet for the townhouse lots.
- **Multi-family in a Single Family Zone.** The PUD zoning chapter permits multi-family, two-family and single family dwellings with the approval of a PUD overlay. The applicant is proposing four townhouse structures (eight units).

In exchange for these zoning deviations, the applicant is proposing the following community benefits:

- The applicant is providing both a sewer and water easement from E 2<sup>nd</sup> Street to the north edge of their property. The city has planned for a number of years to extend a sewer main along Cow Creek and under the BNSF tracks in order to gravity flow wastewater for a large portion of the city north of the tracks. In addition, the applicant is proposing to provide a water easement through the center of the project in the event the city should want to loop the water system.
- All the trails throughout the development are proposed to be open to the public for public use.
- The parkland open space dedicated to the City, along Cow Creek, is larger than what would be required through a standard subdivision dedication.
- There have been some early discussions with the Whitefish Lake Institute to provide buffer restoration along the stream and wetland areas along with installation of the trail and long-term maintenance of the parkland. These discussions have not been formalized as the project has not been approved. As part of the restoration and maintenance, the applicant would contribute the funding for the project. Buffer restoration is not a requirement with the project.

**A. Owner:**  
Pine Hill Ip  
Wild Rose Knoll Ip  
PO Box 91  
Whitefish, MT 59937

**Applicant:**  
Community Infill Partners, llc  
Attn: William MacDonald and Sean Averill  
PO Box 4600  
Whitefish, MT 59937

**Technical Assistance:**  
Sands Surveying  
2 Village Loop  
Kalispell, MT 59901

Robert Peccia & Associates  
PO Box 5100  
Kalispell, MT 59901

**B. Location:**  
The subject properties are located on E 2<sup>nd</sup> Street north of the intersection with Armory Road. The properties are located at 100 Wild Rose Lane and 1500 E 2<sup>nd</sup> Street and can be legally described Tracts 1K, 1D and 1DA in Section 32, Township 31N, Range 21W, P.M.M., Flathead County.



**C. Existing Land Use and Zoning:**

The properties are developed with two single-family homes. The remainder of the property is undeveloped – a portion of the property is being used for agricultural purposes. The current zoning is WR-1 (One Family Residential District) and WA (Agricultural District). If the rezone is approved, the WA will be zoned WER (Estate Residential District).



**D. Adjacent Land Uses and Zoning:**

North:	BNSF	WI
West:	residential	WR-1
South:	residential	WR-1/WLR
East:	residential	WLR

**E. Utilities:**

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Gas:	Northwestern Energy
Electric:	Flathead Electric Co-op
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	Whitefish Fire Department
Schools:	Whitefish School District #44

**F. Public Notice:**

A notice was mailed to adjacent land owners within 300-feet of the subject parcel on March 27, 2014. A sign was posted on the property on March 31, 2014. Advisory agencies were noticed on March 27, 2014. A notice was published in the Whitefish Pilot on April 2, 2014. As of the writing of this report, no public comments have been received.

**II. REVIEW AND FINDINGS OF FACT**

This request is reviewed in accordance with statutory criteria and the Whitefish Zoning and Subdivision Regulations.

**A. Effects of Health and Safety:**

Fire: The Whitefish Fire Marshal reviewed the project. The Fire Marshal will approve the placement and design of all fire hydrants prior to their installation and emergency access.

The Fire Marshal has requested no fire hydrants be located under the overhead power line located along the east side of the proposed Wild Rose Lane. These power lines cannot be undergrounded per Flathead Electric Co-op. The Fire Marshal is concerned with the landscape islands in the middle of the street and would recommend these be removed. The Fire Department needs a 50-foot outside radius and a 28-foot inside radius and it could be difficult for these features to be designed to meet this standard and provided adequate emergency access. This will be a recommended condition of approval. Finally, the Fire Department is concerned with the length of the cul-de-sac. While at some point in the future the road could be extended to the east to facilitate connectivity, but, as proposed, the road is a dead end. The Fire Department does not support the variance request to exceed the cul-de-sac length and wants to see this roadway connected to the larger transportation network or have the length reduced. Staff will recommend this be a condition of approval.

Wildland Urban Interface: The property is within the city limits and within the city's fire district. The property will be served by City water and hydrants and meet all Fire Department emergency access requirements. The Fire Marshal recommends the open space areas and buffers be properly mitigated for wildland fire protection and maintained yearly.

Flooding: The area surrounding Cow Creek is a mapped floodplain (Panel 1090G), but doesn't contain any elevation data. The City does have view maps, but they are not official yet. The area with the mapped floodplain is within a dedicated open space area and no development is proposed with the possible exception of a trail for the public and neighborhood residents. The exact alignment of the trail is yet to be finalized.

Access: The subdivision has two access points onto E 2<sup>nd</sup> Street. One is located to line up with the intersection of E 2<sup>nd</sup> Street and Armory Road and the other is to the west approximately 350-feet. Both streets are public rights-of-way with sidewalks, boulevards, street trees and street lights.

Traffic Impacts: According to the Environmental Assessment and Traffic Impact Study, the project will generate 59 PM peak trips and 45 AM peak trips for an average of 564 daily trips. Seventy-five percent of the trips will use E 2<sup>nd</sup> Street to the west of the Armory Road/E 2<sup>nd</sup> Street intersection, 10% will use E 2<sup>nd</sup> Street to the east and 15% will use Armory Road. According to the engineer's report, the intersections will continue to operate at acceptable levels after the development is completely built out.

**Finding 1:** The proposed subdivision will not have a negative effect on public health and safety because the Fire Department has reviewed the proposal for conformance with the fire code; the Fire Department has requested no hydrants be located under the overhead power lines, the landscape islands within the public rights-of-way be removed and the cul-de-sac be redesigned to either be eliminated or greatly reduced in length; a portion of the property is within a mapped floodplain, but it will be within dedicated open space; access is off an existing public road; each lot will have physical access from a

public road; and the amount of traffic generated will not have an adverse effect on the local streets.

**B. Effects on Wildlife and Wildlife Habitat:** There are no mapped crucial wildlife habitat and/or daily or seasonal migration corridors on this site. It is likely that deer and other animals travel through the property to and from Cow Creek. The preservation of buffers and other open areas help to maintain these patterns.

**Finding 2:** The subdivision should not have a negative effect on wildlife and wildlife habitat because there are no mapped crucial wildlife habitat nor migration corridors on this property; the stream and its buffer are being maintained and enhanced; and other open areas are located throughout the development.

**C. Effects on the Natural Environment:**

Surface and groundwater: The developer will extend Municipal water and sewer to the subdivision thereby minimizing any potential impacts to the groundwater. The property is mapped as being within the high groundwater area. It should be noted that the mapping is at a planning level and no field verification was conducted with this mapping exercise. As a result, the Public Works Department will work with the applicant's engineer to carefully review the infrastructure plans to ensure they function correctly due to the possibility of high groundwater.

Slopes: The center portion of the property is fairly flat while the eastern portion of the lot has a hill that rises nearly 50-feet from center of the project. The property also slopes downward toward the stream on the western project boundary.

There are building sites within 200-feet of water, but the slopes do not appear to exceed 10%. This will be verified at the building permit. According to the Water Quality Protection regulations, if a building is located within 200-feet of a water body and is constructed on a slope of 10% or more, a geotechnical letter will need to be supplied along with the building permit.

Wetland/Stream: The applicant is proposing to protect Cow Creek and associated wetlands with buffers and setbacks that meet the Water Quality Protection (WQP) regulations. The buffer requirement is 100-feet for single family residential. (§11-3-29C(1)) There are eight single family lots along the stream. The existing single family home is nearly entirely within the buffer.

*Allowed Activities within the Buffer- (§ 11-3-29C(5)).* Within the buffer they are proposing to construct a pedestrian trail, which is permitted through the WQP. Staff and the Park Board recommended the path, open to the public, along the entire length of the stream connecting to E 2<sup>nd</sup> Street. Staff proposes the details of the trail construction be a condition of approval. Staff also recommends the trail be constructed of asphalt and not dirt or gravel in order to prevent erosion.

There have been some early discussions with the Whitefish Lake Institute to provide buffer restoration along the stream and wetland areas. No commitment has been included in the application; however, this would be a community benefit to the project as restoration is not a requirement with the project; therefore, staff recommends it be a condition of approval.

Finally, the applicant is proposing to place a stormwater facility in the buffer area, as the property drains toward the stream naturally. According to the WQP regulations, stormwater facilities may be located only in the outer 25% of buffers provided that no other location with less impact is feasible and impacts are mitigated. This will be reviewed at the time of engineering plan submittal and will be a recommended condition of approval.

*Buffer Averaging - §11-3-29C(4).* The total buffer area can be adjusted provided the overall area (square footage) remains the same, the decreases are generally where the riparian functions may be less sensitive to adjacent land uses and the averaged buffer is no less than 50% of the standard width – in this case it would be 50-feet. It appears these standards are generally being met in the vicinity of Lot 2, but staff will recommend detailed information be provided as a condition of approval.

Storm Water Conveyance: There are no mapped storm water conveyances within the project boundaries.

Drainage: The applicant is proposing to install curb and gutter along the streets in order to convey run-off to a detention storm water pond located west of Wild Rose Lane and north of E 2<sup>nd</sup> Street within the wetland buffer as this is the way the property naturally drains. All drainage plans are required to meet the current storm water standards and will be reviewed by the city's engineering staff. The stormwater facility, as proposed, is located within the wetland buffer. This facility may only be located in the outer 25% of the buffer. While the stormwater areas and sizes are shown on the preliminary plat, the final size/location may change once the engineering plans are submitted for review to the city. A standard condition of approval included notes that the preliminary plat may be changed, including density, based on the city's review of the drainage plans.

**Finding 3:** The subdivision should not have a negative impact on the natural environment because the eastern buffer of the stream/wetland will be preserved and restored; a monitoring program, along with a financial guarantee, will be implemented to guarantee success of the restoration; wetland buffer is being set aside as open space and the requirements are being met; City staff will review the storm water plan with the final engineering plans.

**D. Effects on Local Services:**

Water: The project proposes to utilize the City water system. The extensions from the main will be designed and constructed to City specifications.

Sewer: The project proposes to utilize the City sewer system. The sewer facilities will be designed and constructed to City specifications.

Streets: The streets will be privately constructed, but open to the public. See discussion above regarding traffic impacts.

The utility easement along E 2<sup>nd</sup> Street will need to be renamed 'sidewalk and utility easement' as a 5-foot wide sidewalk will be installed in this location between Armory Road and the western boundary of the project.

The applicant has proposed two possible right-of-way extensions to the east of Ponderosa Court. The purpose of these extensions is to facilitate a future transportation circulation system between the railroad tracks and E 2<sup>nd</sup> Street. The right-of-way extension located between lots 46 and 58 may need further analysis and review by the Public Works Department to ensure it works. This may result in the shifting of lots to ensure the intersection functions.

The Public Works Department has identified a number of concerns with the roadways as proposed:

- The proposed eyebrow/cul-de-sac in the vicinity of Lots 6-9 needs to be removed. As described earlier in this report, the Fire Department also shared this concern. Public Works is concerned with inefficient snow removal and excessive length in water service lines beneath the roadway. As a result, the road design and lot configuration needs to be redesigned in this area. Staff will recommend a condition of approval requesting these changes.
- The excessive length in the cul-de-sac. The Public Works Department requests that Ponderosa Court be extended down the hill to the west and terminate on the newly extended Armory Road in a 'T' intersection near the vicinity of Lot 28. The public works department points out that there is no provision in the city standards for a cul-de-sac this length. As described earlier in this report, the Fire Department also shared this concern. Staff will recommend a condition of approval requesting this change.
- There is considerable detail in the preliminary plat map as to the dimensions of the roads. The Public Works Department wanted to point out that these dimensions are inadequate for any on-street parking and may change as the review of the plans continues. The applicant is showing 30-feet of pavement width and a minimum of 34-feet in width is required for on-street parking on both sides. The Fire Department also shares these concerns.

Schools: The site is within the Whitefish School District #44. At completion, using 2011 census information for Flathead County student generation rate of 0.31 students per single family unit, this subdivision would generate approximately nineteen school-age children.

Parks and Open Space: The applicant is proposing to set aside 30% of the project in open space area. As described earlier in the report, the open spaces consist of a tot lot and half-court basketball court along with a series of open space pocket parks and trail connecting them all together. In addition, the wetland/stream buffer area along Cow Creek is proposed to be dedicated to the city as public park and a trail will be installed that is open to the public.

The applicant met with the Park Board in January 2014 and the Park Board unanimously recommended that the four acre park area be dedicated to the City exclusive of any stormwater facility and that a trail, open to the public, be developed the entire length of the park from E 2<sup>nd</sup> Street to the north. This parkland will be dedicated to the City at the time of final plat and will be a condition of approval.

At that meeting, the applicant indicated their interest in having the Whitefish Lake Institute do a restoration project and possibly maintain the park. The City, over the years has entered into these types of agreements when it is in their interest – such as Smith Fields near the hospital. If a third party is interested in conducting restoration and long-term maintenance, they could enter into an agreement with the City to provide this service. The particulars of this type of arrangement would be outside the subdivision review and would rest with the Parks Department and Park Board.

Staff is concerned with the open space areas behind lots. Staff has experience with these types of open spaces behind tall fences and they become yard clipping dumping areas and not usable open space areas. In addition, tall fencing can create a corridor and become so private and secluded that there is no natural surveillance of the areas. The applicant might consider requiring fencing that is more open such as picket, chain link or split rail. On the other hand, if no fencing is installed then open space user may not know where private property begins and open space ends. It's a tough balance with this type of design. It needs to be carefully implemented and staff has not seen enough detail to know how well it will work in this situation. Staff will recommend a condition of approval that the final details of the open space and landscaping be approved by the Planning Department.

Police: The project is in the City of Whitefish and will be served by the City Police Department. The proposed development will have some impact on the Whitefish Police Department; however, this subdivision is not anticipated to impact current levels of service.

Fire Protection: The Whitefish Fire Department serves the property. The proposed development will have some impact on the Whitefish Fire Department; however, this subdivision is not anticipated to impact current levels of service. See discussion above regarding Fire. (Section II.A.)

Solid Waste: North Valley Refuse is under contract with the City of Whitefish to handle solid waste for the city. Solid waste is taken to the Flathead County Landfill. There is

sufficient capacity within the landfill to accommodate the additional solid waste generated from this subdivision.

Medical Services: The Whitefish Fire Department provides emergency medical services to this property with North Valley Hospital within a couple of miles south of this property.

**Finding 4:** The proposed subdivision does not pose any negative effects on local services because City staff has preliminarily reviewed the project for water, sewer and stormwater; the Fire Department has preliminarily reviewed the proposal for conformance with the Fire Code; additional services, such as police and schools, are not anticipated to be affected; adequate park and open space is being set aside for the neighborhood; as conditioned, the public streets will serve the neighborhood and public efficiently, logical extensions of public rights-of-way will be evaluated to the east of this development and a utility/sidewalk easement will be provided along the E 2<sup>nd</sup> Street right-of-way.

**E. Effects on Agriculture and Agricultural Water User Facilities:**

A portion of the property has been used for hay. The property is in the city limits with direct access to public services and facilities making its viability for long-term agriculture questionable. No property surrounding the subject project is being used for agricultural purposes.

**Finding 5:** The proposed subdivision does not pose any negative effects on agriculture or agricultural water users because the property is within the city limits and has direct access to public services and facilities.

**F. Compliance with Growth Policy:**

The Whitefish Growth Policy designates this area as both Urban and Suburban Residential. Urban generally corresponds to WR-2, WR-1 and WLR zones with a range of density of 2 to 12 dwelling units per acre while the Suburban generally corresponds to WCR, WSR and WER zoning with a range of density of 0.4 to 2.5 dwelling units per acre. The proposed density is 2.61 dwelling units per acre.

Other future land use GOALS related to the Growth Policy include:

2. Preserve, enhance, and manage environmentally sensitive areas such as river and stream banks, steep slopes, wetlands, forested areas, and critical wildlife habitat.

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



7. Plan for healthy, efficient, and visually attractive corridors along major transportation routes through the community.

Finally, this is an infill project served by all public services and facilities within the city limits which is a priority and main theme in the 2007 Growth Policy versus expanding urban densities into rural areas surrounding the community that would require the extension of public services and facilities.

**Finding 6:** The project complies with the Growth Policy because the density falls within the guidelines for the Urban and Suburban designations, it is protecting environmentally sensitive areas within the development, it is complimentary to the surrounding neighborhoods, it is providing a visually attractive corridor along E 2<sup>nd</sup> Street and it is an infill development.

**G. Compliance with Zoning:**

The subdivision has WR-1 and, if approved, WER zoning. The WR-1 zoning permits up to 4 dwelling units per acre (DUA) and the WER zoning permits up to 2 DUA. The applicant is proposing to blend the zoning districts and develop the project at an overall density of 2.61 DUA well within the acceptable density range for the zoning districts.

**Finding 7:** The proposed subdivision complies with the zoning because it is within the acceptable density range for the zoning districts.

The Planned Unit Development is intended to encourage flexible land use development by allowing development based upon a comprehensive, integrated and detailed plan rather than upon specific requirements applicable on a lot by lot basis. The development, according to the Purpose and Intent of the PUD chapter, provides the following benefits, as applicable. As many of the following items were evaluated earlier in this report, the pertinent section is referenced:

1. Preserve and/or enhance environmentally sensitive areas of the site. (See Section II.C.) Pursuant to the Water Quality Protection regulations and as described above, the applicant is preserving the wetland buffer along the west side of the project along Cow Creek. The applicant has been in discussions with the Whitefish Lake Institute to have them complete restoration of the buffer and install a pedestrian path along the wetland. The details of the restoration plan needs to be submitted as a condition of the preliminary plat to ensure all the WQP standards are being met.
2. Preserve crucial wildlife habitat and/or daily or seasonal migration corridors. See Section II.B.
3. Provide usable open space. As described above, the applicant is proposing to set aside 30% of the site (7.1369 acres) in open space. Open space is defined as those areas not encumbered with streets and buildings. There is a tot lot, a half

basketball court and a series of trails located throughout the open space areas in order to make them more usable. These open space areas have adequate access and are conveniently located within the neighborhood.

4. Preserve and protect the character and qualities of existing neighborhoods. The proposed neighborhood is predominately single family residential and the existing neighborhood is predominately single family. There are four townhouses (8 units) within the development and they are located within the center of the project.

The City's Architectural Review Standards do not permit a garage-forward design for multi-family (§6.6.3., Arch Review Standards) and the Subdivision Regulations (§12-4-12I) state that lot design shall consider the design of multi-family unit subdivisions to avoid garage-forward design. Garage-forward design is defined as garage doors constructed forward of the foundation line of the main structure. Staff was concerned that the dimensions of the townhouse lots would require only a garage-forward design; therefore, requested the applicant submit conceptual drawing as to the type of townhouses that could be constructed that would not require a garage-forward design. The design submitted is a garage-forward design. Staff would recommend these lots be increased in width to avoid this design. (§12-4-12(I))

5. Make efficient use of infill property. The proposed project is served by City water and sewer and is located in the City limits. The applicant is making efficient use of this infill property and is proposing a transition from the large lots to the east of this project to the more urban sized lots to the west of this neighborhood.
6. Provide effective buffers or transition between potentially incompatible uses of land. As described above, the project is naturally buffered to the west by Cow Creek and its associated buffer. The project is also proposing a green space along E 2<sup>nd</sup> Street to buffer the neighborhood from E 2<sup>nd</sup> Street. There are no incompatible uses within the neighborhood that would warrant buffering from the adjacent neighborhoods.
7. Facilitate street continuity and connectivity, and attractive high quality streetscapes. The proposed streets system is providing two locations to connect this development to the east at the time the adjacent lot is developed. This new road extension will provide additional street connectivity for future development of property to the east in an area that lacks a grid system. As the project is designed now, Ponderosa Court is a dead end without connectivity.

The homes on Lots 24-27 will front on E 2<sup>nd</sup> Street which is complimentary to the homes to the west in the historic part of town. In addition, the subdivision has a linear open space area in order to retain many of the larger trees, which is part of the character of the neighborhood.

8. Provide pedestrian and bicycle facilities and encourage transportation alternatives. There are sidewalks and paths throughout the development that connect to the city's trail system. According to the applicant, these trails will be open to the public. In addition, the project is located in close proximity to the schools, city parks and the downtown.

During the 2013 review, staff met with the Pedestrian and Bicycle Committee to review the proposed public paths with public access within the development. At that meeting, they made a number project specific suggestions that are no longer applicable; however, they made a unanimous recommendation that a 5-foot sidewalk with a 5-foot planter strip be constructed along the entire frontage of the project, as required by the city's engineering standards, and that at least two crossings be made to the south side of the project in logical locations (Armory Road and the western boundary of the project where it would line up with the shared bike/pedestrian sidewalk on the south side of E 2<sup>nd</sup> Street). The crossing of the creek could match the sidewalk proposed on the south side of the road with the installation of a longer, larger culvert.

The Public Works Department subsequently considered this proposal and they did not want to see the sidewalk continued to the east of Armory Road extension and this was removed. Staff will recommend sidewalk with planter strip be a condition of approval.

City staff and the Park Board recommend a trail within the wetland buffer, open to the public, the entire length of the stream corridor be installed. This trail should connect to E 2<sup>nd</sup> Street in order to provide access for the public.

The City has started the rebuild of E 2<sup>nd</sup> Street from Cow Creek east to the train tracks. The reconstruction will include a pedestrian/bike path on the south side of E 2<sup>nd</sup> Street to the Armory Park facilities and a sidewalk on the south side of the E 2<sup>nd</sup> Street crossing Cow Creek. The construction of this sidewalk is being facilitated by the city installing a new, longer culvert as part of the E 2<sup>nd</sup> Street project to widen the roadway. The Second Street Residences are well suited to take advantage of these improvements.

9. Provide affordable housing. The application is not requesting a density bonus; therefore, is not required to provide affordable housing nor are they proposing an affordable housing component.
10. Provide a variety of residential product type while avoiding a monotonous and institutional appearance. The applicant is providing two different housing types – attached and detached single family units.

The Architectural Review standards require a development with multiple multi-family buildings be designed so they do not all look the same and this will be a

requirement for this project. The standards also require no garage-forward design for multi-family projects.

11. Compliance with and/or implementation of the growth policy. (See Section II.F.)

**Finding 8:** With the imposition of conditions, staff has finds that the above twelve criteria are being met or are not applicable and provide community benefit to allow for the deviations to the zoning standards.

Amendments – Section 11-7-10D:

The following considerations from §11-7-10D are intended to guide both the Planning Board and the City Council when considering an amendment to the official zoning map.

Considerations from Section 11-7-10(E)	Staff Report Section Reference/Comments
<b>Zoning Regulations Must Be:</b>	
Made in Accordance with a Growth Policy	see Section II.F.
<b>Designed to:</b>	
Secure safety from fire and other dangers	see Section II.A.
Promote public health, public safety and general welfare	see Section II.A.
Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements	see Section II.D.
<b>In the adoption of zoning regulations, the city shall consider:</b>	
Reasonable provision of adequate light and air	The applicant will be required to meet all applicable Building Code requirements. The applicant has not applied for any variances to the Building Code that would affect “light and air.”
The effect on motorized and nonmotorized transportation systems	see Section II.A. and D.
Promotion of compatible urban growth	see Section II.F., G.
The character of the district and its particular suitability of the property for the particular uses	see Section II.G.
Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area; and	This criterion is subjective at best, but staff can identify no instances where “buildings” will be subject to a diminution in value because of the proposed development. However, it is permissible for the Board to consider testimony from nearby residents as prima facie evidence of adverse impact.

Considerations from Section 11-7-10(E)	Staff Report Section Reference/Comments
	This proposal only applies to the subject property, and sets no binding precedent for any other zone change or PUD proposal.
That historical uses and established uses patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other.	The Planning Board and the City Council should consider the historical and established use patterns, including trends, when making a decision on the project.

## H. Compliance with Whitefish Subdivision Regulations:

**Finding 9:** With the imposition of conditions, the subdivision complies with the Whitefish Subdivision Regulations.

### Variance Request Analysis:

In order for the applicant to construct the subdivision in its current design, the applicant has requested a variance to the street standards (described earlier in this report) that includes the following:

- Sidewalk on one side of the street for a short segment of a road along Wild Rose Lane to the east of Lot 14.
- Cul-de-Sac Length.
- Landscaping Islands within the Right-of-Way.

The subdivision regulations require the Council to review the following criteria before any variance to the subdivision standards be granted. No variance shall be granted unless the criterion can be met or are not applicable §12-2-5(C):

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;

Staff does not oppose the requested sidewalk on one side of the street for a short portion of the road. It makes some sense since there is no proposed home fronting that portion of the road to maintain the sidewalk or keep it clear from snow.

As described previously in this report, both the Public Works Department and the Fire Department are opposed to the cul-de-sac and the landscape islands in the middle of the rights-of-way. (See Sections II.A. and II.D.) The departments point to public health, safety and general welfare when describing their concerns.

2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner;

The removal of a portion of a sidewalk along Wild Rose Lane along the railroad tracks is due to the physical surroundings and shape of the property.

The installation of landscaping island is not an undue hardship, but simply a design choice.

The applicant has not proven to the satisfaction of city staff that a hardship exists that would warrant the installation of a longer than permitted cul-de-sac. There are topographic challenges with the property that could make the installation of a loop road instead of a dead end more difficult, but city staff has not had an opportunity to evaluate these options. The loop road, depending on the design, could also cause individual driveways to be steep, but again, staff has not had an opportunity to evaluate these options.

3. Undue hardship is not based exclusively on a personal or financial hardship, or any hardship that is self-imposed;

The applicant is not claiming a personal or financial hardship.

4. The variance will not cause a substantial increase in public costs; and

The removal of a portion of a sidewalk along Wild Rose Lane along the railroad tracks will not cause an increase in public costs. However, the installation of the landscaping islands and the cul-de-sac will cause an increase in public costs for long-term maintenance and for snow removal.

5. The variance will not place the subdivision in nonconformance with any adopted zoning regulations, growth policy or other adopted policies or regulations.

The variances requested will not place the subdivision in nonconformance with any other city regulations or policies.

**Finding 10:** The variance criteria for the requested sidewalk variance are met for the Second Street Residences because it will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; the request is due to the physical surroundings and shape of the property; the request is not based exclusively on a personal or financial hardship, or any hardship that is self-imposed; it will not cause a substantial increase in public costs; and it will not place the subdivision in nonconformance with any adopted zoning regulations, growth policy or other adopted policies or regulations.

**Finding 11:** The variance criteria for the requested cul-de-sac length and landscaping islands within the rights-of-way variance are not met for the Second Street Residences because it will be detrimental to the public health, safety, or general welfare; it is not due to the physical surroundings, shape, or topographical conditions of the property involved; strict compliance with the regulations will not impose an undue hardship on the owner; and it will cause an increase in public costs.

**I. Compliance with the Montana Subdivision and Planning Act:**

Staff has reviewed the proposal for compliance with the Montana Subdivision and Platting Act and found that the requirements have been met.

**Finding 12:** The proposed subdivision complies with the Montana Subdivision and Platting Act, MCA 76-3.

**III. STAFF ANALYSIS OF ZONING DEVIATIONS.**

*Setbacks/Lot Sizes/Lot Width* The applicant is proposing to blend the zoning density across the property. The higher density zoning district (WR-1) is between the western property line and Wild Rose Lane where the stream/wetland and associated buffer located. In order to accommodate the development as proposed, the applicant has requested the use of the WR-1 setbacks on the WER portion of the development. In addition, they need a deviation to the lot sizes and lot width to accommodate the design. Staff is satisfied with this request and it makes sense. The lots sizes are not out of character with the neighborhood.

One request they didn't make with the application is the lot coverage standard. As described earlier in this report, the WR-1 zoning has a lot coverage of 35% and the WER lot coverage is 30%. It seems to make some sense to have the lot coverage the same across the project, but it was not part of the request.

Staff is concerned with the lot widths for the townhouse/duplex lots. As described earlier in the report, the subdivision regulations and Architectural Review standards prohibit the design of multi-family buildings, including townhouses, with a garage forward design. This standard was added when the Architectural Review Committee pointed out that prohibition of garage forward design starts with the design of the lots. Staff requested the applicant provide an example of the type of townhouse that would fit on the lot and wouldn't be garage-forward; however, they submitted a garage-forward design. This shows that only a garage forward design could be constructed on the lots and they are too narrow. As suggested previously in this report, staff is not supportive of these narrow townhouse lots and will recommend a condition of approval that the widths be increased.

*Multi-Family.* The multi-family, as proposed, is a very small portion of the project and its design is located in the center of the project. This is a huge decrease in multi-family from any of the previous submittals. Staff is satisfied with the four townhouses, but still have concerns with the narrowness of the lots.

## **RECOMMENDATION**

It is recommended that the Whitefish City-County Planning Board adopt the findings of fact within staff report WPP 14-03/WPUD 14-02 and recommend to the Whitefish City Council the preliminary plat for the Second Street Residences Subdivision be **approved**, as submitted by the applicant, subject to the following conditions, the deviation from the zoning standards as requested by the applicant, be **approved**, the subdivision variance for the sidewalk be **approved**, but the cul-de-sac length and landscape islands in the right-of-way **not be approved**:

1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.
2. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as “approved plans” by the City Council.
3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish’s design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)
4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)

5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works and Planning/Building Department. The plan shall include, but may not necessarily be limited to, the following:
  - Dust abatement and control of fugitive dust.
  - Hours of construction activity.
  - Noise abatement.
  - Control of erosion and siltation.
  - Routing for heavy equipment, hauling, and employees.
  - Construction office siting, staging areas for material and vehicles, and employee parking.
  - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
  - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
  - Notation of any street closures or need to work in public right-of-way.(City Engineering Standards, 2009)
6. Provide a sewer and water easement from E 2<sup>nd</sup> Street to the north property line. In addition, the city will need maintenance easements to serve these lines. These easements shall be signed and recorded within 30-days of Council approval. (Staff Report, Finding 8)
7. Easement along E 2<sup>nd</sup> Street shall be renamed utility and sidewalk easement. (Finding 4)
8. A sidewalk and planter strip with street trees be installed along the frontage of E 2<sup>nd</sup> Street from Armory Road to the western boundary of the project be installed. In addition two crossing shall be installed across Armory Road at locations determined by the Public Works Director. (Finding 8)
9. A road extension of Wild Rose Lane and Ponderosa Court shall be fully constructed to the eastern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of these roadway extensions shall be determined by the Public Works Director. (Finding 4, Subdivision Regulations, §12-4-15H)
10. Street lighting shall be required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting shall be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (Zoning Regulations §11-3-25; City Engineering Standards, 2009)
11. No fire hydrants shall be located under any overhead power lines. (Finding 1)
12. Remove the eyebrow within the public rights-of-way. (Finding 1 & 4)

13. The Ponderosa Court cul-de-sac shall be removed and looped back to Armory Road extension in a 'T' intersection. The final location and alignment shall be determined by the Public Works Director. (Finding 1 & 4)
14. Garage-forward designed townhouses are not permit within this development. Lots 28-31 shall be increased in width to enable the development of townhouses that are not garage-forward. (Finding 8, Architectural Review Standards 6.6.3., §12-4-12I)
15. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation and fire access. (UFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)
16. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)
17. The storm water facility shall only permitted in the outer 25% of the wetland buffer. (Finding 3, § 11-3-29C(5)(h))
18. A report shall be submitted with the final buffer averaging details. This report shall indicate the overall area required, the amount being reduce and a 'to scale' drawing showing the minimum width of no less than 50-feet. (Staff Report, Finding 3; Zoning Regulations §11-3-29C)
19. A wetland buffer restoration plan shall be submitted to Planning and Public Works Departments for review and approval. A financial guarantee of 125% of the restoration plant materials and installation to be held for the 5-year monitoring period and shall be held by the city. (Staff Report, Findings 3; Zoning Regulations §11-7-10E)
20. A trail, open to the public, shall be installed the entire length of the creek/wetland buffer connecting to E 2<sup>nd</sup> Street sidewalk. The trail shall not be constructed of dirt or gravel. The final details of the trail installation shall be submitted to the Planning Department for review and approval. (Finding 3 & 8, 11-3-29C(5)(c))
21. A split rail fence or some other delineation, with the exception of chain link, along the restored wetland buffer shall be installed and maintained for the life of the project. The proposed delineation shall be reviewed and approved by the Planning Department prior to its installation. (Staff Report, Finding 7)
22. The 4.04 acre parkland with the exception of the storm water facility shall be dedicated to the City at the time of final plat. (Finding 4)
23. An open space plan for each phase shall be submitted to the Planning Department for review and approval. Such plan shall include: landscaping, details on the active

pocket parks, trail location and materials, outdoor lighting and plan for the open spaces behind and next to the single family lots to ensure usability, natural surveillance and delineation between private property and neighborhood open spaces. (Finding 4)

24. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)

25. The following notes shall be placed on the face of the plat:

- House numbers shall be located in a clearly visible location.

(Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)

26. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)

27. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) for Second Street Residences Subdivision Homeowners' Association (HOA) providing for:

- Long-term maintenance of the open spaces – including proper mitigation for wildland fire protection and annual maintenance;
- Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
- Long-term maintenance plan for drainage and storm water management facilities.

(Subdivision Regulations §12-4-30; Staff Report Finding 3; City Engineering Standards, 2009)

28. The Second Street Residences preliminary plat and planned unit development is approved for three years from Council action (Subdivision Regulations, §12-3-8)



## Element Review Preliminary Plat Application

RE: Element Review for: \_\_\_\_\_

Pursuant to MCA 76-3604(1)(a) and Whitefish Subdivision Regulations Section 12-3-4(A) we have determined your application:

Contains all the required Elements to begin a Sufficiency Review

Is missing the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date



## Sufficiency Review Preliminary Plat Application

RE: Sufficiency Review for: \_\_\_\_\_

Pursuant to MCA 76-3-604(2)(a) and Whitefish Subdivision Regulations Section 12-3-4(B) we have determined your application:

Contains sufficient detail to commence review of the application. Your application will be scheduled for Planning Board on \_\_\_\_\_ and City Council on \_\_\_\_\_.

Is lacking required detail in the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date



## Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Community Partners llc is proposing to develop a 62-lot subdivision on 23.789 acres. In addition to the subdivision, the applicant is proposing to rezone Tracts 1D and 1DA from WA (Agriculture District) to WER (Estate Residential District) and the applicant is proposing a Planned Unit Development (PUD) to overlay the entire subdivision. The purpose of the PUD overlay is to utilize WR-1 zoning setbacks over the entire property, develop four townhouse/duplexes in a single family zone and eliminate a sidewalk on a portion of a proposed road without any adjacent single family homes. The property is developed with two single family homes, one of which will be retained as part of the development, and is zoned WR-1 (One-Family Residential District) and WA (Agricultural District). The property is located at 100 Wild Rose Lane and 1500 E 2<sup>nd</sup> Street and can be legally described as Tracts 1K, 1D and 1DA in S32, T31N, R22W.

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

**Thursday, April 17, 2014**  
**6:00 p.m.**  
**Whitefish City Council Chambers, City Hall**  
**402 E. Second Street, Whitefish MT 59937**

The City-County Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on Monday, May 19, 2014 at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at [wcompton-ring@cityofwhitefish.org](mailto:wcompton-ring@cityofwhitefish.org). Comments received by the close of business on Monday, April 7, 2014, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS



Date: March 28, 2014  
To: Advisory Agencies & Interested Parties  
From: Whitefish Planning & Building Department

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The regular meeting of the Whitefish City-County Planning Board will be held on Thursday, April 17, 2014 at 6:00 pm. During the meeting, the Board will hold public hearings on the items listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold subsequent public hearing on items 1-2 on Monday, May 5, 2014 and items 3-4 on Monday, May 19, 2014. City Council meetings start at 7:10 pm. Planning Board and City Council meetings are held in the Whitefish City Council Chambers, Whitefish, Montana.

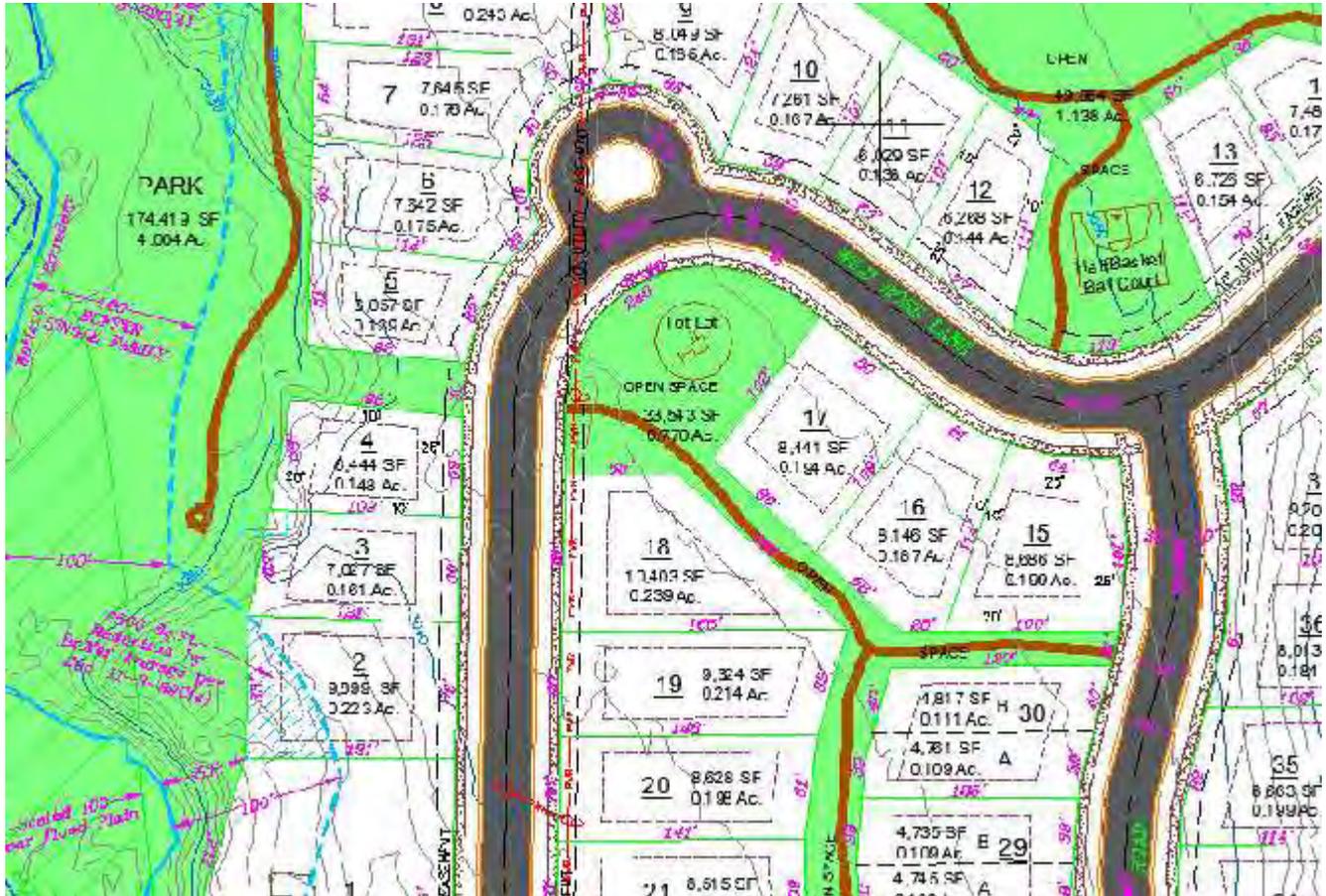
1. The Lodge at Whitefish Lake and Averill Family Trust are proposing an amendment to the existing Planned Unit Development originally approved in May 1990. The property is currently developed with a lodge and marina, which were completed in 2005. The marina is currently limited to 85 slips per the original PUD. The applicant is proposing to amend the PUD to allow for additional slips based on recently acquired lakefront property. The applicant is request a total of 18 new slips, for a total of 103 slips. The property is located at 1380 Wisconsin Avenue, and can be legally described as Tracts 2K, 2J also known as the Lodge at Whitefish Lake Condos, and the Amended Plat of Lot 1 Barkley Tracts also known as the Whitefish Lake Lodge Condos in Section 24 Township 31 North Range 22 West. (WPUD-14-03) Minnich
2. The Lodge at Whitefish Lake and Averill Family Trust are proposing a major lakeshore variance to expand an existing public marina originally approved with a Planned Unit Development in May 1990. The applicant is requesting the major variance to expand the number of slips for a total of 103 slips. The variance also requests to extend the existing gangway an additional 19 feet, and increase the amount of constructed area below the high water mark. The property is located at 1380 Wisconsin Avenue, and can be legally described as Tracts 2K, 2J also known as the Lodge at Whitefish Lake Condos, and the Amended Plat of Lot 1 Barkley Tracts also known as the Whitefish Lake Lodge Condos in Section 24 Township 31 North Range 22 West. (WLV-14-W10) Minnich
3. Community Infill Partners llc is proposing a 62-lot subdivision with a Planned Unit Development overlay called Second Street Residences. The property is currently developed with two single family homes and is zoned WR-1 (One-Family Residential District) and WA (Agricultural District). The property is located at 100 Wild Rose Lane and can be legally described as Tracts 1K, 1D

and 1DA in Section 32 Township 31 North Range 22W. (WPP 14-03/WPUD 14-02) Compton-Ring

4. Community Infill Partners llc is proposing a zone change in order to facilitate the Second Street Residences subdivision. The applicant is proposing to rezone the WA portion of the property (Tracts 1D and 1DA) to WER (Estate Residential District). (WZC 14-01) Compton-Ring

Documents pertaining to this agenda item is available for review at the Whitefish Planning & Building Department, 510 Railway Street during regular business hours. Inquiries are welcomed. Interested parties are invited to attend the hearing and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: [dtaylor@cityofwhitefish.org](mailto:dtaylor@cityofwhitefish.org). For questions or further information regarding this proposal, phone 406-863-2410.

# Second Street Residences



## Applications for Zone Change, PUD, and Preliminary Plat

Prepared by



February 2014

Second Street Residences - Zoning Map  
Amendment Application

Adjacent Land Owners List

Second Street Residences - PUD  
Application

Draft CC&R's

Second Street Residences – Preliminary  
Plat Application

Phasing Plan and Town House Elevations

Environmental Assessment

Appendix A - Cow Creek Wetland  
Delineation

Appendix B – Flathead Electric Coop  
Letter

Appendix C - Traffic Impact Study

Appendix D – Preliminary Engineering  
Report and Plan Map

Map – Vicinity Map, Colored Plan, and  
Preliminary Plat

**Whitefish Planning and Building Dept.**  
**PO Box 158**  
**510 Railway Street**  
**Whitefish, MT 59937**  
**Phone: (406) 863-2410 Fax: (406) 863-2409**

**PETITION FOR ZONING MAP AMENDMENT**  
**WHITEFISH ZONING JURISDICTION**

**FEE ATTACHED \$3,427.00 (Credit on Account) (See current fee schedule)**

NAME OF APPLICANT: Community Infill Partners, LLC Attn: William McDonald and Sean Averill

MAIL ADDRESS: P.O. Box 460

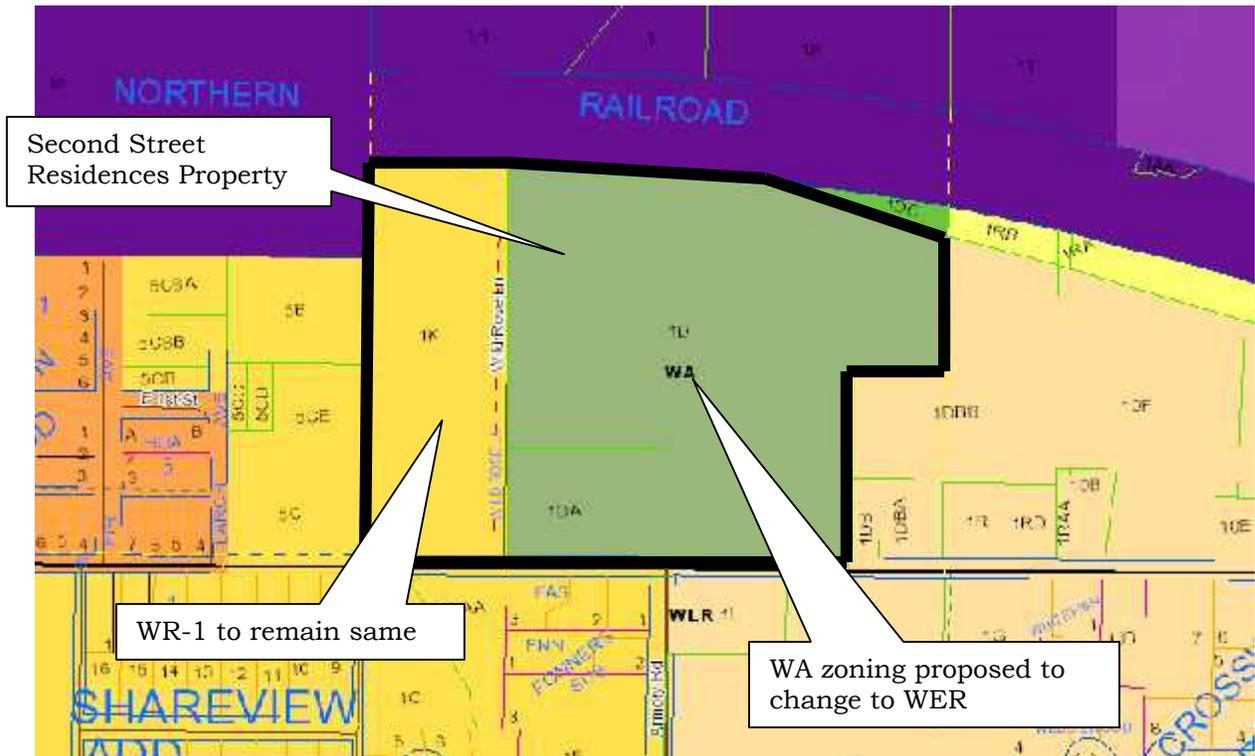
CITY/STATE/ZIP: Whitefish, MT 59937 PHONE: (406) 871-7787 (Will)

E-Mail (Optional; not for official notification.) will@kotaenterprisesllc.com

INTEREST IN PROPERTY: Contract to Purchase

**PLEASE COMPLETE THE FOLLOWING:**

- A. Address of the property: 100 Wild Rose Lane, Whitefish
- B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number (Section, Township, Range) Assessor's Tracts 1K, 1D, and 1DA in Section 32, T31N, R21W, P.M.M., Flathead County  
(Attach sheet for metes and bounds)
- C. Land area in zone change (ac) 23.789 Acres 16.914 acres of which is zoned WA, the remainder of the property is zoned WR-1



Zoning Map for Flathead County GIS

- D. The present zoning of the above property is: WA (Whitefish Agricultural)
- E. The proposed zoning of the above property is: WER (Estate Residential)
- F. State the changed or changing conditions that make the proposed amendment necessary:

For many years, urban development has spread to the east of the Whitefish downtown neighborhoods to eventually surround the Kaufman property. Yet, the Kauffman's continued to hay the field and preserve the ponderosa forest on the east side of this holding which preserved this large tract of land within the City Limits of Whitefish. The City of Whitefish will begin a significant upgrade to East Second Street in the spring of 2014 and those improvements will occur immediately in front of the subject property. The East Second Street improvements include upgrades to the sewer and water mains and the extension of the Bike/Pedestrian Path. The City of Whitefish has invested substantially in the Armory Park and the new Bike/Pedestrian paths will connect the park to the schools and the neighborhood in between. Given the urban densities and urban services surrounding the property, this Agricultural remnant and Zoning designation no longer seems appropriate. As with surrounding properties, it is appropriate to infill this site with residential development.

**HOW WILL THE PROPOSED ZONE CHANGE ACCOMPLISH THE FOLLOWING:**

- A. Promote public health, public safety, and general welfare:

The proposed zone change will promote public health and general welfare by providing for a logical infill of residential development and services. The subject property was annexed by the City almost ten years ago and is at present served by City Water, Police, Fire, and Schools. East Second Street is classified as a “collector” and the City has made improvements to the street west of the proposed development and to the intersection with Spokane Avenue. Beginning in the spring of 2014, the City will begin the improvements of Second Street in front of and east to Edgewood Drive.

- B. Secure safety from fire and other dangers:

The subject property is within the Whitefish Fire Service Area and the Whitefish City Limits. The new Fire Station/Police Department is located approximately one and a half miles from the subject zone change. New water mains are proposed for the East Second Street reconstruction and the Subdivision application for this project includes plans for extending water and hydrants into the property.

A portion of the property is forested with stands of large ponderosa pines. The associated single family development along with City Street extensions will thin the forest and provide defensible space for the development.

There is a small ribbon of floodplain located along cow creek on the west side of the project. The accompanying PUD and subdivision application place the subdivision lots on top of the bank and well outside of the 100-year floodplain.

The property is currently served by the Whitefish Police Department which is located in the same structure as the Fire Department and will be able to provide a quick response to emergencies at the subject property.

- C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements:

The subject property is located along East Second Street. East Second Street is a collector that provides direct access to the downtown as well as local schools and other services. Second Street is set for significant upgrades in 2014 which will not only facilitate vehicles but also pedestrians and City utilities. Along with this

zone change application, the applicants are proposing a PUD and Subdivision application showing the proposed street network, sidewalks, pedestrian paths, and preliminary sewer/water plans for the subject property. If approved, the property will connect and extend the City of Whitefish's sewer, water, and street network into the development. The applicants are providing easements and street rights-of-way to be extended beyond the borders of the development. The Whitefish Elementary, Middle , and High School are all within walking distance of the property. Currently, there is a bike/pedestrian path on the south side of East Second Street that leads to the High School and Elementary School and the path system connects to sidewalks that lead to the Central School located at Second and Spokane. With the Second Street upgrades, the bike/pedestrian path will be extended along east Second Street to connect with the Armory Park system

D. Provide reasonable provision of adequate light and air:

The proposed zone change also accompanies a proposed PUD and Subdivision application for the subject property. The Zone Change only covers the 16.914 acres currently zoned WA the remaining 6.875 acres of the Second Street Residence is already zoned WR-1 and the applicants are not proposing a change to that designation. Overall, the project will preserve 30% of the development or 7.137 acres in park and open space The lots within the project will have setbacks equal to the WR-1 zoning designations of 25-feet for the front, 10-feet for the sides, and 20-feet for the rear, all of which provide adequate light and area for urban development within the City setting.

