CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, JULY 21, 2014
5:00 TO 7:00 PM

1. **5:00 – 5:30 p.m. - CLOSED EXECUTIVE SESSION** with City Attorney pursuant to §2-3-203(4)(a) MCA to discuss strategies to follow in regard to litigation.

2. Call to Order

3. 5:30: Work session on two year review of Growth Policy (documents are in packet under public hearings portion of regular meeting)

4. Public Comments

5. Adjournment

(This page left blank intentionally to separate printed sections)

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, July 21, 2014, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 14-07. Resolution numbers start with 14-22.

1) CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

3) PRESENTATIONS – Presentation by Mark Fenton on Tuesday's Healthy Communities Workshop at the I.A. O'Shaughnessy Center and how community design, community health, and transportation are intrinsically linked (p. 20)

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

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

6) CONSENT AGENDA (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 July 7, 2014 Council regular meeting (p. 28)
   b) Resolution No. 14-___; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as 2492, 2494, 2496 and 2498 East Lakeshore Drive, for which the owners have petitioned for and consented to annexation (p. 43)

7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))
   a) Consideration of application from William and MaiBritt Bennett for a Conditional Use Permit for an accessory dwelling unit at 416 Ramsey Avenue subject to 6 conditions (p. 55)
   b) Consideration of application from Brett and Janice Pierce for a Conditional Use Permit for an accessory dwelling unit above a two car garage at 728 Columbia Avenue subject to 8 conditions (p. 86)
   c) Resolution No. 14-___; A Resolution in support of a countywide 911 special district with new fees similar to the countywide landfill fee system and pledging to reduce the FY16 property tax mill levy by an amount equivalent to the budget savings from the discontinuation of annual city financial support of the 911 system (p. 121)

d) Resolution No. 14-___; A Resolution of Intention indicating its intent to accept and approve the 2014 Review of the 2007 Whitefish City-County Master Plan (2007 Growth Policy), with amendments to the text and maps, as an addendum to the 2007 Growth Policy - Two year review of the 2007 Growth Policy and consideration of changes to the 2007 Growth Policy (p. 151)

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
   a) Consideration of approving the selection of an engineering firm for the design of the East 3rd Street sewer and street overlay project (Block 46 sewer relocation) (p. 254)
   b) Consideration of approving the selection of an engineering firm for the design of the West 7th Street (Baker Avenue to beyond Karrow Avenue) Resort Tax street reconstruction project (p. 257)
   c) Consideration of an amendment to the engineering contract with WGM Group for the Whitefish West (Hwy 93) utilities project for construction inspection and management (p. 260)

9) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 263)
   b) Other items arising between July 16th and July 21st

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

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

12) **POSSIBLE CLOSED EXECUTIVE SESSION** with City Attorney pursuant to §2-3-203(4)(a) MCA to discuss strategies to follow in regard to litigation.

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

- We provide a safe environment where individual perspectives are respected, heard, and acknowledged.

- We are responsible for respectful and courteous dialogue and participation.

- We respect diverse opinions as a means to find solutions based on common ground.

- We encourage and value broad community participation.

- We encourage creative approaches to engage public participation.

- We value informed decision-making and take personal responsibility to educate and be educated.

- We believe that respectful public dialogue fosters healthy community relationships, understanding, and problem-solving.

- We acknowledge, consider and respect the natural tensions created by collaboration, change and transition.

- We follow the rules and guidelines established for each meeting.

Adopted by Resolution 07-09
February 20, 2007

(This page left blank intentionally to separate printed sections)

July 16, 2014

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

Mayor Muhlfeld and City Councilors:

Monday, July 21, 2014 City Council Agenda Report

There will be a work session beginning at 5:00 p.m. for an Executive Session on litigation strategies followed at 5:30 p.m. by a work session on the two year review of the Growth Policy. 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 July 7, 2014 Council regular meeting (p. 28)
b) Resolution No. 14-___; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as 2492, 2494, 2496 and 2498 East Lakeshore Drive, for which the owners have petitioned for and consented to annexation (p. 43)

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

Item a is an administrative matter; item b is a legislative matter.

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 application from William and MaiBritt Bennett for a Conditional Use Permit for an accessory dwelling unit at 416 Ramsey Avenue subject to 6 conditions (p. 55)

From Planner II Bailey Minnich's transmittal memo:

Summary of Requested Action: William and MaiBritt Bennett are requesting approval of a Conditional Use Permit to construct an accessory apartment at 416 Ramsey Avenue. The property is currently developed with a single family residence and is zoned WR-2 (Two Family Residential District). The Whitefish Growth Policy designates this property as "Urban". The proposed structure will be less than 600 square feet, and will comply with the standard setbacks established in the zoning regulations. The proposed access for the accessory apartment will be along Ramsey Avenue on the north side of the subject property.

Planning Board Action: The Whitefish City-County Planning Board met on June 19, 2014 and considered the request. Following the hearing, the Planning Board recommended approval of the above referenced conditional use permit (6-0, unanimously) with seven (7) conditions as recommended by staff and adopted the staff report as findings of fact. The Board recommended approval (6-0, unanimously) of an amendment to Condition #2 to change the word 'as' to 'if' and take out the words 'and paving will.' The condition with the proposed changes would read:

Condition 2. An engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department, *if* the impervious surface of all constructed areas ~~and paving will~~ exceed 5,000 square feet.

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. Following the Planning Board meeting, staff met with the applicant and Public Works regarding the condition for an engineered stormwater plan. After the meeting, staff and the applicant's technical representative recalculated the impervious surfaces for the new areas, and have determined that the total will *not* trigger the stormwater plan. Therefore, staff is recommending Condition #2 be removed.

Public Hearing: The applicant and their technical representative spoke at the hearing. The applicant's concerns included if separate meters for water & sewer would be required, paving of the driveway, and an engineered stormwater plan. No other members from the public spoke at the hearing. The draft minutes for this item are attached as part of this packet.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering testimony at the public hearing and the recommendations from the Planning Board and staff, approve the Conditional Use Permit for an accessory dwelling unit at 416 Ramsey Avenue subject to 6 conditions, removing condition #2 from the Planning Board recommendation.

This item is a quasi-judicial matter.

b) Consideration of application from Brett and Janice Pierce for a Conditional Use Permit for an accessory dwelling unit above a two car garage at 728 Columbia Avenue subject to 8 conditions (p. 86)

From Planner II Bailey Minnich's transmittal memo:

Summary of Requested Action: Brett & Janice Pierce are requesting approval of a Conditional Use Permit to construct an accessory apartment above a proposed two car garage at 728 Columbia Avenue. The property is currently developed with a single family residence and is zoned WR-2 (Two Family Residential District). The Whitefish Growth Policy designates this property as "Urban". The proposed structure will be less than 600 square feet, which allows a reduced side and rear setback of 6 feet from the property lines as established in the zoning regulations. The proposed access for the accessory apartment will be from the alley located on the west side of the subject property.

Planning Board Action: The Whitefish City-County Planning Board met on June 19, 2014 and considered the request. Following the hearing, the Planning Board recommended denial of the above referenced conditional use permit (6-0, unanimously). The Board recommended approval (6-0, unanimously) of an amendment to Finding of Fact #2 to read:

Finding 2. While the proposed use complies with the WR-2 zoning district it does not comply with Section 11-3-1 of the regulations regarding accessory apartments because the owner does not maintain permanent residence of the primary structure.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with seven (7) conditions set forth in the attached staff report and one (1) additional condition recommended at the Planning Board meeting. The additional condition recommended by staff would read:

Condition 8. No roof shall be permitted to extend over the 2nd flood deck to increase the living area of the accessory apartment. This shall be included in the deed restriction or restrictive covenant recorded prior to the issuance of a building permit.

Public Hearing: The applicant's technical representative spoke at the hearing stating the applicant is agreeable with the conditions proposed by staff. Three members from the public spoke at the hearing. The concerns raised by the public included the subject property as a rental property, the maintenance of the subject property, the applicant not currently living at the property, the development in the neighborhood, the access to the proposed structure from the alley, and parking for the proposed use. The draft minutes for this item are attached as part of this packet.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering testimony at the public hearing and the recommendations from the

Planning Board and staff, approve the Conditional Use Permit for an accessory dwelling unit above a two car garage at 728 Columbia Avenue subject to 8 conditions.