E. Effect motorized and nonmotorized transportation systems:

As part of the of the PUD and Subdivision submittal, the applicants provide a Traffic Impact Study (TIS) to analyze the vehicle trip generation, level of service pre and post development, trip dispersal, and provide recommendations to mitigate potential impacts on the transportation system. In summary, the TIS conclude that the trips generated by the proposed project will not degrade the level of service existing at the affected roads or intersections. The TIS does recommend that the project provide a cross walk on East Second Street between the proposed project pedestrian paths and the existing bike path on the south side of East Second.

F. Promote compatible urban growth:

The west 6.875 acres are currently zoned R-1 (One Family Residential). Just one property west of the subject property is the WR-2 (Two-Family Residential) zoning classification. The eastern 16.914 acres are currently zoned WA (Agricultural) with a 15 acre minimum lots zone. This WA zone is surrounded by R-2, R-1, WLR, and WI all of which support urban densities according to the Whitefish Growth Policy. We are proposing WER on the 16.914 acres to comply with the Suburban Residential Growth Policy Designation rather than the WLR which abuts the property directly to the east. The proposed overall density of the development is 2.60 units per acre which is similar to that of the larger lot subdivisions to the east but less than the traditional single family neighborhoods located on Kalispell, Columbia, and Somers Avenues. Therefore, the proposed zoning does promote compatible densities within the context of nearby neighborhoods.

- G. Consider the character of the district and its particular suitability for particular uses:

The proposed development is comprised of 54 single family lots and eight townhouse sublots in a two-unit configuration (62 total units). The subject property is also close to downtown businesses, schools, parks, and other services. Residents of the proposed development will have a convenient option to walk or ride a bike to work, school or play. The proposed zone change, PUD, and Subdivision easily match the character of the district.

- H. Protect and conserve the value of buildings:

The proposed zoning and PUD will preserve the value of buildings by providing single family residential development in a high amenity setting creating parks, open space, and great views.

- I. Encourage the most appropriate use of land throughout the jurisdictional area:

The proposed development is located near services such as schools and shopping and also adjacent to a good transportation network that supports the urban densities. The Kauffman property is uniquely situated in that it is close to all of the amenities and services. The subject property is well suited for higher densities but working through the planning process over the past year, the applicants have agreed to propose the 2.60 units per acre to make peace with the surrounding neighbors.

- L. That historical uses and established use patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other:

The Whitefish Growth Policy Map supports the WER zoning designation and the proposed PUD will allow the applicants to move density out of the sensitive areas along Cow Creek and blend them over the 23.78 acres. The historic Kauffman House will be preserved on a large lot on Wild Rose Lane and be a focal point of the development. The single family use of the proposed development will match that of adjacent neighborhoods.

The signing of this application signifies approval for Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during approval process.

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(Applicant Signature)

---

(Date)

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Print Name

## APPLICATION PROCESS

### APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A discussion with the Planning & Building Director or designated member of staff **is highly recommended**. Among topics to be discussed are: Master Plan or Growth Policy compatibility with the application, compatibility of the proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application form.

C. Application fee per current fee schedule, made payable to the City of Whitefish.

D. The application must be accepted as complete by the City staff **forty five (45) days prior** to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

E. Application Contents:

1. Petition for zone change signed by the real property owners representing at least 65% of the land area for which the change in zoning classification is sought.
2. A map showing the location and boundaries of the property.
3. Adjoining Property Owners List from Flathead County GIS Department.
4. A title report, ownership report or zoning report of the subject property.

**TRACTS 1D, 1DA, 1K IN S32 T31N R21W PMM**

**300 FOOT OWNERSHIP**

1+

EAST EDGEWOOD DR

FAA

FAA

1N

30'

1BA

1M

E

1H

1

1B

1T

NORTHERN

RAILROAD

1DC

1RB

1RA

6BA

6B

1K

1D

10BB

10

6BB

6B

5CC

5CD

5CE

6A

6B

5

4

5

4

5

4

5

4

5

4

5

4

5

4

5

4

5

4

5

4

5

4

5C

1DA

1DB

1DBA

1R

1RD

10B

1RAA

REVIEW

1CAA 1CAA

FAS  
FNN  
FONNERS SUB

1L 1LA

1G WHITEFISH WOODS 1JB  
1GDA 5 6  
1GD 4 WEDGEWOOD  
3 MEADOWS 2 1

1C

1F  
1I

1S  
1SA

WILLOW

30  
31

4

**FLATHEAD COUNTY GIS**

Date: 12/13/2013

Project: 300 Foot Buffer

The areas depicted on this map are for illustrative purposes only and do not necessarily meet mapping, surveying, or engineering standards. Deriving conclusions from this map is done at the user's risk.



# TRACTS 1D, 1DA, 1K IN S32 T31N R21W PMM

## 300 FOOT OWNERSHIP LIST

ASSRNO	Name	Address	TRACT_ID	Rec_Code
0004348	<b>DUPREE, THOMAS DUNCAN &amp; LINDA LORRAINE</b>	1641 2ND ST E WHITEFISH MT 59937	3121X32-XXX-1G	IM
0004500	<b>NELSON, CAROL R</b>	1590 E 2ND ST WHITEFISH MT 59937	3121X32-XXX-1DB	IM
0004550	<b>NELSON, CAROL R</b>	1590 E 2ND ST WHITEFISH MT 59937	3121X32-XXX-1DBA	IM
0006007	<b>ULVIN, RYAN</b>	196 JOHNS WAY WHITEFISH MT 59937	3121X32-XXX-1R	IM
0006716	<b>STORMES II, BEN F</b>			

ASSRNO	Name	Address	TRACT_ID	Rec_Code
		1630 E 2ND ST WHITEFISH MT 59937	3121X32-XXX-1RD	1M
	<b>STORMES, JENNIFER M</b>	1630 E 2ND ST WHITEFISH MT 59937	3121X32-XXX-1RD	21
0009400				
	<b>SCHNEE, SUSAN</b>	1405 E 2ND ST WHITEFISH MT 59937	3121X32-XXX-1C	1M
0041650				
	<b>BARNES, LYLE EVAN</b>	125 ARMORY RD WHITEFISH MT 59937	3121X32-XXX-1S 3121X32-XXX-1S-100	1M 1M
0230625				
	<b>ERBES FAMILY TRUST, ANGELINA</b>	PO BOX 1149 WHITEFISH MT 59937	3121X29-XXX-5	1M
0233050				
	<b>ULVIN, RYAN</b>	196 JOHNS WAY WHITEFISH MT 59937	3121X32-XXX-1DBB	1M

ASSRNO	Name	Address	TRACT_ID	Rec_Code
0256321	<b>FLINT FAMILY TRUST</b>	AD% WFSH CREDIT PO BOX 1259 WHITEFISH MT 59937	3121X32-SHV-7-BLK1	1M
			3121X32-SHV-8-BLK1	1M
0321049	<b>SULLIVAN, STEPHEN PATRICK</b>	1637 E 2ND ST WHITEFISH MT 59937	3121X32-XXX-1GD	1M
0349650	<b>HECIMOVICH, CAROL H AKA CAROL</b>	PO BOX 851 WHITEFISH MT 59937	3121X32-XXX-1LA	1M
0362200	<b>PINE HILL LP</b>	PO BOX 91 WHITEFISH MT 59937	3121X32-XXX-1D	1M
			3121X32-XXX-1DA	1M
0366050	<b>LEATHERS, CATHERINE ANN HILGERS</b>	112 CHINQUAPIN CT HALLSVILLE TX 75650	3121X32-SHV-5-BLK1	1M

ASSRNO	Name	Address	TRACT_ID	Rec_Code
0378200	<b>HUGHES REVOCABLE TRUST, JD &amp; SIBYL</b>	1515 E 2ND ST WHITEFISH MT 59957	3121X32-XXX-1L	1M
0391625	<b>FLINT, ROBERT F</b>	PO BOX 4622 WHITEFISH MT 59957	3121X32-SHV-3-BLK1	1M
0431051	<b>WILD ROSE KNOLL LP</b>	PO BOX 91 WHITEFISH MT 59937	3121X32-XXX-1K	1M
0431260	<b>PHIHOP INC</b>	AD% REBECCA KAUFFMAN 30 TANGLEWOOD DR DURANGO CO 81301	3121X32-XXX-5B	1M
			3121X32-XXX-5C	1M
			3121X32-XXX-5CC	1M
			3121X32-XXX-5CD	1M
			3121X32-XXX-5CE	1M
0477550	<b>TIGUE, NANCY</b>			

ASSRNO	Name	Address	TRACT_ID	Rec_Code
		PO BOX 1323 WHITEFISH MT 59937		
0500014			3121X32-SHV-6-BLK1	1M
	<b>BENNETTS, DAVID</b>	1489 E 2ND ST WHITEFISH MT 59937		
			3121X32-FAS-2	1M
	<b>LE BLEU, CHERI</b>	1489 E 2ND ST WHITEFISH MT 59937		
0500015			3121X32-FAS-2	21
	<b>RATCHYE, JEFFREY L &amp; MELINDA</b>	1481 E 2ND ST WHITEFISH MT 59937		
0505270			3121X32-FAS-3	1M
	<b>COUSER, NOAH J &amp; MEGAN R</b>	119 LUPFER AVE APT 3 WHITEFISH MT 59937		
0717600			3121X32-FNN-2	1M
	<b>HAYCOX, BRIAN E &amp; M SHANNON</b>	1150 E EDGEWOOD WHITEFISH MT 59937		
0740301			3121X29-XXX-1	1M

ASSRNO	Name	Address	TRACT_ID	Rec_Code
	<b>BRANT, SCOTT M &amp; BARBARA S</b>	1658 E 2ND ST WHITEFISH MT 59937	3121X32-XXX-10F	1M
0933250				
	<b>WHITNEY, DOROTHY L</b>	1338 E 3RD ST WHITEFISH MT 59937	3121X32-SHV-10-BLK1	1M
0935900				
	<b>MARCINIAK TRUST, MARGARET M</b>	2333 N GENEVA TER CHICAGO IL 60614	3121X32-SHV-11-BLK1	1M
0954295				
	<b>SVENNUNGENSEN REVOCABLE TRUST, MARK W</b>	1465 LAKEVIEW LN WHITEFISH MT 59937	3121X32-XXX-1T	1M
	<b>SVENNUNGENSEN REVOCABLE TRUST, NANCY A</b>	1465 LAKEVIEW LN WHITEFISH MT 59937	3121X32-XXX-1T	21
0969391				
	<b>WOOD, BRIAN A &amp; SHARON K</b>	100 ARMORY RD WHITEFISH MT 59937	3121X32-FAS-1	1M

ASSRNO	Name	Address	TRACT_ID	Rec_Code
0971345	<b>RATZ FAMILY TRUST, HEINRICH &amp; ADELHEID</b>	1080 E EDGEWOOD DR WHITEFISH MT 59937	3121X29-XXX-1CC	IM
			3121X29-XXX-1CC-100	IM
0981389	<b>BALDRIDGE, SUMMERFIELD C &amp; JULIE</b>	PO BOX 607 WHITEFISH MT 59937	3121X32-FNN-1	IM
0981390	<b>SCOTT, DAVID &amp; SARAH</b>	130 ARMORY RD WHITEFISH MT 59937	3121X32-FON-3	IM
E000569	<b>CITY OF WHITEFISH</b>	PO BOX 158 WHITEFISH MT 59937	3121X32-XXX-1CAA	IM
E000982	<b>CITY OF WHITEFISH</b>	PO BOX 158 WHITEFISH MT 59937	3121X32-XXX-1CAA	IM

# PLAT ROOM RECORDATION CHANGES TO ASSRNO MAILING TABLE

Recorlation Number:

Brief Legal Description: BNRR in 3121x32

Assr Number:

NAME: Burlington Northern Santa Fe

ADDRESS	CITY	STATE	ZIPCODE	Description
2500 Lou Menk Dr	Fort Worth	TX	76131	

Approved 12/17/13

Flathead Co, Plat Room  
800 S. Main Room 106  
Kalispell, Mt. 59901

Tuesday, December 17, 2013

Page 1 of 1

**Whitefish Planning & Building Dept.**  
**PO Box 158**  
**510 Railway Street**  
**Whitefish, MT 59937**  
**Phone: (406) 863-2410 Fax: (406) 863-2409**

**APPLICATION FOR PLANNED UNIT DEVELOPMENT**

**FEE ATTACHED** \$5349.00 (See current fee schedule)

PROJECT NAME Second Street Residences

- 1. NAME OF APPLICANT: Community Infill Partners, LLC. Attn: William MacDonald and Sean Averill
- 2. MAIL ADDRESS: P.O. Box 4600
- 3. CITY/STATE/ZIP: Whitefish, MT 59937 PHONE: (406) 871-7787 (Will)
- 4. E-mail (Optional; not for official notifications.) will@kotaenterprisesllc.com

NAME AND ADDRESS OF OWNER IF DIFFERENT THAN APPLICANT:

- 5. NAME: Pine Hill LLP and Wild Rose Knoll, LP
- 6. MAIL ADDRESS: P.O. Box 91
- 7. CITY/STATE/ZIP: Whitefish, MT 59937 PHONE: \_\_\_\_\_
- 8. E-mail (Optional) \_\_\_\_\_

TECHNICAL ASSISTANCE: Sands Surveying, Inc

MAIL ADDRESS: 2 Village Loop

CITY/STATE/ZIP: Kalispell, MT 59901 PHONE: (406) 755-6481

E-mail (Optional) eric@sandssurveying.com

TECHNICAL ASSISTANCE: Robert Peccia and Associates

MAIL ADDRESS: P.O. Box 5100

CITY/STATE/ZIP: Kalispell, MT 59903-5100 PHONE: (406) 752-5025

E-mail (Optional) ryan@rpa-hln.com

If there are others who should be notified during the review process, please list those.

\_\_\_\_\_

Check One:

- X Initial Planned Unit Development proposal
- \_\_\_ Amendment to an existing Planned Unit Development
- A. Property Address: 100 Wild Rose Lane, Whitefish
- B. Total Area of Property: 23.789 Acres
- C. Legal description including section, township & range: \_\_\_\_\_  
Assessor's Tracts 1K, 1D, & 1DA in Section 32, T31N, R21W, P.M.M., Flathead County
- D. The present zoning of the above property is: WR-1 and WA with a proposed Zone Change to the WA portion to WER

- E. Please provide the following information in a narrative format with supporting plans, drawings, renderings, photos, or other format as needed:
  - a. An overall description of the goals and objectives for the development of the project.

The proposed Second Street Residences project will create 62 residential units (54 single family residential lots and 8 townhouse sublots) with an overall density of 2.60 dwellings per acre. The Kauffman house located on the bank of Cow Creek and will be preserved on a lot along Wild Rose Lane. The residential PUD and Subdivision will preserve 30% or 7.137 acres of the site in park and open space.

The applicants are **not** utilizing the density bonus provisions of the PUD standards and as such will not be providing deed restricted affordable housing as was previously proposed with the multi-family projects.

The Kauffman property provides a nice open setting with views of Big Mountain and the Whitefish Range as a backdrop. The overall design goal is to create a single family residential subdivision with lots having access to open space areas and pedestrian paths.

This proposal will create city streets meeting the City's standards that will provide for on-street parking as well and off-street parking, sidewalks on both sides of the street, boulevards with street trees and decorative street lights. Curb and gutter will catch and transport run-off to a drainage facility designed to treat and release stormwater and pre development rates.

Cow Creek runs along the western boundary of the development. The project is designed to comply and generally exceed the requirements of the Whitefish Critical Areas Regulations. The development preserves the vast majority of the creek bottom and banks along the creek in park.

Within the open space, play areas and pedestrian paths will be established and maintained by the HOA of Second Street Residences.

The City of Whitefish has been working for a number of years to get a sewer easement along the Wild Rose/Cow Creek drainage so that the City can construct a second main connecting the north side of the BN Tracks to the Sewer Treatment Plant south of the City on Monegan Road. The Wild Rose connection will allow the City to gravity flow wastewater for a large portion of the city north of the tracks thereby reducing the need for sewer lift stations. The applicants will grant the Easement to the City. This easement will benefit the City and the development.

The applicants propose granting a utility easement at the end of the Armory Road extension for a water line extension should the City want to loop water mains north of the BN Tracks. There is potential that this connection could improve the City's water circulation and provide duplication should a main line need repair.

At the request of the Whitefish Staff, Wild Rose Lane will be extended through the project and provide connection to the vacant property to the East. The applicants engineer worked with the property owner to the east to site the road extension so that it works with the neighboring land owner's future plan. This connection will allow the City to grid a circulation system in this area north of Second Street as it continues to develop.

The Kauffman House has been an architectural standout in the City of Whitefish since its construction in the 1930's. The applicants propose the perseveration of this Tudor style house on its own lot saving the mature vegetation surrounding the home. The applicants will preserve the option of selling the house with a deed restriction that the home cannot be demolished or the land further subdivided.

- b. In cases where the development will be executed in phases, please include a phasing plan.

The project is proposed with the ability to be developed into three phases. However, the phases could be combined to speed the development process should market conditions or other factors dictate. The applicants Civil Engineer and the City Public Works Department will coordinate the specifics of what infrastructure is required for each phase.

The applicants propose constructing the first phase of the development within a year of securing zoning, PUD and Subdivision approval. The following phases will be complete within one to two years of the previous phase. However market and finance conditions can influence this timing.

See Attached Phasing Map

- c. The extent to which the plan deviates from zoning, subdivision regulations and/or “Standards for Design and Construction” (public works standards). The standards that may be deviated from through the approval of a Planned Unit Development are listed in section 11-2S-5.A. Please describe the public benefit for such departures including how they further the intent and purpose of the Planned Unit Development as set forth in Sec. 11-2S-1.

Density Table:

Zoning	Acreage	Permitted Density without a density bonus	Permitted Density with bonus for “Affordable Housing”
WR-1	6.875	4 units/ acre = 28 units	7 units/acre = 48 units
WER	16.914	2 units per acre = 34 units	3 units/acre = 51 units
Total	23.789	62 units	99 units

The applicants are not requesting a density bonus with the proposed PUD. When combining the two zoning designations on the property, the over all density works out to 2.60 units per acre.

Setbacks – The applicants request that the WR-1 zoning setbacks be utilized for the entire subdivision and the lots sizes and density support this design envelope.

Roads – The street system will comply with all aspects of the subdivision regulations with a 34-foot cross section to back of curb, boulevards, street trees street lights and sidewalks on both sides of the street. There is a small segment of Wild Roads Lane that runs along the BNSF right of way on the eastern side of the development. As this sidewalk does not front any residential lots, there will not be a homeowner to shovel and sweep this portion of the sidewalk. Therefor the applicants are requesting a deviation to only build sidewalk on the south side of this section of Wild Rose Lane

- d. The nature and extent of all open space in the project and the provisions for maintenance and conservation of the common open space; assess the adequacy of the amount and function of the open space in terms of the land use, densities, and dwelling types proposed in the plan.

The proposed development creates 62 units on 23.789 acres for a gross density of 2.60 units per acres. The PUD/Subdivision is designed to create 7.137 acres of park and open space which equals 30% of the site. The park area is intended to protect the Cow Creek drainage, associated wetlands, and the wetland buffer that is required as part of the Critical Area Regulations. We “buffer averaged” a small, 2,560 square foot area, to enhance the building envelope on Lot 2. Lot 1, the location of the existing Kauffman House, resides within the wetland buffer but this house has sat in this location since the 1930’s. The applicants have offered the Whitefish Park Department ownership of this 4.004 acre park

to permanently protect this reach of the Cow Creek riparian area. The Whitefish Parks Board considered the park land dedication for the Second Street Residences development on January 14<sup>th</sup> at their regular meeting and agreed to take possession of the 4.004 acre park area minus the stormwater drainage facility. At the Parks Board meeting, the applicant stated that he had also been in contact with the Whitefish Lake Institute who are also interested in the property and would like to do some revegetation projects to enhance the wetlands. The Parks Director and Parks Board were amenable to working with the developers and Lake Institute on such a project and may consider relinquishing the park area to the Institute for ownership, reclamation, and long term maintenance. The drainage detention and treatment facility will be located in the southeast corner of this park as that is the lowest point of the subdivision and the area where drainage would naturally collect. This also provides a point to discharge the treated stormwater back to Cow Creek at pre-development rates. The open areas are designed to provide pedestrian walkways, protect mature ponderosa pines, and provide pocket park areas that will have some playground equipment and possibly a basketball court. As the open space weaves through the development, these areas will be the responsibility of the Second Street Residences HOA.

- e. The manner in which services will be provided such as water, sewer, storm water management, schools, roads, traffic management, pedestrian access, recreational facilities and other applicable services and utilities.

The property is located along East Second Street within the City limits of Whitefish. East Second Street is a collector street that provides direct access to the downtown, public schools, and other essential services for future residents. East Second Street is set for significant upgrades in 2014 which will not only facilitate vehicles but also pedestrians and utilities. A Traffic Impact Study (TIS) was prepared for this project to understand traffic impacts on the existing street system and neighborhood. The TIS analyzes traffic generation, trip distribution, service function of intersection, and provides recommendations to mitigate impacts. The Second Street Residences TIS states the project will have little impact on the affected streets and will not change the level of service for the intersection. The TIS does recommend a cross walk from the project to East Second Street bike path.

If approved, the property will connect to and extend the City of Whitefish's sewer and water mains into the development to serve the units. As mentioned previously in this report, the developers of the project will also grant easement through the property to facilitate overall efficiency improvements of the City's sewer and water system.

The Whitefish Elementary, Middle and High schools are all within walking distance of the property. Currently there is a bike/ped path on the south side of East Second Street that leads to the High school,

Muldown elementary school, and Central school located at Second and Spokane. With the East Second Street upgrades, the bike/ped path will be extended east to connect with the Armory Park system. As part of the Second Street Residences, sidewalk will be constructed on the north side of East Second Street from the Armory Road intersection west to the southwest corner of the applicants property which is on the west side of Cow Creek.

- f. The relationship of the planned development upon the adjacent and surrounding neighborhoods. Specifically address any potential adverse impacts and how they may be avoided or effectively mitigated.

The property is bordered on the North by the Burlington North Railroad (Zoned I-1, Industrial); on the South by single family residential uses (Zoned WR-1 and WLR, One-Family Residential); on the east by single family residential and vacant tracts (Zoned WLR, One-Family residential); and on the West by vacant lands and single family residential (Zoned WR-1 and WR-2, one and two family residential). The proposed development consisting of 54 single family lots and eight (8) townhouse sublots will blend with the single family residential use of the nearby neighborhoods. As this is the fourth design of the project with the three previous proposals comprising mostly multi-family development but 70% open space, the neighborhood, through the numerous public hearings and neighborhood meetings requested that the developer produce a subdivision with the primary land use composed of single family residential products.

- g. How the plan provides reasonable consideration to the character of the neighborhood and the particular suitability of the property for the proposed use.

The surrounding neighborhood consists of single family residential use and the Kauffman property is ideally situated for infill development. With a density of 2.60 units per acre, the proposed single family residential development will closely match the character of the surrounding neighborhoods.

- h. How the development plan will further the goals, policies and objectives of the Whitefish Growth Policy.

The Land Use Element of Whitefish Growth Policy specifically provides the Zoning Classifications that comply with the land use category depicted on the Future Land Use Map. The Second Street Residences property is split between two land use categories: the Urban Residential (Orange) on the western 6.875 acres and the Suburban Residential (Yellow) on the eastern 16.914 acres. According to the Land Use Element, properties designated Urban can have zoning of WLR, WR-1, and WR-2 and comply with the Growth Policy. Properties designated Suburban Residential can have zoning of WCR, WSR, and WER, and comply with the Growth Policy. By utilizing the existing WR-1 zoning

and changing the WA to WER, the zoning designations will comply with the respective Land Use Element categories.

- i. If affordable housing is a component of the project, describe how the project is implementing the standards in Section 11-2S-3.B.

N/A – The applicants are not requesting density bonuses and therefore are not proposing deed restricted affordable housing.

- j. Submit site plans, drawings and schematics with supporting narratives where needed that include the following information:

- (1). Total acreage and present zoning classifications;
- (2). Zoning classification of all adjoining properties;
- (3). Density in dwelling units per gross acre;
- (4). Location, size, height and number of stories for buildings and uses proposed for buildings;
- (5). Layout and dimensions of streets, parking areas, pedestrian walkways and surfacing;
- (6). Vehicle, emergency and pedestrian access, traffic circulation and control, including pedestrian and bikeway linkages to existing and/or proposed trails beyond project boundaries;
- (7). Location, size, height, color and materials of signs;
- (8). Location, height, and material of fencing and/or screening;
- (9). Location and type of landscaping;
- (10). Location and type of open space and common areas;
- (11). Proposed maintenance of common areas and open space;
- (12). Property boundary locations and setback lines
- (13). Special design standards, materials and / or colors;
- (14). Proposed schedule of completion and phasing of the development, if applicable;
- (15). Covenants, conditions and restrictions (CC&Rs);
- (16). Any other information that may be deemed relevant and appropriate to allow for adequate review.

See attached maps and drawings

If the Planned Unit Development involves the division of land for the purpose of conveyance, a preliminary plat shall be prepared in accordance with the requirements of the subdivision regulations.

Please note that the approved final plan, together with the conditions and restrictions imposed, shall constitute the zoning for the district. No building permit shall be issued for any structure within the district unless such structure conforms to the provisions of the approved plan.

The signing of this application signifies that the aforementioned information is true and correct and grants approval for Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during review process.

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(Applicant Signature)

---

(Date)

---

Print Name

## APPLICATION PROCESS

### APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A discussion with the planning director or designated member of staff must precede filing of this application. Among topics to be discussed are: Master Plan or Growth Policy compatibility with the application, compatibility of proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application form.

C. Application fee per schedule, made payable to the City of Whitefish. See current fee schedule.

D. A bona fide legal description of the subject property and a map showing the location and boundaries of the property.

E. Adjoining Property Owners List from Flathead County GIS Department.

Please consult the with staff of the Whitefish Planning & Building Department for submittal dates and dates for the Planning Board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled. The application must be accepted as complete forty-five (45) days prior to the scheduled Planning Board meeting.

**DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

**OF**

**2ND STREET RESIDENCES, PHASE 1**

THE UNDERSIGNED, NDI, Inc. a Montana Corporation (herein known as the "Developer") of 1399 Wisconsin Avenue, Whitefish, MT 59937, hereby encumbers and restricts the real property situated in Flathead County, Montana, known as 100 Wild Rose Lane, S32, T31 N, R21 W, TR 1K IN NE4NW4 and TR 1D & 1DA IN NE4NW4, according to the plat thereof recorded in the records of the Office of the Clerk and Recorder of the County of Flathead, State of Montana (the "Plat") with this Declaration of Covenants, Conditions and Restrictions of 2nd Street Residences, Phase 1 (referred to herein as the "Declaration") as set forth below, and declares that the real property shall at all times be owned, held, used and occupied subject to the provisions contained in this Declaration and to the covenants, conditions, and restrictions contained herein from and after the date this document is recorded with the Flathead County Clerk and Recorder's office. The property shall not be used, nor shall any activities be conducted on it in violation of this Declaration.

**ARTICLE I  
Purpose**

Section 1.1 Purpose. The purpose of this Declaration is to place restrictions on the future development of the lots within the 2nd Street Residences, Phase 1, specifically 100 Wild Rose Lane, S32, T31 N, R21 W, TR 1K IN NE4NW4 and TR 1D & 1DA IN NE4NW4.

**ARTICLE II  
Covenants**

Section 2.1 Usage. 100 Wild Rose Lane, S32, T31 N, R21 W, TR 1K IN NE4NW4 and TR 1D & 1DA IN NE4NW4 shall be subdivided into individual lots for future residential development.

Section 2.2 Landscaping. Lawns shall be permitted provided that they are seeded using one of the approved seed options listed on the attached Approved Plant List. An Approved Plant List of approved trees, shrubs, and grasses for landscaping purposes is attached hereto as Exhibit "A" and is incorporated herein by this reference. Pesticides or artificial fertilizers are not permitted for any purpose.

Section 2.3 Utilities. All utility service lines, whether for power, telephone, or otherwise, shall be installed underground to access 100 Wild Rose Lane, S32, T31 N, R21 W, TR 1K IN NE4NW4 and TR 1D & 1DA IN NE4NW4.

**ARTICLE III  
Common Properties**

Section 3.1 Common Properties. Common Properties means the property, which is subject to this Declaration, but excluding the individual lots within the property. Thus, the Common Properties include any areas shown on any plat of the property within the Subdivision as roads, easements, parks, common areas, laundry/shower facility, pet area, open space or open area and other property intended for the common use, benefit and enjoyment of the owners and such other persons as may be permitted to use the Common Properties under the terms of this Declaration or any agreement with the Association. The Common Properties shall include but not be limited to utility easement areas and any common areas that are shown on the Plat of Viking Creek

Phase 2 Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana. There shall be no access to the Environmental Protection Area other than the access provided by existing trails. Common Properties as used herein shall include pathways, entryways into the Subdivision, and all non-city or non-county roads, which are for the benefit of the Subdivision, whether located within or without the Subdivision. No motorized vehicles are permitted on any trails or paths except for those vehicles needed for maintenance. All Homeowner's shall follow the rules and regulations set forth by the Whitefish Lake Institute for the conservation of the designated Environmental Protection Area, adjoined to the Viking Creek Phase 2 Subdivision, of approximately 30 acres.

Section 3.2 Maintenance of Common Properties. The Homeowners Association shall maintain the open space portions of the Common Properties, the pet area, and the laundry/shower facility, so they will be an attractive and useful amenity for the owners and provide natural habitat for indigenous species. The main roadway through the Subdivision has a sixty (60) foot road easement, but the paved road is only twenty-four (24) feet wide. The Homeowners Association shall be responsible for managing and maintaining the remaining thirty-six (36) feet of the road easement.

Section 3.3 Fence Maintenance. From the membership dues collected each year from lot owners, the Homeowners Association shall be responsible for the maintenance and yearly upkeep of all fencing south of Viking Creek Phase 2 placed around the Environmental Protection Area. A jack leg fence or other animal appropriate fence shall be placed around the Environmental Protection Area.

Section 3.4 Easement Over All Common Properties. The owners shall have an easement for use and enjoyment of all of the Common Properties, subject to such rules and regulations as the Homeowners Association may develop from time to time, and also subject to the rights reserved to Developer and the reserved rights of any third parties with respect to the Common Properties. If the Developer adds any property to the original Subdivision, the owners of such property shall be entitled to utilize the Common Properties in the original Subdivision and the owners in the original Subdivision shall be entitled to use the Common Properties located within the added property.

Section 3.5 Retained Easement for Roads and Utilities. Developer hereby reserves and shall have an easement for access and utility purposes over all of the 60' Private Road and Utility Easement areas, all of the Water Line Easement areas, all of the Utility Easement areas, and other Common Properties, all as shown on the plat of Viking Creek Phase 2 Subdivision.

Section 3.6 Road Maintenance. In the event the City of Whitefish does not properly maintain the roads of the Subdivision to the standards of the Homeowners Association, the roads within the Subdivision shall be maintained, repaired, or replaced as needed by the Homeowners Association, including plowing of snow and recoating pavement. The Homeowners Association shall not be permitted to use salt or deicer to break up ice or snow pack on the roads of the Subdivision. The roads shall be maintained in good condition to allow year-round access to all lots. During the "Period of Developer Control" no gates, other impediments, or signage may be placed on any roads without the prior written consent of Developer. The Homeowners Association may elect to landscape and/or maintain portions of the road right-of-way not actually used for road purposes. The roads within the Subdivision shall not be private roads, but shall be public roads that are open to the public.

Section 3.7 Property Taxes. It is acknowledged that, for property tax purposes, Flathead County and the State of Montana may allocate to each lot a fractional, proportional portion of the value attributable to the Common Properties. By accepting a deed to a lot the owner agrees to this mechanism for property taxation and agrees to pay a proportional share (as allocated by Flathead County and the State of Montana) of the taxes attributable to the value of the Common Properties, while at the same time allowing the Homeowners Association to administer and control the Common Properties.

Section 3.8 Approval of Developer. During the "Period of Developer Control" no construction of improvements shall take place within the Common Properties nor shall any other changes or alterations be made to the Common Properties or the uses within the Common Properties without the prior written consent of the

Developer.

Section 3.9 Insurance on Common Area. The Homeowners Association shall maintain the following types of insurance: property insurance, liability and comprehensive fidelity to the extent that such insurance is reasonable and available, considering the availability, cost and risk coverage provided by such insurance, and the cost of such coverage shall be included in the budget and shall be paid by the Homeowners Association as a common expense.

#### ARTICLE IV Homeowners Association

Section 4.1 Membership in the Association. The members of the Homeowners Association shall consist of the owners of each lot of the Subdivision. Each owner covenants and agrees that he/she will automatically be and will remain a member of the "Viking Creek Homeowners Association Inc. (known as the "Association") so long as the property owner retains any ownership interest in any lot located within this Subdivision. By accepting the conveyance of the property, the owner binds himself to abide by this Declaration, the Articles of Incorporation and Bylaws of the Association, and the reasonable rules and regulations of the Association, which may be adopted by the Board of Directors from time to time. Upon sale of a lot, the membership associated with that lot shall be deemed automatically transferred from the former lot owner to the purchaser of such lot. Such transfer shall not relieve the former lot owner of any obligations incurred by such former lot owner prior to the transfer. For the purposes of membership in the Association, the purchaser under any contract for deed notice of which is recorded in the real estate records of Flathead County, Montana, shall be considered the owner.

Section 4.2 Membership Dues. Membership dues for the Homeowners Association are estimated at \$1,500.00 per calendar year, which is broken down as follows: \$600.00 each year for maintenance of the common areas (said dues are an estimate and shall be adjusted as needed by the Homeowners Association); and \$300.00 each year to contribute to the management of the Environmental Protection Area (which shall be made payable to the Whitefish Lake Institute or the governing body at the time payment is due); \$600 for Montana Club membership at the Lodge at Whitefish Lake

Section 4.3 Voting. The Owner(s) of each lot shall be entitled to a single vote in the Association for each lot owned, except that the Developer shall be entitled to three (3) votes for each lot owned by the Developer. When more than one person holds an interest in any lot, all such persons shall be members of the Association. The vote for such lot shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any lot; except the Developer may cast three (3) votes for each lot it holds.

Section 4.4 Bylaws. The bylaws of the Association shall govern the conduct of meetings of the members of the Association, the Board of Directors and other aspects of the operation of the Association not addressed in this Declaration.

Section 4.5 Management During Period of Developer Control. The "Period of Developer Control" shall mean the period beginning on the date this Declaration is first recorded in the office of the Clerk and Recorder of Flathead County, Montana, and ending on the earlier of: (a) the date which is 10 years later or (b) the date on which the Developer has sold 80% of the lots within Viking Creek Phase 2 Subdivision (including all phases) and the Developer has notified the Association in writing that the Developer has determined that no additional property shall be added to the Subdivision. During the Period of Developer Control, Developer may appoint, remove and replace from time to time any or all of the Directors and Officers of the Association. Each member of the Association gives the Developer an irrevocable proxy for this purpose. If Developer so elects, Developer may from time to time relinquish, either on a temporary or permanent basis, the right to appoint all or a portion of the Directors and Officers of the Association; provided that any such relinquishment shall be expressed in writing to

the Association. The Period of Developer Control may be reinstated or extended by agreement between Developer and the Association upon such terms and conditions as the parties agree. After the termination of the Period of Developer Control, the Developer, if still an owner of any lots in the Subdivision, will continue to have all the rights ordinarily given to owners under this Declaration.

Section 4.6 Assessments. Each property owner (except the Developer, as to lots owned by the Developer and not yet sold) agrees to pay to the Association such annual dues and assessments as the Board of Directors shall determine. Such dues and assessments may include amounts for operation of the Association, payment of taxes and insurance on Common Properties, Common Properties maintenance, utilities, and snow removal, a fund for acquisition or replacement of capital improvements, legal and accounting fees, reasonable reserves and any and all other matters determined to be appropriate by the Association for the benefit of the owners and approved or assessed in accordance with the applicable rules and procedures of the Association. The Association dues and assessments shall be the same for each lot of the Subdivision, except as follows:

If the Board of Directors determines in good faith that a portion of dues and assessments benefit fewer than all the lots, such portion shall be assessed only against the benefited lots. Road maintenance repair and replacement shall be considered to benefit all lots equally among all lots. Any trails, paths, open space, or recreation fields may not be removed at any time.

Section 4.7 Developer's Responsibility for Assessments.

Notwithstanding the foregoing, the Developer, although a member of the Association, shall not be responsible at any time for payment of the Assessments with respect to lots owned by the Developer. The foregoing shall include Association dues and assessments, amounts assessed, levied or charged with respect to the water system, and any other amounts charged, levied or assessed any Subdivision lot owner with respect to ownership of property within the Subdivision, except that Developer shall pay its pro-rated share of property taxes assessed against Common Properties within the Subdivision. Developer's share of the property taxes shall be calculated based on the number of lots owned by Developer as of the date each property tax payment is payable. Also, the Developer shall at all times pay all expenses of maintaining the lots that it owns, including any improvements located thereon. For lots that are sold by Developer during a year, the assessments for that year shall be pro-rated and paid by the purchaser at closing.

Section 4.8 Collection of Assessments. Assessments shall be the personal responsibility of the owners of each lot. In addition, assessments shall be a lien on each lot. Failure to pay assessments will result in a lien statement being filed by the Board of Directors, which shall describe the lot, state the amount of the unpaid assessment and the date of such assessment. If any assessment is not paid when due, the assessment shall accrue interest at fifteen percent (15%) per annum until paid (or such other rate as the Board of Directors may establish from time to time). A lot owner whose lot is subject to lien must pay the assessment, interest, and costs for preparation of the lien and lien release, and all recording fees before the lien is released. The Association is empowered to initiate any legal action to enforce payment of any past-due assessments, dues, or fees including an action to foreclose any lien on a Subdivision Lot. This lien may also be foreclosed in the manner of foreclosure for mortgages. In the event of litigation, the prevailing party shall be entitled to attorney's fees and costs. The voting rights of an owner whose assessments are delinquent shall be suspended during the period of delinquency.

Section 4.9 Priority of Lien for Assessment. The lien of the assessments will be superior to and prior to any homestead exemption provided now or in the future by the laws of the State of Montana, and to all other liens and encumbrances except the following:

- a. Liens and encumbrances recorded before the date of the recording of this Declaration.
- b. Liens for property taxes and other governmental assessments or charges made superior by statute.

c. The lien for all sums unpaid on a First Mortgage, as defined below.

A "First Mortgage" is a mortgage, deed of trust, trust indenture, contract for deed, or other similar financial encumbrance granted by an Owner to secure a debt, (1) which is recorded in the office of the Clerk and Recorder of Flathead County, Montana, before the date of filing of a written lien statement for delinquent assessments, (2) which encumbers a lot, and (3) which is first in priority among all such mortgages, deeds of trust, trust indentures or other similar financial encumbrances. There can only be one First Mortgage with respect to a lot. Any First Mortgagee who acquired title to a lot by virtue of foreclosing the First Mortgage or by virtue of a deed or assignment in lieu of such a foreclosure, or any purchase at a foreclosure sale of the First Mortgage, will take the lot free of any claims for unpaid assessments, interest, late charges, costs, expenses, and attorney's fees against the lot which accrue prior to the time such First Mortgagee or purchaser acquires title to the lot.

All other persons who hold or who may in the future hold a lien or encumbrance of any type not described in subsection a., b. or c., will be deemed to consent that their lien or encumbrance will be subordinate to the Association's future liens for assessments, interest, late charges, costs, expenses and attorney's fees, as provided in this Article, whether or not such consent is specifically set forth in the instrument creating any such lien or encumbrance.

Section 4.10 Protection of First Mortgage. No violation or breach of, or failure to comply with, any provision contained in this Declaration and no action to enforce any such provision shall affect defeat, render invalid or impair the lien of any First Mortgage on any property taken in good faith and for value and perfected by recording in the Office of the Clerk and Recorder of Flathead County, Montana, prior to the time of recording in said office of a written lien statement for delinquent assessments. No violation, breach, failure to comply or action to enforce this Declaration shall affect, defeat, render invalid or impair the title or interest of the holder of any First Mortgage or result in any liability, personal or otherwise, of any such holder or purchaser. Any purchaser upon foreclosure shall, however, take subject to his Declaration.

Section 4.11 Statement of Status of Assessments. On written request, the Association will furnish to an owner or his designee or to any mortgagee a statement setting forth the amount of unpaid assessments then levied against the lot in which the owner, designee or mortgagee has an interest. The information contained in such statement, when signed by an officer, director or agent of the Association, will be conclusive upon the Association, the Board of Directors, and every owner as to the person or persons to whom such statement is issued and who rely on it in good faith.

Section 4.12 Liability. Neither the Developer, the Association, Design Review Board, nor their respective members, directors, employees nor agents shall be responsible for any actions taken by any of the lot owners.

## ARTICLE VI Design Review Board

Section 5.1 Formation of Board. A Design Review Board is hereby formed and shall initially consist of three (3) members. During the period of Developer Control, the members of the Design Review Board may be appointed, removed, and replaced by the Developer. After the Period of Developer Control, the Board of Directors shall appoint the members of the Design Review Board. The Developer or parties related to the Developer may serve on the Design Review Board. Members of the Design Review Board are not required to be members of the Association.

Section 5.2 Plans and Specifications. All owners intending to construct a dwelling or build any type of fence, outbuilding or other structure or improvement upon any lot shall first submit their detailed plans and specifications in writing to the Design Review Board, including the following:

- a. Site plans showing the location of the house, outbuilding, other structure, and proposed driveway. The plan must also show finished grade elevations.
- b. A complete set of building plans including plans for all floors, cross-sections, and elevations showing all dimensions and finished square footage.
- c. Plans and samples including exterior materials, colors, finishes and windows being used.
- d. Detailed landscaping plans showing the proposed use and preservation of the areas native landscaping on the particular lot.
- e. Fencing plans, including materials, colors and sizes and heights.
- f. Outdoor lighting plans, including layout, type of light, and colors be specified.

The Design Review Board may require that the applicant submit additional information reasonably required to perform its review function. Any proposed plans and other related or required information shall be submitted with the applicable fee that is required by the Design Review Board.

Section 5.3 Submittal Fee. The initial fee required for the Design Review shall be the sum of \$300.00. The Design Review Board may revise the amount of the fee from time to time. If additional professional services are needed, an additional fee will be charged for any of these services.

Section 5.4 Approval. Upon receipt of plans and other required material, the Design Review Board shall review the proposed improvement to determine whether it is in accordance with the goals stated in this Declaration and is otherwise in conformance with the Declaration and the Design Guidelines. No house, other structure or fence shall be erected, placed or altered on any lot, nor shall any site work be commenced, until the plans and specifications have been approved in writing by the Design Review Board as to such compliance and as to the quality of workmanship and materials, harmony of external design with existing structures, and location of the structure with respect to topography and finish grade elevation. Approval or disapproval by the Design Review Board must be in writing. The design review process specified in the Design Guidelines must be followed. If the Design Review Board disapproves of any portion of the plans and specifications, the reason for such disapproval shall be stated. In the event the Design Review Board fails to act within thirty (30) days after the final plans and specifications of any structure, together with any required fee, have been submitted in writing, or in any event, if no suit to enjoin the construction has commenced prior to the completion of an entire dwelling, no specific approval shall be required for such structure and the pertinent provisions of this Declaration shall be deemed to have been fully complied with.

Section 5.5 Violations of the Design Guidelines. If the Design Review Board, upon its own inspection or upon receiving a complaint, determines that any Owner is violating the Design Review Board's guidelines, or has failed properly to maintain their owned lot or any permanent improvements thereon, including necessary repairs, or has constructed or made any change to any improvement not in conformance with an approved plan, the Design Review Board will notify the Owner in writing. Such notice will contain a statement of the nature of the violation, the steps needed to remedy it, and demanding the Owner remedy it within a period of thirty (30) days. If the Owner fails or refuses to remedy the violation, the Design Review Board, may at its election, correct the deficiency set forth in the notice at the Lot Owner's expense. If the Lot Owner fails to reimburse the Design Review Board within thirty (30) days after mailing a statement for correcting the deficiencies, the Design Review Board, through the Association, may assess a lien to the same extent as those liens described in Article VI: Sections 6.8 and 6.9 of this Declaration. The remedies provided above are not exclusive and the Design Review Board and the Association may exercise any other remedies allowed by law for violations, including but not limited to injunctive relief.

Section 5.6 Design Guidelines. The Design Review Board shall adopt guidelines for its overall design review, the design review application process, and its operating procedures (referred to as "Design

Guidelines"). The Design Guidelines may be amended from time to time. It is the responsibility of each owner to obtain and review a copy of the most recently adopted Design Guidelines.

Section 5.7 Parking Guidelines. No Motor Coach shall be parked closer to the street than the front foundation line of the home. A site plan showing the Motor Coach parking space and the home shall be provided at the time of building permit application to insure compliance with this requirement.

Section 5.8 Deposit. The Design Review Board may require each owner to provide a deposit in an amount set by the Board to ensure that the roads and other Common Properties are not damaged during construction and that the other provisions of this Declaration and applicable rules and regulations are not violated during construction. If the construction is completed without such damage or violation, the deposit shall be returned to the owner (without interest). If there has been such damage or violations, the deposit may be applied toward remedying such damage or violations. If the owner disagrees that such damage or violations have occurred, the Design Review Board shall give the owner an opportunity to meet with the Design Review Board and provide such evidence as the owner may desire. After considering such evidence the Design Review Board shall make a determination of whether such damages or violations occurred, including the amount thereof and the determination of the Design Review Board, made in good faith, shall be final. If the cost of remedying any such damage or violation exceeds the deposit amount, the owner shall be responsible for any excess costs. Initially, the deposit amount is set at \$500.00.

Section 5.9 Liability. Neither the Developer or the Design Review Board nor their respective members, officers, directors, employees or agents shall be responsible or liable for any defects in any plans or specifications submitted, revised or approved under this Article, nor for any defects in construction pursuant to such plans and specifications. Approval of plans and specifications under this Article shall not be deemed in lieu of compliance by owner with applicable building codes or other governmental laws or regulations.

#### ARTICLE VI

#### Removal of Waste, Property Appearance and Upkeep

Section 6.1 Landscape Maintenance. All landscaping shall be maintained and shall not be allowed to become unsightly. All weeds, including any noxious weeds, shall be eradicated or controlled and property shall comply fully with Montana laws regarding the control or eradication of noxious weeds. All noxious weeds must be physically removed to prevent the spread of noxious weeds in the area. The use of pesticides or artificial fertilizers shall not be permitted for any purpose.

Section 6.2 Garbage and Refuse Disposal. All garbage, refuse, trash and cuttings shall be kept in approved covered containers at all times and any such covered container shall be kept within an enclosed structure except for scheduled collections to avoid attracting bears or any other animals to the area

#### ARTICLE VII

#### Wetland Preserve

Section 7.1 Cow Creek.

Section 7.2 Signage and Trails. Developer and Grantee shall have the mutual perpetual right of approval of all improvements and modifications to the wetland preserve areas, including the placement of any signs and trails. Trails will be open to the general public subject to use restrictions mutually agreed upon by the Developer and Grantee.

Section 7.3 Maintenance. The property shall be maintained in good condition, including the trail system and signage, and managed in a manner that does not negatively impact owners.

Article VIII  
Duration and Amendment

Section 8.1 Duration of Declaration. The provisions of this Declaration are intended to be easements and covenants running with the land, and are intended to be perpetual, except as amended or terminated as provided below.

Section 8.2 Unilateral Amendment By Developer. At any time before or after the Period of Developer Control, so long as Developer owns a lot, Developer may unilaterally amend this Declaration (1) if such amendment is solely to comply with applicable law or correct a technical or typographical error, (2) if such amendment does not adversely alter any substantial rights of any owner or mortgagee, or (3) in order to meet the guidelines or regulations of a lender or insurer including, but not limited to, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration or the Veterans Administration or any similar agency. Such amendments shall not require approval of any Owners.

Article VIII  
General Provisions

Section 9.1 Successors and Assigns. Except as otherwise provided herein, the provisions contained in this Declaration shall be binding upon and shall inure to the benefit of Developer, and the Association and their respective heirs, personal representatives, successors and assigns. Developer may assign some or all of its rights under this Declaration to a third party by a written instrument specifically referring to such rights recorded in the records of Flathead County, Montana. Such instrument may specify the extent and portion of the rights or interests as a Developer, which are being assigned in which case the initial Developer shall retain all other rights of Developer.

Section 9.2 Severability. Invalidity or unenforceability of any provision contained in this Declaration in whole or in part shall not affect the validity or enforceability of any other provision of this Declaration.

Section 9.3 Captions. The captions and headings in this instrument are for convenience only and shall not be considered in construing any provision of this Declaration.

Section 9.4 Construction. When necessary for proper construction, the masculine of any word used in any provisions contained in this Declaration shall include the feminine or neuter gender, and the singular the plural, and vice versa.

Section 9.5 No Waiver. Failure to enforce any provision contained in this Declaration on any one or more occasions shall not operate as a waiver of any such provision or of any other provision of this Declaration.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

NDI, INC.