This item is a quasi-judicial matter.

c) Resolution No. 14-___; A Resolution in support of a countywide 911 special district with new fees similar to the countywide landfill fee system and pledging to reduce the FY16 property tax mill levy by an amount equivalent to the budget savings from the discontinuation of annual city financial support of the 911 system (p. 121)

On February 1, 2009, the Whitefish City Council approved the 911 Interlocal Agreement which consolidated all dispatch services among the cities in Flathead County with Flathead County's 911 dispatch. The Interlocal Agreement was finally approved and signed by all parties in April, 2009 and a copy of the Interlocal Agreement is in the packet with this report.

Despite much discussion, the four parties could not agree on a funding mechanism for 911 other than to have the three cities and Flathead County contribute to the budget based on population. This method ensured that property owners in the three cities would pay twice for 911 services – once to their city for its contribution and also to Flathead County for its contribution. To address this inequity and to provide a long term, sustainable funding method, a Future Funding Committee was created to work on funding alternatives (end of Article I in Interlocal Agreement).

I was appointed to that committee and was subsequently appointed as chairperson of the committee. The committee worked on alternatives for two years and submitted our report to the 911 Administrative Board in May, 2011 and a copy of that report is in the packet.

Subsequent to that report, the 911 Administrative Board and the Future Funding Committee continued to work on when an appropriate time to place a countywide property tax levy on the ballot. Given the economic downturn, no one was very enthusiastic about placing such a property tax levy on the ballot.

Last year, Commissioner Gary Krueger suggested an alternative to fund 911 with an assessment similar to the landfill assessment which appears on county property tax bills where there are structures (vacant land is not assessed for the landfill cost). Commissioner Krueger worked with County Administrator Mike Pence and county staff on the particulars of such a proposal and the final product and recommended structure is contained in a report in the packet called the "**FLATHEAD EMERGENCY COMMUNICATIONS FUNDING PLAN".**

The basic elements of this plan is that 911 would be funded entirely by countywide property taxes and a Special District fee on developed property. The Countywide

property tax would be to continue the current Sheriff countywide property tax levy for 911 of approximately 6 mills (5.921 mills last year) and augment that mill levy with a Special District $25 flat rate fee for residential properties annually and $50 per commercial unit not to exceed 30 units for commercial properties. The creation and funding of such a Special District has to be voted upon by all electors in Flathead County. The Flathead County Commissioners are going to consider putting this Special District ballot issue on the November, 2014 ballot very soon.

The other very important, likely essential, element of this funding proposal is that it will provide a stable funding source in the future for 911, especially for needed capital equipment replacement and additions. The current funding which was approved by all four entities has only provided funding for operating costs and a minimal level of capital equipment. This proposal would provide $500,000 of new funding annually for capital equipment acquisition and replacement. If capital equipment replacement and addition is never funded, the 911 Center will die a slow death of attrition.

Current Report

Having considered various funding alternatives for 911 for many years, even before the Interlocal Agreement, there is considerable sentiment among some members of the public that for a countywide funding mechanism to pass, each city should agree to reduce its current property tax levy by the amount of funding each city currently contributes to 911 – in the City of Whitefish's case, the FY15 contribution is budgeted at $159,000 which is the equivalent of 7.07 mills.

This Special District funding proposal may have a difficult time passing on a countywide vote. However, the equity issues of uniform funding for each similar situated property is very important. The current proposal is a blend of property tax revenue (based on valuation) and flat fees. If the funding were all based on flat fees, the scenarios analyzed would have been too expensive for the typical residential property owner to accept. Thus this blended proposal was developed. However, the flat fee that is blended into the proposal helps ensure that expensive properties don't carry too much of a burden for 911 services because calls for service to 911 are not really correlated with the value of property.

While we can't commit or bind future City Council's to a reduction of our property taxes in future years, I believe we can commit to a reduction in the first year after any passage of the ballot issue. In subsequent years, there may be other needs which arise that could drive the need for a subsequent property tax increase. However, to help with passage of this proposed countywide Special District, I believe it is essential that we would commit to reducing our property tax levy by the equivalent 7.07 mills (or whatever the actual FY15 equivalent is) in the FY16 budget, if the ballot issue passes. 66% of the County population in the 2010 census lived outside of cities, so that is where the vote is going to be decided. Strong support from the County Commissioners and County Sheriff will be needed for this ballot issue to pass. If the cities show support

by lowering our property tax levies by the amount of savings our budgets will realize, it should help offset some opponents arguments.

The Mayor and City Council discussed this topic at their meeting on July 7, 2014 and directed staff to prepare a resolution for their review and consideration.

Reducing the FY16 budget one year from now by 7.07 mills or whatever the final figure is would be revenue neutral on our budget because our expenditures would reduce by $159,000 or more. Thus, the commitment to reducing the levy for at least one year does not really affect our budgets for FY16.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at a public hearing, adopt a Resolution in support a countywide 911 special district with new fees similar to the countywide landfill fee system and pledging to reduce the FY16 property tax mill levy by an amount equivalent to the budget savings from the discontinuation of annual city financial support of the 911 system.

This item is a legislative matter.

d) Resolution No. 14-___; A Resolution of Intention indicating its intent to accept and approve the 2014 Review of the 2007 Whitefish City-County Master Plan (2007 Growth Policy), with amendments to the text and maps, as an addendum to the 2007 Growth Policy - Two year review of the 2007 Growth Policy and consideration of changes to the 2007 Growth Policy (p. 151)

From Planning and Building Director Dave Taylor's Transmittal Memo:

This item is a six-year review of the 2007 Whitefish City-County Growth Policy; such a review is done every two years. The Whitefish City-County Planning Board met regarding this review on February 20, 2014 for a work session on the Future Land Use Maps, held a work session on the Infill Policy on March 20, 2014, and held public hearings on May 15, 2014 and June 19, 2014. The Planning Board review included consideration of existing conditions, the plan's recommended actions, and recommendations to the City Council as to the Future Land Use Maps, the Infill Policy, and implementation priorities per directives contained in the Growth Policy establishing a biennial review.

Planning Board Action: Following the second public hearing, the Planning Board unanimously recommended approval of the attached six-year review of the 2007 Whitefish City-County Growth Policy, with its recommended changes to the text and Future Land Use map, retention of the Infill Policy, and suggested implementation Priorities. In addition, the board recommended the following amendment:

1. Reeves moved, seconded by Workman to add the Environmentally Sensitive Areas (ESA Overlay) map from the 1996 Master Plan in the Future Land Use Map, as suggested in the Growth Policy (approved unanimously).

   Minutes of the 515/14 and 6/19/14 Planning Board meetings are attached.

   Planning Department Recommendation: Staff recommends the City Council review and approve the attached staff report and the recommendations therein, and add it as an addendum to the Growth Policy by resolution, with proposed changes to the text and map with regard to Future Land Uses as included as an amendment. Additionally, staff supports the additional Planning Board recommendation to include the Environmentally Sensitive Overlays areas to the Future Land Use Map,

   Public Meetings: At the May 15 meeting, Mayre Flowers from Citizens for a Better Flathead spoke and asked the Planning Board to table the item so she could have more time to review it. That was all the public comment.

   At the June 19th meeting, no one from the public spoke. Staff did receive an emailed letter from Mayre Flowers with several pages of comments on the day of the meeting, which we delivered to the board and addressed during our presentation.

   RECOMMENDATION: Staff respectfully recommends that the City Council, after considering testimony at the public hearing and the recommendations from the Planning Board and staff, adopt a Resolution of Intention indicating its intent to accept and approve the 2014 Review of the 2007 Whitefish City-County Master Plan (2007 Growth Policy), with amendments to the text and maps, as an addendum to the 2007 Growth Policy.

   This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

a) Consideration of approving the selection of an engineering firm for the design of the East 3rd Street sewer and street overlay project (Block 46 sewer relocation) (p. 254)

   From Public Works Director John Wilson's staff report:

   The Public Works Department has negotiated a Phase I engineering contract with Robert Peccia and Associates for the East Third Street Sewer Project. The proposed new sewer main would intercept the flow at manhole 24-103 in the alley east of Kalispell Avenue, as shown on the attached drawing in the packet..

   The flow would be redirected south to a new sewer main in East Third Street and west to connect with the existing sewer on the far side of Spokane Avenue. A section of sewer main in the alley east of Central Avenue may require improvements, as well.

The existing sewer main running under the Four Square Church on Kalispell Avenue and beneath Block 46 would then be abandoned.

These improvements will correct the current problem with the sewer main under the church and enable development of Block 46.

Although the developers of Block 46 hope to start their project this fall, our timeline for engineering design, State approval and construction bidding will not allow us to start construction of these sewer improvements until next spring. The Public Works Department does not see any problem if the hotel construction moves forward and the sewer main beneath the building site is abandoned next year. If work in the alley east of Central Avenue should be necessary, it would be completed before June 1st in close coordination with adjacent businesses.