By: \_\_\_\_\_

Sean Averill, President





**City of Whitefish**  
**Planning & Building Department**  
 1005 C Baker Avenue  
 Whitefish, MT 59937  
 Phone: 406-863-2410 Fax: 406-863-2409

File #: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Intake Staff: \_\_\_\_\_  
 Date Complete: \_\_\_\_\_

**MAJOR PRELIMINARY PLAT APPLICATION**

Schedule a Time to Submit the Application: \_\_\_\_\_  
 (Date/Time)

**FEE ATTACHED \$ 15,766.00**  
 (See most current fee schedule)

Project /Subdivision Name: Second Street Residences

Initial Preliminary Plat

Amendment to an Approved Preliminary Plat

Change a Condition of Approval to an Approved Preliminary Plat (attach a narrative explaining which condition you are requesting to be changed and why the condition is no longer valid or warranted)

Re-file of an Expired Preliminary Plat; date preliminary plat expired: \_\_\_\_\_

**A. OWNER(S) OF RECORD:**

Name: Pine Hill LP and Wild Rose Knoll LP Attn: Dave Kauffman Phone: 250-5779

Mailing Address: P.O. Box 91

City, State, Zip: Whitefish, MT 59937

Email: \_\_\_\_\_

**APPLICANT (if different than above):**

Name: Community Infill Partners LLC. Attn: Will MacDonald Phone: (406) 871-7787 (Will)

Mailing Address: P.O. Box 4600

City, State, Zip: Whitefish, MT  
59937

Email: will@kotaenterprisesllc.com

**TECHNICAL/PROFESSIONAL:**

Name: Sands Surveying, Inc Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: \_\_\_\_\_

Name: Robert Peccia & Associates Phone: (406) 752-5025

Mailing Address: 100 Cooperative Way

City, State, Zip: Kalispell, MT 59903-5100

Email: ryan@rpa-kal.com

**B. LEGAL DESCRIPTION OF PROPERTY:** Street Address 320 Haugen Heights

Assessor's Tract No.(s) Tracts 1K, 1D, and 1DA Lot No(s) N/A Block # N/A

Subdivision Name N/A 1/4 Sec NE1/4NW1/4 Section 32 Township 31 Range 21

**C. GENERAL DESCRIPTION OF SUBDIVISION**

**ZONING DESIGNATION:** WR-1 and WA

If proposing to change the underlying zoning, proposed zoning: WER for the area zoned WA

**CRITICAL AREAS ON-SITE OR NEARBY:**

Lake  Wetlands  Streams  Stormwater Conveyance  High Groundwater  Slopes 10-30%  Slopes 30%+  Floodplain

**PARKLAND/OPEN SPACE PROPOSAL:** The following information is required to show how the project meets the parkland dedication requirements of the subdivision regulations (Section 12-4-11). A recommendation from the Park Board is required to be submitted along with the application, unless exempted under the subdivision regulations 12-4-11(C).

- Date of Parks Board Meeting (prior to submitting an application): January 14, 2014
- Market Value before Improvements: \$37,000.00/acre
- Total Acreage in Parks, Open Spaces and/or Common Areas: . Because the subdivision is proposed with a PUD, two park and open space rules apply. The Whitefish Subdivision Regulations require 11% of land devoted to lots less than 0.5 acres to be dedicated as park or provide the cash equivalent. The proposed subdivision has 12.223 acres devoted to lots less than 1/2 acre. Therefore: 12.223 (0.11) = 1.344 acres of land (or cash equivalent) is required for parkland dedication at the time of final plat. However the PUD requirements of the Whitefish Zoning Regulations require that 30% of the site be devoted to park and open space and there is no provision for cash-in-lieu. The development has 23.789 acres and we propose 7.136 acres as park and open space which equals 30% of the development. The PUD dedication exceeds what is required by the subdivision regulations. The Parkland is split between a 4.004 acre parcel along Cow Creek and the remaining 3.132 acres in open space distributed throughout the development. The Park Board at their regular meeting in January voted to recommend accepting the 4.004 acres minus the drainage facilities as City Park land with the remainder being HOA Park. The Developers and Parks Department have also been working with the Whitefish Lake Institute which is interested in taking ownership of the park area to perform wetland revegetation along with trails and long term maintenance.

**LOTS AND ACREAGE:**

Total Acreage in Subdivision: 23.789 Number of Lots or Rental Spaces: 62

Maximum Size of Lots or Spaces: 23,428 sf Minimum Size of Lots or Spaces: 4,582 sf for subplot

Total Acreage in Lots: 12.223 ac Total Acreage in Streets or Roads: 4.429 ac

**PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:**

Single Family: 54 Townhouse: 8 Mobile Home Park:    Duplex:    Apartment:   

Recreational Vehicle Park:    Commercial:    Industrial:

Planned Unit Development: \_\_\_\_\_ Condominium: \_\_\_\_\_ Multi-Family: \_\_\_\_\_ Other: \_\_\_\_\_

**IMPROVEMENTS TO BE PROVIDED:**

**Roads:** Gravel  Paved  Curb  Gutter  Sidewalks  Alleys \_\_\_\_\_ Other (explain): \_\_\_\_\_

**Water System:** Individual \_\_\_\_\_ Multiple User \_\_\_\_\_ Neighborhood  Public \_\_\_\_\_ Other (explain): \_\_\_\_\_

**Sewer System:** Individual \_\_\_\_\_ Multiple User \_\_\_\_\_ Neighborhood  Public \_\_\_\_\_ Other (explain): \_\_\_\_\_

**Other Utilities:**  Cable TV  Telephone  Electric  Gas \_\_\_\_\_ Other (explain): \_\_\_\_\_

**Solid Waste:**  Home Pick Up \_\_\_\_\_ Central Storage  Contract Hauler \_\_\_\_\_ Owner Haul \_\_\_\_\_

**Mail Delivery:**  Central \_\_\_\_\_ Individual \_\_\_\_\_

**Fire Protection:**  Hydrants \_\_\_\_\_ Tanker Recharge \_\_\_\_\_

**Drainage System:** See EA and attached drainage Plan for details

**D. APPLICATION CONTENTS:**

All applicable items required by *Appendix B: Preliminary Plat Submittal Requirements* of the Whitefish Subdivision Regulations must be submitted to the Whitefish Planning & Building Department with the application for preliminary plat, including the following:

**Attached**

- Preliminary Plat Application
- 20 copies of the preliminary plat
- One reduced copy of the preliminary plat not to exceed 11" x 17"
- Electronic version of plat such as .pdf
- One reproducible set of supplemental information.
- Certified adjacent owners list for properties within 300-feet of subject site
- Any additional information requested during the pre-application process
- Fair Market Appraised Value
- Recommendation from the Parks Board – unless exempt 12-4-10(C)
- \$100.00 deposit for sign to be posted on-site during the duration of the public process

When all application materials are submitted to the Planning & Building Department and it is found complete, the staff will schedule the subdivision for a public hearing pursuant to Section 12-3-5(D). The Council must act within 60 working days or 80 working days if the subdivision has 50 or more lots.

**E. VARIANCES:**

ARE ANY VARIANCES TO THE SUBDIVISION REGULATIONS BEING REQUESTED? **Yes**  
If yes, please complete the Variance Section (attached) and submit the applicable fee.

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I hereby certify under penalty of perjury and the laws of the State of Montana the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during the approval and development process.

\_\_\_\_\_  
Owner(s) – all must sign the application

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Owner(s) – all must sign the application

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Applicant – if different than above

\_\_\_\_\_  
(Date)

I understand I am responsible for maintaining the public notice sign on the subject property during the entire public process. I understand I will forfeit my \$100.00 deposit, if I do not return the public notice sign to the Planning & Building Department in good condition after the public review.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
(Date)

### **VARIANCE REQUEST**

Completely address each of the following items, if requesting a variance to the Subdivision Regulations. The Council will use the information provided to evaluate the variance request – all criteria need to be met or found not applicable in order for the Council to grant the variance.

**SECTION OF REGULATION CREATING HARDSHIP:** 12-4-17.B (WALKWAYS AND SIDEWALKS) AND  
**EXPLAIN THE UNDUE HARDSHIP CREATED WITH STRICT COMPLIANCE OF THESE REGULATIONS:**

The subdivision is proposing sidewalks on both sides of the street within subdivision with the exception of one small area on the north side of Wild Rose Lane between Lot 14 and the eastern edge of the subdivision. The described section of street butts up to the BNSF property with no possibility of homes being constructed on that side of the street. Therefore, there would be no homeowners that would shovel or sweep this section of street. With a sidewalk on the south section of this street there is covenant pedestrian access for residents of this subdivision and neighboring subdivision that will come in the future.

**PROPOSED ALTERNATIVE(S) TO STRICT COMPLIANCES WITH ABOVE REGULATIONS:** The Second Street Residences has sidewalks throughout the project and pedestrian trails within the open space connect homes with amenities. The small segment of sidewalk proposed with this variance will not impact pedestrian movement. As there are no homes in front of this section of the street, maintenance would fall to the City.

**PLEASE ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED BELOW:**

1. Will the granting of the variance be detrimental to the public health, safety or general welfare or injurious to other adjoining properties? Explain.  
Granting the variance will not be detrimental to public health, safety, or general welfare. There are sidewalks on both sides of the street throughout the subdivision with the exception of this small segment. Pedestrian paths are proposed with the common areas which will be maintained by the HOA. The developer will construct sidewalk and the north side of Second Street from the Armory Road intersection west to the western edge of the property as requested by Public Works. The City of Whitefish is expanding the bike/pedestrian path on the south side of Second Street with the upcoming reconstruction of the street.

2. How is the physical surrounding, shape or topographical conditions of the property limiting the ability to fully comply with the Regulations?

With the location of the Wild Rose Lane extension and its proximity to the BNSF property leaves no possibility for the northern side of this street to be developed with residences. The sidewalk on the south side of this street section will accommodate all pedestrian movement from west to east.

3. Is the hardship solely a financial hardship or a hardship that has been self-imposed? Explain.

The hardship is not solely financial. Given that no homes can be built on that side of the road and people would not necessarily choose to walk on that side of the street, a sidewalk in this location would only create a maintenance burden for the City.

4. Will the variance cause a substantial increase in public costs? Explain.

The variance will not increase costs to the public.

5. Will the variance cause the subdivision to be in nonconformance with any adopted zoning regulations, growth policy or adopted policies or regulations? Explain.

Granting the variance will not place the subdivision in nonconformance with the Whitefish Zoning Ordinance or the WR-1/WER/PUD Zoning Designations and State Law prohibits the Growth Policy from being a regulatory document.

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

JOB NO: 392603 (in 392601.dwg)  
DATE: DECEMBER 3, 2013  
REVISED: FEBRUARY 13, 2014  
FOR: WILL MacDONALD  
SEAN AVERILL

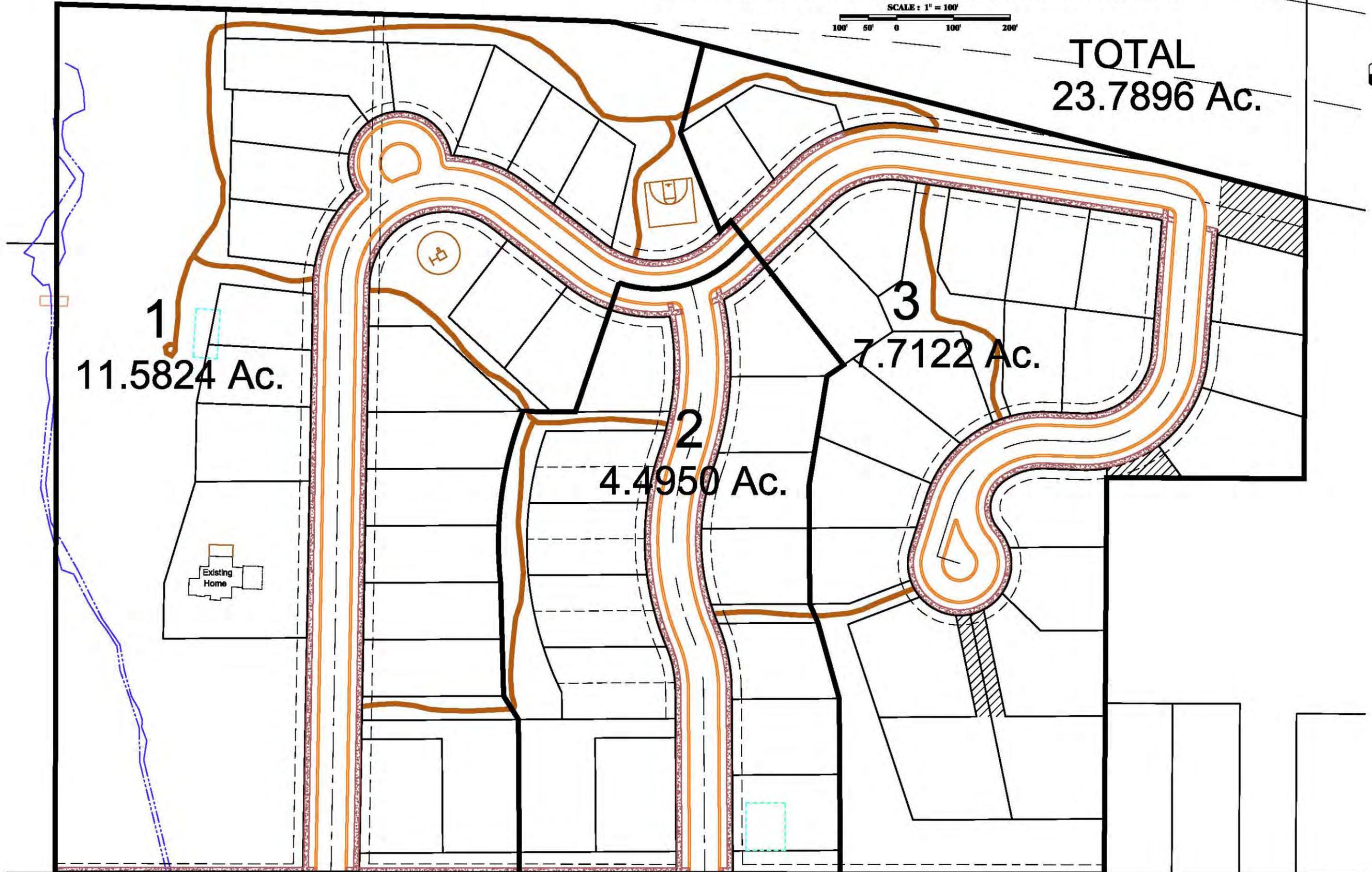
OWNERS: WILD ROSE KNOLL, LP  
PINE HILL, LP

# PHASING PLAN for: SECOND STREET RESIDENCES

IN NE1/4NW1/4 SEC.32, T.31N., R.21W., P.M.,M., FLATHEAD COUNTY, MT

SCALE: 1" = 100'  
100' 50' 0 100' 200'

TOTAL  
23.7896 Ac.





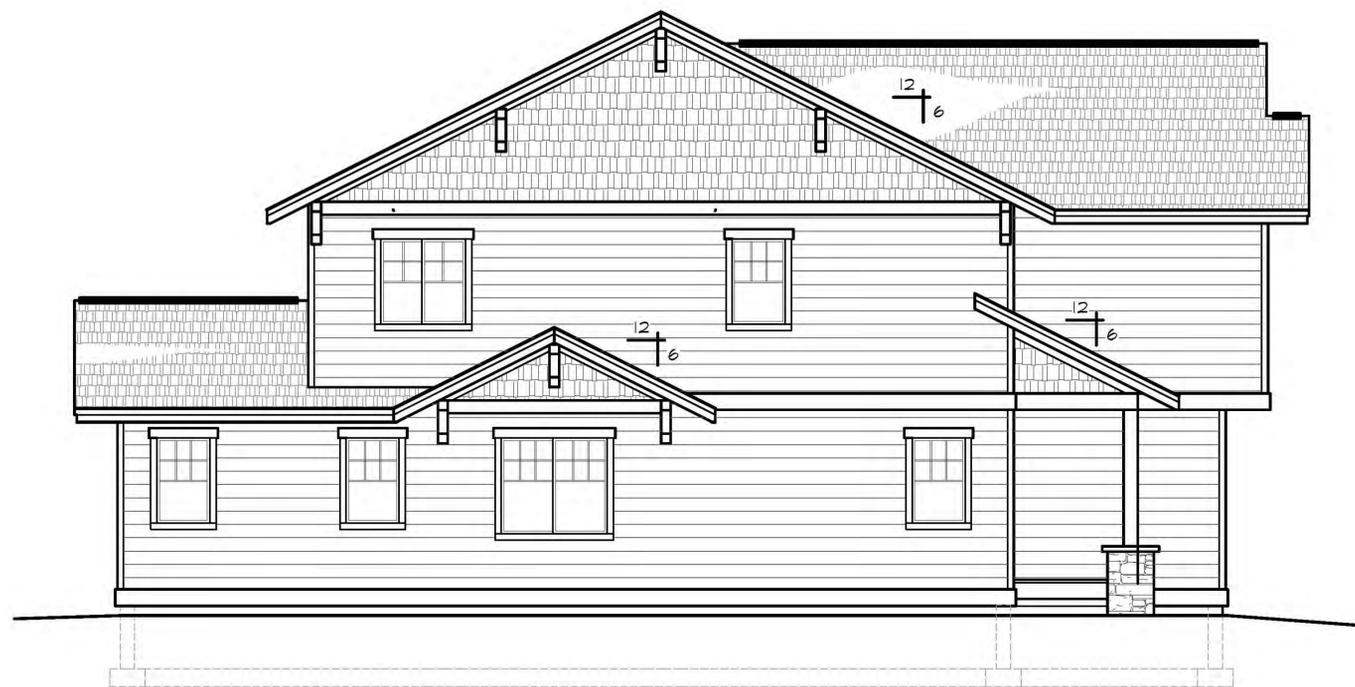
RIGHT SIDE ELEVATION

SCALE 1/4" = 1'-0"



FRONT ELEVATION

SCALE 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE 1/4" = 1'-0"



REAR ELEVATION

SCALE 1/4" = 1'-0"

## ENVIRONMENTAL ASSESSMENT Second Street Residences

The sources of information for each section of the Assessment are identified. All Environmental Assessments shall contain the signature, date of signature and mailing address of the owner of the property and the person, or persons, preparing the report (**Note:** Any response to the EA question that does not have a specific source is attributed to the author of the EA.)

Description: The Second Street Residences development is located on 23.789 acres with East Second Street providing primary access along the southern border of the subdivision and the Cow Creek riparian area providing the western boundary of the development. The subdivision consists of 54 single family residential lots and eight townhouse sublots for a total unit count of 62 homes and an overall density of 2.60 units per acre. As the subdivision accompanies a PUD and Zone Change request, the applicants are proposing 30% or 7.137 acres as park/open space within the project to comply with the PUD standards.

### **PART 1 – RESOURCE ASSESSMENT**

#### **1. Surface Water**

Locate on a plat overlay or sketch map:

- a. Any natural water systems such as streams, rivers, intermittent streams, lakes or marshes (also indicate the names and sizes of each).

Cow Creek runs along the western boundary of the subdivision. Cow Creek originates less than a mile north of Edgewood at the base of the Haskill Basin and flows south under the BNSF tracks along the western edge of the proposed subdivision and ultimately to the Whitefish River near the intersection of Voerman Road and Park Avenue.

There is an associated wetland with Cow Creek which is depicted on the Preliminary Plat. The Wetland was delineated by Calypso Ecological Consulting in 2007 for the Cow Creek Sewer project (Appendix A). The subdivision adheres to the required wetland buffers and setbacks imposed by the City’s Critical Areas Regulations. The applicants are utilizing the buffer averaging for a very small portion of the buffer. This 2,560 square foot “Averaged” area is depicted on the preliminary plat and is located one Lot 2. The replacement “Averaged” area is located in front of Lots 7 and 8. The existing Kauffman Residence constructed in the 1930’s does encroach into the wetland buffer but this structure pre-dated the Critical Areas Ordinance by 70+ years.

- b. Any artificial water systems such as canals, ditches, aqueducts, reservoirs, and irrigation systems (also indicate the names, sizes and present uses of each).

There are no artificial water systems located on the property.

- c. Time when water is present (seasonally or all year).

Cow Creek is a perennial stream with a width of between one and thirteen meters depending on location.

- d. Any areas subject to flood hazard, or in delineated 100 year floodplain.

A portion of the property is mapped within the 100-year floodplain, Panel 1090G dated 9/28/07 but this is a non-detailed area with no elevation data. The floodplain boundary is indicated on the preliminary plat and is confined to the 4.004 acre park proposed on the preliminary plat. The Kauffman House was constructed in the 1930's and has never been inundated by floodwaters.

- e. Describe any existing or proposed stream bank alteration from any proposed construction or modification of lake beds or stream channels. Provide information on location, extent, type and purpose of alteration, and permits applied for.

There are no proposed stream bank modifications proposed with the Second Street Residences project. The riparian area is shown as a 4.004 acre nature park on the preliminary plat. The riparian park area will be dedicated to the City of Whitefish or the Whitefish Lake Institute should all parties agree. If the Institute takes position, the would propose revegetation of areas along the wetlands along with some pedestrian paths. Any work in a jurisdictional wetland or stream will require the Institute to secure the appropriate permitting from the pertinent agencies.

## **2. Groundwater**

Using available data provide the following information:

- a. The minimum depth to water table and identify dates when depths were determined. What is the location and depth of all aquifers which may be affected by the proposed subdivision? Describe the location of known aquifer recharge areas which may be affected.

Based on the "Potentiometric Surface Map of the Deep Aquifer, Kalispell Valley, Flathead County, Montana" by John I. La Fave and the well log from the existing Kaufman House well, the deep aquifer is approximately 250-feet deep and the static water level of the deep, confined aquifer is approximately 40 to 45-feet below the surface ground elevation in the location of the proposed subdivision. The Deep aquifer is the primary drinking water source for much of the Flathead Valley. According to the LaFave Map, the groundwater flow is in a south, southwest direction.

As part of the East Second Street reconstruction design work, a series of bore holes were dug along the street corridor and one at the north end of Wild Rose Lane for Cow Creek Sewer Project. A 16' deep bore hole on east edge of subject property and one south of Wild Rose Lane. No water was encountered in the eastern hole and the Wild Rose Lane hole encountered water at a depth of 9 feet. The bore hole at the northwest end of the

property encountered water at six feet but this was at the bottom of the slope in the Cow Creek drainage. This riparian area is proposed as a 4.004 acre park and is not slated for any development.

As the project will utilize City sewer, water and stormwater drainage (which will be collected and treated) there will be no impact on the groundwater as a result of the proposed subdivision.

b. Describe any steps necessary to avoid depletion or degradation of groundwater recharge areas.

As with all subdivisions in the City Limits of Whitefish, the proposed development will utilize the City's public water and wastewater facilities. The City of Whitefish utilizes surface water for its source of drinking water and waste water is treated in the municipal wastewater treatment plant and discharges in the Whitefish River. The proposed subdivision should have no impact on the groundwater aquifer.

### **3. Topography, Geology and Soils**

a. Provide a map of the topography of the area to be subdivided, and an evaluation of suitability for the proposed land uses. On the map identify any areas with highly erodible soils or slopes in excess of 15% grade. Identify the lots or areas affected. Address conditions such as:

- i Shallow bedrock
- ii Unstable slopes
- iii Unstable or expansive soils
- iv Excessive slope

The preliminary plat provides two foot contour intervals. The property consists of three benches starting with the Cow Creek bottom lands as the lowest bench, the second bench is the location of the existing Kauffman House and hay field, and the last bench is the ponderosa pine forest on the eastern 1/3 of the property. The Cow Creek slope is mostly in either Park area or the back yard setbacks of the lots along that bench (Lots 1 – 8). Lots 34 and 35 located along the Ponderosa bench are the steepest at 18% but the mature pines show no effects of destabilized soil, in addition, this slope has only a 25 foot difference between the top and the bottom. There is no exposed bedrock within the development or unstable slopes.

b. Locate on an overlay or sketch map:

Any known hazards affecting the development which could result in property damage or personal injury due to:

- A. Falls, slides or slumps -- soil, rock, mud, snow.
- B. Rock outcroppings
- C. Seismic activity.

D. High water table

There are no falls, slides, slumps, rock outcroppings, or a high water table within the developable areas of the project. The City of Whitefish is located in a seismic area with a fault running along the Whitefish Divide.

c. Describe measures proposed to prevent or reduce these dangers.

As the subject property is within the City Limits of Whitefish and Whitefish has a very good plan check and building inspection program, new development will have to comply the 2009 IBC (2012 IBC in January or February) which includes seismic standards to mitigate the threat to property or persons.

d. Describe the location and amount of any cut or fill more than three feet in depth. Indicate these cuts or fills on a plat overlay or sketch map. Where cuts or fills are necessary, describe plans to prevent erosion and to promote vegetation such as replacement of topsoil and grading.

**4. Vegetation**

a. On a plat overlay or sketch map:

i. Indicate the distribution of the major vegetation types, such as marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest.

Cow Creek runs along western edge of the subdivision and with it is a riparian and wetland area with willow, grasses, and wetland plants. The central portion of the proposed subdivision is the area that the Kauffman's pastured horses and grew hay, most of the native vegetation is missing from this portion of the development. The eastern third of the project consists of a ponderosa forest. (Figure 1)



Figure 1

- ii. Identify the location of critical plant communities such as:
  - A. Stream bank or shoreline vegetation
  - B. Vegetation on steep, unstable slopes
  - C. Vegetation on soils highly susceptible to wind or water erosion
  - D. Type and extent of noxious weeds

The only critical plant community is in the wetland area which is proposed as a natural park area within the Second Street Residences subdivision. A CAR buffer area as proposed with the subdivision will theoretically further protect the existing wetland.

- b. Describe measures to:

- i. Preserve trees and other natural vegetation (e.g. locating roads and lot boundaries, planning construction to avoid damaging tree cover).

Besides the four acre park located along the Cow Creek Riparian area, open space pockets are proposed within the forested portion of the project to protect some of the largest ponderosa pines and create a vegetated buffer along East Second Street. The developers of the subdivision will attempt to protect as many trees as possible outside of

the building envelopes in order to preserve the forest. The developers have made other attempts to cluster the residential units so that 70% of the site remained in open space but this design principle requires units to be constructed in a multi-family or attached dwelling configuration. The clustered design approach displeased the adjacent neighborhoods which preferred the single family lot design presented in this application.

- ii. Protect critical plant communities (e.g. keeping structural development away from these areas), setting areas aside for open space.

The City's CAR is intended to provide buffers and open space for wetland plant communities. The proposed subdivision is complying with the CAR and utilizing a small buffering averaging solution which is offered in the regulations.

- iii. Prevent and control grass, brush or forest fires (e.g. green strips, water supply, access.)

The property is not in the Wildland Urban Interface (Flathead County GIS Web-Site; Wildfire Planning/WUI layer). The project will be developed with irrigated lawn, shrubs and trees which are not considered wildfire fuels. The property is located within the City limits of Whitefish and will utilize City water service, therefore city water mains will be extended into the subdivision along with fire hydrants providing fire flow.

- iv. Control and prevent growth of noxious weeds

The property has been sprayed for noxious weeds in the course of farming hay and taking care of the pasture. As development takes place, the proposed housing units will revegetate the site in yard areas. The open space will be managed by the HOA which will include monitoring weeds and mowing or spraying as needed.

## **5. Wildlife**

- a. Identify species of fish and wildlife use the area affected by the proposed subdivision.

The site is not mapped as Crucial Big Game winter range as depicted in Figure 23 of the Resource and Analysis Report for the Whitefish City – County Growth Policy. The property is, as is most of Whitefish, located in Moose Winter Range, Figure 25 of the Resource and Analysis Document. These maps were updated in 2002 by the Tri-City Planning Office. There are wetlands in the bottom of the of the Cow Creek drainage that provided habitat for smaller terrestrial species. The proposed park/buffer should mitigate any impacts with the wetland area.

It was recently reported that the 2013 spring was particularly bad for bear incidents in the City of Whitefish. In Particular, garbage collection is a problem as residents of the City put out their refuse bin the night before pick-up and the bears have figured out the schedule. The developer of the subdivision fully supports the City's efforts to reduce the attractants for bears.

b. On a copy of the preliminary plat or overlay, identify known critical wildlife areas, such as big game winter range, calving areas and migration routes; riparian habitat and waterfowl nesting areas; habitat for rare or endangered species and wetlands.

The site is not mapped as Crucial Big Game winter range as depicted in Figure 23 of the Resource and Analysis Report for the Whitefish City – County Growth Policy.

c. Describe proposed measures to protect or enhance wildlife habitat or to minimize degradation (e.g. keeping buildings and roads back from shorelines; setting aside wetlands as undeveloped open space).

To ensure that new bear attractants are not created on the site with the proposed development. The development will comply with the City of Whitefish policy of requiring refuse containers be stored within an enclosure except for the day of pick-up.

## **PART II - SUMMARY OF PROBABLE IMPACTS**

Summarize the effects of the proposed subdivision on each topic below. Provide responses to the following questions and provide reference materials as required:

### **1. Effects on Agriculture**

a. Is the proposed subdivision or associated improvements located on or near prime farmland or farmland of statewide importance as defined by the Natural Resource Conservation Service? If so, identify each area on a copy of the preliminary plat.

Approximately eight acres of the property is used for a hay crop and 3 areas were used as horse pasture (See Figure 1). The property is mapped within the Upper Flathead Valley Area Soils Survey. The soils are: (Ab) Alluvial Land – Well Drained, Class VIIs-1; (De) Depew silty clay 0-3% slope, Class IIIs-3; (Ws) Whitefish cobbly silt loam 7-12% slope, Class VIe-1; and (Hf) Halfmoon soils 12-45%, Class VIe-1. (Figure 2) Class I-IV soils are considered prime. Only the Depew silty class fits this category and these soils are limited to the area currently in hay production. The remaining soils are not very productive for agricultural purposes.



Figure 2

b. Describe whether the subdivision would remove from production any agricultural or timber land.

The proposed subdivision will remove approximately eight acres of property from hay production. However the property is within the City limits of Whitefish, walking distance to the schools and downtown, this is an ideal area for infill development. The Whitefish Growth Policy prefers infill development over conversion of lands at the City's fringes. (Figure 2)

c. Describe possible conflicts with nearby agricultural operations (e.g., residential development creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds or applying pesticides; agricultural operations suffering from vandalism, uncontrolled pets or damaged fences).

The subject property and its current agricultural uses are isolated from agricultural uses north of Edgewood or south of Armory Road. The subdivision is bordered by urban development on the east, west, and south sides. The BNSF and industrial zoning border the property on the north. Conversion of this property to urban residential lots will not impact agricultural uses outside of the City.

d. Describe possible nuisance problems which may arise from locating a subdivision near agricultural or timber lands.

As the neighboring properties are not practicing intensive agriculture (tilling, planting, spraying, irrigating, harvesting late into the evening, etc.) the agricultural activities ½ mile or more away should not pose any nuisance to the subdivision.

e. Describe effects the subdivision would have on the value of nearby agricultural lands.

N/A. See previous statements.

## **2. Effects on Agricultural Water User Facilities**

a. Describe conflicts the subdivision would create with agricultural water user facilities (e.g. residential development creating problems for operating and maintaining irrigation systems) and whether agricultural water user facilities would be more subject to vandalism or damage because of the subdivision.

According to the DNRC there are only two irrigation districts in Flathead County and neither is located in the Whitefish area. There is no presence of agricultural water user facilities on the property such as reservoirs, irrigation ditches, pivots, wheel lines, agricultural water or irrigation line easements located on the subject property. Therefore it is anticipated that the proposed Second Street Residences subdivision will have no impact on Agricultural Water User Facilities.

b. Describe possible nuisance problems which the subdivision would generate with regard to agricultural water user facilities (e.g. safety hazards to residents or water problems from irrigation ditches, head gates, siphons, sprinkler systems, or other agricultural water user facilities).

N/A. See previous statement.

## **3. Effects on Local Services**

a. Indicate the proposed use and number of lots or spaces proposed for the subdivision, i.e. single family residential, multi-family residential, commercial, industrial.

The proposed subdivision will create 54 single family residential lots and eight townhouse sublots (Lots 27 – 30) on the 23.789 acres. The property is zoned WR-1 (One Family Residential) and WA (Agricultural) in the Whitefish Zoning District. With the subdivision, the applicants are requesting a zoned change application to change the WA portion of the property to WER which conforms to the Whitefish Growth Policy. In addition, a PUD is requested to spread the density over the site and retain 30% of the area in open space.

b. Describe the additional or expanded public services and facilities that would be demanded of local government or special districts to serve the subdivision.

- i. Describe additional costs which would result for services such as roads, bridges, law enforcement, parks and recreation, fire protection, water, sewer and solid waste systems, schools or busing, (including additional personnel, construction, and maintenance costs).

The roads within the subdivision will be privately built and dedicated to the City of Whitefish for maintenance and public use. Water and Sewer mains will be extended at the expense of the developer and long term maintenance is provided by the City with the costs of hook-up fees and service fees being paid by the developer and/or future lot owners. Costs for law enforcement, fire protection, parks and recreation and schools will be paid by impact fees at time of construction along with the taxes these new residents pay within the service jurisdictions.

- ii. Who would bear these costs (e.g. all taxpayers within the jurisdiction, people within special taxing districts, or users of a service)?

See the previous answer.

- iii. Can the service providers meet the additional costs given legal or other constraints (e.g. statutory ceilings on mill levies or bonded indebtedness)?

The City of Whitefish enacted plant investment fees and impact fees for public facilities in order for new development to pay its way. As with most fees and taxes there is always a lag between the increase in new users and the accumulation of funds to upgrade or expand existing public facilities. Although not perfect, the service providers should be able to maintain the level of service.

- iv. Describe off-site costs or costs to other jurisdictions that may be incurred (e.g. development of water sources or construction of a sewage treatment plant; costs borne by a nearby municipality).

I am not aware of any off-site costs that are directly attributable to this Subdivision and would not be paid for by this developer or the fees charged by the service providers to this developer

- c. Describe how the subdivision allows existing services, through expanded use, to operate more efficiently, or makes the installation or improvement of services feasible (e.g. allow installation of a central water system, or upgrading a country road).

The Second Street Residences will dedicate an easement through the subdivision that will facilitate a new sewer main designed to take the burden off the Wisconsin/Baker Avenue main. This easement extends north through the subdivision, under the BNSF tracks and to Edgewood Drive. Having this second main allows the City to link with portions of the City north of the tracks and waste water to gravity flow to the treatment plant reducing the burden on the City's existing lift stations. In addition to the Sewer Main extension, the development is providing easement for a water line extension along the Armory road

extension which will help loop water north of the BNSF tracks. For transportation, the development is extending Wild Rose Lane to the eastern boundary of the subdivision. The applicants engineer met with the owner of the property to the east and that is in favor of extending the roadway in the proposed location as it works with his future plans. Public Works requested a second connection off Ponderosa Court which shows up on the plat as well. These road reserves will be dedicated to the City and the appropriate connection will be completed by the neighboring property at the time it is developed. Pedestrian access is linked with the existing and future path enhancements planned for East Second Street. Sidewalks will be developed throughout the subdivision and will be extended along East Second from the Armory Road intersection west to the property boundary on the west side of Cow Creek.

g. Would any special improvement districts be created which would obligate local government fiscally or administratively? Are any bonding plans proposed which would affect the local government's bonded indebtedness?

No. No SID's are proposed with the subdivision.

#### **4. Effects on the Historic or Natural Environment**

a. Describe and locate on a plat overlay or sketch map known or possible historic, paleontological, archaeological or cultural sites, structures, or objects which may be affected by the proposed subdivision.

There are no known historic, paleontological, architectural, or cultural sites within the proposed subdivision. The Kauffman House which was built in the 1930's will be saved and is situated on Lot 1 of the proposed subdivision. Lot 1 was sized to encompass the mature trees that surround the house and to preserve its stately position on the bluff above the creek.

b. How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features within the subdivision or on adjacent land? Describe plans to protect these sites.

i. Would any streambanks or lake shorelines be altered, streams rechanneled or any surface water contaminated from sewage treatment systems, run-off carrying sedimentation, or concentration of pesticides or fertilizers?

The proposed subdivision will not alter any portion of the Cow Creek drainage or the creek. The associated wetlands are protected within a proposed park measuring 4.004 acres in size. The subdivision will utilize the City wastewater treatment system so no septic systems are proposed within the subdivision. Stormwater drainage will be collected in the streets and directed to the low area in the southwest corner of the property where a stormwater drainage facility will be constructed to treat and detain stormwater before it is released at pre-development rates into the Cow Creek drainage.

- ii Would groundwater supplies likely be contaminated or depleted as a result of the subdivision?

As with almost all subdivisions in the City Limits of Whitefish, the proposed development will utilize the City's public water and wastewater facilities. The City of Whitefish utilizes surface water for its source of drinking water and wastewater is treated in the municipal wastewater treatment plant and discharges in the Whitefish River. The proposed subdivision should have no impact on the groundwater aquifer.

- iii Would construction of roads or building sites require cuts and fills on steep slopes or cause erosion on unstable, erodible soils? Would soils be contaminated by sewage treatment systems?

There will be some cut and fill to construct the Armory Road extension and the Wild Rose Lane extension up to the bluff on the east side of the development. The developers engineer and contractor will utilize BMP's in the construction of the road and utilities to limit erosion and preserve topsoil. Due to the size of the project, the developer will be required to secure a Stormwater Discharge Permit for Construction from the Montana Department of Environmental Quality, which address erosion and reseeded areas during construction.

During-Construction: A sedimentation/erosion-control plan will be developed prior to construction that identifies critical areas, the controls to mitigate them, and the construction sequence/schedule to ensure the plan's objectives are met. Site construction work schedules will be sequenced thus that land-disturbing activities will only occur after erosion-protection and sedimentation-control measures are in place. Work will be performed such that land clearing and removal of natural cover is reduced, necessary controls are in place before commencing work, and protective cover is restored as soon as possible.

Grubbing and clearing will aim to occur during dry periods and/or as soon as key erosion- and sediment-control measures are in place. Any required grading will occur immediately after control measures are in place so that protective ground cover can be reestablished quickly. A revegetation/landscaping plan will be established prior to construction and implemented concurrently with site construction activities to minimize periods of exposed ground.

Temporary measures as a result of planned activities, or weather and other unpredictable factors may include the following:

- Installation of a Vehicle Tracking Pad;
- Sediment Traps;
- Silt Fencing/Straw Wattles & Straw Bale barriers (inlet/outlet protection);
- Incidental Surface Stabilization (seeding/mulching).

No on-site sewage treatment is proposed with this subdivision.

iv Describe the impacts that removal of vegetation would have on soil erosion, bank, or shoreline instability.

Removing vegetation from any site will have some impact on soil erosion. There are local, state, and federal regulations involving development of property and created to mitigate and control impacts of erosion. Arguably, the City of Whitefish has one of the most stringent set of development regulations in the State of Montana and they are intended to protect water resources by preventing erosion, protecting banks and shorelines from instability.

During-Construction: A sedimentation/erosion-control plan will be developed prior to construction that identifies critical areas, the controls to mitigate them, and the construction sequence/schedule to ensure the plan's objectives are met. Site construction work schedules will be sequenced thus that land-disturbing activities will only occur after erosion-protection and sedimentation-control measures are in place. Work will be performed such that land clearing and removal of natural cover is reduced, necessary controls are in place before commencing work, and protective cover is restored as soon as possible.

Temporary measures as a result of planned activities, or weather and other unpredictable factors may include the following:

- Installation of a Vehicle Tracking Pad;
- Sediment Traps;
- Silt Fencing/Straw Wattles & Straw Bale barriers (inlet/outlet protection);;
- Incidental Surface Stabilization (seeding/mulching).

v Would the value of significant historical, visual, or open space features be reduced or eliminated?

With any development visual and open space features are altered. The proposed subdivision will preserve the existing Kauffman house as a prominent feature of the development. As required in the associated PUD, 30% of the site will be maintained in park/open space. As this property is inside the City Limits of Whitefish and is surrounded by urban scale development, this is an ideal site for infill and the development of homes for existing and new residents of Whitefish.

vi Describe possible natural hazards the subdivision be could be subject to (e.g., natural hazards such as flooding, rock, snow or land slides, high winds, severe wildfires, or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes).

The preliminary plat provides two foot contour intervals. The site contains three benches if you include the Cow Creek bottom which is proposed to be left in a natural state and protected in a 4.004 acre park. The Cow Creek drainage and associated floodplain boundary is confined to park and has a substantial buffer as required by the CAR (See

Preliminary Plat). There are no exposed bedrock outcroppings within the development or unstable slopes. The property is not mapped in a Wildland Urban Interface.

c. How would the subdivision affect visual features within the subdivision or on adjacent land? Describe efforts to visually blend the proposed development with the existing environment (e.g. use of appropriate building materials, colors, road design, underground utilities, and revegetation of earthworks).

The proposed single family development will be similar to those of adjacent or nearby neighborhoods. As this subdivision is also coming through with a PUD, the development is required to have 30% of the site in open space and the proposal does meet this provision. The open space also allows the development to preserve some area with the ponderosa forest as well as the Cow Creek drainage. The development should blend with the neighboring land use.

## **5. Effects on Wildlife and Wildlife Habitat**

a. Describe what impacts the subdivision or associated improvements would have on wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands, or important habitat for rare or endangered species.

The proposed subdivision should have little impact on wildlife as the property is not mapped with big game winter range, located on migration routes, located in nesting areas or habitat for endangered species. The subdivision is within the urban confines of the City of Whitefish. Wetlands will be protected within the 4.004 acre park and the lots comply with the CAR setbacks, except for Lot 2 which utilizes the buffer averaging..

b. Describe the effect that pets or human activity would have on wildlife.

Some species of wildlife tolerate human and pet activities and can share the same general areas. As this area is within the City Limits of Whitefish already, most of the wildlife present, such as whitetail deer, raccoon, skunk, turkey, flickers, robins, etc are tolerant of human activities and should not be further impacted by the proposed subdivision.

## **6. Effects on the Public Health and Safety**

a. Describe any health or safety hazards on or near the subdivision, such as: natural hazards, lack of water, drainage problems, heavy traffic, dilapidated structures, high pressure gas lines, high voltage power lines, or irrigation ditches. These conditions, proposed or existing should be accurately described with their origin and location identified on a copy of the preliminary plat.

The subdivision will be served by municipal water and sewer, a preliminary drainage plan for this subdivision is provided with this application. The City of Whitefish has been working for a number of years on reconstructing East Second Street and the final segment of that reconstruction will start in the spring of 2014. There is a significant overhead power line that runs along Wild Rose Lane and is the power source for the Whitefish Mountain Resort. The Flathead Electric Co-op does not want this line buried

and it would be uneconomical to do so (See Appendix B for letter from Flathead Electric). The power poles are located on the preliminary plat and the power line follows its existing easement and runs adjacent to the Wild Rose Lane through the subdivision. As this is not considered a new utility and given the Electric Co-op's preference for leaving this above ground, the developers will not underground this utility.

b. Describe how the subdivision would be subject to hazardous conditions due to high voltage lines, airports, highways, railroads, dilapidated structures, high pressure gas lines, irrigation ditches, and adjacent industrial or mining uses.

See above for description of the power lines for Whitefish Mountain Resort. The BNSF main line runs through the City of Whitefish and is the neighboring land use on the north. The BNSF property is signed and monitored for trespassing. Although the BNSF is not the most desirable neighbor, it is a fact of life in the City of Whitefish and many of its resident work for the railroad. There are safe crossing of the BNSF tracks to the east as Second Street turns north and crosses the tracks and there is a crossing at Baker Avenue to west.

c. Describe land uses adjacent to the subdivision and how the subdivision will affect the adjacent land uses. Identify existing uses such as feed lots, processing plants, airports or industrial firms which could be subject to lawsuits or complaints from residents of the subdivision.

Other than the BNSF, the neighboring land uses are all residential. As the BNSF runs through the Center of town with a historic Depot at the end of Central Avenue, the railroad is a fact of life for the City. Residents that have lived any length of time in the City appear immune to the associated noise and rather than curse the railroad they appear to embrace it as it brings travelers and tourist to the town and the town prospers.

d. Describe public health or safety hazards, such as dangerous traffic, fire conditions, or contamination of water supplies which would be created by the subdivision.

There are no hazards such as traffic, fire conditions, or contaminated water that would be created by this subdivision. The applicants have provided a TIS (Appendix C) that takes into account the proposed traffic of the development and the Level of Service (LOS) that currently exists on the City's Streets. The proposed development will not degrade the level of service of the street below acceptable levels. The subdivision is within the City Limits of Whitefish and will be served by the City's staffed Fire Department. The subdivision is served by City water which will provide adequate fire flow for all hydrants developed in the subdivision. The subdivision will utilize the City's Wastewater Treatment Plant and mains to properly transport and treat wastewater. The applicants have included a preliminary stormwater plan that transports and treats stormwater before it is released and pre-development rates to the Cow Creek drainage. The subdivision will not create public health or safety hazards.

**PART III - COMMUNITY IMPACT REPORT**

Provide a community impact report containing a statement of estimated number of people coming into the area as a result of the subdivision, anticipated needs of the proposed subdivision for public facilities and services, the increased capital and operating cost to each affected unit of local government. Provide responses to each of the following questions and provide reference materials as required.

**1. Water, Sewage, and Solid Waste Facilities**

a. Briefly describe the water supply and sewage treatment systems to be used in serving the proposed subdivision (e.g. methods, capacities, locations).

Water service to the proposed lots will be provided by a public water supply system owned, operated and maintained by the City of Whitefish. The City is upgrading water and sewer mains in with the East Second Street project which will occur this spring. New water and sewer mains will be extended from East Second Street into the project. See Preliminary Engineering Report accompanying this Preliminary Plat submittal (Appendix D).

Sewer service to the proposed lots will be provided by a public wastewater collection and treatment system owned, operated and maintained by the City of Whitefish. There is an existing 8” sewer main in Armory Road and a planned 8” sewer main in East Second Street at Wild Rose Lane. There is an existing water main in East Second Street.

All water and sewer main extensions and service locations will be reviewed by the City Public Works Department and the MDEQ prior to construction.

b. Provide information on estimated cost of the system, who will bear the costs, and how the system will be financed.

The owners/developers will be responsible for installing the water system and sewer system improvements, and following construction and testing, the City of Whitefish will own, operate and maintain the water supply and sewage collection systems. The cost of water system improvements is estimated to be \$223,900. The cost of sewer system improvements is estimated to be \$212,700.

c. Where hook-up to an existing system is proposed, describe estimated impacts on the existing system, and show evidence that permission has been granted to hook up to the existing system.

Plans for modifications to, and extensions of, the City’s public water and sewer systems, necessary to serve the lots being proposed in Second Street Residences will be reviewed and approved by the City of Whitefish and the Department of Environmental Quality. In the City’s review of the plans for water and sewer system improvements, impacts on the respective systems will be addressed. The City is well aware of this project and has worked with the applicant’s engineer on the infrastructure extensions.

d. All water supply and sewage treatment plans and specifications will be reviewed and approved by the Department of Environmental Quality (DEQ) and should be submitted using the appropriate DEQ application form.

This is actually a statement of fact rather than a question. The sewer, water, and stormwater drainage will be reviewed by the City and the MDEQ. However, the applicants cannot submit plans for review by the City and MDEQ until the Whitefish City Council approves the preliminary plat as the signed approval statement is a required element of the City's and MDEQ submittal process.

e. Describe the proposed method of collecting and disposing of solid waste from the development.

Solid Waste will be collected and disposed of by North Valley Refuse. Each lot will have a refuse container and will be responsible for taking it out on the day(s) of pick-up and putting it back that evening. As this is an area frequented by wildlife, the owners will be required to keep refuse containers indoors except for the day of pick-up.

f. If use of an existing collection system or disposal facility is proposed indicate the name and location of the facility.

North Valley Refuse is located approximately two miles south of the City of Whitefish on Highway 93 and the Flathead county Land Fill is located approximately five miles south of the City off of Highway 93.

## **2. Roads and Maintenance**

a. Estimate how much daily traffic the subdivision, when fully occupied will generate on existing streets and arterials.

Second Street Residences, when fully developed and occupied, will generate 564 vehicle trips per day (Table 3, Second Street Residences, Traffic Impact Study, December 2013 – Appendix C). These trips will be distributed as follows, 75% will use Second Street to the west of the development, 10% will use Second Street to the east of the development, and 15% will use Armory to the south of the development (Figure 3, TIS - Appendix C).

b. Describe the capability of existing and proposed roads to safely accommodate this increased traffic.

The primary access to the subdivision is via East Second Street which is classified as a collector on the City's Transportation Plan. The City has worked for a number of years to reconstruct East Second Street and have completed the section from Spokane Avenue east to Larch. In the spring of 2014, the second phase of the reconstruction will take place with upgrades to utilities, pavement and pedestrian paths. The second phase of construction picks up at Larch and continues east to the intersection with Edgewood.

The internal street network will consist of City standard streets in 60-foot rights-of-way with curb, gutter and sidewalk on both sides, boulevards, street trees and street lights. These streets will be constructed to 34 feet, back of curb, to allow street parking on both sides. Wild Rose Lane is extending to the eastern property line to facilitate future road extensions and the eventual gridding of City's street network.

The Second Street Residences TIS in Appendix C has a Section G that describes the impacts of the project on streets outside of the development. The conclusion is that the existing traffic plus project traffic will have little impact on the neighboring roads and will not decrease the level of service.

c. Describe increased maintenance problems and increased cost due to this increase in volume.

The new streets are designed to meet the City's design standards; there should not be maintenance problems associated with the streets. Traffic volumes were generally anticipated in the development of the adjacent streets.

d. Describe proposed new public or private access roads including:

- i. Measures for disposing of storm run-off from streets and roads.
- ii. Type of road surface and provisions to be made for dust.
- iii. Facilities for streams or drainage crossing (e.g. culverts, bridges).
- iv. Seeding of disturbed areas.

All of the roadways within the subdivision will be paved to provide longevity of the roadways and to reduce or eliminate dust from vehicle traffic.

All new streets within the development will have curbs and gutters and roads will be crowned along the centerline to direct runoff water to the respective gutters.

Runoff from Armory Road will be collected in a series of catch basins and will be flow to the southwest area of the site. Here, a structural BMP device will pre-treat the storm water before it enters the detention pond. From the detention pond, water will flow through a grass-lined swale and be discharged into Cow Creek. The structural BMP device, detention pond and grass-lined swale will treat all runoff from the entire development.

Runoff from Wild Rose Lane (both Phases 2 & 3) will be collected in a series of catch basins and will flow to the southwest area of the site. Here, a structural BMP device will pre-treat the storm water before it enters the detention pond. From the detention pond, water will flow through a grass-lined swale and be discharged into Cow Creek. The structural BMP device, detention pond and grass-lined swale will treat all runoff from the entire development. See Preliminary Engineering Report for the proposed stormwater drainage.

All areas outside of roadways that are disturbed during construction will be graded, covered with topsoil, and will then be raked and hydroseeded.

- e. Describe the closing or modification of any existing roads.

The proposed subdivision will not close or modify any existing streets. However, the City is embarking on its own reconstruction project of East Second Street and this is completely independent of the proposed Second Street Residences project.

- f. Explain why road access was not provided within the subdivision, if access to any individual lot is directly from arterial streets or roads.

All of the lots are accessed from the internal subdivision streets

- g. Is year-round access by conventional automobile over legal rights-of-way available to the subdivision and to all lots and common facilities within the subdivision? Identify the owners of any private property over which access to the subdivision will be provided.

All access is provided by conventional means through legal rights-of-way that will be dedicated to the City of Whitefish. The Streets will be owned by the City and although there was no legal access through the subdivision to adjoining properties prior to the subdivision development, the subdivision as a whole is providing two access points to the east for continuation of the City's infrastructure.

- h. Estimate the cost and completion date of the system, and indicate who will pay the cost of installation, maintenance and snow removal.

The street system will be constructed by the developer and dedicated to the City for long term maintenance includes snow removal. The applicants are proposing to construct the development in three phases. The first phase could be ready by late Fall of 2014, with the second phase occurring one to two years following and the last phase one to two after the second. The cost of constructing the new roadways, along with sidewalks, curb & gutter, street lights and boulevard improvements, is estimated to be \$1,377,000.

### **3. Fire, Police Protection and Emergency Services**

- a. Describe the fire, police protection and emergency services available to the residents of the proposed subdivision including number of personnel and number of vehicles or type of facilities for:

- i Fire protection -- is the proposed subdivision in an existing fire district? If not, will one be formed or extended? Describe what fire protection procedures are planned?

The proposed subdivision is located within the Whitefish Fire Service Area and the City limits of Whitefish. The subdivision will connect to the Whitefish Public water system.

As part of the approval of the water system, Public Works and the Fire Marshall will review the sizing, pressure, and location of hydrants needed to serve the development. The attached sewer and water plans indicate the probable locations of the water mains and hydrants.

Whitefish has a full time fire staff available 24 hours a day, seven days a week. The City recently completed construction of a new emergency services building located off Baker Avenue. The new building provides modern facilities for both equipment and personnel. The site also provides a much better location for entering and exiting the Fire Hall than the old facility.

- ii Law enforcement protection – Is the proposed subdivision within the jurisdiction of a County Sheriff or municipal police department?

Whitefish City Police Department serves the site. The City provides a full service police department. As with Fire, the Police department recently moved into the new Emergency Services building which provides state of the art facilities for the force.

- b. Can the fire and police protection service needs of the proposed subdivision be met by present personnel and facilities? If not, describe the additional expenses that would be necessary to make these services adequate, and who would pay the costs?

Police and Fire Services can be met through the existing personnel and facilities. As a result of the recession everyone had to tighten their belts to off-set declining revenues while the workload remained constant for these service providers. This decline in revenue was not just an impact for new development but existing residents as well. The City of Whitefish has established impact fees to help off-set or mitigate the impact of new development on the City's service providers.

#### **4. Education and Busing**

- a. Describe the available educational facilities which would serve this subdivision.
- b. Estimate the number of school children that will be added by the proposed subdivision. Provide a statement from the administrator of the affected school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system. If not, estimate the increased expenditures that would be necessary to do so.

Using County wide average of 0.31 school aged children per residence, (There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 62 lots would generate 19 students in the schools system.

The Whitefish School District #44 serves the site. In reviewing the Flathead Statistical Report for Schools 2012 put out by the Flathead Superintendents of Schools office, the Whitefish Elementary School has dropped enrollment by 90 students or 8% over the past 10 years. The Whitefish High School has seen a drop of enrollment of 195 students or 29% over the last 10 years. The Whitefish School District completed a major reconstruction of the Central School facility and is in the process of a major upgrade of the High School Facility. Given that the enrollment is trending downward and the facilities are greatly improved, one would be hard pressed to say that the proposed subdivision will negatively impact the school system.

**5. Payment for extension of Capital Facilities**

Indicate how the subdivider will pay for the cost of extending capital facilities resulting from expected impacts directly attributable to the subdivision.

The developer will use a combination of investors and construction loans from lending institutions to raise the capital to build the infrastructure required for the subdivision.

Prepared By: \_\_\_\_\_

Eric H. Mulcahy AICP  
Sands Surveying, Inc.  
2 Village Loop  
Kalispell, MT 59901  
(406) 755-6481

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Community Infill Partners, LLC  
P.O. Box 4600  
Whitefish, MT 59937  
(406) 871-7787

Date: \_\_\_\_\_

**Appendix A**  
Cow Creek Utility Main Project  
Wetland Delineation Report  
Calypso Ecological Consulting, LLP



**COPY**

# COW CREEK UTILITY MAIN PROJECT WETLAND DELINEATION REPORT

Whitefish, MT



**Prepared for:**

City of Whitefish  
118 E. 2<sup>nd</sup> Street  
Whitefish, MT 59937

**Prepared by:**

Calypso Ecological Consulting, LLP  
P.O. Box 5438  
Whitefish, MT 59937

June 2007

RECEIVED

JUL 30 2007

**CALYPSO ECOLOGICAL CONSULTING, LLP**

P.O. Box 5438  
Whitefish, MT 59937



*Calypso herbacea*

July 27, 2007

Robert Peck and Associates  
Attn: Ryan E. Mitchell, PE, PLS  
100 Cooperative Way  
Suite 200  
Kalispell, MT 59903

Dear Mr. Mitchell,

Enclosed is a copy of the wetland delineation report for the City of Whitefish Eastside Utility Improvements Project. As per receipt of the 404 Permit signatures from the City of Whitefish today, we also sent a copy of the wetland delineation report, 404 Permit and construction drawings from your firm to the Army Corps of Engineers.

If you have any questions or concerns, please call or email. Thank you for contacting us to work on this project.

Sincerely,

Jennifer Hintz  
Ecologist  
Calypso Ecological Consulting, LLP  
P.O. Box 5438  
Whitefish, MT 59937  
[jhintz@calypsoeco.net](mailto:jhintz@calypsoeco.net)  
406-270-7028

# **COW CREEK UTILITY MAIN PROJECT WETLAND DELINEATION REPORT**

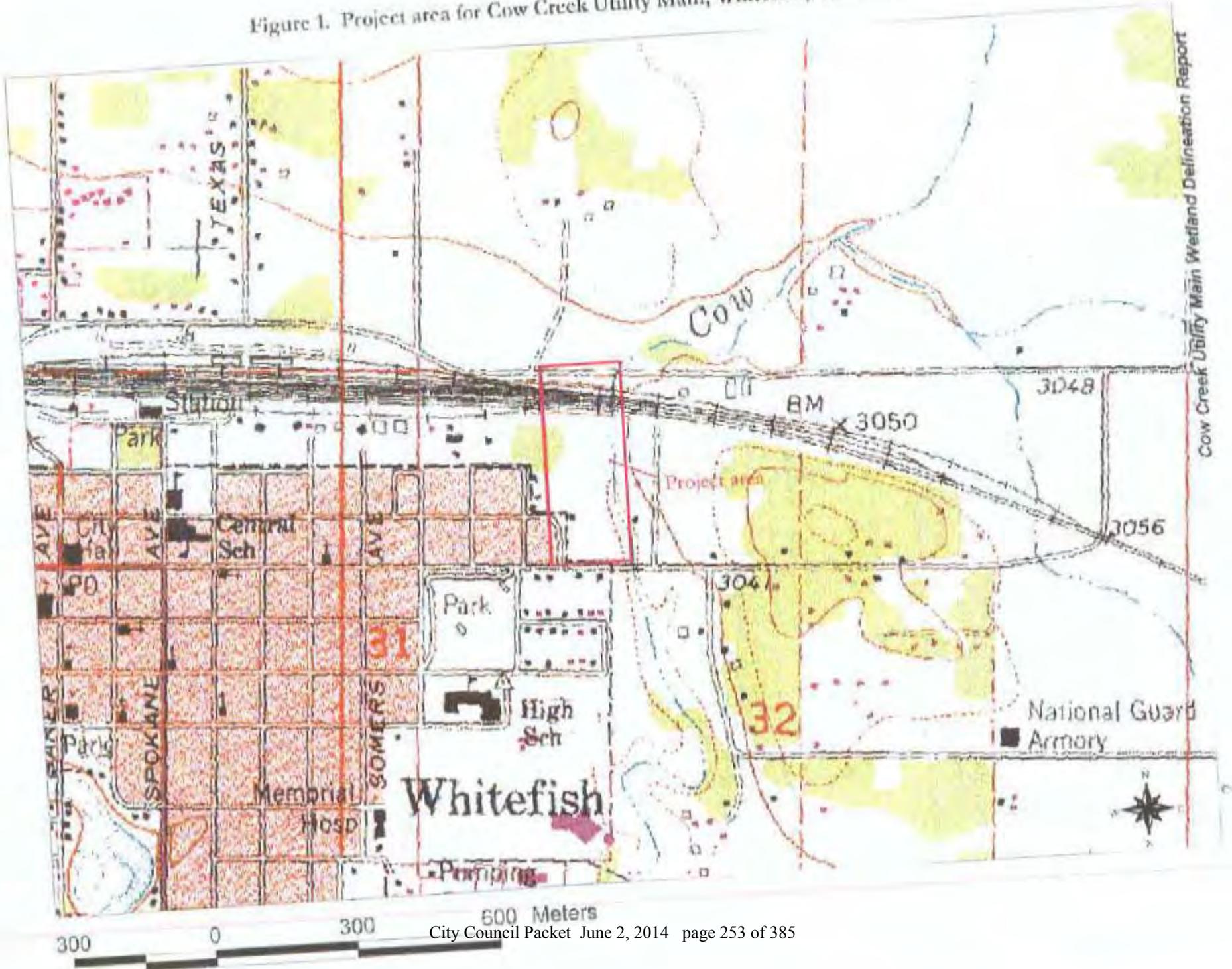
**Whitefish, MT**

**Prepared for:**  
City of Whitefish  
418 E. 2<sup>nd</sup> Street  
Whitefish, MT 59937

**Prepared by:**  
Calypso Ecological Consulting, LLC<sup>3</sup>  
P.O. Box 5438  
Whitefish, MT 59937

**June 2007**

Figure 1. Project area for Cow Creek Utility Main, Whitefish, Montana.



## 2.2 Waters of the U.S. definition

According to the ACOE rules, waters of the United States generally include: waters which were or could be used for interstate or foreign commerce; all interstate waters, including interstate wetlands; all other waters including intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use or degradation of which could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the U.S.; tributaries of aforementioned waters; territorial seas; and wetlands adjacent to aforementioned waters (other than wetlands).

## 2.3 Regulatory Jurisdiction

According to 33 CFR 328.4c, the limits of jurisdiction in non-tidal waters are as follows: (1) in the absence of adjacent wetlands, the jurisdiction extends to the ordinary high water mark, or (2) when adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands; and (3) when the water of the United States consists only of wetlands the jurisdiction extends to the limit of this wetland.

Non-jurisdictional or isolated wetlands are identified using the same criteria but these wetlands do not have a connection to waters of the United States consisting of continuous wetland area or a stream with identifiable bed and banks. Currently, there are federal legal uncertainties concerning the jurisdiction of isolated wetlands making preliminary jurisdictional determinations difficult. Final jurisdictional determination should be made by ACOE personnel.

## 3.0 METHODS

Topographic maps, aerial photographs, and soil survey data were obtained and reviewed prior to conducting the wetland delineation. Wetlands were then delineated in the field on June 7, 2007. The delineation focused on the east side of Cow Creek, where the sewer line construction is proposed. However, the entire wetland boundary within the project area was delineated.

Routine methodology protocols were used as outlined in the 1987 ACOE Wetland Delineation Manual (US-ACOE, 1987) and as clarified in a March 1992 memo (US-ACOE, 1992). Routine wetland determination data forms were completed at six locations along three transects: each transect had one plot located in the wetland area and a companion plot located in the adjacent upland area. The locations of these wetland observation points are marked on the field map. Wetland boundaries were flagged, numbered and positions were marked with a handheld GPS unit for production of the field map. The wetland boundary was subsequently formally surveyed by Robert Peccia and Associates. The wetland boundaries delineated by the handheld GPS are indicated on the attached map in Appendix A. Representative photographs of the site are provided in Appendix B and ACOE wetland determination forms are included in Appendix C.

shrub vegetation, emergent wetland vegetation as well as lawn and horse pasture dominated by non-native grasses. Cow Creek, a perennial stream, runs through the property. The creek is relatively narrow throughout the area, measuring approximately 13 meters across in the widest area, and less than a meter across in other areas. The study area contains two existing culverts. On the South side, a culvert runs under 2<sup>nd</sup> Street, allowing Cow Creek to continue flowing to the South. On the North side, a culvert runs under the railroad tracks, north of which the wetland is ponded.

The site soils are mapped as Alluvial land, well drained (NRCS, 2007). These soil-mapping units typically support wet meadows of coarse grasses, shrubs and perennial forbs, and generally consist of sandy material that has been deposited recently near streams (USDA, 1960). Flooding occurs frequently in areas with this soil type, but it is not listed as a hydric soil. Between floods, these areas are reported as well drained except in the lowest depressions.

#### **4.2 Hydrology**

Wetland hydrology is supplied by Cow Creek, a narrow perennial stream that flows South through the wetland. Wetland plots were located along the edges of the wetland, and surface water from the creek was not observed in these plots, but free water within 12" of the surface, the major portion of the root zone, was present in all wetland plots, meeting the primary hydrology criteria of soil saturation.

Drainage patterns were additionally observed eroded into the soil in plot 1-2, where seasonal inundation from Cow Creek obviously occurs throughout this shrubland. Free water was observed at 11 inches below the surface in this plot. Coupled with the presence 100% hydrophytic vegetation and with several obligate plant species present, strong wetland hydrological evidence was present in this plot. Plot 2-2 was located primarily in a mowed lawn, which reduced the probability of observing other hydrological indicators. However, free water was observed at 12 inches in this plot. Additionally, this plot was located only a few feet from standing water. Drift lines were present in plot 3-2, with old vegetative matter entangled in aboveground vegetation. Free water was observed at 3 inches below the surface in this plot, clearly indicating wetland hydrology. Non-wetland plots showed no evidence of wetland hydrology indicators.

The area that was delineated as a wetland is connected to waters of the United States consisting of a stream with identifiable bed and banks. Wetland hydrology is being provided mostly by Cow Creek that flows within the wetlands.

#### **4.3 Soils**

Soils in five of the six plots were found to be hydric, which does not support the existing soil survey in these cases. Soils along most of the Cow Creek corridor were mapped as Alluvial land (well drained), a non-hydric soil type. The only plot not found to have hydric soil was located directly adjacent to Edgewood Drive, with a very rocky, gravelly subsurface layer, perhaps an artifact of road bed construction.

of the wetland, but these shrublands often extended to areas of standing water. This plot was dominated by the shrubs *Cornus sericea*, and *Alnus incana*, and in the understory, *Potamogeton americana* and *Equisetum arvense* dominated. *Lythion americanum*, an obligate wetland plot, was present throughout the area, although it was not dominant in this plot. One hundred percent of the vegetation in this plot was determined to be hydrophytic.

Plot 2-2 was dominated mostly by the facultative exotic grass species *Poa pratensis* and *Panicum prense*, since it was at the edge of a mowed lawn. *Carex utriculata* and *Scirpus microcarpus* co-dominated and were more representative of the adjacent inundated wetland at the edge of the flowing creek. Although this area has been mowed as part of the land owner's lawn, there remains 60% hydrophytic vegetation in this plot, meeting the hydrophytic vegetation criteria. One foot closer to the stream is dominated by the sedge species listed above, with the addition of the obligate wetland sedges *Carex stipata* (owl fruit sedge) and *Carex bebbii* (Bebb's sedge), qualifying even more strongly as a wetland.

Plot 3-2 represented the disturbed edge of the wetland adjacent to Edgewood Avenue. The overstory was dominated by *Cornus sericea* and *Populus tremuloides* (quaking aspen), with an understory of *Equisetum arvense* and the exotic grasses *Bromus inermis* and *Poa pratensis*. Although several more upland species were encountered in this plot, such as *Rosa woodsii* (woods rose) and *Amelanchier alnifolia* (service-berry), they were not dominant. Hydrophytic vegetation requirements were met, with 80% of the dominant species being hydrophytic.

Vegetation in the non-wetland plots were dominated by exotic grasses. *Poa pratensis*, *Panicum prense*, *Bromus inermis*, and *Dactylis glomerata* (orchard grass) dominated these plots, with a strong presence of *Taraxacum officinale* (dandelion) and *Plantago major* (common plantain). These plots were located in either mowed lawn or along a disturbed roadside.

## 5.0 CONCLUSION

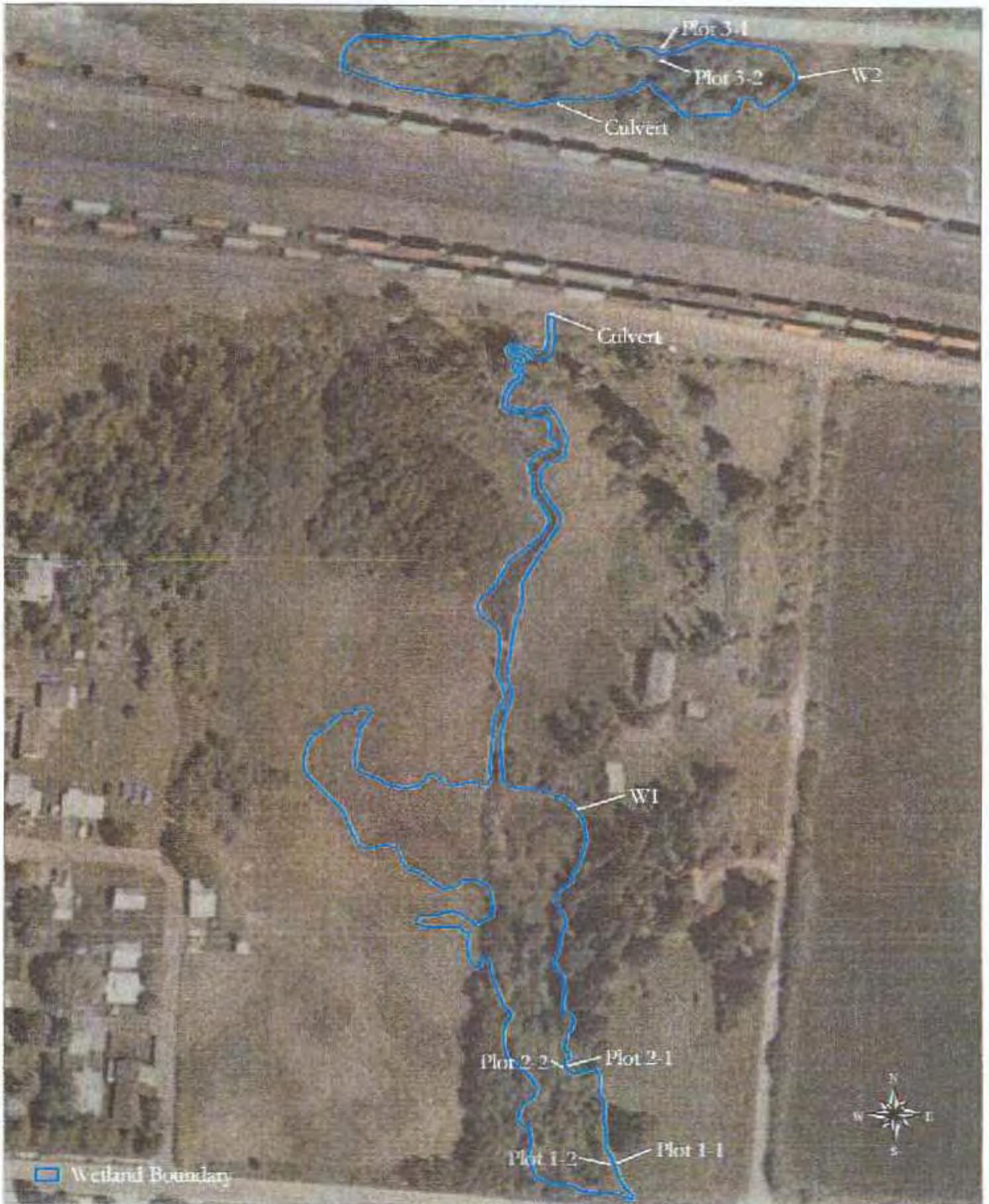
Two wetland areas, connected by an under railroad culvert, were delineated at the project site (Appendix A). The southern wetland surrounding Cow Creek between 2<sup>nd</sup> Avenue and the railroad tracks, measured 6,210 m<sup>2</sup> or 1.53 acres. The northern wetland, a ponding of Cow Creek between the north side of the rail road tracks and Edgewood Drive, measured 2,906 m<sup>2</sup> or 0.72 acres. The wetland hydrology, vegetation, and soils at this wetland site are summarized below. Routine Wetland Determination forms are included in Appendix C. This wetland is connected to waters of the United States consisting of a stream with identifiable bed and banks. The wetland should be recognized as jurisdictional using these criteria; however, the Army Corps of Engineers will make the final determination of jurisdictional status for this wetland area.

### W1 – Emergent Wetland

Wetland W1 is a portion of a larger wetland complex extending beyond the project area. Cow Creek, a perennial stream, runs through the wetland complex as well as through the project area. This wetland is dominated by shrubs and herbaceous wetland vegetation. Wetland hydrology is provided mostly by Cow Creek. Wetland hydrology was evident:

## 7.0 REFERENCES

- Cowardin, L.M., V. Carter, F.C. Golet, and F.T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. FWS/OBS-79/31. U.S.D.I. Fish and Wildlife Service, Washington, D.C.
- Hansen, P.L., R.D. Pfister, K. Boggs, B.J. Cook, J. Joy, and D.K. Hinkley. 1995. *Classification and Management of Montana's Riparian and Wetland Sites*. Montana Forest and Conservation Experiment Station, School of Forestry, University of Montana, Missoula, MT. Miscellaneous Publication No. 59. 646 pp.
- Natural Resources Conservation Service. 2007. List of hydric soils in Upper Flathead County, Montana. <http://www.nrcs.gov/soils/mtsouils/hydric/rat617hyd.html>.
- US Army Corps of Engineers. 1987. *Corps of Engineers Wetlands Delineation Manual*. US Army Corps. Washington, DC.
- USDA Soil Conservation Service. 1960. *Soil Survey, Upper Flathead Valley Area Montana*.
- USDI Fish & Wildlife Service. 1988. *National List of Plant Species that Occur in Wetlands: Northwest (Region 9)*. Biol. Rpt. 88 (26.9). 89p.
- USDI Fish & Wildlife Service. 1994. 1993 Supplement to National List of Plant Species that Occur in Wetlands: Northwest (Region 9). Supp. Biol. Rpt. 88.



Appendix B  
Photos



Plots 1-1 and 1-2 (W1).



Plots 2-1 and 2-2 (W1).



Plots 3-1 and 3-2 (W2).



W1: Interior herbaceous wetland with *Typha latifolia*, *Carex utriculata* and *Lysichiton americanus*



North end of W1 - Cow Creek with pasture border.



W2 (Ponded wetland) between railroad tracks and Edgewood Avenue

## **Appendix C**

### **ACOE Wetland Delineation Forms**

Cow Creek Utility Main Project  
Whitefish, MT

## Routine Wetland Determination

### DATA FORM

(1987 Corps Wetland Delineation Manual)

Project/Site:	Cow Creek North	Date:	8/7/07
Applicant/owner:	City of Whitefish	County:	Flathead
Investigator(s):	J. Asebrook, J. Hintz	State:	Montana
		S/T/R:	32/31N/21W

Do normal circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (atypical situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the area a potential problem area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explanation of atypical or problem area:	Community ID: POAPRA h.t. Transect ID: 1 Plot ID: 1
--	---

**VEGETATION** (For \*strata, indicate T = tree; S = shrub; H = herb; V = vine)

Dominant Plant Species	*Stratum	% cover	Indicator	Dominant Plant Species	*Stratum	% cover	Indicator
<i>Taraxacum officinale</i>	H		FACU				
<i>Poa pratensis</i>	H		FAC				
<i>Phleum pratense</i>	H		FAC-				
<i>Plantago major</i>	H		FACU+				

**HYDROPHYTIC VEGETATION INDICATORS:**  
 % of dominants OBL, FACW, & FAC: ¼ = 25%    FAC-Neutral Test: 0.3

Hydrophytic vegetation present?  Yes  No

Rationale for decision/Remarks: Does not meet hydrophytic vegetation requirement of greater than 50% of dominant species being OBL, FACW or FAC. This plot is located in a mowed lawn.

**HYDROLOGY**

Is it the growing season? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Based on: <input type="checkbox"/> Soil temp (record temp) <input checked="" type="checkbox"/> Other (explain): soil survey	Water Marks: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No on	Sediment Deposits: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth of inundation: N/A	Drift Lines: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Drainage Patterns: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth to free water in pit: >16 inches	Oxidized Root (live roots) Channels <12in: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Local Soil Survey: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth to saturated soil: > 16 inches	FAC Neutral: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water-stained Leaves: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Check all that apply & explain below: <input type="checkbox"/> Stream, lake or gage data <input checked="" type="checkbox"/> Aerial photographs <input type="checkbox"/> Other	Other (explain):	

Wetland hydrology present?  Yes  No

Rationale for decision/remarks: No wetland hydrology parameters were present.

**SOILS**

Map Unit Name (Series and Phase) Alluvial Land, well drained

Drainage Class: well drained

Field observations confirm mapped type?  Yes  No

Taxonomy (subgroup) Typic Ustifluvents

**Profile Description**

Depth (Inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance size and contrast	Texture, concretions, structure, etc.
0 - 8 "		10YR 3/2	None	N/A	Silty clay loam
8 - 16+ "		10YR 3/2	10YR 5/1	Few, fine, faint	Silty clay loam
			10YR 5/6	Few, fine, faint	

**Hydric Soil Indicators:** (check all that apply)

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Acidic Moisture Regime
- Reducing Conditions
- Gleyed or Low-Chroma (=1) matrix
- Matrix chroma  $\leq$  2 with mottles
- Mg or Fe Concretions
- High Organic Content in Surface Layer of Sandy Soils
- Organic Streaking in Sandy Soils
- Listed on National/Local Hydric Soils List
- Other (explain in remarks)

Hydric soils present?  Yes  No

Rationale for decision/Remarks: Hydric soil indicators were present. This may reflect relict soils from an earlier water regime, or seasonal inundation that is not present long enough to support hydrophytic vegetation.

**Wetland Determination**

- Hydrophytic vegetation present?  Yes  No
- Hydric soils present?  Yes  No
- Wetland hydrology present?  Yes  No
- Is the sampling point within a wetland?  Yes  No

Rationale/Remarks: This plot represents the edge of a non-wetland. Hydric soils were present, but hydrophytic vegetation and wetland hydrology were not present.

NOTES:

Revised 4/97

## Routine Wetland Determination DATA FORM

(1987 Corps Wetland Delineation Manual)

Project/Site: Cow Creek North	Date: 6/7/07	County: Flathead					
Applicant/owner: City of Whitefish	State: Montana	S/T/R: 32/31N/21W					
Investigator(s): J. Asebrook, J. Hirtz	Community ID: CORSTO h.t.						
Do normal circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Transect ID: 1	Plot ID: 2					
Is the site significantly disturbed (atypical situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Explanation of atypical or problem area:						
Is the area a potential problem area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
<b>VEGETATION</b> (For *strata, indicate T = tree; S = shrub; H = herb; V = vine)							
Dominant Plant Species	*Stratum	% cover	Indicator	Dominant Plant Species	*Stratum	% cover	Indicator
<i>Ainus incana</i>	S		FACW				
<i>Cornus sericea</i>	S		FACW				
<i>Veronica americana</i>	H		OBL				
<i>Equisetum arvense</i>	H		FAC				
<b>HYDROPHYTIC VEGETATION INDICATORS:</b>							
% of dominants OBL, FACW, & FAC: 4/4 = 100%    FAC-Neutral Test: 3:0							
Hydrophytic vegetation present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Rationale for decision/Remarks: Meets hydrophytic vegetation requirement of greater than 50% of dominant species being OBL, FACW or FAC. This plot is located adjacent to a stream. <i>Lysichiton americanum</i> (OBL), though not dominant, is present throughout this area, often not in standing water.							
<b>HYDROLOGY</b>							
Is it the growing season? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Water Marks: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Sediment Deposits: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		on	
Based on: <input type="checkbox"/> Soil temp (record temp) <input checked="" type="checkbox"/> Other (explain): soil survey		Drift Lines: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Drainage Patterns: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Depth of inundation: N/A		Oxidized Root (live roots) Channels <12in. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Local Soil Survey: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Depth to free water in pit: 11 inches		FAC Neutral: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Water-stained Leaves: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Depth to saturated soil: 10 inches							
Check all that apply & explain below: <input type="checkbox"/> Stream, lake or gage data <input checked="" type="checkbox"/> Aerial photographs <input type="checkbox"/> Other				Other (explain):			

**Wetland hydrology present?**  Yes  No  
 Rationale for decision/remarks: Wetland hydrology parameters were met, with soil saturation present within the major portion of the root zone. This plot is at the edge of the wetland.

**SOILS**  
 Map Unit Name (Series and Phase): Alluvial Land, well drained      Drainage Class: well drained  
 Field observations confirm mapped type?  Yes  No  
 Taxonomy (subgroup) Typic Ustifluvents

Profile Description						
Depth (inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance size and contrast	Texture, concretions structure, etc.	
0 - 11"		10YR 2/1	None	N/A	Silty clay loam	
11 - 15"		10YR 5/1	10YR 5/6	Few, fine, faint	Silty clay loam	

**Hydric Soil Indicators:** (check all that apply)

<input type="checkbox"/> Histosol	<input checked="" type="checkbox"/> Matrix chroma < 2 with mottles
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> Mg or Fe Concretions
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> High Organic Content in Surface Layer of Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National/Local Hydric Soils List
<input checked="" type="checkbox"/> Gleyed or Low-Chroma (=1) matrix	<input type="checkbox"/> Other (explain in remarks)

**Hydric soils present?**  Yes  No  
 Rationale for decision/Remarks: Hydric soil indicators were present, containing a low chroma matrix (1) with mottles.

**Wetland Determination**

Hydrophytic vegetation present?  Yes  No  
 Hydric soils present?  Yes  No  
 Wetland hydrology present?  Yes  No  
 Is the sampling point within a wetland?  Yes  No

**Rationale/Remarks:** Positive indicators for all three wetland parameters were met. This plot represents the edge of a wetland.

NOTES:

Revised 4/97

## Routine Wetland Determination

### DATA FORM

(1987 Corps Wetland Delineation Manual)

Project/Site: Cow Creek North	Date: 6/7/07																																																								
Applicant/owner: City of Whitefish	County: Flathead																																																								
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Based on: <input type="checkbox"/> Soil temp (record temp)	Sediment Deposits: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																								
<input checked="" type="checkbox"/> Other (explain): soil survey	Drift Lines: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																								
Depth of inundation: N/A	Oxidized Root (live roots) Channels <12 in: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																								
Depth to free water in pit: >18 inches	FAC Neutral: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																								
Depth to saturated soil: > 16 inches	Local Soil Survey: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																								
Check all that apply & explain below:	Water-stained Leaves: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																								
<input type="checkbox"/> Stream, lake or gage data	Other (explain):																																																								
<input checked="" type="checkbox"/> Aerial photographs																																																									
<input type="checkbox"/> Other																																																									
Wetland hydrology present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																																																									

Rationale for decision/remarks: No wetland hydrology parameters were present.

**SOILS**

Map Unit Name (Series and Phase) : Alluvial Land, well drained

Drainage Class: well drained

Field observations confirm mapped type?  Yes  No

Taxonomy (subgroup) Typic Ustifluvents

**Profile Description**

Depth (inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance size and contrast	Texture, concretions, structure, etc.
0 - 10"		10YR 3/2	None	N/A	Silty clay loam
10 - 16+"		10YR 5/1	10YR 5/5	Few, fine, faint	Silty clay loam

**Hydric Soil Indicators:** (check all that apply)

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Aquic Moisture Regime
- Reducing Conditions
- Gleyed or Low-Chroma (=1) matrix
- Matrix chroma ≤ 2 with mottles
- Mg or Fe Concretions
- High Organic Content In Surface Layer of Sandy Soils
- Organic Streaking in Sandy Soils
- Listed on National/Local Hydric Soils List
- Other (explain in remarks)

Hydric soils present?  Yes  No

Rationale for decision/Remarks: Hydric soil indicators were present, containing a low chroma matrix with mottles. This may reflect relict soils from an earlier water regime, or seasonal inundation that is not present long enough to support hydrophytic vegetation.

**Wetland Determination**

- Hydrophytic vegetation present?  Yes  No
- Hydric soils present?  Yes  No
- Wetland hydrology present?  Yes  No
- Is the sampling point within a wetland?  Yes  No

Rationale/Remarks: This plot represents the edge of a non-wetland. Hydric soils were present, but hydrophytic vegetation and wetland hydrology were not present.

NOTES:

Revised 4/97

## Routine Wetland Determination

### DATA FORM

(1987 Corps Wetland Delineation Manual)

Project/Site: Cow Creek North	Date: 8/7/07	
Applicant/owner: City of Whitefish	County: Flathead	
Investigator(s): J. Hinz, J. Asebrook	State: Montana	
	S/T/R: 32/31N/21W	

Do normal circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Community ID: CORSTO h.f.
Is the site significantly disturbed (atypical situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Transect ID: 2
Is the area a potential problem area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Plot ID: 2
Explanation of atypical or problem area:	

VEGETATION (For *strata, indicate T = tree, S = shrub; H = herb; V = vine)							
Dominant Plant Species	*Stratum	% cover	Indicator	Dominant Plant Species	*Stratum	% cover	Indicator
<i>Scirpus microcarpus</i>	H		OBL				
<i>Foa pratensis</i>	H		FAC				
<i>Phleum pratense</i>	H		FAC-				
<i>Taraxacum officinale</i>	H		FACU				
<i>Carex utriculata</i>	H		OBL				

<b>HYDROPHYTIC VEGETATION INDICATORS:</b>
% of dominants OBL, FACW, & FAC: 3/5 = 60%    FAC-Neutral Test: 2:2

Hydrophytic vegetation present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Rationale for decision/Remarks: Meets hydrophytic vegetation requirement of greater than 50% of dominant species being OBL, FACW or FAC. This plot is located on the edge of a mowed lawn. One foot closer to the west is a streambank dominated by <i>Scirpus microcarpus</i> and <i>Carex utriculata</i> . Other species present include <i>Ranunculus repens</i> (FACW), <i>Carex stipata</i> (OBL) and <i>Carex bebbii</i> (OBL).

HYDROLOGY		
Is it the growing season? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Marks <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No on	Sediment Deposits: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Based on: <input type="checkbox"/> Soil temp (record temp) <input checked="" type="checkbox"/> Other (explain): soil survey	Drift Lines: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Drainage Patterns: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth of inundation: N/A	Oxidized Root (live roots) Channels <12in: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Local Soil Survey: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth to free water in pit: 12 inches	FAC Neutral: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water-stained Leaves: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth to saturated soil: 11 inches	Check all that apply & explain below: <input type="checkbox"/> Stream, lake or gage data <input checked="" type="checkbox"/> Aerial photographs <input type="checkbox"/> Other	
		Other (explain):

**Wetland hydrology present?**  Yes  No  
**Rationale for decision/remarks:** Wetland hydrology parameters were met, with soil saturation present within the major portion of the root zone. This plot is at the edge of the wetland.

**SOILS**  
**Map Unit Name (Series and Phase):** Alluvial Land, well drained **Drainage Class:** well drained  
**Field observations confirm mapped type?**  Yes  No

**Taxonomy (subgroup) Typic Ustifluvents**

Profile Description						
Depth (inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance size and contrast	Texture, concretions, structure, etc.	
0 - 7"		10YR 3/2	None	N/A	Silty clay loam	
7 - 16"		10YR 3/2	10YR 5/6	Few, fine, faint	Silty clay loam	

**Hydric Soil Indicators:** (check all that apply)

<input type="checkbox"/> Histosol	<input checked="" type="checkbox"/> Matrix chroma $\leq$ 2 with mottles
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> Mg or Fe Concretions
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> High Organic Content in Surface Layer of Sandy Soils
<input type="checkbox"/> Acid Moisture Regime	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National/Local Hydric Soils List
<input type="checkbox"/> Gleyed or Low-Chroma (=1) matrix	<input type="checkbox"/> Other (explain in remarks)

**Hydric soils present?**  Yes  No  
**Rationale for decision/Remarks:** Hydric soil indicators were present, containing a low chroma matrix with mottles.

**Wetland Determination**

Hydrophytic vegetation present?  Yes  No  
 Hydric soils present?  Yes  No  
 Wetland hydrology present?  Yes  No  
 Is the sampling point within a wetland?  Yes  No

**Rationale/Remarks:** This plot represents the edge of a wetland. Positive indicators for all three wetland parameters were met.

NOTES:

Revised 4/97

## Routine Wetland Determination DATA FORM

(1987 Corps Wetland Delineation Manual)

Project/Site: Cow Creek North	Date: 3/7/07
Applicant/owner: City of Whitefish	County: Flathead
Investigator(s): J. Hintz	State: Montana
	S/T/R: 32/31N/21W
Do normal circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Community ID: BRC1NE n.f.
Is the site significantly disturbed (atypical situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Transect ID: 3
Is the area a potential problem area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Plot ID: 1
Explanation of atypical or problem area:	

**VEGETATION** (For \*strata, indicate T = tree; S = shrub; H = herb; V = vine)

Dominant Plant Species	*Stratum	% cover	Indicator	Dominant Plant Species	*Stratum	% cover	Indicator
<i>Bromis inermis</i>	H		NI				
<i>Poa pratensis</i>	H		FAC				
<i>Dactylis glomerata</i>	H		FACU				

**HYDROPHYTIC VEGETATION INDICATORS:**

% of dominants OBL, FACW, & FAC: 1/3 = 33%    FAC-Neutral Test: 0:2

Hydrophytic vegetation present?  Yes  No

Rationale for decision/Remarks: Does not meet hydrophytic vegetation requirement of greater than 50% of dominant species being OBL, FACW or FAC. This plot is located on a disturbed roadside. Other species present: *Symphoricarpos albus* (FACU), *Rosa woodsii* (FACU), *Amelanchier alnifolia* (FACU), *Taraxacum officinale* (FACU) and *Equisetum arvense* (FAC).

**HYDROLOGY**

Is it the growing season? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water Marks: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No on	Sediment Deposits: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Based on: <input type="checkbox"/> Soil temp (record temp) <input checked="" type="checkbox"/> Other (explain) soil survey	Drift Lines: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Drainage Patterns: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth of inundation: N/A	Oxidized Root (live roots) Channels <12 in. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Local Soil Survey: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth to free water in pit: >16 inches	FAC Neutral: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water-stained Leaves: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Depth to saturated soil: > 16 inches		

Check all that apply & explain below: <input type="checkbox"/> Stream, lake or gage data <input checked="" type="checkbox"/> Aerial photographs <input type="checkbox"/> Other	Other (explain):
---	------------------

Wetland hydrology present?  Yes  No

Rationale for decision/remarks: No wetland hydrology parameters were present, with no soil saturation within the major portion of the root zone.

**SOILS**

Map Unit Name (Series and Phase): Alluvial Land, well drained

Drainage Class: well drained

Field observations confirm mapped type?  Yes  No

Taxonomy (subgroup): Typic Ustifluvents

**Profile Description**

Depth (inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance size and contrast	Texture, concretions, structure, etc.
0-4"		10YR 3/1	None	N/A	Silty clay loam
4-16"		10YR 5/3	10YR 5/6	Common, fine, distinct	Silty clay loam with abundant rock and gravel

**Hydric Soil Indicators:** (check all that apply)

- Histosol
- Histic Epipedon
- Sulfidic Odor
- Aquic Moisture Regime
- Reducing Conditions
- Gleyed or Low-Chroma (=1) matrix
- Matrix chroma  $\leq 2$  with mottles
- Mg or Fe Concretions
- High Organic Content in Surface Layer of Sandy Soils
- Organic Streaking in Sandy Soils
- Listed on National/Local Hydric Soils List
- Other (explain in remarks):

Hydric soils present?  Yes  No

Rationale for decision/Remarks: Hydric soil indicators were not present.

**Wetland Determination**

Hydrophytic vegetation present?  Yes  No

Hydric soils present?  Yes  No

Wetland hydrology present?  Yes  No

Is the sampling point within a wetland?  Yes  No

Rationale/Remarks: No indicators for hydrophytic vegetation, wetland hydrology or Hydric soils were present. This plot is located on a disturbed roadside.

NOTES:

Revised 4/97

## Routine Wetland Determination

### DATA FORM

(1987 Corps Wetland Delineation Manual)

Project/Site: Cow Creek North		Date: 6/7/07					
Applicant/owner: City of Whitefish		County: Flathead					
Investigator(s): J. Hintz		State: Montana					
		S/T/R: 32/31N/21W					
Do normal circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Community ID: POPTRE/CORS/0101					
Is the site significantly disturbed (atypical situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Transect ID: 3					
Is the area a potential problem area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Plot ID: 2					
Explanation of atypical or problem area:							
<b>VEGETATION</b> (For *strata, indicate T = tree; S = shrub; H = herb; V = vine)							
Dominant Plant Species	*Stratum	% cover	Indicator	Dominant Plant Species	*Stratum	% cover	Indicator
<i>Bromus inermis</i>	H		NI				
<i>Poa pratensis</i>	H		FAC				
<i>Comus sericea</i>	S		FACW				
<i>Populus tremuloides</i>	T		FAC+				
<i>Equisetum arvense</i>	H		FAC				
<b>HYDROPHYTIC VEGETATION INDICATORS:</b>							
% of dominants OBL, FACW, & FAC: 4/5 = 80%    FAC-Neutral Test: 2:0							
Hydrophytic vegetation present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Rationale for decision/Remarks: Meets hydrophytic vegetation requirement of greater than 50% of dominant species being OBL, FACW or FAC. Although there are other more upland species here, including <i>Rosa woodsii</i> (FACU) and <i>Artemisia tridentata</i> (FACU) they are not dominant species.							
<b>HYDROLOGY</b>							
Is it the growing season? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Water Marks: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No on		Sediment Deposits: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Based on: <input type="checkbox"/> Soil temp (record temp) <input checked="" type="checkbox"/> Other (explain): soil survey		Drift Lines: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Drainage Patterns: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Depth of inundation: N/A		Oxidized Root (live roots) Channels <12 in.: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Local Soil Survey: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Depth to free water in pit: 3 inches		FAC Neutral: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Water-stained Leaves: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Depth to saturated soil: 2 inches							
Check all that apply & explain below: <input type="checkbox"/> Stream, lake or gage data <input checked="" type="checkbox"/> Aerial photographs <input type="checkbox"/> Other		Other (explain):					

**Wetland hydrology present?**  Yes  No  
 Rationale for decision/remarks: Wetland hydrology parameters were met, with soil saturation present within the major portion of the root zone, as well as the presence of drift lines, with old vegetative matter entangled in aboveground vegetation.

**SOILS**  
 Map Unit Name (Series and Phase) : Alluvial Land, well drained      Drainage Class: well drained  
 Field observations confirm mapped type?  Yes  No

Taxonomy (subgroup) Typic Ustifluvents

Profile Description					
Depth (inches)	Horizon	Matrix color (Munsell moist)	Mottle colors (Munsell moist)	Mottle abundance size and contrast	Texture, concretions, structure, etc.
0 - 5*		10YR 2/1	None	N/A	
5 - 16+*		10YR 3/1	10YR 4/2	Common, medium, distinct	Silty clay loam

**Hydric Soil Indicators:** (check all that apply)

<input type="checkbox"/> Histosol	<input checked="" type="checkbox"/> Matrix chroma $\leq$ 2 with mottles
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> Mg or Fe Concretions
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> High Organic Content in Surface Layer of Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National/Local Hydric Soils List
<input checked="" type="checkbox"/> Gleyed or Low Chroma (=1) matrix	<input type="checkbox"/> Other (explain in remarks)

**Hydric soils present?**  Yes  No  
 Rationale for decision/Remarks: Hydric soil indicators were present, containing a low chroma matrix (1) with mottles.

**Wetland Determination**

Hydrophytic vegetation present?  Yes  No  
 Hydric soils present?  Yes  No  
 Wetland hydrology present?  Yes  No  
 Is the sampling point within a wetland?  Yes  No

**Rationale/Remarks:** Strong positive indicators for all three wetland parameters were met. This area receives water from a culvert under the railroad tracks to the south. Additionally, it is directly adjacent to a paved road, which may provide runoff.

NOTES:

Revised 4/97

**Appendix B**  
Flathead Electric Co-op Letter

## Eric H. Mulcahy

---

**From:** Ryan Mitchell <Ryan@RPA-KAL.COM>  
**Sent:** Tuesday, December 10, 2013 12:15 PM  
**To:** Eric H. Mulcahy (eric@sandssurveying.com)  
**Subject:** FW: Overhead to Underground Conversion

See below from FCC



**Ryan E. Mitchell, PE, PLS | Office Manager**  
Robert Peccia & Associates Inc. | PO Box 5100 | Kalispell, MI 59903  
406.752.5025 | 406.752.5024 (fax) | [ryan@rpa-kal.com](mailto:ryan@rpa-kal.com)  
<http://www.rpa-hln.com>

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**From:** [S.Pluid@flathead.coop](mailto:S.Pluid@flathead.coop) [mailto:S.Pluid@flathead.coop]  
**Sent:** Tuesday, October 15, 2013 8:44 AM  
**To:** Ryan Mitchell  
**Subject:** FW: Overhead to Underground Conversion

Ryan,

I had thought that maybe I had sent this over to Brandon before.

Stan

**From:** Brian Plunkett  
**Sent:** Tuesday, October 15, 2013 7:59 AM  
**To:** Stan Pluid  
**Subject:** FW: Overhead to Underground Conversion

Brian Plunkett, P.E.  
System Lines Engineer  
Flathead Electric Cooperative  
Office: 406.751.4496  
Mobile: 406.250.4169

**From:** Brian Plunkett [mailto:B.Plunkett@flathead.coop]  
**Sent:** Monday, January 21, 2013 9:00 AM  
**To:** Stan Pluid  
**Subject:** Overhead to Underground Conversion

Stan,

Flathead Electric Cooperative (FEC) does not have a policy in place that prohibits the overhead to underground conversion of distribution power lines. However, FEC engineering evaluates each conversion request to determine operational impact and cost feasibility to the member. The section of line from pole number 3021323702 to 3121323901 serves as a main distribution backbone that ties the distribution system from Whitefish Substation to Big Mountain Substation. Therefore, it is my recommendation to leave this section of line overhead. In addition, the existing overhead conductor has more capacity than the standard underground cable that FEC would usually use for this type of conversion. Outage restoration and sectionalizing for overhead lines is typically more efficient than that of an underground system as well. Please let me know if you have any questions on this recommendation.

Regards,

Brian Plunkett, P.E.  
System Protection Engineer  
Flathead Electric Cooperative  
Office: 406.751.4496  
Mobile: 406.250.4169

**. Appendix C**  
Traffic Impact Study  
Second Street Residences  
Abelin Traffic Services



# Traffic Impact Study Second Street Residences Whitefish, Montana

**Prepared For:**

**KOTA Enterprises, LLC  
P.O. Box 4600  
Whitefish, MT 59937**

**December, 2013**

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# Second Street Residences Traffic Impact Study Whitefish, Montana

## A. EXECUTIVE SUMMARY

The Second Street Residences will have little impact on the surrounding road system. All nearby intersections will continue to function at acceptable levels of service and no additional improvements will be required at any area intersections to improve roadway capacity. It is recommended that the developers provide a connection between the development's internal trail network to the Second Street Trail and include a pedestrian crosswalk across Second Street.

## B. PROJECT DESCRIPTION

This document studies the possible effect on the surrounding road system from a proposed 24-acre residential development located north of East Second Street on the eastern edge of the City of Whitefish, Montana. The document also identifies any traffic mitigation efforts that the development may require. The property would be developed to include up to 62 residential units. This is a decrease from the 174 residential units originally proposed for this property.

## C. EXISTING CONDITIONS

The proposed development property currently consists of a 24-acre parcel of undeveloped land located north of East Second Street. The areas surrounding the development site include a variety of residential homes on the edge of the City of Whitefish. The Burlington Northern Santa Fe railroad tracks are located just to the north of the site. See **Figure 1** for a location map of the proposed development.

### Adjacent Roadways

**East Second Street** is an east/west collector route that extends east from Highway 93 at Spokane Avenue. The road has a 44-foot urban cross-section from Spokane Avenue to Pine Avenue and a posted speed limit of 25 MPH. West of Pine Avenue the road narrows to a 30-foot urban cross-section to Larch Avenue and then narrows to a 24-26 foot rural cross-section continuing east. The road extends east over the Burlington Northern Santa Fe railroad tracks and ends at an intersection with Edgewood Drive. The roadway currently carries 2,900 V.P.D. (Vehicles per Day) near Spokane Avenue and 2,000 V.P.D. near Armory Road. The road provides access to several schools and parks as well as a variety of urban residential homes.

**Armory Road** is a two-lane north/south collector route which connects East Second Street with Voerman Road. The road has a paved width of 24 foot and provides access to a variety of rural residential homes. The posted speed limit is 25 MPH. The road carries 700 VPD.

**Wild Rose Lane** is currently a private driveway which provides access to one residence north of Second Street. The road has a gravel surface and a width of 18-20 feet. Wild Rose Lane currently carries approximately 10 vehicles per day.

**Figure 1 - Proposed Development Site**



**Traffic Counts**

In January 2013 Abelin Traffic Services (ATS) collected vehicle use information at locations around the proposed development site. This included peak-hour turning movement counts at the intersection of Second Street and Armory Road. Additional 24-hour hose count data was collected along Second Street west of Armory Road. ATS also collected 24-hour traffic data along Armory Road in April 2013. The raw traffic data is included in **Appendix A** of this report.

The raw data collected for this project was adjusted for seasonal variation in accordance with the data collected from MDT’s annual count station located on US Highway 2, 1.3

miles west of Kalispell (Station A-24). This count station data indicated that data collected in January is approximately 86% of the AADT (Average Annual Daily Traffic) volume in this area. The April data is 96% of the AATD.