Phase I consultant services would include field surveys, engineering design, preparation of construction documents, and assistance with public involvement. Phase II services would be negotiated as the design nears completion and the scope of work for bidding and construction management is better defined.

The Public Works Department has negotiated these Phase I consultant services for a fee not to exceed $34,300, which would be paid out of the Tax Increment Fund.

RECOMMENDATION: Staff respectfully recommends the City Council approve a Phase I engineering contract for the East Third Street Sewer Project with Robert Peccia and Associates in an amount not to exceed $34,300.

This item is a legislative matter.

b) Consideration of approving the selection of an engineering firm for the design of the West 7th Street (Baker Avenue to beyond Karrow Avenue) Resort Tax street reconstruction project (p. 257)

From Public Works Director John Wilson's staff report:

The City Council, on February 18th, designated West 7th Street as the City's next street reconstruction project and authorized staff to proceed with the consultant selection process. The project area is shown on the attached drawing.

The Public Works Department advertised a Request for Statements of Qualifications from interested engineering consultants and interviewed the three top ranked firms in mid-April. The highest ranked firm following the interviews was Robert Peccia and Associates (RPA). We chose to delay contract negotiations because of heavy workloads and returned to that task over the past few weeks.

This memo is to recommend the City Council award a Phase I engineering consultant contract for the West 7th Street Reconstruction Project to RPA in an amount not to exceed $78,600.

Several recent large projects have depleted the Street portion of the Resort Tax Fund, leaving a projected ending cash balance of only $200,129 for FY 2015. This means the schedule for design and construction of the West 7th Street project will be drawn out over a longer period than has been typical in the past. We hope to reconstruct the roadway in 2016, but will develop an overall project schedule during preliminary design.

Given the limited budget for street reconstruction in FY 2015, the proposed consultant agreement is intended to proceed in several phases. The first phase will involve field surveys, preliminary engineering and substantial public involvement to work through the many concerns expressed at City Council meetings back in February. Subsequent phases will provide for engineering design, preparation of construction documents, easements and temporary construction permits, coordination for the relocation of private utilities, bidding services and construction management.

The Public Works Department has negotiated a Phase I scope of services to include:

- Project administration;
- Detailed field surveys, documentation of existing monuments, and preparation of base maps;
- Preliminary engineering for consideration of typical sections, alignment and profiles for the roadway, sidewalks and bicycle/pedestrian path;
- Preparation of drawings and exhibits to help the City and land owners understand the impacts of various alternatives and see how the work would affect their property;
- Assistance with preliminary public outreach to gather information, provide design concepts and obtain property owners' comments and reactions. We foresee an iterative process of design, public presentation, discussion and redesign to find a workable solution. The scope of work calls for three newsletters and two public meetings in this phase.

Phase I is scheduled to be completed by November 2014, when we will return to the Council with an addendum for Phase II services, including final design for the street reconstruction and coordination for relocation of private utilities. Depending on the availability of funds, we hope to relocate private utilities next summer and begin street reconstruction in the spring of 2016.

The Public Works Department has negotiated this Phase I scope of services for a fee not to exceed $78,600, which would be paid out of the Resort Tax Fund.

RECOMMENDATION: Staff respectfully recommends the City Council approve a Phase I engineering consultant contract for the West 7th Street Reconstruction Project

with Robert Peccia and Associates, as described above, in an amount not to exceed $78,600.

This item is a legislative matter.

c) Consideration of an amendment to the engineering contract with WGM Group for the Whitefish West (Hwy 93) utilities project for construction inspection and management (p. 260)

From Public Works Director John Wilson's staff report:

Phase II of the State's Whitefish West – Highway 93 Reconstruction Project is starting up, along with the City's improvements for water and sewer infrastructure between Karrow Avenue and Mountainside Drive. The City has an ongoing contract with WGM Engineers for engineering design and construction management services. This memo is to recommend the City Council approve a contract amendment providing for Phase II construction management services.