Traffic data was also collected for Second Street from the Montana Department of Transportation which maintains annual count information east of Spokane Avenue (Station 15-4A-26). The historic data for this location is presented in **Table 1**. It is notable that the trend over the last ten years along East Second Street is an overall decrease in traffic volumes. Traffic volumes on this section of roadway have decreased by 600 vehicles per day in the last ten years. Flat or negative traffic growth is consistent with trends on many roadways within the Flathead Valley over the last ten years.

**Table 1 – Historic Traffic Data**

Location	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Second Street Between Somers and Columbia	3,640	NA	NA	3,640	3,510	3,390	3,290	2,920	3,090	3,080	2,900

**Level of Service**

Using the data collected for this project, ATS conducted a Level of Service (LOS) analysis at area intersections. This evaluation was conducted in accordance with the procedures outlined in the Transportation Research Board’s *Highway Capacity Manual (HCM) - Special Report 209* and the Highway Capacity Software (HCS) version 5.3. Intersections are graded from A to F representing the average delay that a vehicle entering an intersection can expect. Typically, a LOS of C or better is considered acceptable for peak-hour conditions.

**Table 2** shows the existing 2013 LOS for the AM and PM peak hours without the traffic from the Second Street Residences. The LOS calculations are included in **Appendix C**. The analysis shows that the intersection of Second Street and Armory Road is currently operating at an acceptable level of service and has considerable reserve capacity.

Information included in the *Whitefish Transportation Plan* indicates that the other intersections along East Second Street are currently operating at LOS B or C except for the intersection of Second Street and Spokane Avenue which is experiencing higher levels of peak-hour delay. The intersection of Second Street and Spokane Avenue was identified in the Transportation Plan for lane and signalization upgrades (MSN-1) which should address this problem.

**Table 2 – 2013 Level of Service Summary**

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Second Street & Armory Road*	10.1	B	10.1	B

\*Northbound/Southbound Side Street LOS and Delay

Traffic volumes along East Second Street are well within the functional limits of a two-lane road. It is generally considered that a two-lane urban roadway can carry approximately 12,000 V.P.D. and stay within its operational limits. Second Street East currently carries less than 3,000 V.P.D. As a comparison, Baker Avenue and Spokane Avenue currently carry approximately 8,000 V.P.D.

The eastern end of Second Street was identified in the *Whitefish Transportation Plan* as an area of high potential growth and may carry large volumes of traffic by 2030. The construction of high-density residential units in this area is consistent with the anticipated growth patterns.

Robert Peccia & Associates is currently preparing plans for the reconstruction of Second Street. Presently the plans include a full reconstruction of Second Street from the end of the existing urban sections to the Burlington Northern Santa Fe railroad tracks. From Larch Avenue to Dodger Lane the road will be constructed with an urban cross-section and a 26-foot paved surface. Past Dodger Lane the road will transition to a rural cross-section with a 26-foot paved surface. The pedestrian trail on the south side of Second Street will be extended from Armory Road to Hugh Rogers Park. Construction is expected to begin in the spring of 2014.

**CRASH DATA**

ATS contacted the Montana Department of Transportation to collect crash statistics for East Second Street near the proposed development site for the last ten years to determine crash trends within this area. All crash records for East Second Street from Park Avenue to Edgewood Place were obtained to determine if there are any high-crash locations within this area. The data from MDT indicated that only one vehicle crash occurred in the urban portion of Second Street. This crash involved a collision with a parked car. Another eight crashes occurred around the Burlington Northern Santa Fe railroad crossing near the east end of Second Street and near the intersection with Edgewood Place. All of these crashes were single vehicle run-off-the road or rollover crashes and all involved alcohol, careless driving, or inattentive driving. No roadway deficiencies were listed as contributing factors in any of the recorded crashes.



**D. PROPOSED DEVELOPMENT**

The current development proposal for this site includes 24 acres of undeveloped land north of Second Street just east of Cow Creek which would be developed into a residential subdivision. The development would include up to 62 dwelling units including 54 single-family units and eight townhouse/condominium units. Access to the site would be provided through Wild Rose Lane road and a new northern approach at Armory Road. The extension of Wild Rose Lane would curve to the east and connect with the property’s eastern boundary for a possible future road connection when and if the adjacent properties become developed. All internal roadways will include a 32 foot urban cross-section with curb and sidewalks. The development plans include a pedestrian trail which will extend though the property. The development would be constructed in three phases over the next three years. Full build-out of the property is expected by 2016 depending on market conditions. The Second Street Residences site plan is shown in **Figure 2**.

**E. TRIP GENERATION AND ASSIGNMENT**

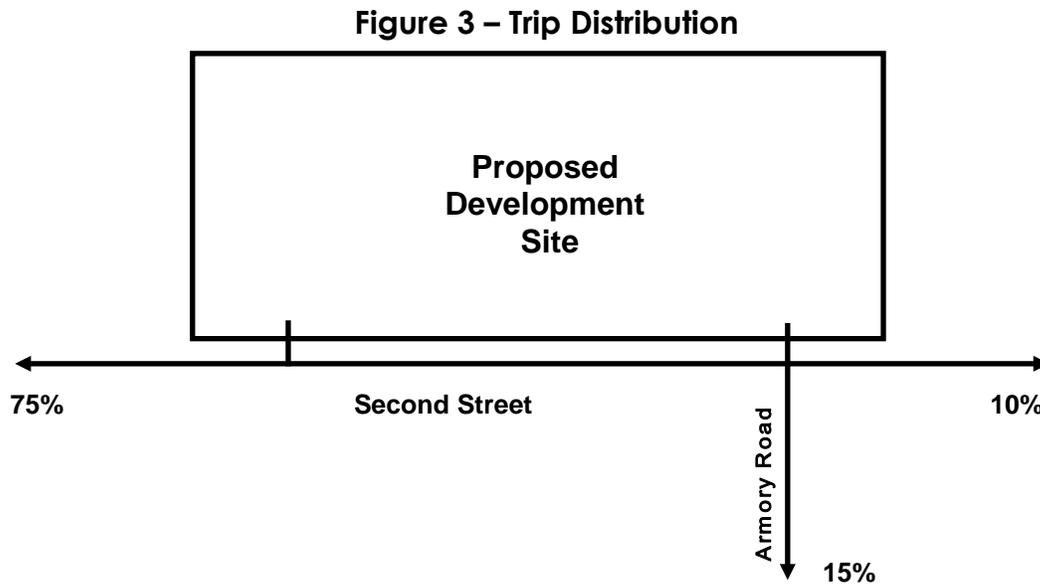
ATS performed a trip generation analysis to determine the anticipated future traffic volumes from the proposed development using the trip generation rates contained in *Trip Generation* (Institute of Transportation Engineers, Seventh Edition). These rates are the national standard and are based on the most current information available to planners. A vehicle “trip” is defined as any trip that either begins or ends at the development site. ATS determined that the critical traffic impacts on the intersections and roadways would occur during the weekday morning and evening peak hours. According to the ITE trip generation rates, at full build-out the proposed development would produce 45 AM peak hour trips, 59 PM peak hour trips, and 564 daily trips. This is down 52% from the 1,172 daily trips projected for the original proposal for this property. The current trip generation rates and totals are shown in **Table 3**.

**Table 3 - Trip Generation Rates**

Land Use	Units	AM Peak Hour Trip Ends per Unit	Total AM Peak Hour Trip Ends	PM Peak Hour Trip Ends per Unit	Total PM Peak Hour Trip Ends	Weekday Trip Ends per Unit	Total Weekday Trip Ends
Single Family Residential	54	0.75	41	1.01	55	9.57	517
Townhouse/Condominiums	8	0.44	4	0.52	4	5.86	47
<b>TOTAL</b>			<b>45</b>		<b>59</b>		<b>564</b>

**F. TRIP DISTRIBUTION**

The traffic distribution and assignment for the proposed subdivision was based upon the existing ADT volumes along the adjacent roadways and the peak-hour turning volumes. Abelin Traffic Services spent several hours monitoring traffic at the intersection of Armory Road and Second Street to develop an understanding of how the existing traffic in this area uses these roadways. The current traffic patterns in this area indicate that a majority of the morning traffic flows from Armory Road and the eastern leg of Second Street onto the western leg of Second Street. In the evening this flow pattern reverses with the majority of traffic flowing from the west leg of Second Street to the east leg of Second Street and to Armory Road. It is also noteworthy that only a very small percentage (5%) of traffic which uses the eastern leg of Second Street comes from or goes to Armory Road. It is expected that the traffic from the Second Street Residences will use these roads with the same distribution as the existing traffic. It is expected that 75% of traffic would use Second Street to the west, 15% would use Armory Road to the south, and 10% would use Second Street to the east. Traffic is expected to distribute onto the surrounding road network as shown on **Figure 3**.



**G. TRAFFIC IMPACTS OUTSIDE OF THE DEVELOPMENT**

Using the trip generation and trip distribution numbers, ATS determined the future Level of Service for the area intersections. The anticipated intersection LOS with the Second Street Residences is shown in **Tables 4**. These calculations are based on the projected model volumes included in **Appendix B** of this report. **Table 4** indicates that the Second Street Residences will have little impact on the surrounding road system and no specific improvements will be required to increase roadway capacity.

**Table 4 –Level of Service Summary  
With the Second Street Residences**

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
Second Street & Armory Road*	10.9/9.3	B/A	11.1/9.5	B/A
Second Street & Wild Rose Lane	9.6	A	9.2	A

\*Northbound/Southbound Side Street LOS and Delay

The Second Street Residences will increase traffic volumes on the surrounding roadways, but all roads will remain within the functional limits for two-lane roads. Traffic volumes on Second Street to the west of the site will increase by approximately 400 VPD, and traffic volumes to the east will increase by approximately 50 VPD. Traffic volumes on Armory Road will increase by approximately 90 VPD. It should be noted that the increase in traffic volumes along Second Street due to this project will bring traffic volumes back near the historic averages experienced around the year 2000 when the traffic volumes along East Second Street were 3,600 VPD. The total traffic volume increase on the surrounding roadways is shown in **Table 5**.

**Table 5 – Projected Traffic Volume Increases**

	Existing Traffic	Additional Traffic	Total Projected Traffic	Percent Increase
Second Street West of Armory Road	2,900 VPD	400 VPD	3,300 VPD	14%
Second Street East of Armory Road	2,000 VPD	50 VPD	2,050	3%
Armory Road	700 VPD	90 VPD	790 VPD	13%

**H. IMPACT SUMMARY & RECOMMENDATIONS**

The Second Street Residences will have little impact on the surrounding road system. All nearby intersections will continue to function at acceptable levels of service and no additional improvements will be required at any area intersections to improve roadway capacity. It is recommended that the developers provide a connection between the development’s internal trail network to the Second Street Trail and include a pedestrian crosswalk across Second Street.

# **APPENDIX A**

## **Traffic Data**

# Basic Volume Report: 2ND ST

**Station ID : 2ND ST**

Info Line 1 : ATS  
 Info Line 2 : UNICORN #5

GPS Lat/Lon :  
 DB File : 2ND ST.DB

Last Connected Device Type : Unic-L  
 Version Number : 1.50  
 Serial Number : 99216

Number of Lanes : 1  
 Posted Speed Limit :

## Lane #1 Configuration

#	Dir.	Information	Volume Mode	Volume Sensors	Divide By 2	Comment
1.	NB		Normal	Axle	Yes	

## Lane #1 Basic Volume Data From: 16:00 - 01/22/2013 To: 15:59 - 01/23/2013

Date	DW	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	Total
012213	T																	195	177	181	111	82	53	34	20	853
012313	W	6	4	2	2	3	2	16	36	73	177	92	63	126	96	98	71									867
Month Total		6	4	2	2	3	2	16	36	73	177	92	63	126	96	98	71	195	177	181	111	82	53	34	20	1720
Percent :		0%	0%	0%	0%	0%	0%	1%	2%	4%	10%	5%	4%	7%	6%	6%	4%	11%	10%	11%	6%	5%	3%	2%	1%	
ADT :		6	4	2	2	3	2	16	36	73	177	92	63	126	96	98	71	195	177	181	111	82	53	34	20	1720

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total	Percent
DW Totals :	0	0	853	867	0	0	0	Weekday (Mon-Fri) :	1720 100%
# Days :	0.0	0.0	0.3	0.7	0.0	0.0	0.0	ADT :	1720
ADT :	0	0	2559	1301	0	0	0	Weekend (Sat-Sun) :	0 0%
Percent :	0%	0%	50%	50%	0%	0%	0%	ADT :	0

# Basic Volume Summary: ARMORY

**Grand Total For Data From: 16:00 - 04/24/2013 To: 16:59 - 04/25/2013**

Total Count	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	Total
Lane #1	4	1	1	1	1	0	10	20	41	11	15	12	20	12	14	26	60	30	22	21	18	8	0	3	351
Lane #3	1	0	0	1	0	1	7	9	20	15	18	9	25	15	12	39	74	32	32	12	23	13	4	5	367
<b>TOTAL</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>17</b>	<b>29</b>	<b>61</b>	<b>26</b>	<b>33</b>	<b>21</b>	<b>45</b>	<b>27</b>	<b>26</b>	<b>65</b>	<b>134</b>	<b>62</b>	<b>54</b>	<b>33</b>	<b>41</b>	<b>21</b>	<b>4</b>	<b>8</b>	<b>718</b>

Percents:	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
Lane #1	1%	0%	0%	0%	0%	0%	3%	6%	12%	3%	4%	3%	6%	3%	4%	7%	17%	9%	6%	6%	5%	2%	0%	1%	
Lane #3	0%	0%	0%	0%	0%	0%	2%	2%	5%	4%	5%	2%	7%	4%	3%	11%	20%	9%	9%	3%	6%	4%	1%	1%	
<b>TOTAL</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>2%</b>	<b>4%</b>	<b>8%</b>	<b>4%</b>	<b>5%</b>	<b>3%</b>	<b>6%</b>	<b>4%</b>	<b>4%</b>	<b>9%</b>	<b>19%</b>	<b>9%</b>	<b>8%</b>	<b>5%</b>	<b>6%</b>	<b>3%</b>	<b>1%</b>	<b>1%</b>	

ADT:	0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	Total
Lane #1	4	1	1	1	1	0	10	20	41	11	15	12	20	12	14	26	30	30	22	21	18	8	0	3	321
Lane #3	1	0	0	1	0	1	7	9	20	15	18	9	25	15	12	39	37	32	32	12	23	13	4	5	330
<b>TOTAL</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>17</b>	<b>29</b>	<b>61</b>	<b>26</b>	<b>33</b>	<b>21</b>	<b>45</b>	<b>27</b>	<b>26</b>	<b>65</b>	<b>67</b>	<b>62</b>	<b>54</b>	<b>33</b>	<b>41</b>	<b>21</b>	<b>4</b>	<b>8</b>	<b>651</b>

### LANE #1

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total	Percent	
DW Totals :	0	0	0	125	226	0	0	Weekday (Mon-Fri) :	351	100%
# Days :	0.0	0.0	0.0	0.3	0.7	0.0	0.0	ADT :	337	
ADT :	0	0	0	375	319	0	0	Weekend (Sat-Sun) :	0	0%
Percent :	0%	0%	0%	36%	64%	0%	0%	ADT :	0	

### LANE #3

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total	Percent	
DW Totals :	0	0	0	157	210	0	0	Weekday (Mon-Fri) :	367	100%
# Days :	0.0	0.0	0.0	0.3	0.7	0.0	0.0	ADT :	352	
ADT :	0	0	0	471	296	0	0	Weekend (Sat-Sun) :	0	0%
Percent :	0%	0%	0%	43%	57%	0%	0%	ADT :	0	

### ALL LANES

	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total	Percent	
DW Totals :	0	0	0	282	436	0	0	Weekday (Mon-Fri) :	718	100%
# Days :	0.0	0.0	0.0	0.3	0.7	0.0	0.0	ADT :	689	
ADT :	0	0	0	846	616	0	0	Weekend (Sat-Sun) :	0	0%
Percent :	0%	0%	0%	39%	61%	0%	0%	ADT :	0	

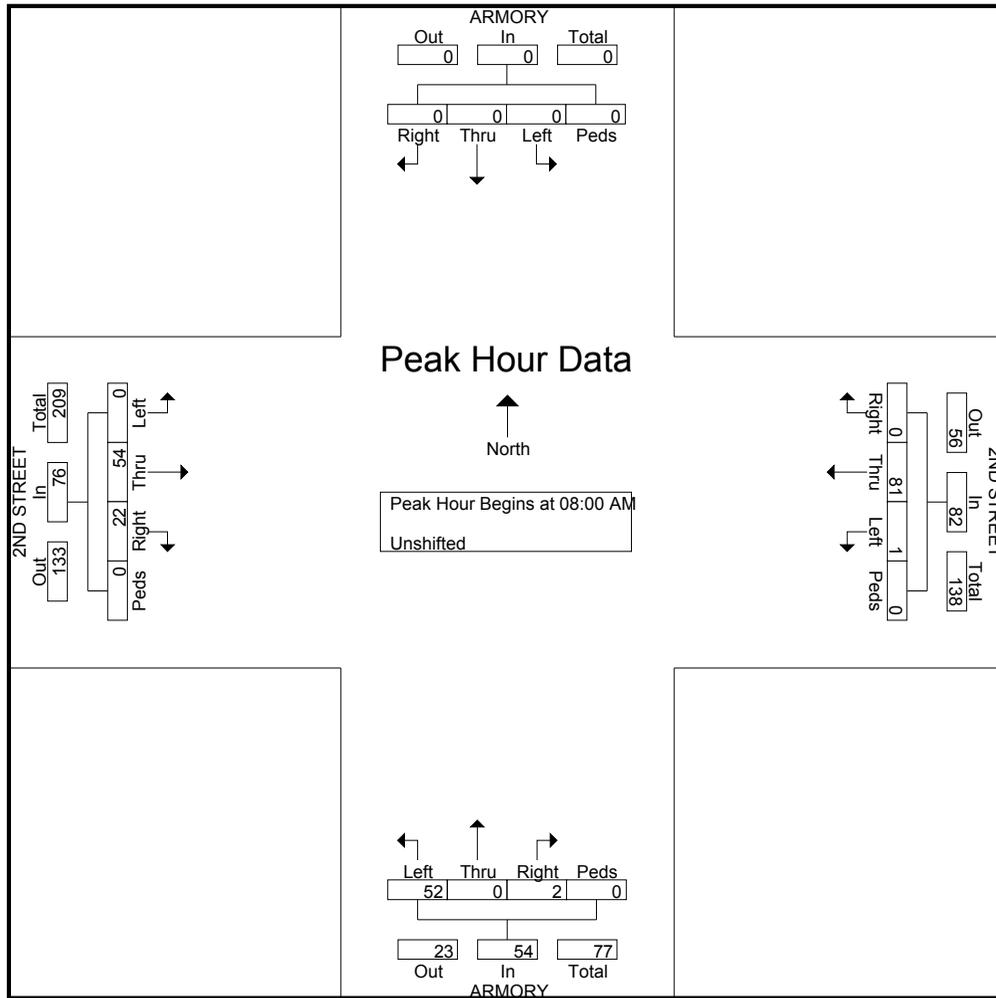
# Abelin Traffic Services

130 S. Howie Street  
Helena, MT 59601

Abelin Traffic Services  
130 S. Howie Street  
Helena, MT 59601

File Name : armoryam  
Site Code : 00000000  
Start Date : 1/23/2013  
Page No : 2

Start Time	ARMORY Southbound					2ND STREET Westbound					ARMORY Northbound					2ND STREET Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00 AM																					
08:00 AM	0	0	0	0	0	0	14	0	0	14	1	0	14	0	15	2	5	0	0	7	36
08:15 AM	0	0	0	0	0	0	28	1	0	29	1	0	22	0	23	7	19	0	0	26	78
08:30 AM	0	0	0	0	0	0	20	0	0	20	0	0	8	0	8	7	19	0	0	26	54
08:45 AM	0	0	0	0	0	0	19	0	0	19	0	0	8	0	8	6	11	0	0	17	44
Total Volume	0	0	0	0	0	0	81	1	0	82	2	0	52	0	54	22	54	0	0	76	212
% App. Total	0	0	0	0	0	0	98.8	1.2	0		3.7	0	96.3	0		28.9	71.1	0	0		
PHF	.000	.000	.000	.000	.000	.000	.723	.250	.000	.707	.500	.000	.591	.000	.587	.786	.711	.000	.000	.731	.679



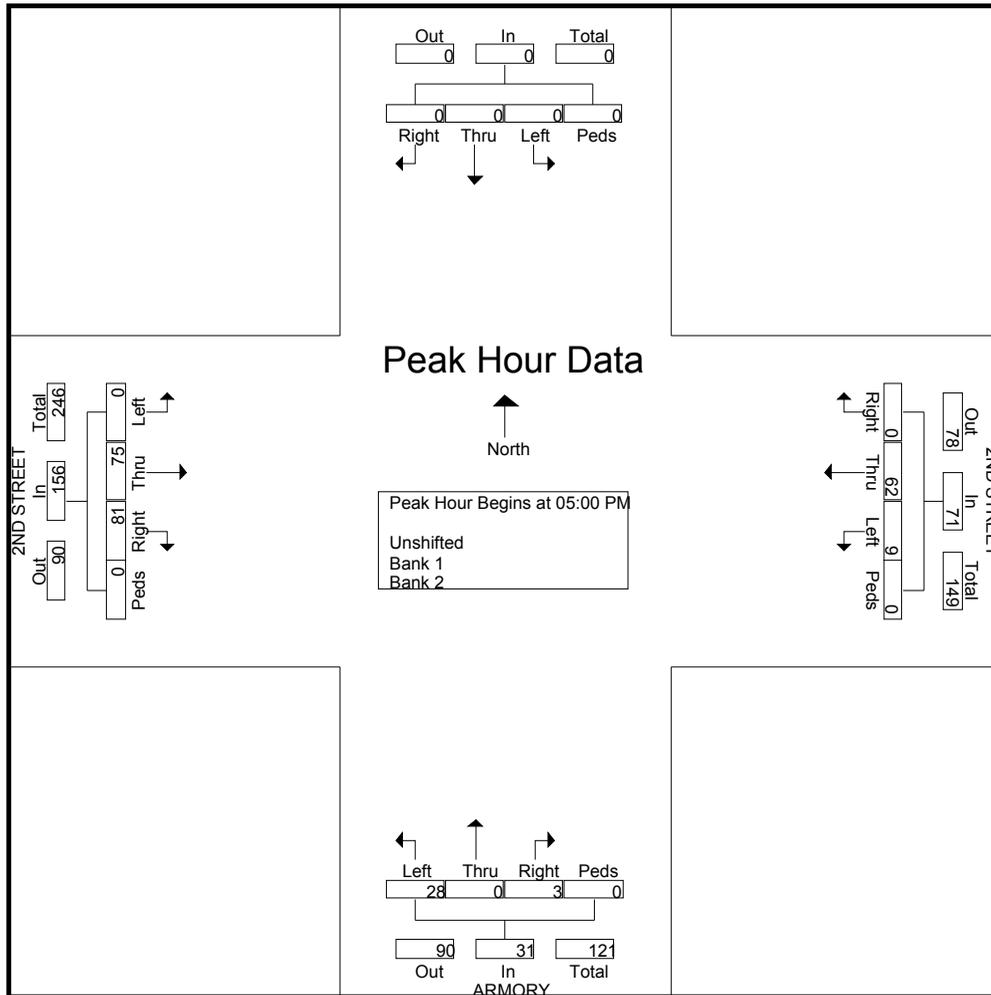
# Abelin Traffic Services

130 S. Howie Street  
Helena, MT 59601

Abelin Traffic Services  
130 S. Howie Street  
Helena, MT 59601

File Name : armorypm  
Site Code : 00000000  
Start Date : 1/22/2013  
Page No : 2

Start Time	Southbound					2ND STREET Westbound					ARMORY Northbound					2ND STREET Eastbound					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:00 PM																					
05:00 PM	0	0	0	0	0	0	17	0	0	17	1	0	5	0	6	20	21	0	0	41	64
05:15 PM	0	0	0	0	0	0	11	2	0	13	1	0	8	0	9	18	15	0	0	33	55
05:30 PM	0	0	0	0	0	0	13	2	0	15	0	0	7	0	7	15	22	0	0	37	59
05:45 PM	0	0	0	0	0	0	21	5	0	26	1	0	8	0	9	28	17	0	0	45	80
Total Volume	0	0	0	0	0	0	62	9	0	71	3	0	28	0	31	81	75	0	0	156	258
% App. Total	0	0	0	0	0	0	87.3	12.7	0		9.7	0	90.3	0		51.9	48.1	0	0		
PHF	.000	.000	.000	.000	.000	.000	.738	.450	.000	.683	.750	.000	.875	.000	.861	.723	.852	.000	.000	.867	806



# **APPENDIX B**

## **Traffic Model**

Second Street Residences  
 Whitefish Montana  
 Traffic Impact Study

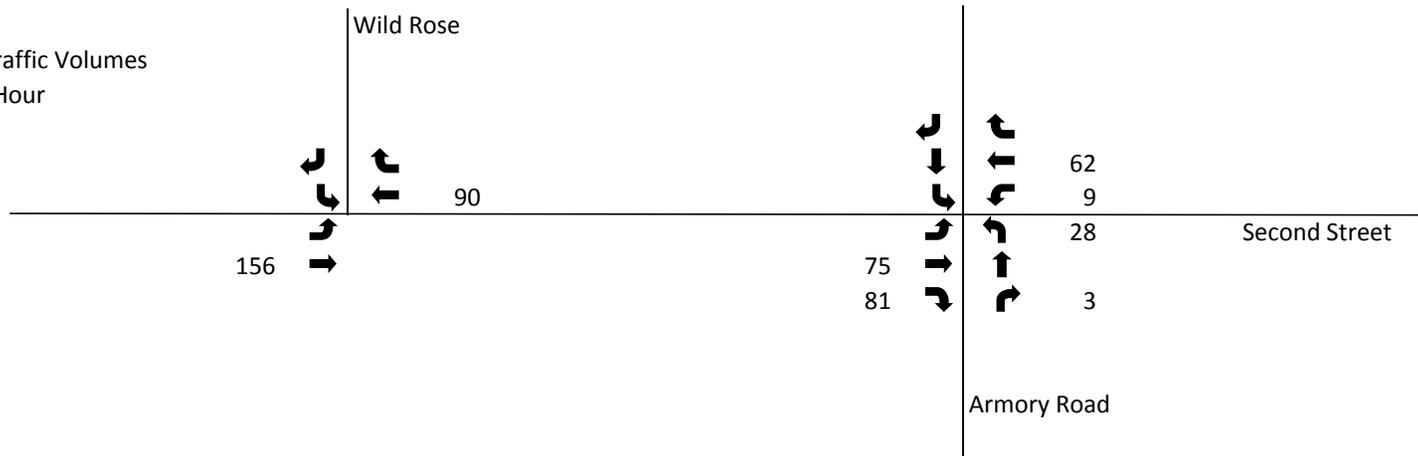
Proposed Development Site

Existing Traffic Volumes  
 AM Peak Hour



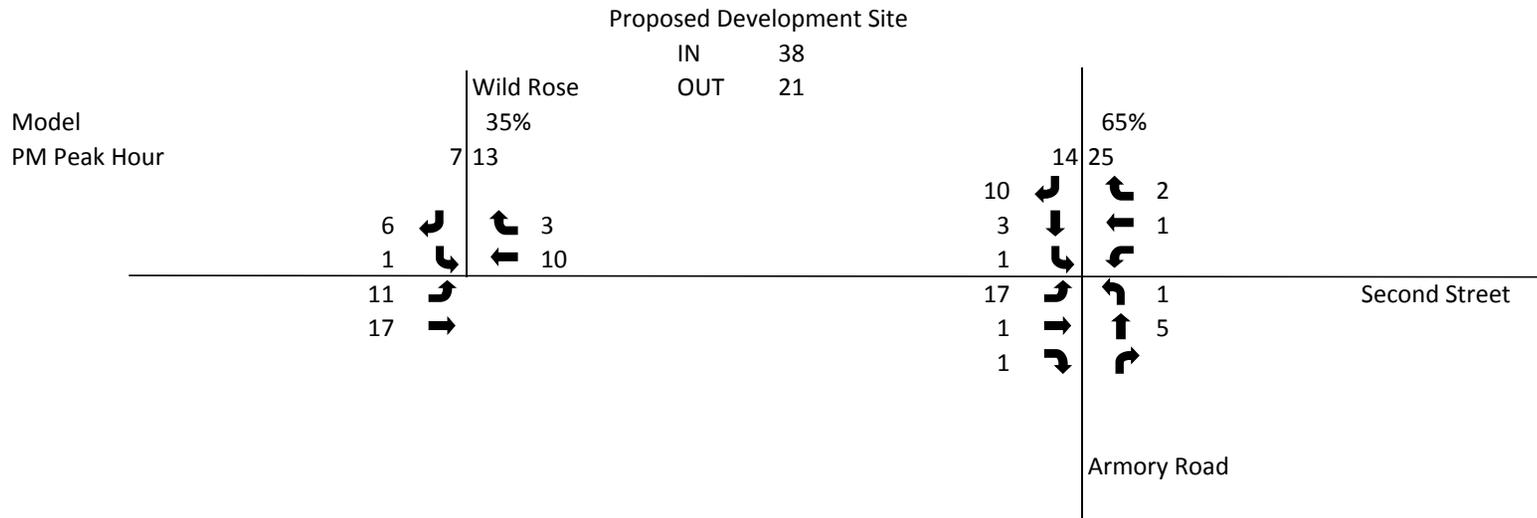
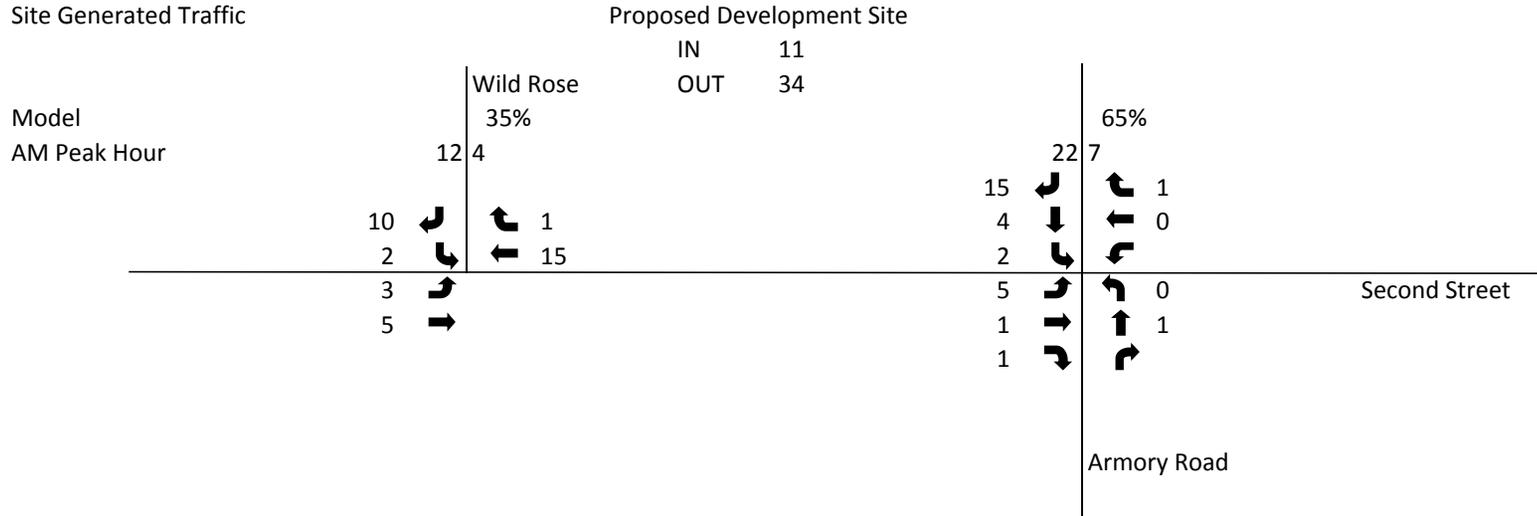
Proposed Development Site

Existing Traffic Volumes  
 PM Peak Hour



Second Street Residences  
 Whitefish Montana  
 Traffic Impact Study

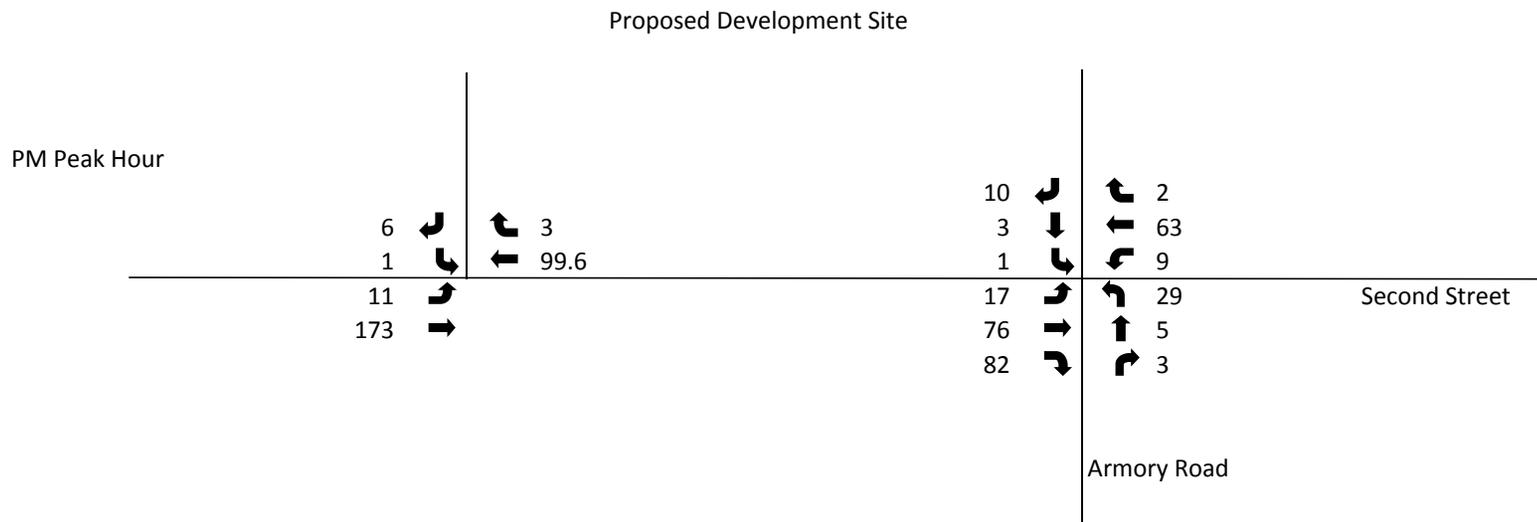
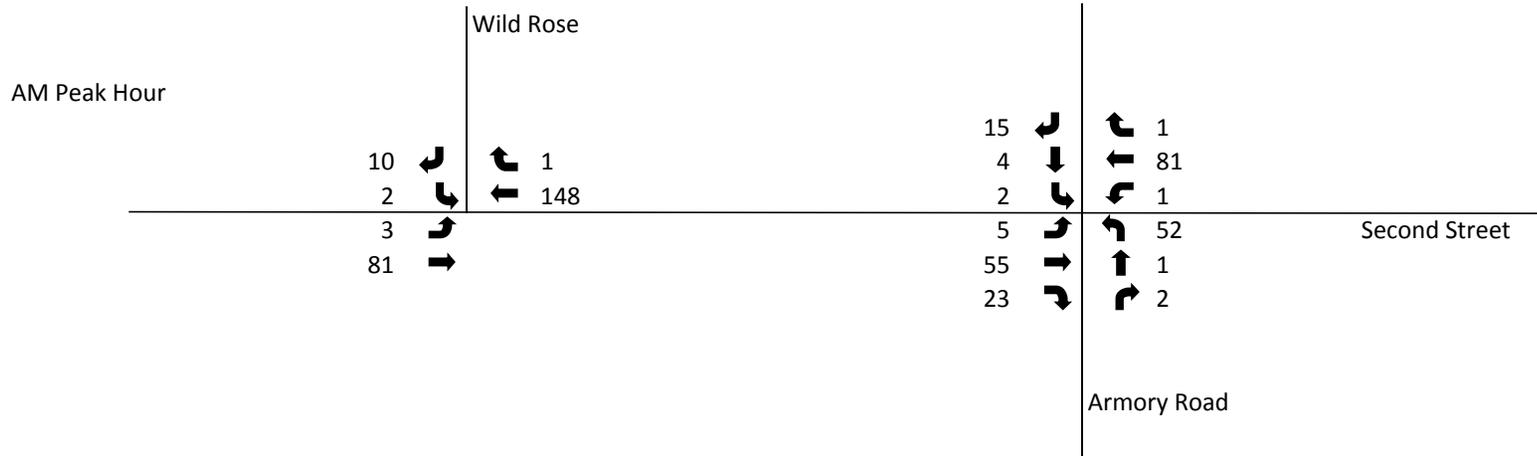
Site Generated Traffic



Second Street Residences  
 Whitefish Montana  
 Traffic Impact Study

Total Traffic with Whitefish Apartments

Proposed Development Site



# **APPENDIX C**

## **LOS Calculations**

TWO-WAY STOP CONTROL SUMMARY							
<b>General Information</b>				<b>Site Information</b>			
Analyst	RLA			Intersection	2nd & Armory		
Agency/Co.	Abelin Traffic Services			Jurisdiction	City of WF		
Date Performed	1/29/2013			Analysis Year	2013		
Analysis Time Period	AM Peak Hour						
Project Description <i>Second Street Residences</i>							
East/West Street: <i>2nd Street</i>				North/South Street: <i>Armory Road</i>			
Intersection Orientation: <i>East-West</i>				Study Period (hrs): <i>0.25</i>			
<b>Vehicle Volumes and Adjustments</b>							
<b>Major Street</b>		Eastbound			Westbound		
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)		54	22	1	81		
Peak-Hour Factor, PHF	1.00	0.70	0.70	0.70	0.70	1.00	
Hourly Flow Rate, HFR (veh/h)	0	77	31	1	115	0	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration			TR	LT			
Upstream Signal		0			0		
<b>Minor Street</b>		Northbound			Southbound		
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	52		2				
Peak-Hour Factor, PHF	0.60	1.00	0.60	1.00	1.00	1.00	
Hourly Flow Rate, HFR (veh/h)	86	0	3	0	0	0	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)		0			0		
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	0	0	0	0	0	
Configuration		LR					
<b>Delay, Queue Length, and Level of Service</b>							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration		LT		LR			
v (veh/h)		1		89			
C (m) (veh/h)		1495		788			
v/c		0.00		0.11			
95% queue length		0.00		0.38			
Control Delay (s/veh)		7.4		10.1			
LOS		A		B			
Approach Delay (s/veh)	--	--		10.1			
Approach LOS	--	--		B			

TWO-WAY STOP CONTROL SUMMARY								
<b>General Information</b>				<b>Site Information</b>				
Analyst	RLA			Intersection	2nd & Armory			
Agency/Co.	Abelin Traffic Services			Jurisdiction	City of WF			
Date Performed	1/29/2013			Analysis Year	2013			
Analysis Time Period	PM Peak Hour							
Project Description								
East/West Street: 2nd Street				North/South Street: Armory Road				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
<b>Vehicle Volumes and Adjustments</b>								
<b>Major Street</b>		Eastbound			Westbound			
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		75	81	9	62			
Peak-Hour Factor, PHF	1.00	0.81	0.81	0.70	0.70	1.00		
Hourly Flow Rate, HFR (veh/h)	0	92	99	12	88	0		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0				0	
Lanes	0	1	0	0	1	0		
Configuration			TR	LT				
Upstream Signal		0			0			
<b>Minor Street</b>		Northbound			Southbound			
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	28		3					
Peak-Hour Factor, PHF	0.86	1.00	0.86	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	32	0	3	0	0	0		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration		LR						
<b>Delay, Queue Length, and Level of Service</b>								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		12		35				
C (m) (veh/h)		1395		745				
v/c		0.01		0.05				
95% queue length		0.03		0.15				
Control Delay (s/veh)		7.6		10.1				
LOS		A		B				
Approach Delay (s/veh)	--	--	10.1					
Approach LOS	--	--	B					

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	RLA			Intersection	2nd & Armory			
Agency/Co.	Abelin Traffic Services			Jurisdiction	City of WF			
Date Performed	1/29/2013			Analysis Year	With 2nd Street Res			
Analysis Time Period	AM Peak Hour							
Project Description <i>Second Street Residences</i>								
East/West Street: <i>2nd Street</i>				North/South Street: <i>Armory Road</i>				
Intersection Orientation: <i>East-West</i>				Study Period (hrs): <i>0.25</i>				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	5	55	23	1	81	1		
Peak-Hour Factor, PHF	0.70	0.70	0.70	0.70	0.70	0.70		
Hourly Flow Rate, HFR (veh/h)	7	78	32	1	115	1		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration	LTR			LTR				
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	52	1	2	2	4	15		
Peak-Hour Factor, PHF	0.60	0.60	0.60	0.70	0.70	0.70		
Hourly Flow Rate, HFR (veh/h)	86	1	3	2	5	21		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration		LTR			LTR			
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LTR	LTR	LTR			LTR		
v (veh/h)	7	1	90			28		
C (m) (veh/h)	1485	1493	704			858		
v/c	0.00	0.00	0.13			0.03		
95% queue length	0.01	0.00	0.44			0.10		
Control Delay (s/veh)	7.4	7.4	10.9			9.3		
LOS	A	A	B			A		
Approach Delay (s/veh)	--	--	10.9			9.3		
Approach LOS	--	--	B			A		

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst	RLA			Intersection	2nd & Armory		
Agency/Co.	Abelin Traffic Services			Jurisdiction	City of WF		
Date Performed	1/29/2013			Analysis Year	With 2nd Street Res		
Analysis Time Period	PM Peak Hour						
Project Description							
East/West Street: 2nd Street				North/South Street: Armory Road			
Intersection Orientation: East-West				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Eastbound			Westbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)	17	76	82	9	63	2	
Peak-Hour Factor, PHF	0.81	0.81	0.81	0.70	0.70	0.70	
Hourly Flow Rate, HFR (veh/h)	20	93	101	12	90	2	
Percent Heavy Vehicles	0	--	--	0	--	--	
Median Type	Undivided						
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration	LTR			LTR			
Upstream Signal		0			0		
Minor Street	Northbound			Southbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	29	5	3	1	3	10	
Peak-Hour Factor, PHF	0.86	0.86	0.86	0.70	0.70	0.70	
Hourly Flow Rate, HFR (veh/h)	33	5	3	1	4	14	
Percent Heavy Vehicles	0	0	0	0	0	0	
Percent Grade (%)	0			0			
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	0	1	0	0	1	0	
Configuration		LTR			LTR		
Delay, Queue Length, and Level of Service							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration	LTR	LTR	LTR			LTR	
v (veh/h)	20	12	41			19	
C (m) (veh/h)	1515	1391	636			824	
v/c	0.01	0.01	0.06			0.02	
95% queue length	0.04	0.03	0.21			0.07	
Control Delay (s/veh)	7.4	7.6	11.1			9.5	
LOS	A	A	B			A	
Approach Delay (s/veh)	--	--	11.1			9.5	
Approach LOS	--	--	B			A	

TWO-WAY STOP CONTROL SUMMARY								
<b>General Information</b>					<b>Site Information</b>			
Analyst	RLA				Intersection	2nd & Wild Rose		
Agency/Co.	Abelin Traffic Services				Jurisdiction	City of WF		
Date Performed	1/29/2013				Analysis Year	With 2nd Street Res		
Analysis Time Period	AM Peak Hour							
Project Description <i>Second Street Residences</i>								
East/West Street: <i>2nd Street</i>					North/South Street: <i>Wild Rose Lane</i>			
Intersection Orientation: <i>East-West</i>					Study Period (hrs): <i>0.25</i>			
<b>Vehicle Volumes and Adjustments</b>								
<b>Major Street</b>		Eastbound			Westbound			
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	3	81			148	1		
Peak-Hour Factor, PHF	0.70	0.70	0.70	0.70	0.70	0.70		
Hourly Flow Rate, HFR (veh/h)	4	115	0	0	211	1		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0					0
Lanes	0	1	0	0	1	0		
Configuration	LT							TR
Upstream Signal		0			0			
<b>Minor Street</b>		Northbound			Southbound			
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				2		10		
Peak-Hour Factor, PHF	0.60	0.60	0.60	0.70	0.70	0.70		
Hourly Flow Rate, HFR (veh/h)	0	0	0	2	0	14		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration					LR			
<b>Delay, Queue Length, and Level of Service</b>								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (veh/h)	4						16	
C (m) (veh/h)	1370						807	
v/c	0.00						0.02	
95% queue length	0.01						0.06	
Control Delay (s/veh)	7.6						9.6	
LOS	A						A	
Approach Delay (s/veh)	--	--					9.6	
Approach LOS	--	--					A	

TWO-WAY STOP CONTROL SUMMARY								
<b>General Information</b>					<b>Site Information</b>			
Analyst	RLA				Intersection	2nd & Wild Rose		
Agency/Co.	Abelin Traffic Services				Jurisdiction	City of WF		
Date Performed	1/29/2013				Analysis Year	With 2nd Street Res		
Analysis Time Period	PM Peak Hour							
Project Description <i>Second Street Residences</i>								
East/West Street: <i>2nd Street</i>					North/South Street: <i>Wild Rose Lane</i>			
Intersection Orientation: <i>East-West</i>					Study Period (hrs): <i>0.25</i>			
<b>Vehicle Volumes and Adjustments</b>								
<b>Major Street</b>		Eastbound			Westbound			
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)	11	173			100	3		
Peak-Hour Factor, PHF	0.81	0.81	0.81	0.70	0.70	0.70		
Hourly Flow Rate, HFR (veh/h)	13	213	0	0	142	4		
Percent Heavy Vehicles	0	--	--	0	--	--		
Median Type	Undivided							
RT Channelized			0					0
Lanes	0	1	0	0	1	0		
Configuration	LT							TR
Upstream Signal		0			0			
<b>Minor Street</b>		Northbound			Southbound			
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)				1		6		
Peak-Hour Factor, PHF	0.86	0.86	0.86	0.70	0.70	0.70		
Hourly Flow Rate, HFR (veh/h)	0	0	0	1	0	8		
Percent Heavy Vehicles	0	0	0	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration					LR			
<b>Delay, Queue Length, and Level of Service</b>								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (veh/h)	13						9	
C (m) (veh/h)	1448						864	
v/c	0.01						0.01	
95% queue length	0.03						0.03	
Control Delay (s/veh)	7.5						9.2	
LOS	A						A	
Approach Delay (s/veh)	--	--					9.2	
Approach LOS	--	--					A	

**Appendix D**  
Preliminary Engineering Report  
Second Street Residences  
Robert Peccia & Associates

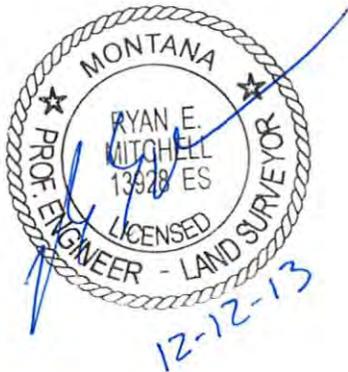
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**Second Street Residences  
Whitefish Infill Partners, LLC**

**Whitefish, Montana**

December 2013

***PRELIMINARY ENGINEERING REPORT***



Prepared By

\_\_\_\_\_  
Ryan E. Mitchell, PE, PLS  
Civil Engineer

Date

12-12-13

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### **APPENDICES**

**APPENDIX A – UTILITY LAYOUT AND PHASING OVERVIEW**

**APPENDIX B – PRELIMINARY PROJECT COST ESTIMATES**

## 1.1 Introduction and Purpose

This preliminary engineering report is intended to supplement the Preliminary Plat application for the Second Street Residences Project.

The proposed development will consist of remodeling one existing single family residence on a lot, developing 53 single family residence lots and 8 townhouses (4 lots with each lot split with sublots) for a total of 62 potential single family dwelling units. The site work will include new public streets, water main extensions, sewer main extensions, water services, sewer services, storm water facilities and open space. The proposed development is planned to be constructed in three (3) phases. **See Utility Plan & Phasing Overview in Appendix A.**

The purpose of this report is to give the reader a basic understanding of the existing and proposed water, sewer and storm drainage systems and the impacts the proposed new improvements will have on those facilities. This report is formatted to address the requirements of both the City of Whitefish and the Montana Department of Environmental Quality.

This preliminary engineering report does not include any detailed analysis or design recommendations, but rather is intended to provide a basis for future design engineering and give the reader a basic understanding of the existing and proposed utilities.

## 1.2 General Information

### A. *Existing Water Works, Wastewater and Storm Drainage Facilities*

#### 1. Water Works

The existing water supply system is identified as PWSID MT0000357, City of Whitefish and is located in Whitefish, Montana. The system is classified as a "Public Water System". The system consists of various water sources, chlorination buildings, storage facilities and distribution piping.

The proposed water distribution system for the Second Street Residences Project connects to the City of Whitefish's water distribution system. Upon the completion of the project, any new mains installed will be owned and operated by the City of Whitefish.

#### 2. Wastewater Facilities

Sewage collection and treatment for the area is provided by the City of Whitefish wastewater collection system and treatment plant.

The proposed sewer collection system for the Second Street Residences

Project will connect to the City of Whitefish's sewer collection system. All wastewater from the project will flow from the residences to new collection mains, in sewer services. The wastewater will travel through the new collection system to the City's existing collection system and then to the City's wastewater treatment plant. Upon completion of the project, any new mains installed will be owned and operated by the City of Whitefish.

### 3. Storm Drainage Facilities

There are no existing storm drainage facilities on or near the project. Cow Creek runs north-south along the western boundary of the project.

Storm drainage for the project will include surface drainage, inlets, pipe, manholes, water quality devices and a storm water detention pond. The storm drainage facilities will be designed to meet the City of Whitefish requirements. All treated storm water will be discharged to Cow Creek.

#### *B. Identification of the Area Served*

The project site is located along the north side of East Second Street, approximately between Cow Creek and Armory Road. The "Project", consists of developing a mixed-use apartment and condominium development on 24 acres of land.

The proposed development will consist of remodeling one existing single family residence on a lot, developing 53 single family residence lots and 8 townhouses (4 lots with each lot split with sublots) for a total of 62 potential single family dwelling units. The site work will include new public streets, water main extensions, sewer main extensions, water services, sewer services, storm water facilities and open space. The proposed development is planned to be constructed in three (3) phases.

#### *C. Name and Mailing Address of the Developer*

Community Infill Partners, LLC  
Attn: Sean Averill, Managing Member  
PO Box 4600  
Whitefish, MT 59937

## **2.1 Extent of Water Works System**

### *A. Description of the Nature and Extent of the Area to be Served*

The area currently being served is part of the community of Whitefish. The proposed improvements will provide water for 62 single family residences on approximately 24 acres.

### *B. Provisions for Extending the System to Include Additional Facilities*

It is proposed that new 8” PVC water mains be extended and looped through the proposed development, with one dead-end main in the cul-de-sac. Since the project is planned to be constructed in three (3) phases, there will be a temporary “dead-end” water main until future phases are completed. The fully developed site will have new mains looped internally and will be looped by connecting to the existing water main in East Second Street at Wild Rose Lane and at Armory Road. Upon full build-out, the system will include a capped “dead-end” segment that will be available for future development of the adjacent property to the east. Also, a portion of the main located within the Armory Road extension could be used to extend water service across the BNSF tracks, if an easement is granted to the City by the developer. This option will likely require that the main in Armory Road be upsized.

The new main will be installed in public right-of-ways and will be owned, operated and maintained by the City.

### *C. Appraisal of Future Requirements for Service*

There are no known specific future requirements for water service that would have an impact on the proposed project. The project is bound on the north by the BNSF railroad tracks and the west by Cow Creek. There are properties to the east that could be developed and as such there is a “connection” planned for adjacent properties to the east for future connection.

## **2.2 Alternate Plans**

There are no alternate plans for providing public water supply to this development.

## **2.3 Site Conditions**

The project site is located along the north side of East Second Street, between Cow Creek and Armory Road. There are two (2) existing houses and associated outbuildings located upon the property.

## 2.4 Water Use Data

### A. *Estimated Population which will be served by the System*

The proposed improvements will provide water for approximately 62 single family residences on approximately 24 acres.

### B. *Water Consumption –Domestic*

Below is a summary of the design flow conditions for the entire development:

Usage: Residential Development

<u>Source</u>	<u>Quantity</u>
House (Single Family)	62

Flow Data:

Per the City of Whitefish 2008 Wastewater System PER, the average daily flow per capita is 136.6 gpcd. We will use an average of 2.5 people per household, per DEQ 4, Chapter 3. This will equate to a flow of 341.5 gpd/household. We will round this to 350 gpd/household.

<u>Source</u>	<u>Quantity</u>	<u>Unit</u>	<u>Flow/Unit</u>	<u>Total Flow</u>
SF House	62	DU	350	21,700
Total Average Flow=				21,700 gpd 904 gph 15.1 gpm

Peak Hourly Flow: Per DEQ-2, Figure 1

Peak Factor =	4.5
Average Flow =	15.1 gpm
Peak Hourly Flow =	67.8 gpm

### C. *Water Consumption –Irrigation*

The development will have single family homes which are likely to have irrigated lawns. But at this preliminary stage the exact area and size of the irrigated areas are unknown. Any identified irrigated landscaped areas will be included in the Final Engineering Report and the water system will be designed to accommodate the additional flows required by irrigation.

## Water Service Line Sizing

It is anticipated that each single family home will have a 1” water service that will connect to the main in the adjacent roadway right-of-way. Meter pits will be installed with each water service.

### **2.5 Fire Flow Requirements**

Once the project is preliminarily approved, and a final layout is established, the Engineer will meet with the City of Whitefish Fire Department to review hydrant locations and perform an analysis for flows from any existing and proposed fire hydrants.

This analysis will help determine the size of any water mains to provide the required fire flows and maintain at least 20 psi of system pressure.

### **2.6 Sewage System Availability**

As indicated previously, sewage treatment is provided by the City of Whitefish treatment plant. No significant changes in the amount of water use or impacts to the wastewater treatment system are expected as a result of this project.

### **2.7 Sources of Water Supply**

There are no additional sources of water supply included as part of this project. All water will be supplied by the City of Whitefish.

### **2.8 Proposed Treatment Processes**

Not applicable, the project is connecting to the City of Whitefish public water supply.

### **2.9 Waste Disposal**

Not applicable, the project is connecting to the City of Whitefish public water supply.

### **2.10 Automation**

Not applicable, the project is connecting to the City of Whitefish public water supply.

### **2.11 Financing**

Financing for the proposed project will be provided from private funding sources.

## **2.12 Future Extensions**

The proposed project plans to have one (1) “dead-end” water main stubbed-out for future connection to the adjacent property to the east. Additionally, if the City and the Developer can agree on utilizing the main extension in Armory Road to provide future water supply to the north side of the BNSF railroad, there could be a future extension at this location. These are the only future extensions that have been evaluated.

### **3.1 Extent of Wastewater System**

*A. Description of the Nature and Extent of the Area to be Served*

The area currently being served is part of the community of Whitefish. The proposed improvements will provide water for 62 single family residences on approximately 24 acres.

*B. Provisions for Extending the System to Include Additional Facilities*

It is proposed that new sanitary sewer mains, with manholes, will be extended through the proposed development. The new mains will connect to manholes that are planned to be constructed with the East Second Street Reconstruction project, one at Wild Rose Lane and one at Armory Road. The sewer collection system will extend from this point to collect sanitary sewer from the development. The main that is proposed within the Wild Rose Extension will need to be discussed with the City. This main could serve as a potential route for the planned Cow Creek Sewer Project. This needs to be discussed between the City and the Developer.

The sewer system will include one (1) capped “dead-end” segment that will be available for future development of the adjacent property to the east. Additionally, the City’s wastewater conveyance piping is proposed to be extended to the east within East Second Street as part of a City project and will provide opportunities, if needed, to connect additional facilities.

The new mains will be installed with public streets or 20’ wide utility easements, granted to the City by the developer, and will be owned, operated and maintained by the City.

*C. Appraisal of Future Requirements for Service*

There are no known specific future requirements for wastewater conveyance that would have an impact on the proposed project.

### **3.2 Problem Defined**

There is no current wastewater system that services the western half of the project area. The City’s collection system is approximately 500 feet away from the property, on the south side of East Second Street, just east of Cow Creek. This collection main is part of a larger system that incorporates much of the surrounding area. Sewage collection and treatment for the area is provided by the City of Whitefish wastewater collection system and treatment plant.

All wastewater from the Facility will flow thru either new or existing sewer mains. The

new mains will connect to the proposed sewer mains included in the City of Whitefish's East Second Street Reconstruction Project at Wild Rose Lane and at Armory Road..

NOTE: The City has developed plans to construct a sewer trunk line across the project site. The project is named the Cow Creek Sewer Project. There may be some opportunities for the City and the Developer to work together and install only one sewer main within Wild Rose Lane to serve this development plus serve the future service area for the Cow Creek Sewer Project. This opportunity needs to be discussed in detail between the City, the Developer and the Engineer.

### 3.3 Design Considerations

The proposed improvements will collect wastewater from approximately 62 single family residences on approximately 24 acres.

Below is a summary of the design flow conditions for the entire development:

Usage: Residential Development

<u>Source</u>	<u>Quantity</u>
House (Single Family)	62

Flow Data:

Per the City of Whitefish 2008 Wastewater System PER, the average daily flow per capita is 136.6 gpcd. We will use an average of 2.5 people per household, per DEQ 4, Chapter 3. This will equate to a flow of 341.5 gpd/household. We will round this to 350 gpd/household.

<u>Source</u>	<u>Quantity</u>	<u>Unit</u>	<u>Flow/Unit</u>	<u>Total Flow</u>
SF House	62	DU	350	21,700
Total Average Flow=				21,700 gpd 904 gph 15.1 gpm

Peak Hourly Flow: Per DEQ-2, Figure 1

Peak Factor =	4.5
Average Flow =	15.1 gpm
Peak Hourly Flow =	67.8 gpm

### Sewer Service Line Sizing

The minimum size for a sewer service per the City of Whitefish is a 4" diameter sewer service for each residential unit. The capacity for a 4" diameter service is adequate to accept the flow from a single family residence.

### **3.4 Impact on Existing Wastewater Facilities**

The proposed improvements will add a Peak Hourly Flow of 67.8 gpm to the existing wastewater facilities. It is anticipated that the City's wastewater treatment plant will be capable of handling the additional flows.

### **3.5 Project Description**

The Second Street Residences Project consists of installing new sewer collection mains, manholes and service lines in order to service the project.

### **3.6 Design Criteria**

The engineering design criteria that will be used for this project are the MDEQ Circular 2 and Circular 4, and the City of Whitefish Engineering Standards, February 2009. All improvements will be designed to meet these requirements.

### **3.7 Site Information**

An existing 12" sewer line, with manholes, is in-place approximately 500 feet south of the project, along the east side of Cow Creek. A City initiated project to rebuild East Second Street in 2014 will include new sewer manholes at the intersections of East Second Street and Wild Rose Lane and at Armory Road.

### **3.8 Environmental Impacts**

The proposed project will have no adverse environmental impacts in regards to sanitary sewer, since all wastewater flows will be collected by the City and treated at the City's wastewater treatment plant. The project will remove and eliminate two (2) existing septic systems that are currently serving the two existing residences.

## 4.1 Extent of Stormwater System

The current site is an approximate 24 acre area with a mixture of forest and pasture land. Currently there are two homes and several outbuildings on the site. The proposed stormwater system will consist of roadway collection and conveyance, structural water quality device, detention pond, grass lined swales, and outlet structure.

## 4.2 Site Information

The project site is located in Whitefish, Montana. The project site is located along the north side of East Second Street, approximately between Cow Creek and Armory Road. The “Project”, consists of developing a mixed-use single family, condominium and apartment development on 24 acres of land.

The existing site is largely vacant and has been historically used for two - single family residences. Existing soils per the National Resources Conservation Service (NRCS) are primarily: Ab – Alluvial land, well drained; Hf – Half Moon soils, 12 to 45 percent slopes; De – Depew silty clay loam, 0 to 3 percent slopes; Ws – Whitefish cobbly silt loam, 7 to 12 percent slopes.

## 4.3 Basin Information

The existing site was delineated and reviewed. The basin, for the most part flows to the west and drains to Cow Creek. The basin extends to the east, beyond the boundaries of this project approximately 300-feet. The basin is bound on the north by the BNSF railroad and the south by East Second Street.

It is proposed that the developed site will have a single drainage basin. All proposed developed flow will go to the southwest corner of the property and discharge to Cow Creek.

Stormwater Conveyance: In general, the bulk of the stormwater collected on the site will be conveyed by surface flow and be directed to concrete curb and gutter. There will be inlets and combination manhole/inlets installed to capture the flow and direct it to pipes. In the pipes, it will flow through the development to a water quality device and then to a detention pond, that will be located in the southwest corner of the development. The proposed typical section for this project is shown in Section 5 of this report. See **Appendix A** for the layout of the stormwater system.

Stormwater Pre-Treatment: All flow will be directed to a structural treatment BMP that will treat the stormwater before it is discharged into the detention area.

Detention and Post-Treatments: The detention ponds will be sized to detain the 10-year storm event. The detention ponds will have an overflow structure that will bypass flows larger than the 10-year event. For events less than or equal to the 10-year event, the

ponds will release water at the predevelopment rate.

Stormwater Outfall: There are two options for stormwater outfall on this project. The first is to directly discharge the water to Cow Creek. The second is to discharge to the proposed East Second Street storm main that is planned for construction in 2014.

NOTE: The City has development plans to construct a new storm main along East Second Street in 2014. The storm system will discharge to Cow Creek, but will be treated through a hydrodynamic separator, an existing manmade wetland outfall area, or both prior to creek discharge. By connecting the proposed development to the proposed storm main there will likely be a water quality increase in stormwater being discharged to Cow Creek. This opportunity needs to be discussed in detail with the City and the Developer.

Due to the proposed phasing of this project, the storm water systems will not all be completed at the same time. The phasing plan will need to include detailed analysis for the entire site so that the detention pond, water quality ponds and swales can be sized accordingly.

A detailed analysis and the design of these improvements will be completed at a later date.

#### **4.4 Wetland Analysis**

The site includes Cow Creek along the western edge of the property. There is a substantial area of delineated wetlands adjacent to Cow Creek. The proposed project does not include any impacts to the delineated wetland areas.

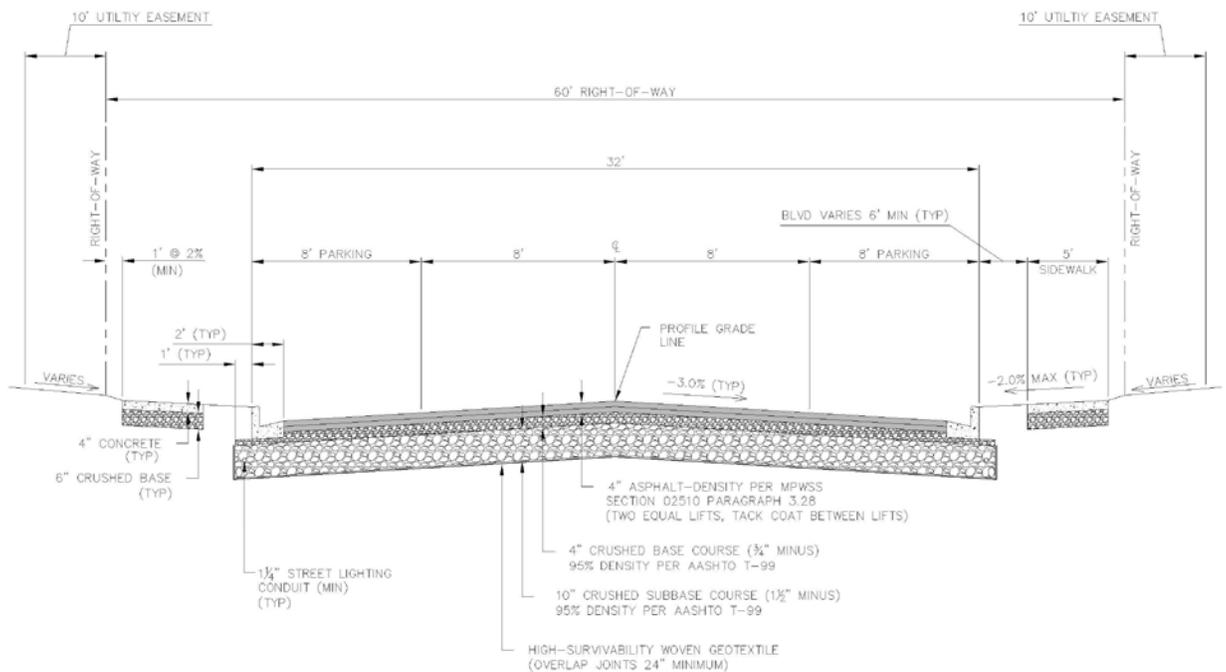
#### **4.5 Down-Gradient Analysis**

Further analysis of the site, once the final layout is determined, will be completed to determine the pre-vs-post development run-off and the sizing of the detention pond. The detention pond will be located in the northwestern quadrants of the Wild Rose Lane/East Second Street intersection.

## 5.1 Streets

The current site is a mixture of forest and pasture land with sloping terrain to the northwest and west. The site has slopes varying from 2% to 18%.

The roadway layout is shown in **Appendix A**. The proposed roadway system will consist of a public roadway with an “urban” typical section. Below is the proposed typical section:



### 32 FT. TYPICAL ROADWAY SECTION

SCALE: NONE

All proposed roadways will be public and will be maintained by the City. All roadways will be designed with a longitudinal slope of 9% or less. On-street parking will be allowed on the streets, except within the cul-de-sacs. The roadway approaches onto East Second Street will not exceed 5% for a distance of at least 60 feet. All temporary “dead-ends”, due to phasing, and the permanent “dead-ends” will have approved turn-a-rounds constructed with less than a 5% grade.

A geotechnical investigation of the site is recommended to determine the soil conditions and to calculate the required surfacing thicknesses for the roadway.

## 6.1 Additional Information – Project Requirements

Excavation/Right of Way Permit: The Owner will need to secure an excavation/right-of-way permit from the City of Whitefish Public Works Department.

Grading Permit: The Owner will need to secure a grading permit from the City of Whitefish Public Works Department.

Plan Review and Construction Oversight Worksheet: The Owner will need to complete and submit the Plan Review and Construction Oversight Worksheet to the City of Whitefish Public Works Department.

Water Main Extension Approval: The Owner will need to obtain approval of any water main extension from the MDEQ and the City of Whitefish prior to construction.

Sewer Main Extension Approval: The Owner will need to obtain approval of any sewer main extensions from the MDEQ and the City of Whitefish prior to construction.

Erosion Control Plans Approval: The Owner will need to develop and obtain approval of an Erosion Control Plan from the City of Whitefish prior to construction.

General Permit for Storm Water Discharges Associated with Construction Activities: The Owner will need to secure a permit from DEQ for construction-related disturbance of one or more acres.

## APPENDIX A – UTILITY LAYOUT AND PHASING OVERVIEW

## APPENDIX B – PRELIMINARY PROJECT COST ESTIMATES

**Engineers Opinion of Probable Cost  
SECOND STREET RESIDENCES  
Revised 12/11/13 by ILW**



Robert Peccia & Associates, Inc.  
825 Custer Avenue \* Helena \* Montana \* (406) 447-5000  
102 Cooperative Way, Suite 300 \* Kalispell \* Montana \* (406) 752-5025

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
<b>PHASE ONE</b>					
<b>ROADS &amp; GRADING</b>					
1-1	1	LS	Mobilization, Bonding and Submittals, 4%	\$21,900.00	\$21,900.00
1-2	1.2	ACRE	Site Preparation	\$12,000.00	\$14,400.00
1-3	2,400	CY	Unclassified Excavation	\$8.00	\$19,200.00
1-4	125	CY	Sub-Excavation and Stabilization	\$30.00	\$3,750.00
1-5	3,750	SY	Stabilization Fabric	\$1.00	\$3,750.00
1-6	1,450	CY	Crushed Base Course - 3/4" Minus (14" Thick)	\$32.00	\$46,400.00
1-7	705	TON	Asphalt Concrete Pavement (4" Thick)	\$90.00	\$63,450.00
1-8	1,575	LF	Concrete Curb and Gutter	\$12.00	\$18,900.00
1-9	1,375	SY	4" Concrete Sidewalk	\$40.00	\$55,000.00
1-10	465	SY	6" Concrete Driveway	\$55.00	\$25,575.00
1-11	3	EA	New Sign	\$300.00	\$900.00
1-12	120	LF	Waterborne Striping - 8" Solid	\$3.00	\$360.00
1-13	30	LF	Waterborne Striping - 24" Solid	\$6.00	\$180.00
				<b>Subtotal =</b>	<b>\$273,765.00</b>
<b>SANITARY SEWER</b>					
2-1	4	EA	Manhole - 48" Sanitary Sewer	\$3,000.00	\$12,000.00
2-2	720	LF	Pipe - Buried: 8" Sanitary Sewer Main - SDR 35 PVC Pipe	\$30.00	\$21,600.00
2-3	19	EA	Sanitary Sewer Service with Cleanouts - Sch. 40 PVC Pipe	\$1,200.00	\$22,800.00
				<b>Subtotal =</b>	<b>\$56,400.00</b>
<b>WATER</b>					
3-1	805	LF	Pipe - Buried: 8" Water Main - C-900 CL150 PVC Pipe	\$30.00	\$24,150.00
3-2	3	EA	Gate Valve - 8"	\$1,200.00	\$3,600.00
3-3	1	EA	Existing Water Main Connection	\$1,500.00	\$1,500.00
3-4	19	EA	Water Service - 1" IPS HDPE SDR 7	\$1,200.00	\$22,800.00
3-5	3	EA	Fire Hydrant Assembly	\$4,500.00	\$13,500.00
				<b>Subtotal =</b>	<b>\$65,550.00</b>
<b>DRAINAGE</b>					
4-1	6	EA	Manhole - 48" Combination Manhole Inlet	\$3,400.00	\$20,400.00
4-2	4	EA	Inlet - 30" Storm Drain Inlet	\$1,500.00	\$6,000.00
4-3	1,575	LF	4" Curb Underdrains	\$3.00	\$4,725.00
4-4	905	LF	Pipe - Buried: 12" Storm Drain - SDR 35 PVC Pipe	\$30.00	\$27,150.00
4-5	1	EA	Storm Water Treatment Device	\$16,000.00	\$16,000.00
4-6	1	LS	Detention Pond & Outfall	\$30,000.00	\$30,000.00
				<b>Subtotal =</b>	<b>\$104,275.00</b>
<b>STREET LIGHTING</b>					
5-1	790	LF	Conduit - 1-1/4" PVC Sch 40	\$2.00	\$1,580.00
5-2	400	LF	Conduit - 2" PVC Sch 40	\$3.00	\$1,200.00
5-3	3	EA	Pull Box - Type I	\$250.00	\$750.00
5-4	5	EA	Street Light Base	\$700.00	\$3,500.00
5-5	5	EA	Street Light	\$1,800.00	\$9,000.00
5-6	1	EA	Street Light Service Assembly Complete	\$4,000.00	\$4,000.00
5-7	1	LS	Electrical Wiring and Misc. Items	\$12,000.00	\$12,000.00
				<b>Subtotal =</b>	<b>\$32,030.00</b>
<b>UTILITIES (DOES NOT INCLUDE FEES CHARGED BY UTILITY COMPANIES)</b>					
6-1	790	LF	Shared Utility Trench	\$9.00	\$7,110.00
6-2	1,580	LF	2" Conduit	\$3.00	\$4,740.00
6-3	790	LF	3" Conduit	\$4.00	\$3,160.00
6-4	3	EA	Transformer Vault - Single Phase	\$900.00	\$2,700.00
				<b>Subtotal =</b>	<b>\$17,710.00</b>
<b>LANDSCAPING</b>					
7-1	120	CY	Topsoil	\$20.00	\$2,400.00
7-2	1,400	SY	Sod	\$6.00	\$8,400.00
7-3	32	EA	Street Trees	\$300.00	\$9,600.00
				<b>Subtotal =</b>	<b>\$20,400.00</b>
<b>TOTAL SUBDIVISION COSTS:</b>					<b>\$570,130.00</b>

**Engineers Opinion of Probable Cost  
SECOND STREET RESIDENCES  
Revised 12/11/13 by ILW**



Robert Peccia & Associates, Inc.  
825 Custer Avenue \* Helena \* Montana \* (406) 447-5000  
102 Cooperative Way, Suite 300 \* Kalispell \* Montana \* (406) 752-5025

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
<b>PHASE TWO</b>					
<b>ROADS &amp; GRADING</b>					
1-1	1	LS	Mobilization, Bonding and Submittals, 4%	\$22,700.00	\$22,700.00
1-2	1.5	ACRE	Site Preparation	\$12,000.00	\$18,000.00
1-3	2,750	CY	Unclassified Excavation	\$8.00	\$22,000.00
1-4	175	CY	Sub-Excavation and Stabilization	\$30.00	\$5,250.00
1-5	4,200	SY	Stabilization Fabric	\$1.00	\$4,200.00
1-6	1,650	CY	Crushed Base Course - 3/4" Minus (14" Thick)	\$32.00	\$52,800.00
1-7	755	TON	Asphalt Concrete Pavement (4" Thick)	\$90.00	\$67,950.00
1-8	2,200	LF	Concrete Curb and Gutter	\$12.00	\$26,400.00
1-9	1,660	SY	4" Concrete Sidewalk	\$40.00	\$66,400.00
1-10	490	SY	6" Concrete Driveway	\$55.00	\$26,950.00
1-11	3	EA	New Sign	\$300.00	\$900.00
1-12	60	LF	Waterborne Striping - 8" Solid	\$3.00	\$180.00
1-13	15	LF	Waterborne Striping - 24" Solid	\$6.00	\$90.00
<b>Subtotal =</b>					<b>\$313,820.00</b>
<b>SANITARY SEWER (Estimated for 8' Bury Only)</b>					
2-1	6	EA	Manhole - 48" Sanitary Sewer	\$3,000.00	\$18,000.00
2-2	1,180	LF	Pipe - Buried: 8" Sanitary Sewer Main - SDR 35 PVC Pipe	\$30.00	\$35,400.00
2-3	20	EA	Sanitary Sewer Service with Cleanouts - Sch. 40 PVC Pipe	\$1,200.00	\$24,000.00
<b>Subtotal =</b>					<b>\$77,400.00</b>
<b>WATER</b>					
3-1	1,050	LF	Pipe - Buried: 8" Water Main - C-900 CL150 PVC Pipe	\$30.00	\$31,500.00
3-2	1	EA	Gate Valve - 8"	\$1,200.00	\$1,200.00
3-3	2	EA	Existing Water Main Connection	\$1,500.00	\$3,000.00
3-4	20	EA	Water Service - 1" IPS HDPE SDR 7	\$1,200.00	\$24,000.00
3-5	3	EA	Fire Hydrant Assembly	\$4,500.00	\$13,500.00
<b>Subtotal =</b>					<b>\$73,200.00</b>
<b>DRAINAGE (Treatment and Detention Pond Constructed with Phase One)</b>					
4-1	4	EA	Manhole - 48" Combination Manhole Inlet	\$3,400.00	\$13,600.00
4-2	1	EA	Inlet - 30" Storm Drain Inlet	\$1,500.00	\$1,500.00
4-3	2,200	LF	4" Curb Underdrains	\$3.00	\$6,600.00
4-4	875	LF	Pipe - Buried: 12" Storm Drain - SDR 35 PVC Pipe	\$30.00	\$26,250.00
<b>Subtotal =</b>					<b>\$47,950.00</b>
<b>STREET LIGHTING</b>					
5-1	1,100	LF	Conduit - 1-1/4" PVC Sch 40	\$2.00	\$2,200.00
5-2	4	EA	Pull Box - Type I	\$250.00	\$1,000.00
5-3	7	EA	Street Light Base	\$700.00	\$4,900.00
5-4	7	EA	Street Light	\$1,800.00	\$12,600.00
5-5	1	LS	Electrical Wiring and Misc. Items	\$6,000.00	\$6,000.00
<b>Subtotal =</b>					<b>\$26,700.00</b>
<b>UTILITIES (DOES NOT INCLUDE FEES CHARGED BY UTILITY COMPANIES)</b>					
6-1	1,100	LF	Shared Utility Trench	\$9.00	\$9,900.00
6-2	2,200	LF	2" Conduit	\$3.00	\$6,600.00
6-3	1,100	LF	3" Conduit	\$4.00	\$4,400.00
6-4	3	EA	Transformer Vault - Single Phase	\$900.00	\$2,700.00
<b>Subtotal =</b>					<b>\$23,600.00</b>
<b>LANDSCAPING</b>					
7-1	170	CY	Topsoil	\$20.00	\$3,400.00
7-2	2,000	SY	Sod	\$6.00	\$12,000.00
7-3	44	EA	Street Trees	\$300.00	\$13,200.00
<b>Subtotal =</b>					<b>\$28,600.00</b>
<b>TOTAL SUBDIVISION COSTS:</b>					<b>\$591,270.00</b>

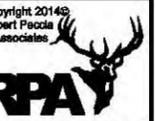
**Engineers Opinion of Probable Cost  
SECOND STREET RESIDENCES  
Revised 12/11/13 by ILW**



Robert Peccia & Associates, Inc.  
825 Custer Avenue \* Helena \* Montana \* (406) 447-5000  
102 Cooperative Way, Suite 300 \* Kalispell \* Montana \* (406) 752-5025

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
<b>PHASE THREE</b>					
<b>ROADS &amp; GRADING</b>					
1-1	1	LS	Mobilization, Bonding and Submittals, 4%	\$25,100.00	\$25,100.00
1-2	1.7	ACRE	Site Preparation	\$16,000.00	\$27,200.00
1-3	3,050	CY	Unclassified Excavation	\$8.00	\$24,400.00
1-4	200	CY	Sub-Excavation and Stabilization	\$30.00	\$6,000.00
1-5	4,900	SY	Stabilization Fabric	\$1.00	\$4,900.00
1-6	1,900	CY	Crushed Base Course - 3/4" Minus (14" Thick)	\$32.00	\$60,800.00
1-7	885	TON	Asphalt Concrete Pavement (4" Thick)	\$90.00	\$79,650.00
1-8	2,580	LF	Concrete Curb and Gutter	\$12.00	\$30,960.00
1-9	1,415	SY	4" Concrete Sidewalk	\$40.00	\$56,600.00
1-10	565	SY	6" Concrete Driveway	\$55.00	\$31,075.00
1-11	2	EA	New Sign	\$300.00	\$600.00
1-12	60	LF	Waterborne Striping - 8" Solid	\$3.00	\$180.00
1-13	15	LF	Waterborne Striping - 24" Solid	\$6.00	\$90.00
<b>Subtotal =</b>					<b>\$347,555.00</b>
<b>SANITARY SEWER</b>					
2-1	5	EA	Manhole - 48" Sanitary Sewer	\$3,000.00	\$15,000.00
2-2	1,210	LF	Pipe - Buried: 8" Sanitary Sewer Main - SDR 35 PVC Pipe	\$30.00	\$36,300.00
2-3	23	EA	Sanitary Sewer Service with Cleanouts - Sch. 40 PVC Pipe	\$1,200.00	\$27,600.00
<b>Subtotal =</b>					<b>\$78,900.00</b>
<b>WATER</b>					
3-1	1,210	LF	Pipe - Buried: 8" Water Main - C-900 CL150 PVC Pipe	\$30.00	\$36,300.00
3-2	4	EA	Gate Valve - 8"	\$1,200.00	\$4,800.00
3-3	2	EA	Existing Water Main Connection	\$1,500.00	\$3,000.00
3-4	23	EA	Water Service - 1" IPS HDPE SDR 7	\$1,200.00	\$27,600.00
3-5	3	EA	Fire Hydrant Assembly	\$4,500.00	\$13,500.00
<b>Subtotal =</b>					<b>\$85,200.00</b>
<b>DRAINAGE (Treatment and Detention Pond Constructed with Phase One)</b>					
4-1	4	EA	Manhole - 48" Combination Manhole Inlet	\$3,400.00	\$13,600.00
4-2	3	EA	Inlet - 30" Storm Drain Inlet	\$1,500.00	\$4,500.00
4-3	2,580	LF	4" Curb Underdrains	\$3.00	\$7,740.00
4-4	780	LF	Pipe - Buried: 12" Storm Drain - SDR 35 PVC Pipe	\$30.00	\$23,400.00
<b>Subtotal =</b>					<b>\$49,240.00</b>
<b>STREET LIGHTING</b>					
5-1	1,290	LF	Conduit - 1-1/4" PVC Sch 40	\$2.00	\$2,580.00
5-2	5	EA	Pull Box - Type I	\$250.00	\$1,250.00
5-3	8	EA	Street Light Base	\$700.00	\$5,600.00
5-4	8	EA	Street Light	\$1,800.00	\$14,400.00
5-5	1	LS	Electrical Wiring and Misc. Items	\$6,000.00	\$6,000.00
<b>Subtotal =</b>					<b>\$29,830.00</b>
<b>UTILITIES (DOES NOT INCLUDE FEES CHARGED BY UTILITY COMPANIES)</b>					
6-1	1,290	LF	Shared Utility Trench	\$9.00	\$11,610.00
6-2	2,580	LF	2" Conduit	\$3.00	\$7,740.00
6-3	1,290	LF	3" Conduit	\$4.00	\$5,160.00
6-4	4	EA	Tranformer Vault - Single Phase	\$900.00	\$3,600.00
<b>Subtotal =</b>					<b>\$28,110.00</b>
<b>LANDSCAPING</b>					
7-1	200	CY	Topsoil	\$20.00	\$4,000.00
7-2	2,300.0	SY	Sod	\$6.00	\$13,800.00
7-3	52	EA	Street Trees	\$300.00	\$15,600.00
<b>Subtotal =</b>					<b>\$33,400.00</b>
<b>TOTAL SUBDIVISION COSTS:</b>					<b>\$652,235.00</b>

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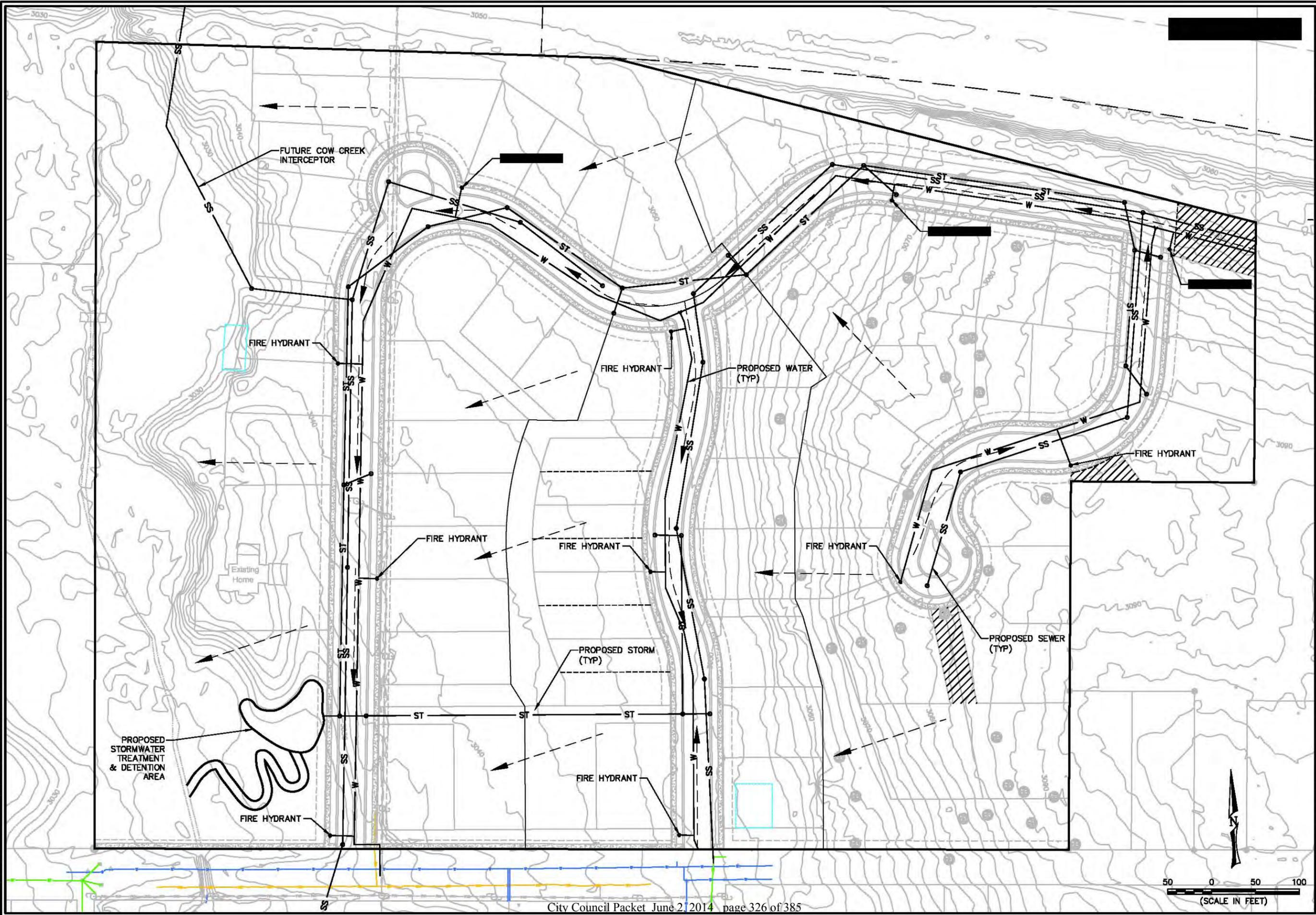
SYN	REVISION	BY	APPR.	DATE

DESIGNED BY	FEBRUARY 2014
DRAWN BY	DATE
CHECKED BY	PROJECT NO.
	REPORT EXHIBIT
	FILE

PROJECT TITLE  
**SECOND STREET  
 RESIDENCES**  
 Whitefish, Montana

SHEET TITLE  
**PRELIMINARY  
 UTILITIES**

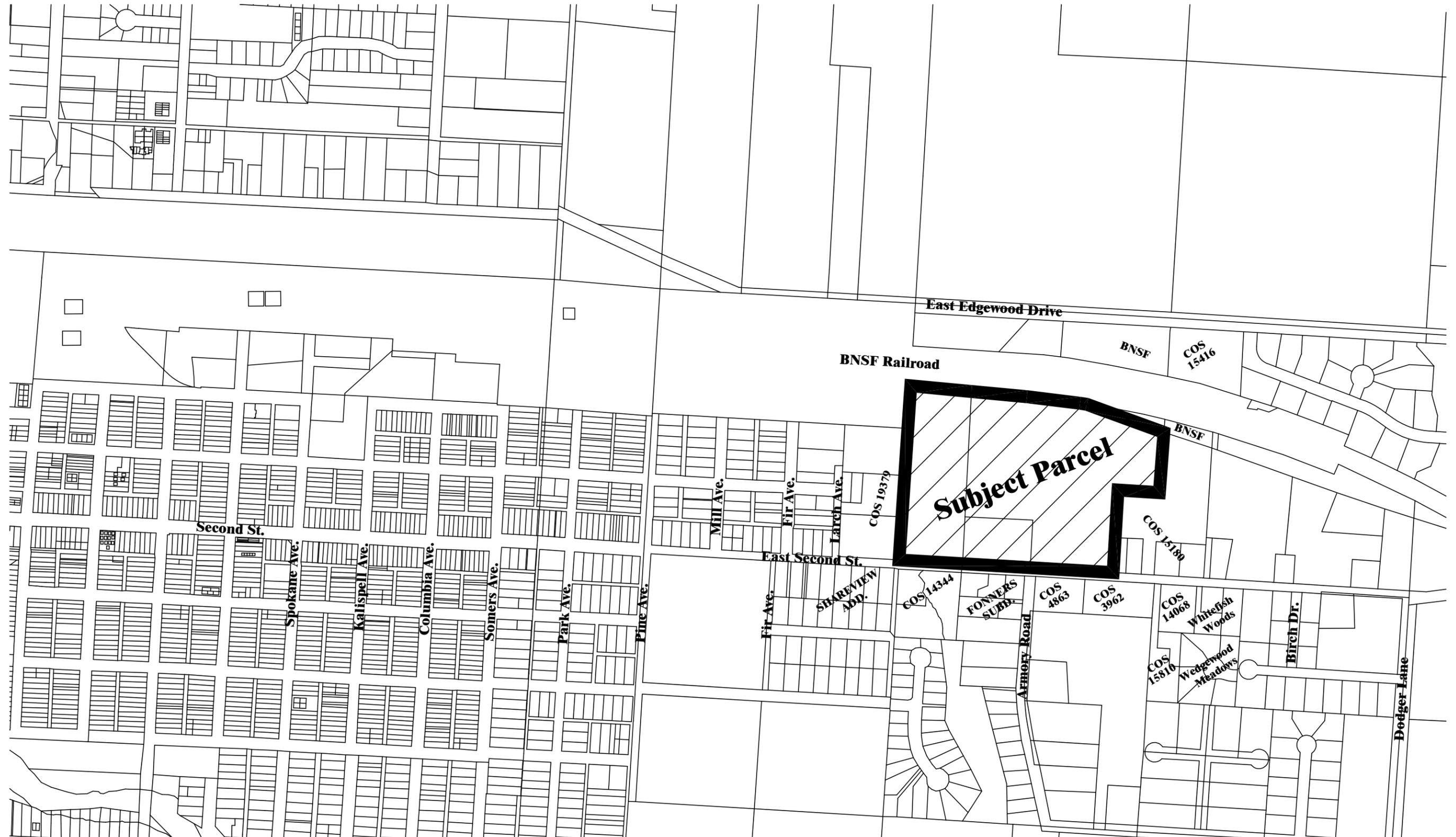
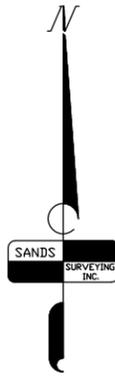
SHEET  
**1**



# Vicinity Map for: **SECOND STREET APARTMENTS**

In NE1/4NW1/4 Section 32, T.31N., R.21W., P.M.,M., Flathead County, Montana

SCALE : 1" = 500'



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

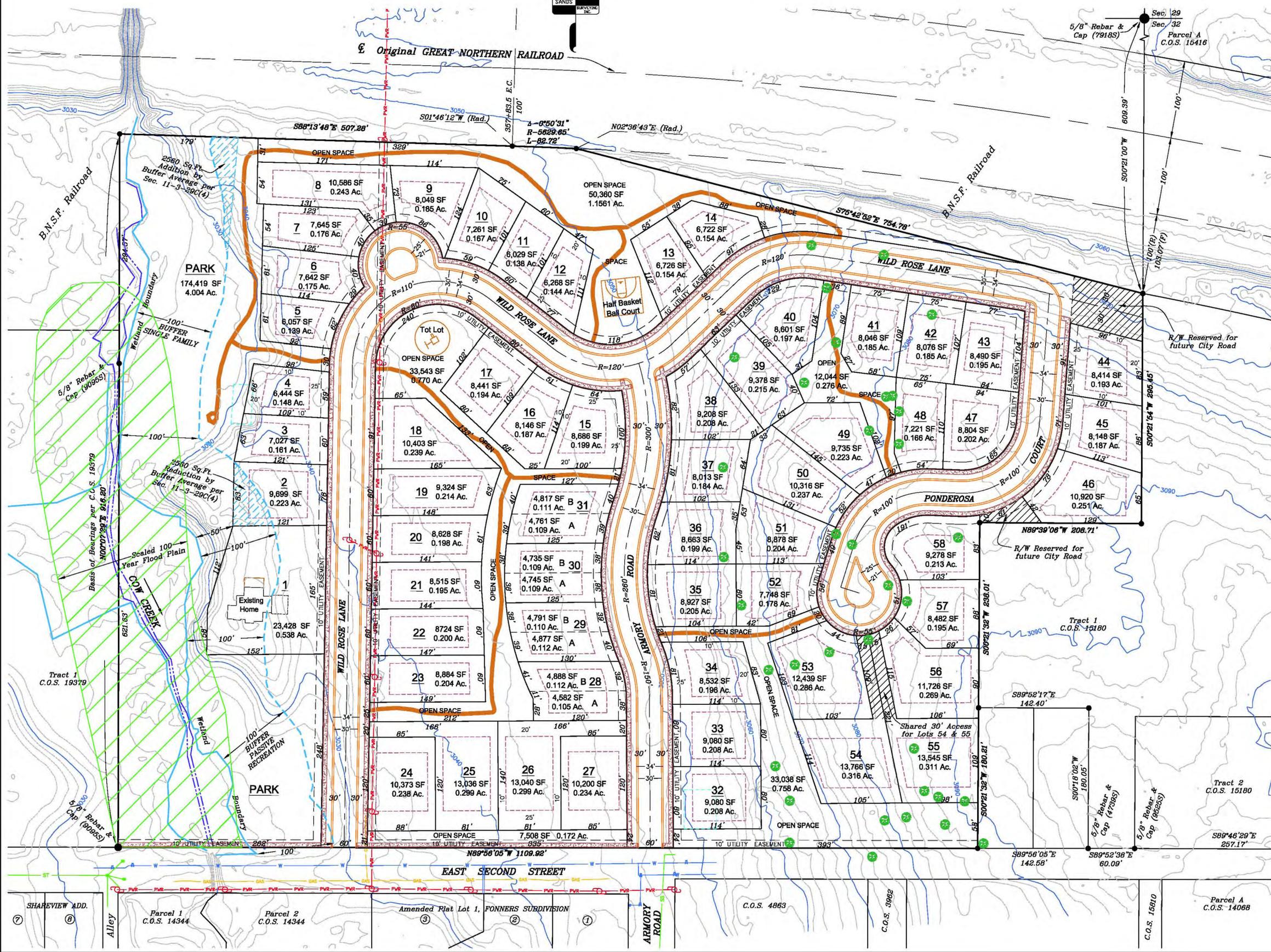
JOB NO: 392603 (in 392601.dwg)  
 DATE: DECEMBER 3, 2013  
 REVISED: February 10, 2014  
 FOR: WILL MacDONALD  
 SEAN AVERILL  
 OWNERS: WILD ROSE KNOLL, LP  
 PINE HILL, LP

# PRELIMINARY PLAT SECOND STREET RESIDENCES

IN NE1/4NW1/4 SEC.32, T.31N., R.21W., P.M.,M., FLATHEAD COUNTY, MT

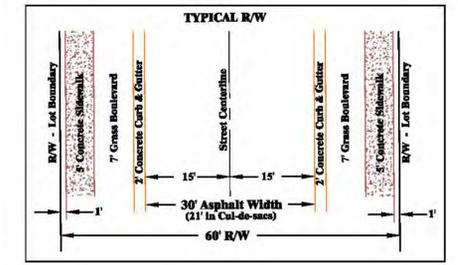
SCALE: 1" = 60'  
 60' 30' 0' 60' 120'

**RPA**  
 Robert Peckla & Associates, Inc.  
 102 Cooperative Way, Suite 300  
 Kalispell, MT 59901  
 406.752-5025 / 406.752-5024 (fax)



NOTES:  
 - Contours and photo from Flathead Basin Mapping Project 2009  
 - Datum: NAVD88  
 - Contour Interval = 2'

- LEGEND:**
- ⊙ 1/4 Corner (as noted)
  - ⊙ 1/16 Corner (as noted)
  - ⊙ Set 1/2"x24" Rebar & Cap (79765)
  - Found 5/8" Rebar & Cap (93445)
  - Found (as noted)
  - Cow Creek
  - Wetland Boundary (by RPA)
  - Buffer from Wetland Boundary
  - Power Pole
  - Large Trees located by Bruce Beady Landscape Architect  
Used hand held GPS Receiver, not survey grade quality
  - Natural Gas Line
  - Power Overhead
  - Sanitary Sewer
  - Storm Sewer
  - Water Main
  - 2' Concrete Curb & Gutter
  - 5' Concrete Sidewalk
  - 5' Pedestrian Path (Mulch)
  - 100 Year Flood Plain (scaled) Non-Detailed Study Area from FIRM Panel 30029C1090G, Effective Date 9/28/2007
  - Building Envelope  
Setbacks: Front 25'  
Side 10'  
Rear 20'



**Acres Table:**

62 LOTS	12,3414 Ac.	} 7.1369 Ac. 30% of Total
PARK	4.0035 Ac.	
OPEN SPACE	3.1334 Ac.	
ROADS	4.3112 Ac.	
<b>TOTAL PROPERTY</b>	<b>23.7895 Ac.</b>	

**Density Table by Zoning Classification:**

Zoning	Acres	Permitted Density	Permitted Density w/bonus for Affordable Housing
WR-1	6.875	4 units/acre = 28 units	7 units/acre = 48 units
WER	16.914	2 units/acre = 34 units	3 units/acre = 51 units
<b>Total</b>	<b>23.789</b>	<b>62 units</b>	<b>99 units</b>

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

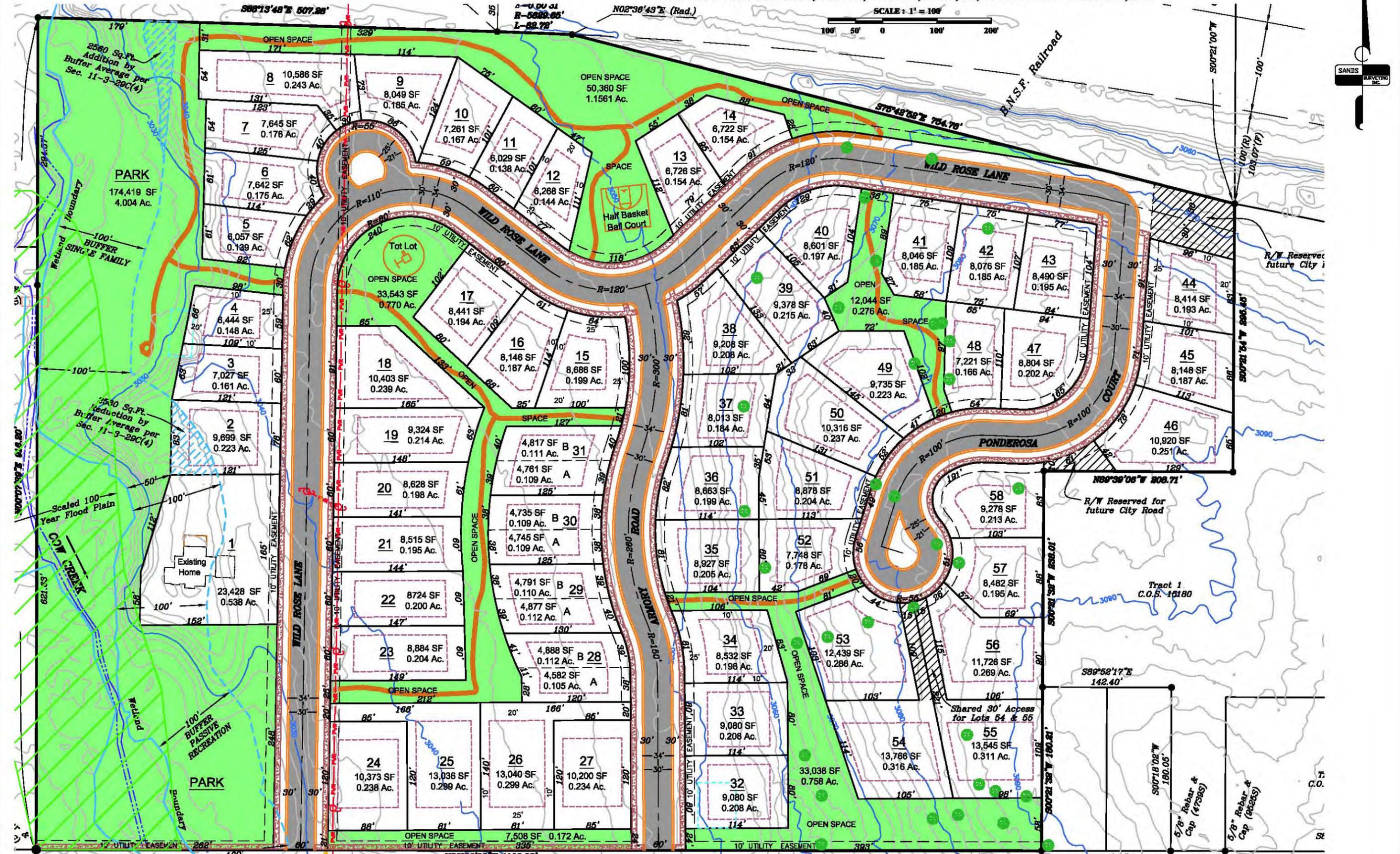
JOB NO: 392603 (In 392601.dwg)  
DATE: DECEMBER 3, 2013  
REVISED: FEBRUARY 10, 2014  
FOR: WILL MacDONALD  
SEAN AVERILL

OWNERS: WILD ROSE KNOLL, LP  
PINE HILL, LP

# SHADING PLAN for: SECOND STREET RESIDENCES

IN NE1/4NW1/4 SEC.32, T.31N., R.21W., P.M.,M., FLATHEAD COUNTY, MT

SCALE: 1" = 100'  
100' 50' 0 100' 200'



## Wendy Compton-Ring

---

**From:** Brian Roland <bproland@gmail.com>  
**Sent:** Thursday, April 17, 2014 10:44 AM  
**To:** wcompton-ring@cityofwhitefish.org  
**Subject:** Wild Rose Ln/2nd St. Subdivision

Ms. Compton-Ring,

I own a home just off of Armory Rd., near the proposed subdivision. I would have liked to write to you earlier so my letter would have been included, in whole, to the planning board. I wanted to wait so I could continue to monitor the increase in traffic going by my house due to the construction/detour of East 2nd.