The scope of services for this contract amendment include:

- Phase I Construction Closeout – this item provides for additional hours required last fall for the bridge water main crossing, preparation of Phase I record drawings and post-construction documents.
- Phase II Construction Services
  - General administrative services - attend construction meetings, review contractor submittals, monitor construction schedules and coordinate communications between City staff, MDT and contractors
  - Half-time construction inspection for the scheduled period of 120 working days
  - Sampling and coordination for soils tests
  - Construction surveys as necessary to verify contractor's construction staking and provide information for record drawings
  - Preparation of Phase II record drawings and post-construction documents for DEQ.

The Public Works Department has negotiated these Phase II construction management services for a fee not to exceed $100,465, which would be paid in equal shares from the Water and Wastewater budgets.

Public Works overlooked the need for this contract amendment as we prepared the Water and Wastewater budgets for FY 2015. Given that the project must move forward, we propose to make funds available by postponing other capital projects until FY 2016.

RECOMMENDATION: Staff respectfully recommends the City Council approve an engineering contract amendment with WGM Engineers for Phase II construction

management on the Whitefish West - Highway 93 Water and Sewer Improvements Project in an amount not to exceed $100,465.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 263)
b) Other items arising between July 16th and July 21st

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

ADJOURNMENT

Sincerely,

Chuck Stearns
City Manager

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

(This page left blank intentionally to separate printed sections)

Flathead City-County Health Department

NORTH VALLEY HOSPITAL

City of Whitefish

Healthy Communities Workshop

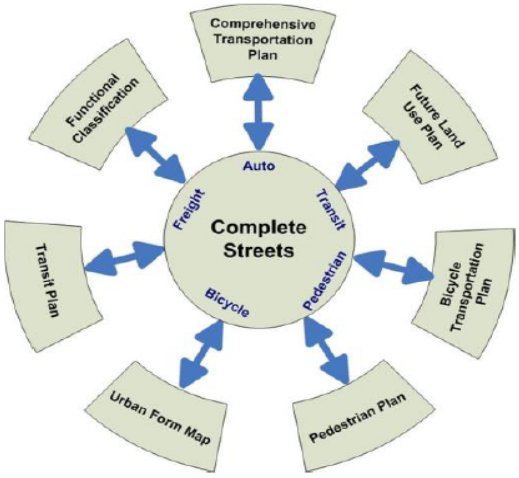
Presented by Walkable Communities expert Mark Fenton

Hosted by the City of Whitefish, North Valley Hospital, and Flathead City-County Health Dept.

Tuesday, July 22, 2014, 11:30 to 2:30pm at the O'Shaughnessy Center

- Healthy community design connects public health, economic health and environmental health
- The four keys to healthy community design, and the benefits
- Approaches from across the U.S., including cold-weather examples
- Cost-effective Complete Streets techniques
- First easy steps to walking- and biking-friendly cities

Free to representatives of public health departments, city/county boards and planning commissions, bike and pedestrian committees, planners and engineers, and others working toward policy and environmental changes to support active living.



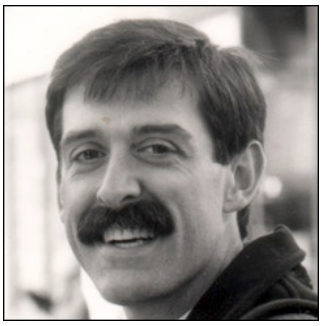
IMPORTANT: Contact Karin HIlding at 863-2450 or khilding@cityofwhitefish.org by July 18th to reserve a seat. Lunch will be provided.

Mark Fenton is one of the foremost experts on designing healthy, walkable communities.

Mark Fenton is a national public health, planning, and transportation consultant; former host of the "*America's Walking*" series on PBS, and an adjunct associate professor at the Friedman School of Nutrition Science and Policy at Tufts University. He's author of several books including the "Complete Guide to Walking for Health, Weight Loss, and Fitness" (Lyons Press, 2008) and "Pedometer Walking" (2006). He's been a lead-trainer for the University of North Carolina's National Center for Safe Routes to School, and facilitated walkable community workshops across North America. A former editor of WALKING magazine, Mark was a member of the US national racewalking team, competing in the 1984 and 1988 Olympic Trials in the 50-kilometer racewalk. He studied biomechanics at the Massachusetts Institute of Technology, was a researcher at the Olympic Committee's Sports Science Laboratory in Colorado Springs, Colorado, and manager of Reebok's Human Performance Laboratory. Mark has published widely in exercise science, physical activity promotion, and community health interventions. He's a vocal advocate for active transportation (even serving on his town's planning board and by-law review commission), a consultant on bicycle and pedestrian community plans, and recognized authority on public health issues and the need for community, environmental, and public-policy initiatives to encourage more walking, bicycling, and transit use.