I understand Whitefish is a thriving and growing community and I appreciate the developers willingness to rework the proposal after much neighborhood concern. My concern, though, is still rooted in traffic and safety of our community.

In the short time traffic has been detoured to Armory Rd., I have witnessed an uptick in vehicle's per day, speeding, and lack of courtesy to pedestrians. And as many folks know, Armory is a major pedestrian route. Women pushing strollers, unsupervised kids on bikes and skateboards going to the park, dog walkers, cyclists, and runners all use this route on a daily basis. Just last week I had to step off of the road, into the ditch on the south side of Armory as to not get run over by an impatient driver. They apparently didn't want to slow down and wait for another truck to pass by on the opposite side of the road. The car then turned onto Dodger Ln, indicating to me it was someone not used to driving on Armory and dealing with pedestrians. Most folks slow down, smile and wave. It's the ones that don't that worry me. Is it going to take a pedestrian being hit to bring this issue to light? And with the construction of a subdivision, it will bring a lot of people to the area not used to driving on Armory Rd.

That's what concerns me about this proposal. I understand the planned unit numbers are down substantially, but it will still bring an increase in traffic no matter how you paint the picture. For the developers to say the increase in traffic will have no impact on the existing roadway is way off the mark. Maybe physically the vehicles won't impact the roads themselves, but I believe it will have a major impact on the safety and quality of life for all who enjoy the narrow, shoulderless Armory Rd.

Thank you for your time and I hope this letter finds it's way to the planning board, city council, and the mayor.

Sincerely,

Brian Roland

**EXHIBIT**

8



**Whitefish County Water & Sewer District**

PO Box 1755 - Whitefish, MT 59937 - (406) 863-4820 - Fax: (406) 863-4809

April 24, 2014

Whitefish City-County Planning Board  
PO Box 158  
Whitefish, .MT 59937

RE: Community Infill Partners, LLC  
Proposed Subdivision, PUD and Zone Change Request

Dear Planning Board Members:

The Whitefish County Water & Sewer District is a government established and funded organization, which concerns itself with Whitefish Lake and Whitefish Watershed water quality issues.

We have reviewed with interest the proposed Second Street Residences. This development is in an area prone to ground water problems. It is expected that City services of water and sewer will be provided, but there remains storm water issues which will require studious attention. Also, the protection of Cow Creek from pollution with adequate setbacks, etc., must be required of the developer.

Thank you for this opportunity to review and comment on any such requests that may have an impact upon water quality in the District.

Yours truly,

  
Carl R. Denny  
President

**EXHIBIT**

9

04-28-14 P01:13 RCVD

05-15-14 P12:53 RCVD

**Robert Horne, Jr., AICP**  
**151 Wedgewood Lane**  
**Whitefish, MT 59937**  
**(406) 250-6632**  
**rhorne@appcom.net**

Whitefish City-County Planning Board  
c/o Planning & Building Department  
City of Whitefish

May 15, 2014

Via e-mail

Re: Proposed plans for Second Street Residences

Dear Planning Board members:

We are writing in support of the zone change and PUD request for the Second St. Residences. As professional urban planners, we find that the proposed plan respects the character, scale, and qualities of the surrounding Second Street, Armory Road, and Wedgewood Lane neighborhoods. We are also happy to see that this proposed plan is consistent with the Whitefish Growth Policy.

When we initially viewed this plan some two months ago, we had questions about what (if any) water quality standards would have to be met by any stormwater discharge to Cow Creek, and if a DEQ permit would be required for that discharge. We still do not have those answers and we respectfully request that the City and/or developer address them. Furthermore, the developers' original plans called for single-family homes to front onto Second Street, and it is now our understanding that direct Second Street frontage has been eliminated by the City. In our assessment, that will produce a "back door" streetscape on Second Street not unlike the backdoor treatment of Voerman Road by the Creekside residential subdivision. That treatment may be appropriate for Voerman Road, but we conclude that it is NOT appropriate for Second Street. We encourage reconsideration of direct access and frontage of homes just as we have along other segments of Second Street presently. This enhances connectivity between the residences and the street, and tends to encourage slower vehicle speeds and increased use by pedestrians and bicycles. We also encourage the City to keep pedestrian and bicycle improvements for the portion of Armory Road within city limits on the radar screen for future funding as discussed when plans for this property were reviewed last year.

We, along with scores of our neighbors, actively participated in the City's review of the three higher density plans that the developers presented last spring and summer. We objected to those plans for a number of reasons, mostly relating to density and product type. We cannot speak for anyone but ourselves of course, but the sense we get from those who spoke and wrote letters in objection to the previous plans is that they too are in support of this current plan. The plan now

under consideration by the Board represents the basic density level and product types that we had envisioned-----and hoped for-----on the Kauffman property all along.

Thank you for the opportunity to comment for the record, and we wish the developers and the City of Whitefish the best of success with this development.

Respectfully.

Robert Horne, Jr., AICP

Kate McMahon, AICP

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**PLANNING & BUILDING DEPARTMENT**  
**510 Railway Street, PO Box 158, Whitefish, MT 59937**  
**(406) 863-2410 Fax (406) 863-2409**



May 27, 2014

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

RE: Lakeshore Construction Permit for City of Whitefish at City Beach (WLP-14-W16)

Honorable Mayor and Council:

**Summary of Requested Action:** The City of Whitefish is proposing to install a trench grate and an oil/water separator (structural BMP) within the Lake and Lakeshore Protection Zone. The separator will be used to capture and treat any surface runoff from the parking lot area near City Beach and any boat bilge water prior to entering Whitefish Lake. When boats and other motorized watercraft exit the lake, it is common for the operators to drain the boats on the boat ramp while the vehicle is still inclined. The boat bilge water that is drained from the boats contains more than just lake water, including gasoline, motor oil, grease, power steering fluid, etc. This water is currently drained onto the concrete boat ramp and flows directly into Whitefish Lake. The proposed infrastructure improvements are designed to capture any boat bilge water and direct it to the structural BMP device that will remove the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage is proposed to be installed that will inform operators to not spill fuel when fueling and to ensure that any boat bilge water is captured by the trench grate. The water will be collected via a trench drain that will be installed on the boat ramp. This trench drain shall be installed above the high water elevation of Whitefish Lake. The existing concrete ramp will be cut and the trench installed. From the trench drain, the water will be directed to the oil/water separator. A tee will be installed with valves that will allow the City to by-pass the separator during the off-season and allow for flow to be discharged to the Lake. It is anticipated that this by-pass could be used during the winter months. The separator will use coalescing media to efficiently remove freely dispersed oil and other liquid pollutants from runoff and other discharges. The maintenance of the system can be completed by the City utilizing their vacuum truck to clean out the manhole/vault. The coalescence element requires cleaning by spraying clean water with a hose and can be done in the vault or by removing it.

**Lakeshore Protection Committee Recommendation:** The Whitefish Lake and Lakeshore Protection Committee met on May 14, 2014 and considered the request. Following staff's presentation and public comment, the Committee moved and seconded to recommend approval of the above referenced lakeshore construction permit. However the motion failed 2-6 and the permit recommendation was denial. (Gunderson and Peschel were in approval.)

The main concerns of the Committee were the overall operation of the separator, how it would be buried underground, if it would be submerged during high-water events, if the outflow pipe is solid or perforated, the number of days it takes for the concrete to cure completely, moving the project location further above the high water elevation, how many people actually drain their boats at the city ramp, and the potential for the project to be installed in the fall instead of immediately.

**Planning & Building Department Recommendation:** Staff recommends approval of the above referenced lakeshore construction permit with twelve (12) conditions set forth in the attached staff report.

**Public Hearing:** Mike Koopal with the Whitefish Lake Institute commented during the meeting on the proposed project. His concerns were regarding if the separator would treat the lighter gasoline products as well as the heavier products. He recommended the exit line extend perpendicular to the lake so the water would enter the dry zone instead of the wet zone of the lake. This may allow certain products to evaporate instead of enter back into the water.

The draft minutes for this item are attached as part of this packet. Additionally, updated project plans and an email from RPA addressing the Lakeshore Protection Committee's concerns are attached. Ryan Mitchell from RPA will be in attendance at the June 2<sup>nd</sup> meeting to address any concerns the Council may have on the proposed project.

This item has been placed on the agenda for your regularly scheduled meeting on June 2, 2014. Should Council have questions or need further information on this matter, please contact the Public Works Department or the Planning & Building Department.

Respectfully,



Bailey Minnich, CFM  
Planner II

Att: Exhibit A: Recommended Conditions of Approval  
Staff Report – WLP-14-W16, 6-2-14  
Draft Minutes of 5-14-14 Lakeshore Protection Committee Meeting  
Email from RPA addressing Committee concerns, 5-22-14  
Revised Project Site Plans, May 2014  
Comments received after 5-7-14

***Exhibits from 5-8-14 Lakeshore Protection Committee Packet***

1. Staff Report – WLP-14-W16, 5-7-14

***The following were submitted by the applicant:***

2. Application for Lakeshore Construction Permit, 5-2-14
3. Cover Letter from RPA, 12-13-13
4. Site Plans, April 2013

c: w/att      Necile Lorang, City Clerk

c: w/o att     Karin Hilding, City of Whitefish Public Works  
                  Ryan Mitchell, RPA

**Exhibit A**  
**CITY OF WHITEFISH**  
**WLP-14-W16**  
**Recommended Conditions of Approval**  
**MAY 27, 2014**

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79'.
3. The proposed project location specified on the application project drawing shall not be modified. Changes or modifications to increase any dimension or alter the proposed project must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Concrete may be utilized only where structural strength and location dictate no other alternative.
7. Wet concrete shall not be poured into or allowed to come in contact with the lake.
8. For all construction and projects in the lakeshore protection zone, sedimentation in the lake shall be minimized to the greatest extent possible, as a protection for aquatic habitat and water quality.
9. Any material which is excavated from the lakeshore shall be removed entirely from the lake and lakeshore protection zone and deposited in such a manner so as to prohibit reentry of the material into the lake.
10. Any construction activity which will affect the lakeshore protection zone shall incorporate all necessary means to prevent pollution of the lake, including erosion, sediment, and storm runoff controls.
11. The use of mechanical equipment within the lakeshore protection zone is permitted only if the equipment does not come in contact with the lake, expose silts or fine materials, or gouge, rut, or otherwise damage the lakeshore.
12. The lakeshore shall be immediately restored to its condition prior to construction. All equipment tracks shall be raked or otherwise removed by hand.

**CITY OF WHITEFISH  
WHITEFISH LAKE LAKESHORE PERMIT  
STAFF REPORT #WLP-14-W16  
JUNE 2, 2014**

<b>Property Owner:</b>	City of Whitefish
<b>Mailing Address:</b>	P.O. Box 158 Whitefish, MT 59937
<b>Applicant:</b>	John Wilson, Public Works Director
<b>Mailing Address:</b>	P.O. Box 158 Whitefish, MT 59937
<b>Telephone Number:</b>	406.863.2455
<b>Property Legal Description:</b>	Whitefish City Beach, Section 25, Township 31 North, Range 22 West
<b>Property Address:</b>	Adjacent to Oregon Avenue
<b>Lake:</b>	Whitefish Lake
<b>Lake Frontage:</b>	840'
<b>Project Description:</b>	Install a trench grate and an oil/water separator (structural BMP) within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to install a trench grate and a superior oil/water separator (structural BMP) within the Lake and Lakeshore Protection Zone. The separator will be used to capture and treat any surface runoff from the parking lot area near City Beach and any boat bilge water prior to entering Whitefish Lake. When boats and other motorized watercraft exit the lake, it is common for the operators to drain the boats on the boat ramp while the vehicle is still inclined. The boat bilge water that is drained from the boats contains more than just lake water, including gasoline, motor oil, grease, power steering fluid, etc. This boat bilge water currently is drained onto the concrete boat ramp and flows directly into Whitefish Lake. The proposed infrastructure improvements are designed to capture any boat bilge water and direct it to the structural BMP device that will remove the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage is proposed to be installed that will inform operators to not spill fuel when fueling and to ensure that any boat bilge water is captured by the trench grate.

The surface runoff and boat bilge water will be collected via a trench drain that will be installed on the boat ramp. This trench drain shall be installed above the high water elevation of Whitefish Lake. The existing concrete ramp will be cut and the trench installed. From the trench drain, the water will be directed to the oil/water separator. A tee will be installed with valves that will allow the City to by-pass the separator during the off-season and allow for flow to be discharged to the Lake. It is anticipated that this by-pass could be used during the winter months. The separator will use coalescing media to efficiently remove freely dispersed oil and other liquid pollutants from runoff and other discharges. The maintenance of the system can be completed by the City utilizing their vacuum truck to clean out the manhole/vault. The coalescence element requires cleaning by spraying clean water with a hose and can be done in the vault or by removing it.

Frontage and allowable constructed area: The subject property has approximately 840 feet of lakeshore frontage, and is eligible for 6,720 square feet of constructed area.

Existing Constructed Area: There is an existing concrete boat ramp and paved roadway permitted under WLP-04-W01 and a floating dock approximately 960 square feet permitted under WLP-12-W02 located within the Lakeshore Protection Zone.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, General Construction Standards of the Whitefish Lake and Lakeshore Regulations.

**Recommendation:** Staff recommends that the Whitefish City Council approve the requested lakeshore construction permit subject to the following conditions.

**Recommended Conditions of Approval:**

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed project location specified on the application project drawing shall not be modified. Changes or modifications to increase any dimension or alter the proposed project must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Concrete may be utilized only where structural strength and location dictate no other alternative.
7. Wet concrete shall not be poured into or allowed to come in contact with the lake.
8. For all construction and projects in the lakeshore protection zone, sedimentation in the lake shall be minimized to the greatest extent possible, as a protection for aquatic habitat and water quality.
9. Any material which is excavated from the lakeshore shall be removed entirely from the lake and lakeshore protection zone and deposited in such a manner so as to prohibit reentry of the material into the lake.
10. Any construction activity which will affect the lakeshore protection zone shall incorporate all necessary means to prevent pollution of the lake, including erosion, sediment, and storm runoff controls.
11. The use of mechanical equipment within the lakeshore protection zone is permitted only if the equipment does not come in contact with the lake, expose silts or fine materials, or gouge, rut, or otherwise damage the lakeshore.

12. The lakeshore shall be immediately restored to its condition prior to construction. All equipment tracks shall be raked or otherwise removed by hand.

Report by: Bailey Minnich

**WHITEFISH LAKESHORE PROTECTION COMMITTEE**  
**MINUTES OF May 14, 2014**

The meeting was called to order at 6:00pm by Chairman Herb Peschel.

***MEMBERS PRESENT:***

- Herb Peschel, Ron Hauf, Greg Gunderson, Jeff Jensen (via phone), Sharon Morrison, Joe Malletta, Scott Ringer and Koel Abell. Bailey Minnich of the Whitefish Planning Office was also present.

***MEMBERS ABSENT:*** none

***ADDITIONS/CORRECTIONS TO TONIGHT'S AGENDA:*** none

***GENERAL PUBLIC COMMENT:***

- Jim Stack – mentioned that there have been questions regarding the lakeshore regulations in previous meetings and that Staff or the committee can email or call him to find out what was interpreted in the past. There has also been a video of the lakeshore completed years ago that could be used in certain instances if needed. One question which has been raised is why canopies are included in the constructed surface area. He explained that it is because of the criteria in the regulations which evaluates if the use creates a visual impact discordant with natural scenic values. He discussed the Whitefish Lake Lodge variance request and his concerns on the proposal creating a precedence if approved. However, the main reason he was present at the meeting was to discuss the potential occurrence of high water on Whitefish Lake due to the above average snowpack. He expressed concern on how fast the lake water could rise, and potential issues with wake boats doing damage to the shoreline. Discussion was held regarding what agency may be the best to contact regarding this situation. Staff will discuss possible options with Fish, Wildlife & Parks and the City Attorney. Also discussed past situations where temporary shoreline protection was permitted if no modifications to the shoreline were made. Some examples include tarps, sandbags, etc. If a situation arises for a property owner on the lake, they should contact staff to discuss possible options.
- Mike Koopal, Whitefish Lake Institute – there is a perception going around that he recommended approval of the Whitefish Lake Lodge major variance application and he wanted to make it clear that the Institute only assists with questions, not give opinions. In the future he can give written comments if the Committee would like. Also, he mentioned that the Institute now has real time water information with their new gauge for every 30 minutes. It is located near the Whitefish Lake Lodge property.
- Bruce Boody, Bruce Boody Landscape Architects – wanted to follow up on Jim Stack's comments regarding high water damage. Discussed possibly putting up signs during high water for boat owners informing them that wakes can create damage. Maybe the public doesn't know what they are doing, or it is people from out of town causing problems. Discussed a possible fact sheet or brochure to give out to boat owners or other

ways to increase public awareness about potential issues.

***ADOPTION of MINUTES from LAST MEETING:***

- Minutes of April 9, 2014 were reviewed; moved to adopt by Ron Hauf, seconded by Sharon Morrison. All in favor and motion carried.

***NEW BUSINESS***

**WLP-14-W15 – Rob Isackson – Dock, Shore Station**

[Present: none]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 875, 883, and 889 Delrey Road at the end of Whitefish Lake. The application is for the installation of a shared floating ‘T’ shaped EZ dock and a shore station with a canopy. The dock would extend 59 feet out into the lake and be placed in the middle of the subject property. The dock, shore station canopy, and existing stairs would equal 1590.36 square feet of constructed area. Since the subject property has a combined lakeshore frontage of 355 feet, the property owner can apply for a shared dock between the three lots. The total property is eligible for 2,840 square feet of constructed area. Following staff’s presentation, the board discussed the submitted application and differences between the dock calculations. It was discussed that Staff contact the applicant about future submittals and making sure the plans and dimensions specified on the application match the actual dimensions. Also discussed were the shared dock standards and the deviations allowed under those standards.

*Motion:*

- Scott Ringer moved to recommend approval of the permit application. Ron Hauf seconded. No further discussion. Motion was approved unanimously 8-0.

**WLP-14-W16 – City of Whitefish – City Beach Boat Bilge Pump Separator**

[Present: Mike Koopal, Whitefish Lake Institute for public comment]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at City Beach off Oregon Avenue. The application is for the installation of a trench grate and oil/water separator (structural BMP) adjacent to the boat ramp at City Beach. Staff explained that the separator will be used to capture and treat any surface runoff from the parking lot area and any boat bilge water prior to entering Whitefish Lake. The boat bilge water currently is drained onto the concrete boat ramp and flows directly into Whitefish Lake. The proposed improvements will direct the water into the device to removal the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage is proposed to be installed to ensure any water is captured by the trench grate. Mike Koopal from the Whitefish Lake Institute stated his comments/concerns were regarding if the separator would treat the lighter gasoline products as well as the heavier products. He recommended the exit line extend perpendicular to the lake so the water would enter the dry zone instead of the wet zone of the lake. This may allow certain products to evaporate instead of enter back into the water. Following staff’s presentation and public comment, the board discussed the submitted application. Concerns were raised regarding the operation of the separator, if it would be buried underground and potentially

submerged during high-water events, if the outflow pipe is solid or perforated, the installation of signage, and the number of days it may take for the concrete to cure completely.

*Motion:*

- Greg Gunderson moved to recommend approval of the permit application. Ron Hauf seconded. Further discussion followed regarding requesting additional information for the City Council, moving the project in the lakeshore protection zone further above the high water elevation, possible wordage of the signage, the potential for the project to be installed in the fall instead of immediately, how many people actually drain their boats at the ramp, the possibility of tabling the application until the next meeting, and potential recommended conditions. Motion was denied 2-6.

**WLP-14-W17 – Jackson Trust LLC – Dock, Waterline, Stairs, Lawn Removal**

[Present: Bruce Boody, Applicant's Representative]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 2532 E. Lakeshore Drive. The application is for the installation of a 'F' shaped EZ dock, a waterline and pump, the construction of dry-set stone stairs, and to remove a portion of an existing lawn within the Lakeshore Protection Zone. Following staff's presentation, the Board discussed the amount of shoreline frontage for each individual lot, the status of each property connected to City sewer, the status of the applicant's water right application to the DNRC, and the reasoning for the applicant requesting the maximum amount of dock extension into the lake.

*Motion:*

- Ron Hauf moved to recommend approval of the permit application. Sharon Morrison seconded. No further discussion. Motion was approved unanimously 8-0.

**WLP-14-W18 – Jackson Trust LLC – Dock, Waterline, Stairs, Lawn Removal**

[Present: Bruce Boody, Applicant's Representative]

*Discussion:*

Staff began with a presentation of the proposed project and draft lakeshore permit report. The property is located at 2530 E. Lakeshore Drive. The application is for the installation of an 'E' shaped EZ dock, a waterline and pump, the construction of dry-set stone stairs, and to remove a portion of an existing lawn within the Lakeshore Protection Zone. Following staff's presentation the Board discussed the amount of constructed area existing for the property and the existing satellite dish. It was determined that the satellite dish was not a grandfathered structure and therefore is not permitted within the Lakeshore Protection Zone. The Board discussed adding a condition for the removal of the satellite dish. Also discussed was the dock size, and the actual dimensions versus the project drawing. The applicant stated they will use the actual dock dimensions to make sure the dock is compliant with the permit if approved.

*Motion:*

- Sharon Morrison moved to recommend approval of the permit application. Scott Ringer seconded. Further discussion followed with an amendment to the motion to recommend the addition of a condition requiring the removal of the existing satellite dish from the

Lakeshore Protection Zone. Motion was approved unanimously 8-0.

***OLD BUSINESS***

Staff discussed possible ways to send the committee members the upcoming meeting packets. Staff will place the packets in the Dropbox folder and also on the City of Whitefish website in case members have issues.

***ADJOURNMENT***

Motion to adjourn the meeting was moved and seconded. All approved and motion passed. The meeting was adjourned at 7:30 pm.

**NEXT MEETING**

**June 11<sup>th</sup>, 2014 \* 6:00pm  
Whitefish Planning & Building Office  
510 Railway Street – Whitefish, MT**

DRAFT

## Bailey Minnich

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**From:** Ryan Mitchell <Ryan@RPA-KAL.COM>  
**Sent:** Thursday, May 22, 2014 5:22 PM  
**To:** Karin Hilding (khilding@cityofwhitefish.org); Baily Minnich  
**Cc:** Ryan Mitchell; Ian Wargo  
**Subject:** WF Storm - City Beach Boat Bilge

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Karin & Baily:

As a follow-up to our meeting today, I wanted to address a few of the comments that were received regarding the Lake and Lake Shore Permit for this project:

1. Mike Koopal's comment regarding installing a perforated pipe on the outlet. I agree with and we will add this to the design.
2. Mike Koopal's comment regarding colored concrete. I would recommend not installing colored concrete. Our experience is that colored concrete spalls and disintegrates much faster than regular concrete. The slotted trench drain will provide a good visual for individuals.
3. Mike Koopal's comment regarding sign placement and additional signs. I agree with and we will add this into the final plans.
4. Comment regarding 28-day concrete cure time. Concrete cures and is ready for traffic within no more than 7-days. Engineers specify concrete based on a 28-day strength, which is a standard testing of concrete.
5. Comment regarding construction timing. The PWD had hoped to get this installed prior to the boating season in 2014, but as of now this will be a fall 2014 project.

I will be at the June 2<sup>nd</sup>, 2014 Council Meeting and available to answer any additional questions.

Thanks,



**Ryan E. Mitchell, PE, PLS | Office Manager**

Robert Peccia & Associates Inc. | PO Box 5100 | Kalispell, MT 59903

406.752.5025 | 406.752.5024 (fax) | [ryan@rpa-kal.com](mailto:ryan@rpa-kal.com)

<http://www.rpa-hln.com>

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# CITY OF WHITEFISH STORMWATER PROJECT

## City Beach Boat Ramp



RYAN E. MITCHELL, P.E., P.L.S.

Prepared for  
City of Whitefish, Montana



Prepared by  
Robert Peccia & Associates  
Kalispell, Montana

Designed By: Brandon M. Theis, P.E.  
Drawn By: Mark Rogers  
Checked By: Ryan Mitchell, P.E., P.L.S.  
Approved By: Keith Jensen, P.E.

Project Number: 13117.000  
Date: May 2014

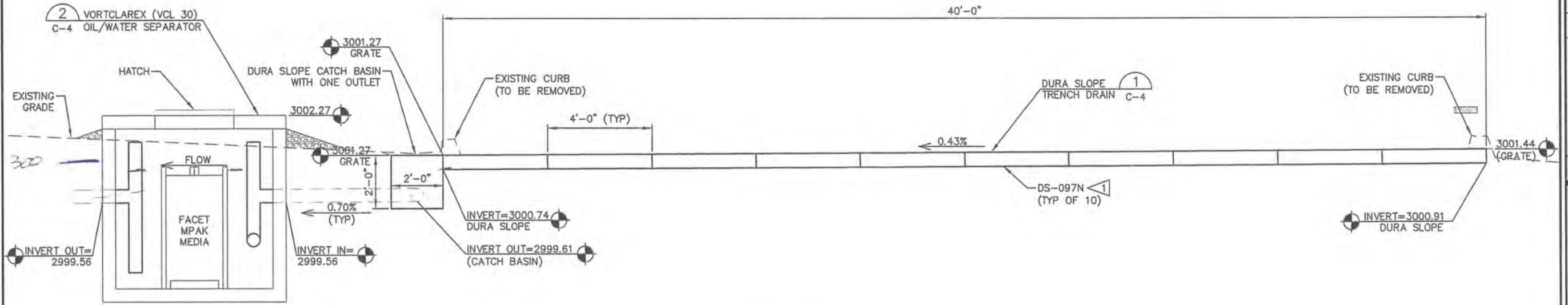
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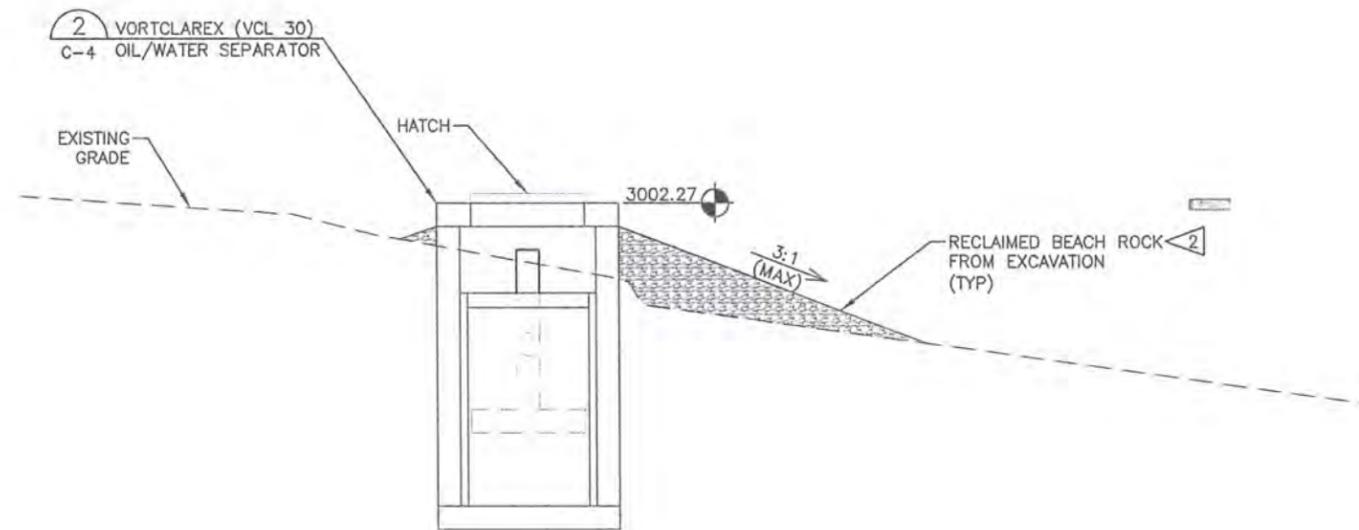


**NOTES:**

- 1 DURA SLOPE PART NUMBER WITH NEUTRAL SLOPE.
- 2 ~1.3 CUBIC YARDS OF RECLAIMED BEACH ROCK NEEDED TO BACKFILL VORTCLAREX SEPARATOR.



**SECTION-A**



**SECTION-B**

SYN	REVISION	BY	DATE
	PRELIMINARY		
	NOT FOR CONSTRUCTION		

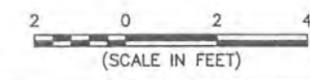
  

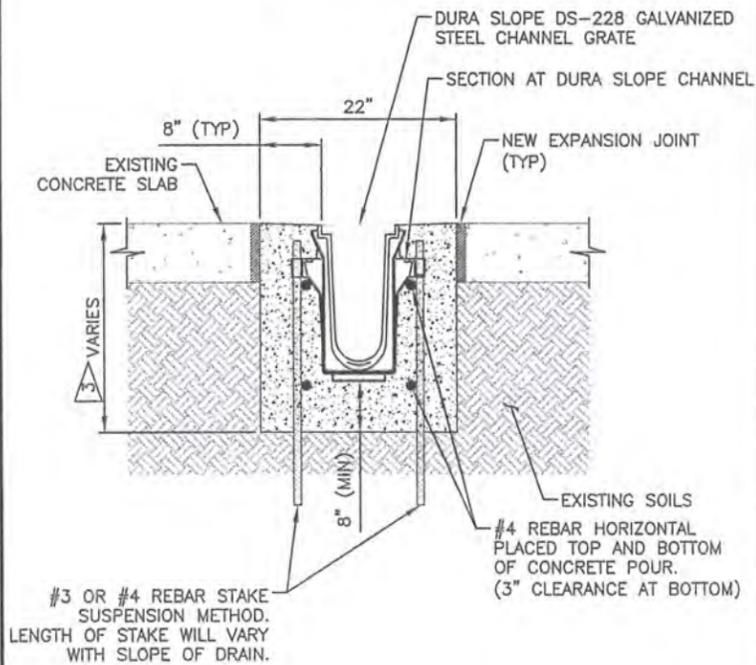
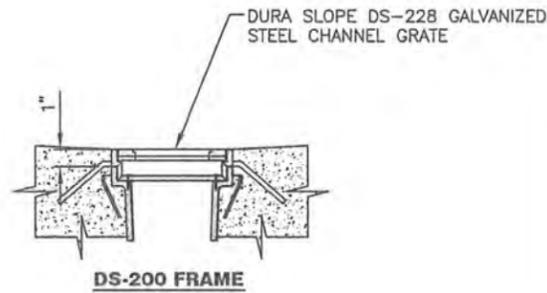
DESIGNED BY	DATE
DRAWN BY	PROJECT NO.
CHECKED BY	FILE

PROJECT TITLE  
**CITY OF WHITEFISH  
STORMWATER PROJECT**  
Whitefish, Montana

SHEET TITLE  
**SECTIONS**

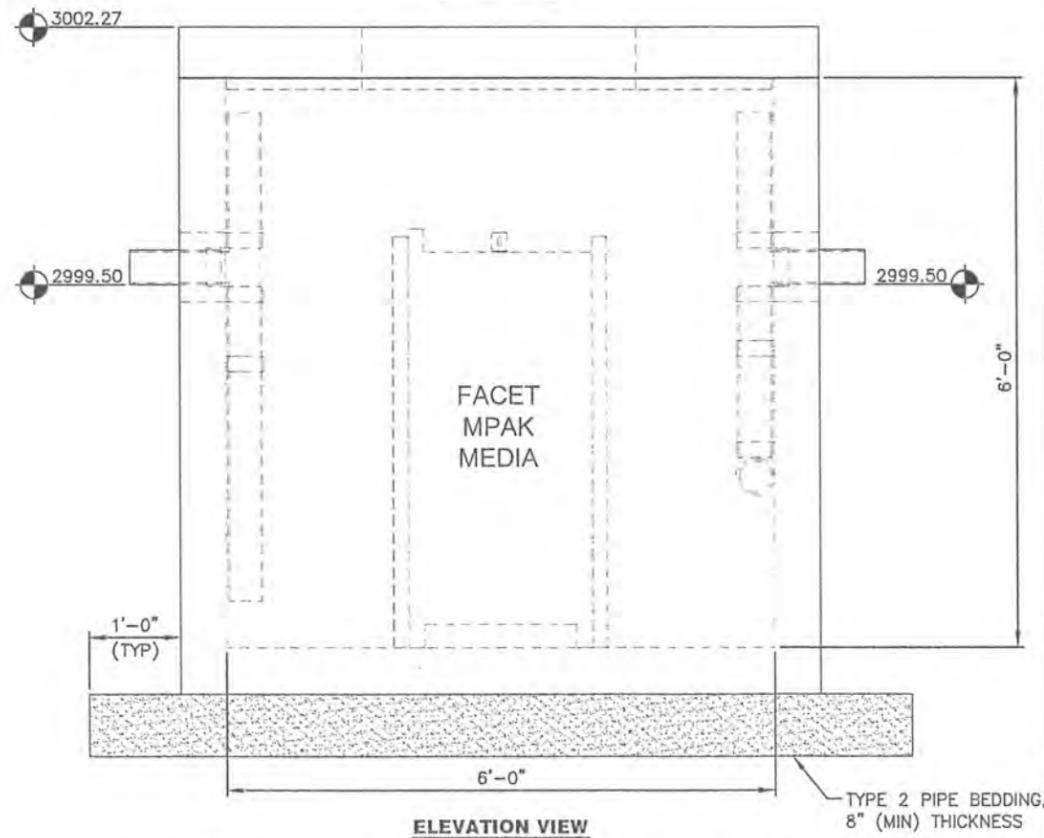
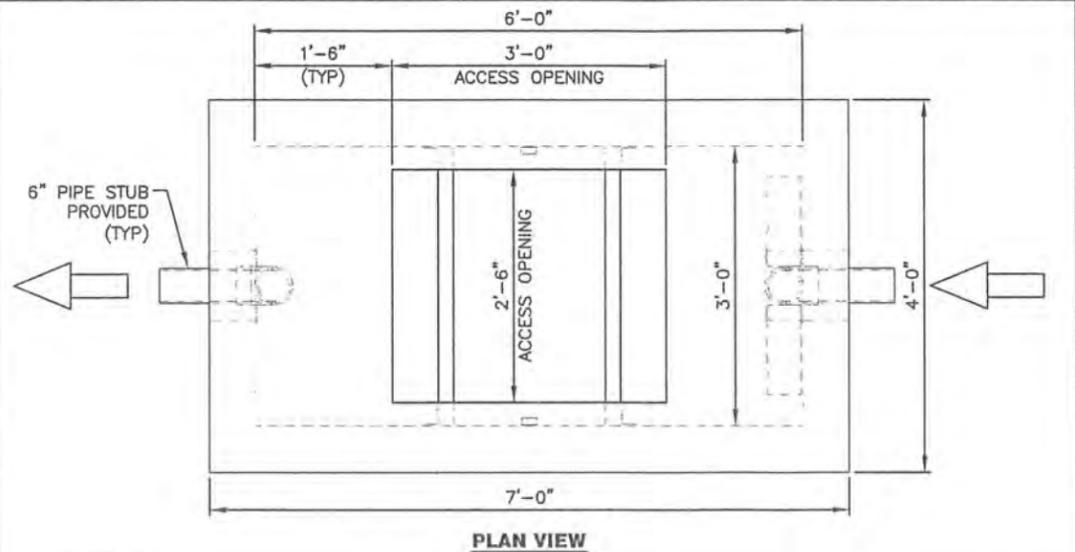
SHEET  
**C-3**





**NOTES:**

- CHANNELS TO BE INSTALLED WITH GRATE. GRATE TO BE PROTECTED FROM CONCRETE POUR (COVER HOLES WITH TAPE).
- SET TRENCH DRAIN IN CHANNEL SURROUNDED BY 8" OF CONCRETE. CONCRETE SLAB WITH A MINIMUM OF 3,500 PSI. AVOID FULL LOAD TRAFFIC FOR 28 DAYS OR UNTIL CONCRETE HAS COMPLETELY CURED.
- TRENCH DEPTH VARIES WITH SLOPE OF TRENCH.



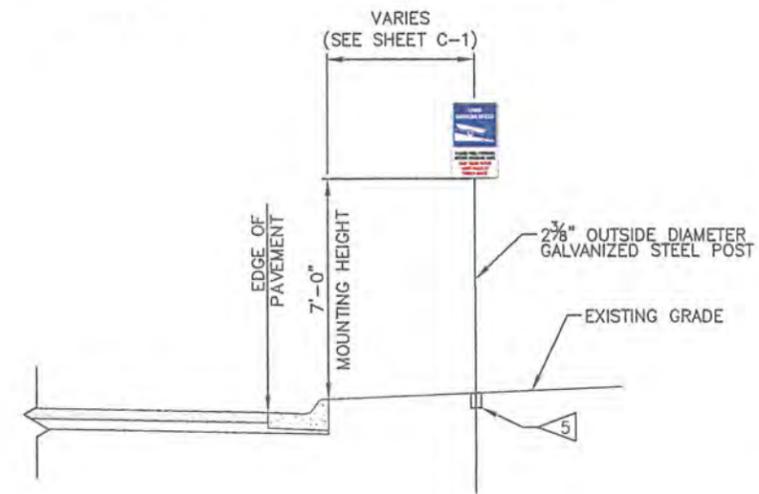
**VORTCLAREX (VCL 30) OIL/WATER SEPARATOR**

SCALE: NONE

C-2 - C-3

**NOTES:**

- FLOWLINE IN AND OUT OF THE VORTCLAREX ARE THE SAME ELEVATION.
- MANUFACTURER SHALL BE RESPONSIBLE FOR INSTALLATION OF INTERNAL COMPONENTS.
- VAULT IS DESIGNED TO MEET HS20 MINIMUM LOAD REQUIREMENTS.
- RECTANGULAR HATCH SUPPLIED WITH SYSTEM (NOT INSTALLED).
- HATCH RISERS, GRADE RINGS OR BLOCK REQUIRED BETWEEN THE TOP OF THE VORTCLAREX SYSTEM AND BASE OF THE HATCH (NOT SUPPLIED BY MANUFACTURER).
- CONTRACTOR TO CONNECT THE PROVIDED PIPE STUB TO THE EXTERNAL PIPE BY MEANS OF A COUPLER (NOT SUPPLIED BY MANUFACTURER).
- VORTCLAREX BY CONTECH STORMWATER SOLUTIONS, PORTLAND, OR - (866) 740-3318



**NOTES:**

- ALL SIGN BLANKS SHALL BE .080 GAUGE FLAT ALUMINUM STOCK.
- ALL SIGN MATERIALS AND CONSTRUCTION PROCEDURES SHALL CONFORM TO THE 'STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION,' 2006 EDITION, DISTRIBUTED BY THE MONTANA DEPARTMENT OF TRANSPORTATION (MDT).
- SEE MDT STANDARD DRAWING 619-16 FOR ADDITIONAL MOUNTING DETAILS.
- UNIFORM MANUAL NUMBERS ARE REFERENCED TO THE 'MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES' BY THE FEDERAL HIGHWAYS ADMINISTRATION.
- CONTRACTOR SHALL USE V-LOC 23-VR4 (034-00113), OR APPROVED EQUAL. (INSTALL PER MANUFACTURE'S RECOMMENDATIONS)
- CONTRACTOR SHALL BE PAID PER EACH "SIGN" INSTALLED. A "SIGN" IS DEFINED BY EACH POLE INSTALLED WITH SIGN(S). REGARDLESS OF THE NUMBER OF SIGNS INSTALLED ON THE POLE.

REVISION	BY	APPR.	DATE

**PRELIMINARY NOT FOR CONSTRUCTION**

DESIGNED BY	M. Rogers
DRAWN BY	R. Mitchell
CHECKED BY	
DATE	May 2014
PROJECT NO.	13117.000
SITE	CBS
FILE	

**CITY OF WHITEFISH STORMWATER PROJECT**  
Whitefish, Montana

**DETAILS**

**C-4**

C:\Users\jrobert\OneDrive\Documents\Projects\2014\Stormwater\Drawings\DWG\Sheet C-4.dwg, Date: 05/14/2014, 10:48:34 AM

## Bailey Minnich

---

**From:** Jim Stack <jsls@centurytel.net>  
**Sent:** Wednesday, May 14, 2014 10:54 AM  
**To:** 'Bailey Minnich'  
**Subject:** Structural BMP for City Beach

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Bailey,

In an extreme year, the Whitefish Lake level can exceed MHW by up to 2' (I think 30" is max), which means the BMP separator vault and filter media will be submerged for up to several weeks in early-to-mid June. You might want to confirm there is no problem with that.

Jim

P.S. REALLY like the permits, agenda and minutes now being available on the City website rather than through dropbox.

## Bailey Minnich

---

**From:** Mike Koopal <mike@whitefishlake.org>  
**Sent:** Tuesday, May 06, 2014 12:00 PM  
**To:** 'Chuck Stearns'; 'John Muhlfeld'; 'John Muhlfeld'  
**Cc:** 'Pam Barberis'; 'John Wilson'; 'Hilding, Karin'; 'Parks and Recreation Director'; 'Jason'; 'David Taylor'; 'Bailey Minnich'; lori@whitefishlake.org; josh@whitefishlake.org  
**Subject:** RE: Report and Design for City Beach bilge trench drain and treatment system  
**Attachments:** CityBeachDrainageMessaging\_MK.docx; WLI-LOGO\_BIG.jpg

Chuck,

WLI would like to thank the City for responding to our 2007 study by providing the engineered solution to protect water quality and public health at City Beach. We have the following suggestions related to the RPA tech memo for your consideration;

- 1) Whereas the effectiveness of the VortClarex appears good for oil droplets, it's unclear on its efficacy for BTEX. BTEX are highly soluble so the concern would be flow through with only partial treatment. Ideally the VortClarex would be vented to the atmosphere but we can see that being an issue at the beach. As a suggestion, if the outlet pipe from the VortClarex were extended perpendicularly to the boat ramp, rather than a quick 90 degree turn towards the lake, effluent would have increased contact time in the vadose zone. Literature suggests that approximately 60% of benzene tends to separate into the vapor phase in the vadose zone. Perhaps a perforated outlet pipe would be of benefit to maximize this area.
- 2) The concrete that will be poured to support the trench drain should be colored to assist the user in understanding the trench grate location. The color chosen should be consistent with what is used on the signage.
- 3) We suggest not placing new signs near the existing AIS signage near the hovercraft garage but on the other side where traffic is pulling in and is often waiting in line to launch. This will prep them while they have idle time.
- 4) See attached for conceptual signage suggestions. There may be a chance to combine the two signs into one. Also, if acceptable, we would like to have our logo on the signs as a project partner- also attached.

Thanks,  
Mike

---

**From:** Chuck Stearns [<mailto:cstearns@cityofwhitefish.org>]  
**Sent:** Friday, May 02, 2014 11:04 AM  
**To:** 'John Muhlfeld'; 'John Muhlfeld'; 'Koopal, Mike'  
**Cc:** 'Pam Barberis'; 'John Wilson'; 'Hilding, Karin'; 'Parks and Recreation Director'; 'Jason'; 'David Taylor'; 'Bailey Minnich'  
**Subject:** Report and Design for City Beach bilge trench drain and treatment system

John and Mike: (cc: Pam Barberis, John Wilson, Jason Loveless, Dave T, Bailey M)

I signed an application for a Lake and Lakeshore Permit today for the proposed bilge trench drain and treatment system at City Beach for a system to catch and treat boat bilge water and other storm water. I know both of you have been very interested in this project, so as soon as I saw the permit application and report, I wanted to get it to each of you. Please look over the attached report and let John Wilson or Karin Hilding know of any concerns. I am thinking the permit application will be at the Lake and Lakeshore Protection Committee meeting for their May 14<sup>th</sup> meeting, so if you can let us know of any concerns you have next week, we could try to make any adjustments before the meeting.

I will also put it in my Manager's Report for the May 19<sup>th</sup> meeting so all the Council (and public) can see the report.

Chuck Stearns  
City Manager  
City of Whitefish  
P.O. Box 158  
418 E. 2<sup>nd</sup> Street  
Whitefish, MT 59937-0158  
406-863-2406  
Fax 406-863-2419



**CITY OF WHITEFISH  
WHITEFISH LAKE LAKESHORE PERMIT  
STAFF REPORT #WLP-14-W16  
MAY 7, 2014**

<b>Property Owner:</b>	City of Whitefish
<b>Mailing Address:</b>	P.O. Box 158 Whitefish, MT 59937
<b>Applicant:</b>	John Wilson, Public Works Director
<b>Mailing Address:</b>	P.O. Box 158 Whitefish, MT 59937
<b>Telephone Number:</b>	406.863.2455
<b>Property Legal Description:</b>	Whitefish City Beach, Section 25, Township 31 North, Range 22 West
<b>Property Address:</b>	Adjacent to Oregon Avenue
<b>Lake:</b>	Whitefish Lake
<b>Lake Frontage:</b>	840'
<b>Project Description:</b>	Install a trench grate and an oil/water separator (structural BMP) within the Lakeshore Protection Zone.

Proposal: The applicant is proposing to install a trench grate and a superior oil/water separator (structural BMP) within the Lake and Lakeshore Protection Zone. The separator will be used to capture and treat any surface runoff from the parking lot area near City Beach and any boat bilge water prior to entering Whitefish Lake. When boats and other motorized watercraft exit the lake, it is common for the operators to drain the boats on the boat ramp while the vehicle is still inclined. The boat bilge water that is drained from the boats contains more than just lake water, including gasoline, motor oil, grease, power steering fluid, etc. This boat bilge water currently is drained onto the concrete boat ramp and flows directly into Whitefish Lake. The proposed infrastructure improvements are designed to capture any boat bilge water and direct it to the structural BMP device that will remove the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage is proposed to be installed that will inform operators to not spill fuel when fueling and to ensure that any boat bilge water is captured by the trench grate.

The surface runoff and boat bilge water will be collected via a trench drain that will be installed on the boat ramp. This trench drain shall be installed above the high water elevation of Whitefish Lake. The existing concrete ramp will be cut and the trench installed. From the trench drain, the water will be directed to the oil/water separator. A tee will be installed with valves that will allow the City to by-pass the separator during the off-season and allow for flow to be discharged to the Lake. It is anticipated that this by-pass could be used during the winter months. The separator will use coalescing media to efficiently remove freely dispersed oil and other liquid pollutants from runoff and other discharges. The maintenance of the system can be completed by the City utilizing their vacuum truck to clean out the manhole/vault. The coalescence element requires cleaning by spraying clean water with a hose and can be done in the vault or by removing it.

Frontage and allowable constructed area: The subject property has approximately 840 feet of lakeshore frontage, and is eligible for 6,720 square feet of constructed area.

Existing Constructed Area: There is an existing concrete boat ramp and paved roadway permitted under WLP-04-W01 and a floating dock approximately 960 square feet permitted under WLP-12-W02 located within the Lakeshore Protection Zone.

Conclusion: The proposed work complies with all requirements, most specifically Section 13-3-1, General Construction Standards of the Whitefish Lake and Lakeshore Regulations.

**Recommendation:** Staff recommends that the Whitefish Lakeshore Protection Committee recommend approval of the requested lakeshore construction permit to the Whitefish City Council subject to the following conditions.

**Recommended Conditions of Approval:**

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lakeshore and all land within 20 horizontal feet of the average high water line at elevation 3,000.79’.
3. The proposed project location specified on the application project drawing shall not be modified. Changes or modifications to increase any dimension or alter the proposed project must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. Concrete may be utilized only where structural strength and location dictate no other alternative.
7. Wet concrete shall not be poured into or allowed to come in contact with the lake.
8. For all construction and projects in the lakeshore protection zone, sedimentation in the lake shall be minimized to the greatest extent possible, as a protection for aquatic habitat and water quality.
9. Any material which is excavated from the lakeshore shall be removed entirely from the lake and lakeshore protection zone and deposited in such a manner so as to prohibit reentry of the material into the lake.
10. Any construction activity which will affect the lakeshore protection zone shall incorporate all necessary means to prevent pollution of the lake, including erosion, sediment, and storm runoff controls.
11. The use of mechanical equipment within the lakeshore protection zone is permitted only if the equipment does not come in contact with the lake, expose silts or fine materials, or gouge, rut, or otherwise damage the lakeshore.

12. The lakeshore shall be immediately restored to its condition prior to construction. All equipment tracks shall be raked or otherwise removed by hand.

Report by: Bailey Minnich



**City of Whitefish**  
**Planning & Building Department**  
 PO Box 158  
 510 Railway Street  
 Whitefish, MT 59937  
 Phone: 406-863-2410 Fax: 406-863-2409

File #: WLP-14-W10  
 Date: 5/2/2014  
 Intake Staff: BM  
 Date Complete: \_\_\_\_\_

**LAKESHORE CONSTRUCTION PERMIT APPLICATION**

*WHITEFISH, BLANCHARD, LOST COON LAKE*

**FEE ATTACHED \$ \_\_\_\_\_**

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,144.80' msl (NAVD 1988) for Blanchard Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

**INSTRUCTIONS:**

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the Lakeshore Protection Committee meeting at which this application will be heard.
- The regularly scheduled meeting of the Lakeshore Protection Committee is the second Wednesday of each month at 6:00PM in the Planning & Building Department Meeting Room.
- After the Lakeshore Protection Committee meeting, the application is forwarded with the Committee's recommendation to the next available City Council meeting for final action, unless it is a committee approved permit.
- All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

**A. LEGAL DESCRIPTION OF PROPERTY:**

Street Address City Beach Boat Ramp

How many feet of the lake frontage do you own? - 1,000 LF

Assessor's Tract No.(s) 3122x25-xxx-ROAD-100 Lot No(s) n/a

Block # n/a Subdivision Name n/a

1/4 Sec \_\_\_\_\_ Section 25 Township 31 Range 22

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

Charles C. Stearns  
 Owner's Signature

5/2/14  
 Date

\_\_\_\_\_  
 Chuck Stearns, City Manager  
 Print Name

<sup>1</sup> May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included

John Wilson  
Applicant's Signature

5-2-14  
Date

John Wilson, PE, Public Works Director  
Print Name

Ryan E. Mitchell, PE, PLS  
Representative's Signature

5-1-14  
Date

Ryan E. Mitchell, PE, PLS  
Print Name

**APPLICATION CONTENTS:**

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

- Lakeshore Construction Permit Application
- Written description how the project meets the criteria in Sections C-F
- Site Plan drawn to scale
- Project Drawing that is drawn to scale
- Vicinity Map
- Minimum of three (3) photos: 1 photo of property from lake; 2 photos showing lakeshore protection zoning from property boundary toward the other property boundary (e.g., from the north property line across property to the south) and photos of each existing structure or constructed area within the lakeshore protection zone (dock, boathouse, stairs, etc.)

**B. OWNER(S) OF RECORD:**

Name: Chuck Stearns, City Manager Phone: 863-2406

Mailing Address: P.O. Box 158

City, State, Zip: Whitefish, MT 59937

Email: cstearns@cityofwhitefish.org

**APPLICANT (if different than above):**

Name: John Wilson, PE, Public Works Director Phone: 863-2460

Mailing Address: Same

City, State, Zip: \_\_\_\_\_

Email: jwilson@cityofwhitefish.org

**CONTRACTOR:**

Name: City of Whitefish Phone: \_\_\_\_\_

Mailing Address: Same

City, State, Zip: \_\_\_\_\_

Email: \_\_\_\_\_

**C. NATURE OF THE PROPOSED WORK:** (describe what you propose to build, demolish or install. Give dimensions, material and list heavy equipment, if any to be used.)

This project includes installing a trench grate and a superior oil/water separator (structural BMP) to capture and treat any surface runoff from the parking lot area and any boat bilge water prior to entering Whitefish Lake.

Please see attached Technical Memo for additional information.

**D. Describe any Environmental Impacts** (e.g. impacts on water quality or fish and wildlife habitat, increased sedimentation, etc.). Explain what measures will be taken to alleviate these impacts.

During construction, BMP's will be installed to minimize any sediment runoff. After construction, the VortClarex system will remove freely dispersed oil and other liquid pollutants from runoff and other discharges.

**E. Describe existing improvements on the property within the lakeshore protection zone** along with the square footage of each such as an existing dock, stairs, deck or patio and when they were constructed, if known, or the permit number.

City beach is a large public owned recreation area.

**F. If a variance is requested in addition to this permit, specify the reasons or conditions which require or warrant the variance on a separate variance form. An additional fee is required for a variance request. What is the variance proposal?**

None.

**FEES:**

<b>Administrative Permit</b> no committee meeting: waterlines, dead trees, buoys, burning etc.	\$75
<b>Administrative Permit</b> with committee meeting: docks under 60', shore stations	\$255
<b>Standard Permit</b> (construction, rip rap, stairs, dredging, filling, excavation, clearing, machinery operations)	\$350 base fee (1 activity)  \$140 each additional activity <i>(Activity is defined as a separate component or project that by itself would require a permit)</i>
<b>Variance – Minor</b>	\$490/variance – added to standard permit fee; supplemental application required
<b>Variance – Major</b>	\$1,400/variance – added to standard permit fee; supplemental application required
<b>“After-the-Fact” Permit</b>	4 times the normal fee



ROBERT PECCIA &amp; ASSOCIATES

## Technical Memorandum

**TO:** Karin Hilding  
**FROM:** Ryan Mitchell and Brandon Theis  
**SUBJECT:** 13117.000 – 2013 Whitefish Storm Drainage  
**City Beach Boat Bilge Water Structural BMP Device**  
**DATE:** December 13, 2013

Dear Karin,

This memo will discuss RPA's review, evaluation and recommendations for the City Beach Boat Bilge Water Structural Best Management Practices (BMP) Device including Preliminary Engineering Drawings.

### Purpose:

The City Beach boat ramp is one of the main public boat ramps on Whitefish Lake. The boat ramp primarily serves power boats and other motorized watercraft.

When these vehicles exit the lake, it is common for the operators to drain the boats on the boat ramp, while the vehicle is inclined on the ramp. The boat bilge water that is drained from these vehicles does not contain just lake water. The boat bilge water consists of lake water, gasoline, motor oil, grease, power steering fluid, etc. This boat bilge water currently is drained onto the concrete boat ramp and flows directly into Whitefish Lake.

A study of Gasoline Constituent Loading and Motorized Watercraft Levels, Whitefish Lake, Montana, 2005-2006 was published by the Whitefish Lake Institute (WLI) in 2007. This study looked at the relationship between gasoline constituents loading in the form of BTEX (benzene, toluene, ethyl-benzene and xylene) and motorized watercraft densities on Whitefish Lake. In the executive summary of this report it states:

*"The data suggest that secondary inputs, indirectly related to total motorized watercraft numbers, occur at the City Beach Boat Launch site. Secondary BTEX inputs could range from irresponsible fuel confinement by boat owners, the draining of boat hull effluent by pulling transom plugs on the boat ramp, and excessive engine idling in the area."*

The recommended infrastructure improvements are designed to capture any boat bilge water and direct it to a Structural BMP device that will remove the oil and grease before the water is discharged to Whitefish Lake. Additionally, signage should be installed that will inform operators to not spill fuel when fueling and to ensure that any boat bilge water is captured by the trench grate.

HELENA, MT  
P.O. Box 5653  
825 Custer Avenue  
Helena, MT 59604  
Tele 406.447.5000  
Fax 406.447.5036

KALISPELL, MT  
P.O. Box 5100  
102 Cooperative Way, Suite 300  
Kalispell, MT 59903  
Tele 406.752.5025  
Fax 406.752.5024

FORT COLLINS, CO  
400 Remington Street.  
Suite B  
Fort Collins, CO 80524  
Tele 970.484.3206  
Fax 970.484.3209

**Site Review:**

A site review was conducted on August 27<sup>th</sup>, 2013 of the area. During that site review the following items were examined:

- Existing Boat Ramp
- Access Road into and out of the boat ramp
- Existing storm water runoff from areas up gradient of the boat ramp

During this site review, RPA completed a field review of the site survey that was completed previously for this area. The site survey will be utilized for preliminary engineering drawings and ultimately for the design and construction of the recommended infrastructure improvements. SEE ATTACHMENT 1 – SITE SURVEY.

**Existing Conditions:**

The City Beach boat ramp consists of a concrete ramp that is approximately 40' wide by 85' long. Approximately 10' of the boat ramp is located above the high water elevation.

Any boat bilge water, and other parking lot or roadway runoff, drains down the boat ramp and flows directly into Whitefish Lake.

Below are some photographs of the existing boat ramp.



Figure 1 - Aerial View of Boat Ramp



Figure 2 - Boat Ramp

**Recommended Infrastructure Improvements:**

The recommended infrastructure improvements for the City Beach Boat Ramp are intended to capture and direct any surface runoff from the parking lot area and any boat bilge water to a superior oil/water separator.

The surface runoff and boat bilge water will be collected via a trench drain that will be installed on the boat ramp. This trench drain shall be installed above the high water elevation. The trench grate can be installed by saw cutting the existing concrete boat ramp and installing the trench grate. The trench grate shall be a Dura Slope with an H-20 rated cast iron cover. From the trench drain, the water will be directed to superior oil/water separator. A tee will be installed with valves that will allow the City to by-pass the superior oil/water separator during the off-season and allow for flow to be discharged to the Lake. It is anticipated that this by-pass could be used during the winter months.

The VortClarex system is a superior oil/water separator that utilizes coalescing media to efficiently remove freely dispersed oil and other liquid pollutants from runoff and other discharges. The VortClarex is specifically designed for those sites where removal of oil and grease is the greatest concern and where oil and grease effluent targets are specified.

Below is a schematic of the VortClarex:

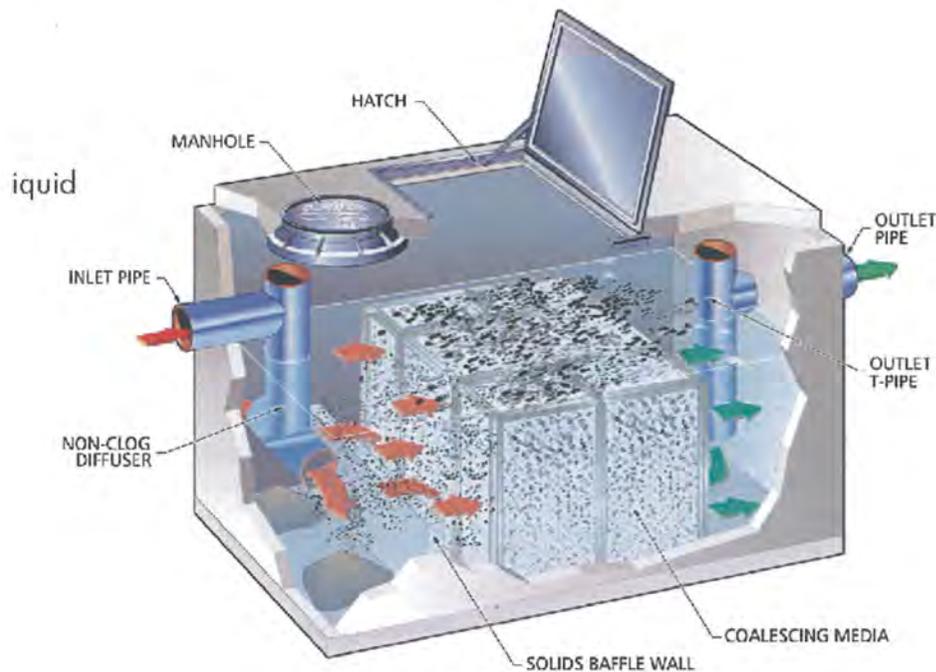


Figure 3 - VortClarex Schematic

The VortClarex builds on the conventional oil water separator design by using a highly efficient coalescing media to maximize the surface area and optimize the treatment volume available for oil/ water separation.

The VortClarex Oil/Water Separator provides:

- Polypropylene coalescing media
  - Removes up to 99% of free oil droplets down to 60 microns (standard design)
  - Releases TPH effluent with a quality of 10 mg/L or less.
- Non-turbulent flow through the system
  - Maximizes efficiency by increasing rise rate and size of droplets
- Precast concrete structure housing
  - Ensures durability
  - Meets HS-20 loading requirements
  - Provides for a shallow installation

The maintenance of this system is similar to that of a typical oil/water separator. The City can utilize their vacuum truck to clean out the manhole/vault. The coalescence element requires cleaning by spraying clean water with a hose (10 -15 psi) and can be done in the vault or by removing it.

In addition to the trench grate and the VortClarex, signage should be added at the boat ramp area informing operators to eliminate oil/fuel spills and to ensure that they pull their boats far enough ahead to allow any boat bilge water drained from the boat to enter the trench grate and subsequent VortClarex.

Below are some examples of possible signage that RPA has developed.



Figure 4 - Example No. 1 of Signage



Figure 5 - Example No. 2 of Signage

With this, RPA has developed the recommended infrastructure improvements. SEE ATTACHMENT 2 – RECOMMENDED INFRASTRUCTURE IMPROVEMENTS.

The estimated project cost to complete this work, including surveying and engineering fees, is \$37,900. Below is a detailed summary of the estimated project costs:

<b>Engineers Opinion of Probable Project Costs</b> <b>CITY BEACH BOAT RAMP IMPROVEMENTS</b> Revised 12/13 by REM						
		Robert Peccia & Associates, Inc. 825 Custer Avenue * Helena * Montana * (406) 447-5000 102 Cooperative Way, Suite 300 * Kalispell * Montana * (406) 752-5025				
				<b>Engineer's Estimate</b>		
Item No.	Quantity	Unit	Unit Description	Unit Price (Figures)	Total Price (Figures)	
<b>Engineering Fees</b>						
1	1	LS	Engineering Design	\$3,500.00	\$3,500.00	
2	1	LS	Bidding - Limited Solicitation/Small Works Contract	\$1,000.00	\$1,000.00	
3	1	LS	Construction Staking, Materials Testing & Observation	\$2,000.00	\$2,000.00	
<b>TOTAL ESTIMATED ENGINEERING FEES:</b>					<b>\$6,500.00</b>	
<b>Construction Costs</b>						
1	1	LS	VortClarex - Equipment Only	\$15,000.00	\$15,000.00	
2	1	LS	Installation of VortClarex	\$5,000.00	\$5,000.00	
3	40	LF	Dura Slope Trench Grates	\$150.00	\$6,000.00	
4	4	EA	Signs	\$500.00	\$2,000.00	
5	1	LS	Traffic Control	\$600.00	\$600.00	
6	1	LS	Mobilization, Bonding and Submittals (10% Max)	\$2,800.00	\$2,800.00	
<b>TOTAL ESTIMATED CONSTRUCTION COSTS:</b>					<b>\$31,400.00</b>	
<b>TOTAL ESTIMATED PROJECT COSTS:</b>					<b>\$37,900.00</b>	

**Summary:**

The above recommended infrastructure improvements and attached drawings should be used as a planning tool for City staff to determine if and when they want to proceed with this project.

To complete the work as recommended, we have reviewed various permits and have determined that the only permits needed would be:

- Lakeshore Permit (City of Whitefish)

December 13, 2013

Karin Hilding

Page 7 of 7

- Erosion Control Plan (City of Whitefish)

The proposed work would be exempt from the following permits:

- 404 (ACOE) – Not needed because staying above high-water elevation
- Floodplain Development Permit (City of Whitefish) – Exempt under 14-5-3.A
- Water Quality Protection (aka Critical Conveyance, City of Whitefish) – Exempt under 11-3-29. B.1.b

With this preliminary planning and surveying completed the engineering and permitting for this work could be completed in a relatively short timeframe. This project could easily be ready for construction in late-spring 2014, if the City wished to proceed.

Thank you and please call if you have any questions.

Cc: John Wilson  
File

Attachments

K:\Kal-Proj-Data\13117.000 - Whitefish Storm Drainage\F, Design Correspondence\1. Client\Tech Memos\City Beach Boat Ramp\131213kh.Memo - City Beach-Final.Doc

# CITY OF WHITEFISH STORMWATER PROJECT

## City Beach Boat Ramp



RYAN E. MITCHELL, P.E., P.L.S.

Prepared for  
City of Whitefish, Montana



Prepared by  
Robert Peccia & Associates  
Kalispell, Montana

Designed By: Brandon M. Theis, P.E.  
Drawn By: Mark Rogers  
Checked By: Ryan Mitchell, P.E., P.L.S.  
Approved By: Keith Jensen, P.E.

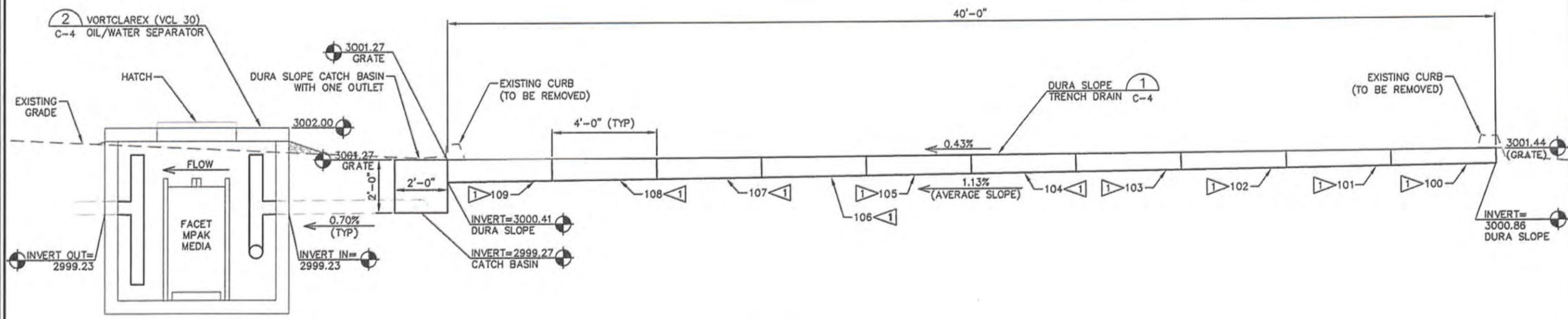
Project Number: 13117.000  
Date: April 2014

Set Number \_\_\_\_\_

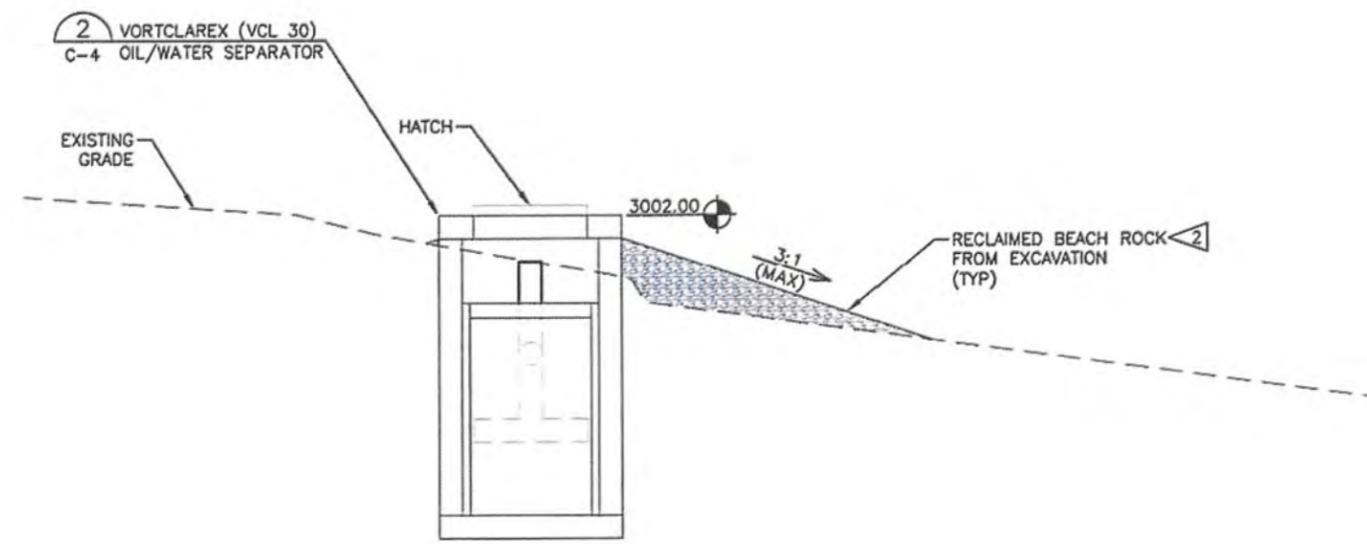




- NOTES:**
- 1 DURA SLOPE PART NUMBER WITH INTEGRAL 0.70% SLOPE.
  - 2 ~1.3 CUBIC YARDS OF RECLAIMED BEACH ROCK NEEDED TO BACKFILL VORTCLAREX SEPARATOR.



**SECTION-A**



**SECTION-B**

SYN	REVISION	BY	DATE
	PRELIMINARY		
	NOT FOR CONSTRUCTION		

March 2014	DESIGNED BY	B. Theis
13117.000	DRAWN BY	M. Rogers
Site: CBS	CHECKED BY	R. Mitchell
FILE		

PROJECT TITLE  
**CITY OF WHITEFISH  
STORMWATER PROJECT**  
Whitefish, Montana

SHEET TITLE  
**SECTIONS**

SHEET  
**C-3**



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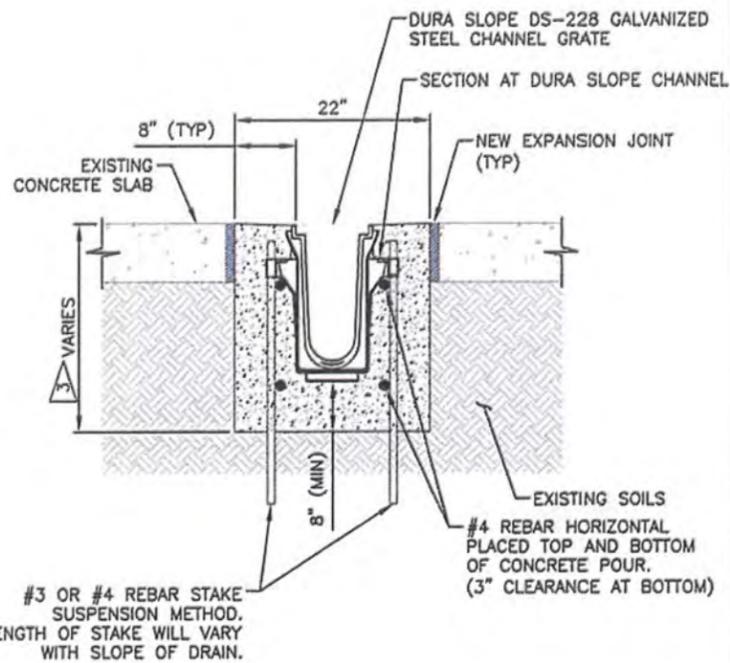
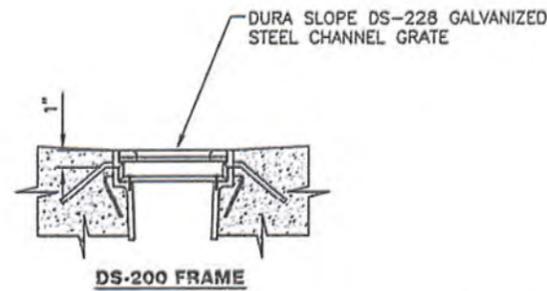
DATE	
BY	
APPR	
REVISION	
<b>PRELIMINARY NOT FOR CONSTRUCTION</b>	
SYM	

DATE	March 2014
DESIGNED BY	B. Theis
DRAWN BY	M. Roberts
CHECKED BY	R. Mitchell
PROJECT NO.	13117.000
Sig.	CBS
FILE	

PROJECT TITLE  
**CITY OF WHITEFISH  
STORMWATER PROJECT**  
Whitefish, Montana

SHEET TITLE  
**DETAILS**

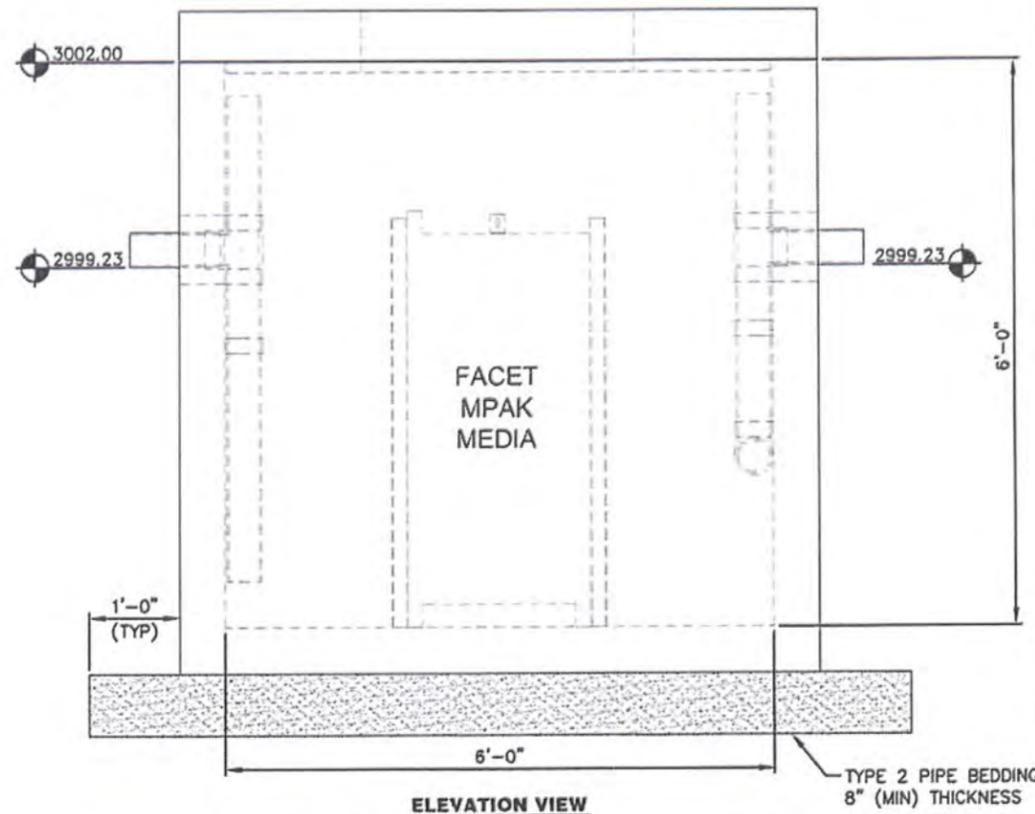
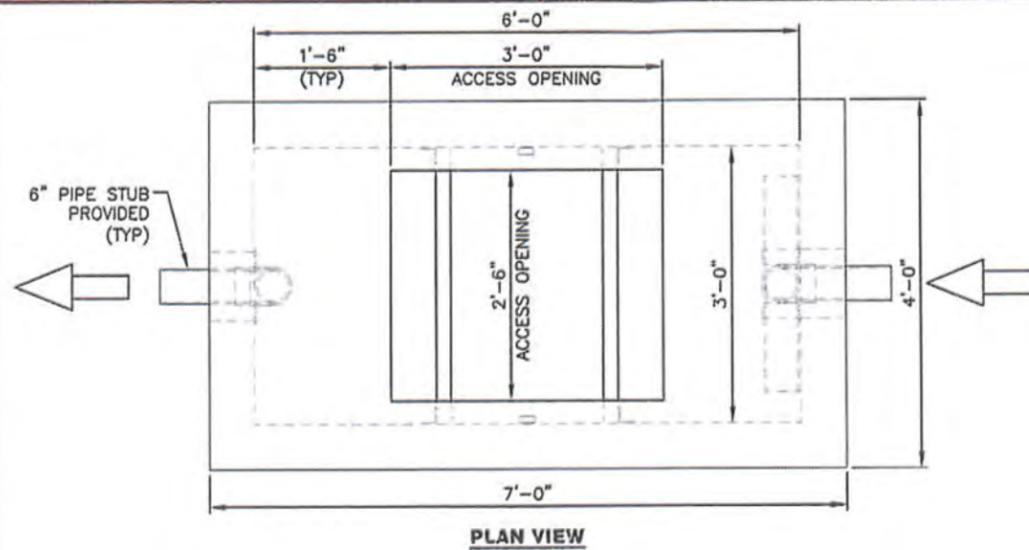
SHEET  
**C-4**



**DURA SLOPE TRENCH DRAIN** 1  
SCALE: NONE C-2 - C-3

**NOTES:**

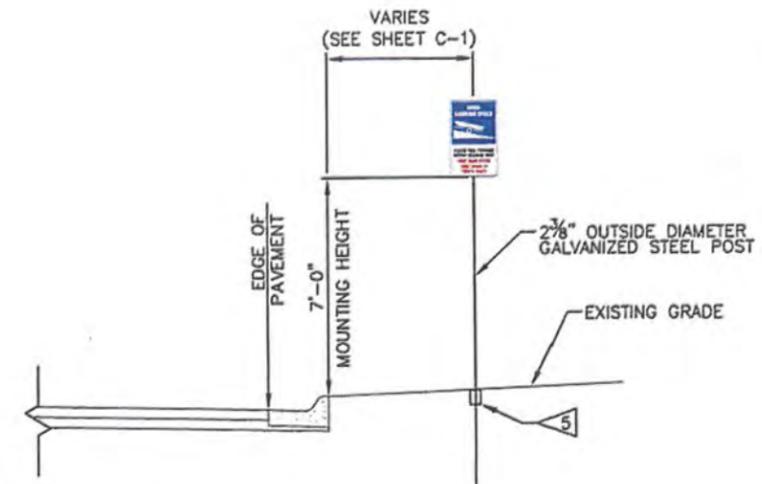
- CHANNELS TO BE INSTALLED WITH GRATE. GRATE TO BE PROTECTED FROM CONCRETE POUR (COVER HOLES WITH TAPE).
- SET TRENCH DRAIN IN CHANNEL SURROUNDED BY 8" OF CONCRETE. CONCRETE SLAB WITH A MINIMUM OF 3,500 PSI. AVOID FULL LOAD TRAFFIC FOR 28 DAYS OR UNTIL CONCRETE HAS COMPLETELY CURED.
- TRENCH DEPTH VARIES WITH SLOPE OF TRENCH.



**VORTCLAREX (VCL 30) OIL/WATER SEPARATOR** 2  
SCALE: NONE C-2 - C-3

**NOTES:**

- FLOWLINE IN AND OUT OF THE VORTCLAREX ARE THE SAME ELEVATION.
- MANUFACTURER SHALL BE RESPONSIBLE FOR INSTALLATION OF INTERNAL COMPONENTS.
- VAULT IS DESIGNED TO MEET HS20 MINIMUM LOAD REQUIREMENTS.
- RECTANGULAR HATCH SUPPLIED WITH SYSTEM (NOT INSTALLED).
- HATCH RISERS, GRADE RINGS OR BLOCK REQUIRED BETWEEN THE TOP OF THE VORTCLAREX SYSTEM AND BASE OF THE HATCH (NOT SUPPLIED BY MANUFACTURER).
- CONTRACTOR TO CONNECT THE PROVIDED PIPE STUB TO THE EXTERNAL PIPE BY MEANS OF A COUPLER (NOT SUPPLIED BY MANUFACTURER).
- VORTCLAREX BY CONTECH STORMWATER SOLUTIONS:  
PORTLAND, OR - (800) 548-4567; SCARBOROUGH, ME - (877) 907-8676;  
LINTHICUM, MD - (410) 941-9118



**NOTES:**

- ALL SIGN BLANKS SHALL BE .080 GAUGE FLAT ALUMINUM STOCK.
- ALL SIGN MATERIALS AND CONSTRUCTION PROCEDURES SHALL CONFORM TO THE 'STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION,' 2006 EDITION, DISTRIBUTED BY THE MONTANA DEPARTMENT OF TRANSPORTATION (MDT).
- SEE MDT STANDARD DRAWING 619-16 FOR ADDITIONAL MOUNTING DETAILS.
- UNIFORM MANUAL NUMBERS ARE REFERENCED TO THE 'MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES' BY THE FEDERAL HIGHWAYS ADMINISTRATION.
- CONTRACTOR SHALL USE V-LOC 23-VR4 (034-00113), OR APPROVED EQUAL. (INSTALL PER MANUFACTURE'S RECOMMENDATIONS)
- CONTRACTOR SHALL BE PAID PER EACH "SIGN" INSTALLED. A "SIGN" IS DEFINED BY EACH POLE INSTALLED WITH SIGN(S). REGARDLESS OF THE NUMBER OF SIGNS INSTALLED ON THE POLE.

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**RESOLUTION NO. 14-\_\_**

**A Resolution of the City Council of the City of Whitefish, Montana, establishing "No Parking" Zones along a portion of Flathead Avenue.**

WHEREAS, Section 6.2.4 of the Whitefish City Code provides that the City Council may, on motion, create "No Parking" zones within the City; and

WHEREAS, the Public Works Department is recommending that the City Council officially designate "No Parking" zones along both sides of Flathead Avenue as follows:

- Along the north side of Flathead Avenue from the west edge of the Baker Avenue right of way to a point 80 feet west; and
- Along the south Side of Flathead Avenue from the west edge of the Baker Avenue right of way to a point 100 feet west; and

WHEREAS, on May 21, 2014, the City gave notice concerning the designation of "No Parking" zones along portions of Flathead Avenue, by U.S. Mail addressed and mailed to all adjacent property owners; and

WHEREAS, on June 2, 2014, the City Council reviewed the May 27, 2014 staff report and recommendation regarding "No Parking" zones along a portion of Flathead Avenue, and following discussion the City Council determined that it is in the best interests of the City and its inhabitants to establish "No Parking" zones along a portion of Flathead Avenue, as depicted on the attached map.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: There is hereby established a "No Parking" zone along both sides of Flathead Avenue as depicted on Exhibit "A", attached hereto and incorporated herein by reference.

Section 2: It shall be unlawful for anyone to park in the "No Parking" designated zone. Violation of the "No Parking" zone described above shall, as with other parking violations, constitute a misdemeanor and shall be subject to such fines and other remedies as provided by City Ordinance.

Section 3: The Public Works Department is authorized and directed to install appropriate signage notifying the public of these restrictions.

Section 4: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
John M. Muhlfeld, Mayor

ATTEST:

\_\_\_\_\_  
Necile Lorang, City Clerk

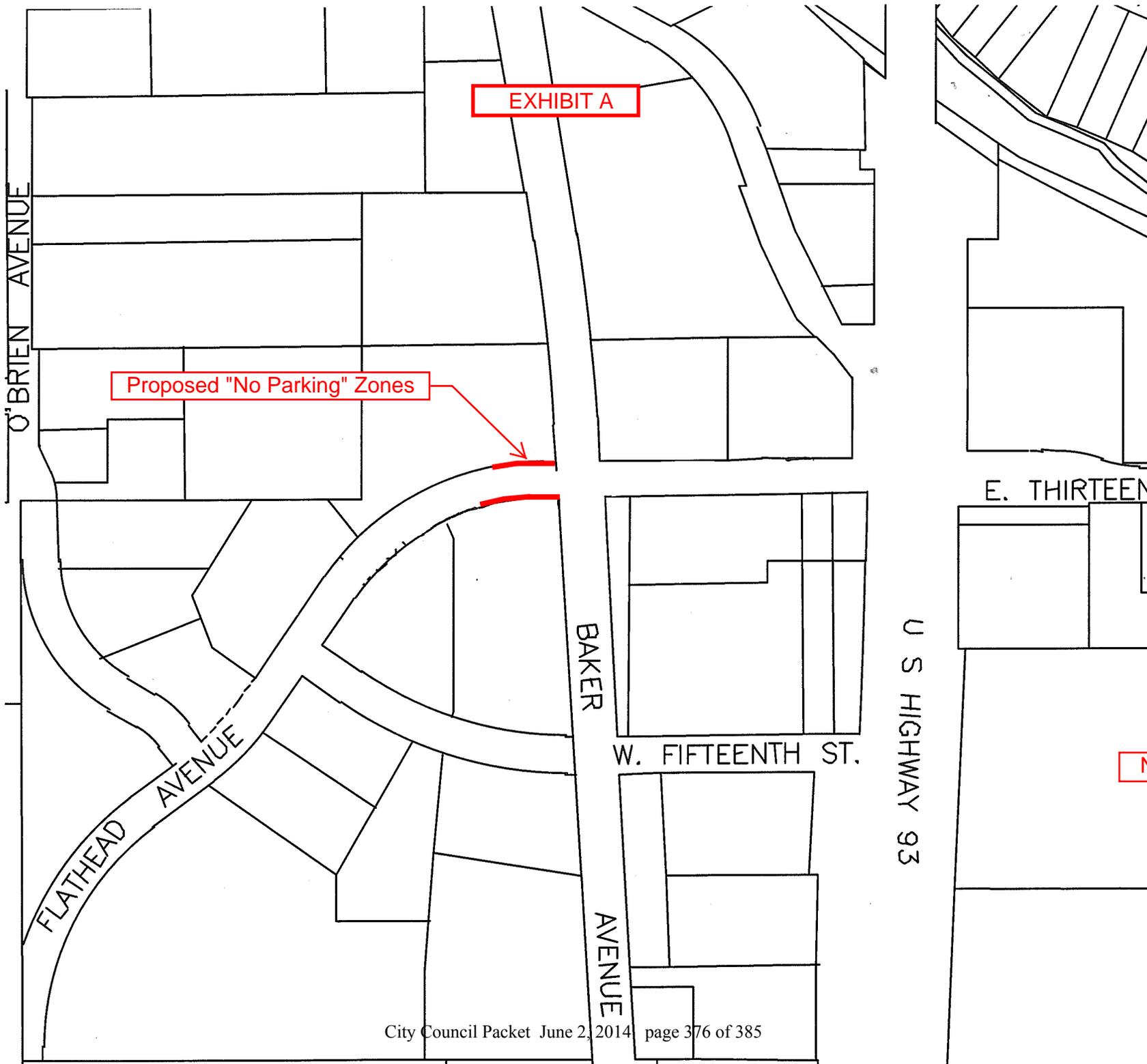


EXHIBIT A

Proposed "No Parking" Zones

O'BRIEN AVENUE

FLATHEAD AVENUE

BAKER AVENUE

W. FIFTEENTH ST.

U S HIGHWAY 93

E. THIRTEEN

Not to Scale



May 27, 2014

Mayor Muhlfeld and City Councilors  
City of Whitefish  
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Recommendation to Adopt a Resolution  
Establishing No Parking Zones Along Portions of Flathead Avenue**

Introduction/History

The Police and Fire Departments have noted challenges for emergency vehicles and general roadway traffic due to congestion on Flathead Avenue immediately west of Baker Avenue. The apparent cause of congestion is on-street parking from adjacent businesses.

Current Report

This memo is to recommend the City Council adopt the attached resolution, establishing "No Parking" zones along portions of Flathead Avenue as follows:

- Along the north side of Flathead Avenue, from the west edge of the Baker Avenue right-of-way to a point 80 feet west and
- Along the south side of the Flathead Avenue, from the west edge of the Baker Avenue right-of-way to a point 110 feet west.

The area in question is the curb line along the north side of the street between Baker Avenue and the east approach to the Wave and also along the south side of the street between Baker Avenue and the east approach to the Credit Union.

Copies of the enabling resolution and the notice sent to adjacent property owners are attached. We have not received any written comments in response to the notice.

Financial Requirement

Public Works crews would install the necessary signs at a cost of approximately \$200.

Recommendation

We respectfully recommend the City Council adopt the attached resolution designating two "No Parking" zones along Flathead Avenue.

Sincerely,

John C. Wilson  
Public Works Director



May 20, 2014

Dear Property Owner:

This letter is to inform you of a proposal to create two new "No Parking" zones on east end of Flathead Avenue, as shown on the attached drawing. The proposed zones lie between Baker Avenue and the east driveway approaches for the Wave and the Park Side Federal Credit Union. The purpose of these "No Parking" zones is to improve sight distances and relieve congestion for emergency response vehicles.

The City Council will consider this proposal at their next meeting on June 2<sup>nd</sup>. The meeting will begin at 7:10 p.m. at City Hall. Anyone who wishes to comment is invited to speak at the start of the meeting.

Those who prefer may also submit written comments to the Public Works Department by email at [publicworks@cityofwhitefish.org](mailto:publicworks@cityofwhitefish.org), via the postal service at P.O. Box 158 in Whitefish, or by hand delivery at City Hall. Copies of all correspondence received before 5:00 pm on June 2<sup>nd</sup> will be provided to the City Council.

Please feel free to contact me if you have any questions.

Thank You

A handwritten signature in blue ink, appearing to read "John C. Wilson", is written over the typed name.

John C. Wilson  
Public Works Director  
406.863.2455

[jwilson@cityofwhitefish.org](mailto:jwilson@cityofwhitefish.org)

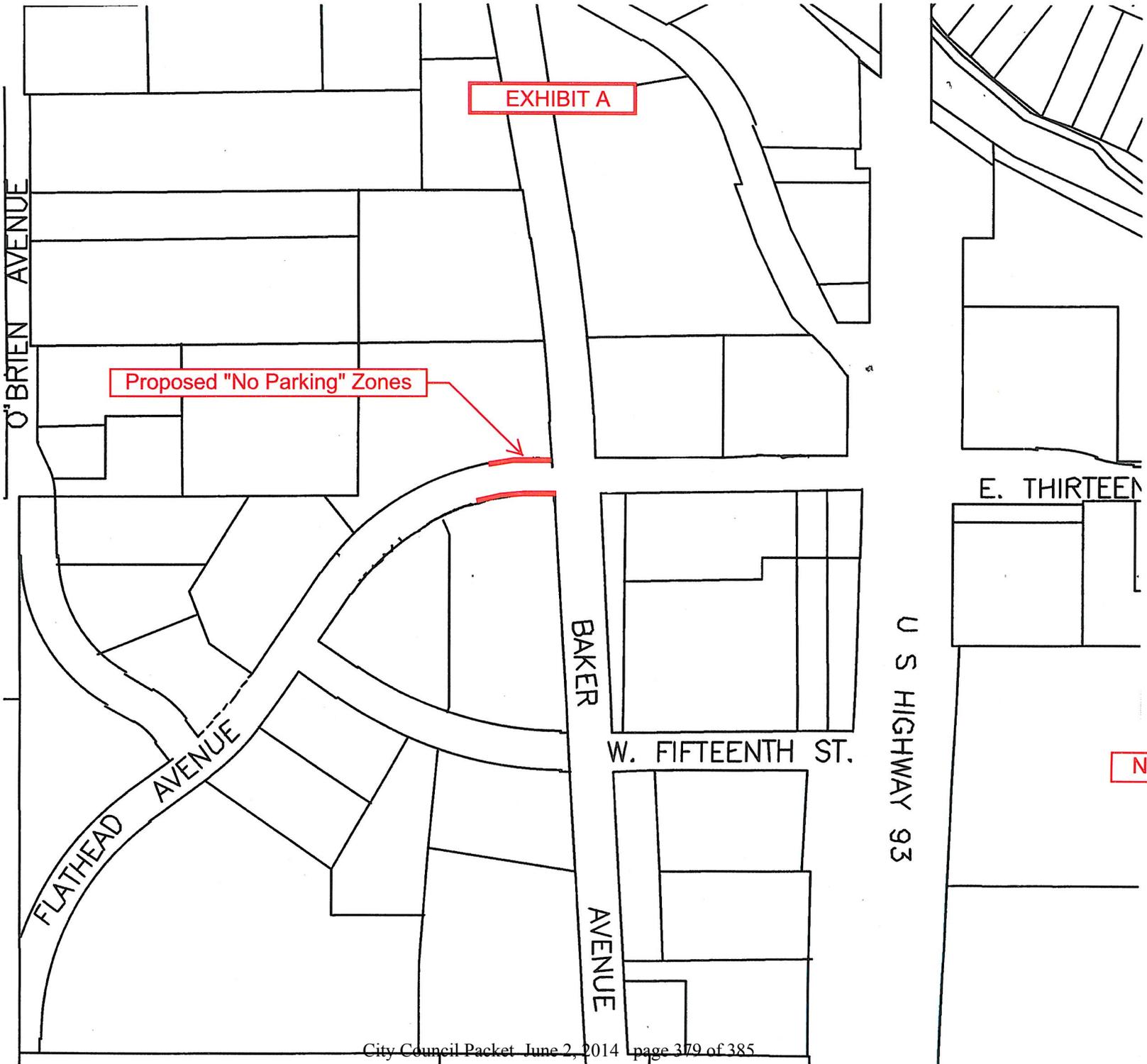


EXHIBIT A

Proposed "No Parking" Zones

O'BRIEN AVENUE

FLATHEAD AVENUE

BAKER AVENUE

W. FIFTEENTH ST.

U S HIGHWAY 93

E. THIRTEEN

Not to Scale

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# MANAGER REPORT

May 28, 2014



## **PARKS AND RECREATION DEPARTMENT DIRECTOR SELECTION**

On Tuesday, May 27<sup>th</sup>, I offered the position of Parks and Recreation Director to Maria Butts of the Parks and Recreation Department and she accepted the position.

It was a very hard decision, but Maria's commitment to Whitefish, her enthusiasm, preparation, initiative, "fit", and people skills etc. won out over experience. Maria will start as Parks and Recreation Director on Wednesday, May 28<sup>th</sup>.

## **COLUMBARIUM/CREMAIN NICHE WALL INSTALLED AT CITY CEMETERY**

The new Columbarium or Cremain Niche vault to hold cremation ashes was delivered to the Cemetery last week and a picture of it is to the right. There are two sides to the Columbarium so it has 40 vaults to it. We are still preparing a fee schedule for the City Council to approve, but we think we will likely recommend that the two lower levels will sell for \$750 for one urn and \$900 if it holds two urns. The top three levels may be \$800 each for one urn and \$1,000 for two urns. As with graves, costs will be higher for county residents who live outside the City. A fee resolution will come to the City Council in the near future.



## **EAST 2<sup>ND</sup> STREET ROAD RECONSTRUCTION AND TRAIL PROJECT**

Public Works Director John Wilson reports that the utility burial work is nearly complete and that the general road and trail contractor, Knife River, will move on to the project on June 9<sup>th</sup> to begin their contract work for the road and trail. It is a 110 day contract, so the scheduled ending date is September 27<sup>th</sup>. John reports that there will be many days of detours and road closures, so Public Works and the contractor will provide regular updates about traffic flow and detours.

## **RAILWAY DISTRICT HOUSES – WHITEFISH HOUSING AUTHORITY**

Lori Collins of the Whitefish Housing Authority (WHA) reports that the remodel of the two houses on 1<sup>st</sup> Street which BNSF donated to the WHA are nearly complete and should be rented and occupied on June 1<sup>st</sup>. A picture of the two houses is below.



## **MEETINGS**

FEMA Floodplain map changes (5/21) – Planning staff, two City Council members, and I attended a meeting sponsored by the Federal Emergency Management Agency (FEMA) and the State Department of Natural Resources (DNRC) on the upcoming proposed changes to the floodplain maps in and around Whitefish. There are a lot of changes to the floodplain around Cow Creek

because of more detailed surveying and mapping which was done. Most of the changes are a significant shrinkage to the floodplain and therefore fewer property owners who may have to buy flood insurance as a condition of their mortgage. There are also some places where the floodplain is expanding around Cow Creek. Similarly, there are some places on the lower Whitefish River (below the Hwy 93 culverts) where the floodplain is both contracting and expanding. These changes are not as significant as the changes to the Cow Creek floodplain. FEMA and DNRC officials also held a meeting on Wednesday night, May 21<sup>st</sup>, to review the changes with property owners and the public.

Whitefish “Face” Working Group (5/27) – I attended an inaugural meeting of a group of USFS officials, State DNRC officials, and interested parties from Stoltze Land and Lumber Co., local citizens, Whitefish Mountain Resort, statewide and local environmental officials, State Representative Ed Lieser and others regarding starting a collaborative process to identify and implement some fire reduction projects in the USFS lands in the Haskill Basin watershed. Paul McKezie of Stoltze Land and Lumber Company organized this initial meeting and it was explained that the new federal “Farm Bill” will provide funding for fire reduction projects, especially where collaborative efforts among many stakeholders in a municipal watershed are used. This group will continue to meet to see if a consensus fire reduction project in the Haskill Basin can be identified and agreed upon. If so, the USFS can submit the project for possible funding and implementation. The fire risk to our water supply, inhabitants, local recreational area, and “viewshed” is very significant and the City has long been concerned about this risk.

## **UPCOMING SPECIAL EVENTS**

- June 10<sup>th</sup> @ 7:00 p.m. - Community meeting on railroad safety at the O’Shaughnessy Center with Mayor Muhlfeld, Police and Fire Departments, and BNSF officials.
- Jun 17<sup>th</sup> @ 7:00 p.m. - Public open house at the O’Shaughnessy Center regarding efforts to preserve and enhance the natural beauty and recreational resources in Haskill Basin via the proposed Stoltze Conservation Easement. Organized and sponsored by City of Whitefish, The Trust for Public Land, F. H. Stoltze Land & Lumber Co., Montana Fish, Wildlife & Parks, and Whitefish Legacy Partners.

## **REMINDERS**

2<sup>nd</sup> Budget Work Session – Monday, June 9<sup>th</sup> – 5:30 p.m.

Respectfully submitted,



Chuck Stearns, City Manager

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251 FLATHEAD AVENUE  
WHITEFISH, MT 59937  
(406) 862-5863

**Executive Committee:**

*June Munski-Feenan, Founder, d.2014*  
*SueAnn Grogan King, Executive Director*  
*Dennis Theissen, President*  
*Mark Schmidt, Vice President*  
*Phyllis Garlitz, Secretary*  
*Brad Kelsey, Treasurer*

**Members:**

*Jim Cummings*  
*Dan Comerford*  
*Pam Gerwe*  
*Pat Sapa*  
*Jerry Quinn*

*Ron Behrendt, Board Chair*

**Advisory:**

*Jerry Hoadley, CPA*  
*Stephanie Walls, Attorney*

May 23, 2014

Whitefish City Council  
Chuck Stearns, City Manger  
City of Whitefish  
PO Box 158  
Whitefish, MT 59937

Hello Chuck and City Council,

The Board of Directors of the North Valley Food Bank respectfully request the City of Whitefish to change the name of 15<sup>th</sup> Street West to "June's Way".

We are seeking this change as a legacy to the founder of the food bank, June Munski-Feenan, who passed away at the beginning of 2014. As most know, June founded the food bank in 1977 in the garage of her home. Today, over 37 years later, the North Valley Food distributes food to approximately 122 households every week.

In making this request to change the name, we are not seeking to change our mailing address which is 251 Flathead Avenue. We are only seeking to change the name of the one or two blocks that currently make up 15<sup>th</sup> Street West from Baker Avenue to Flathead Avenue.

Please let us your thoughts on this request as well as the process to complete the name change. Thank you for considering our request and I hope to hear from you soon.

Sincerely,

SueAnn Grogan King  
North Valley Food Bank