Engineering Physical Activity Back Into Americans' Lives

By Mark Fenton



In recent years American's have heard from the Surgeon General, the Secretary of Health and Human Services, and no less than the President himself that this nation is in the midst of an obesity epidemic. Unfortunately, while rightly acknowledging the great personal and social cost of the epidemic, none of them have offered particularly enlightened solutions to the problem. In particular, none have proposed bringing to bear any of the myriad policy tools available to them, nor have they championed the types of state and local activities that make a difference at the community level. Fortunately, creative solutions are being pursued in cities and towns across the country.

The problem with how they see the problem.

Given the incessant media attention, most people now recognize that obesity is a result of a chronic caloric imbalance—eating more calories than you burn on a regular basis. Over the past decade the public health community has seen this epidemic looming and has warned of a commensurate rise in cardiovascular disease, diabetes, hypertension, and a host of related complications. Certainly there's been focused discussion on the need to improve Americans' nutritional habits. Specific initiatives are also being launched to encourage people to get more exercise. America on the Move, for example, is a program designed to get pedometers (hip-worn step counters) on people so that they become aware of and try to increase their daily step totals. More daily steps means more physical activity, goes the thinking, and thus less obesity.

Sadly, almost two decades worth of experience suggests we'll be fighting a losing battle if the goal is simply to get people to "exercise" more. The Surgeon General's Report on Physical Activity and Health, published in 1996, concluded that Americans should accumulate at least 30 minutes of physical activity every day to reduce their risk for chronic disease and an early death. In 2008 physical activity guidelines were released (www.health.gov/paguidelines) that offered more flexibility by recommending 150 minutes of activity a week as a minimum average (think 30 minutes, five days a week on average). Yet the Centers for Disease Control (CDC) collects annual survey data suggesting that only about 25% of the US population gets that much leisure time physical activity (in other words, conscious exercise), while nearly 30% of the adult US population is essentially sedentary, getting no activity at all during the day. Even more disturbing, despite admonitions to "just do it" and "feel the burn," those numbers haven't budged for well over a decade. So, we've been talking about exercise, and we're talking about it more now than ever. But apparently we're not prepared to do any more of it, no matter how much we're told we should.

This article is based on the premise that there's a missing link. Specifically, that the real problem isn't restricted to a lack of exercise, but also to a continually declining amount of *routine* physical activity. Not only do we have power devices—from lawn mowers to washing machines, elevators to automobiles—to do all of our work for us. But most notably, American's rarely walk or bicycle anywhere anymore. While the number of walking trips (as a percentage of the total trips) were roughly cut in half from 1977 to 1995 based on US Department of Transportation data, automobile trips rose to be almost 90% of all trips. Over nearly that same time span, the rate of obesity in the US rose from about 12% to over 30% of the adult population. That is, nearly one-third of US adults are now considered obese by medical standards. (For more detailed or state-specific health data, go to www.cdc.gov/nccdphp/dnpa.)

Given that it's unlikely American's are ready to forego automatic garage door openers and washers and dryers, and there's no evidence we're inclined to increase our more structured exercise, it looks like we would do well to build more routine walking and bicycling into our daily lives. This is the opportunity our national leaders are missing. (For example, why aren't they discussing dramatically *increasing* federal transportation enhancement funding for bicycle and pedestrian facilities as part of the war on obesity?)

Thankfully those involved in local land use and transportation planning have taken up the call. Even better, many communities are seeing coalitions between planners, engineers, health professionals, educators, elected officials, concerned citizens and others join the movement—some under the banner of smart growth or sustainable development, but more and more are simply recognizing that our very health and well-being are at stake. (For extensive evidence and resources in creating active environments, see www.activelivingbydesign.org.)

Planning settings that are more physically active.

To really impact physical activity, we're not just talking about more playing fields, basketball and tennis courts. They're great for exercisers, and certainly should be widely available in every community. But they alone won't get enough people moving to truly make a difference. It's not even about more parks and purely recreational trails, though they also have great merit. What is needed are settings where people will walk and bike simply because it is safe and, for at least some trips, actually more convenient than driving a car. An extensive research literature in planning and transportation (and a growing body of research in public health) suggests five simplified elements can be used to describe places where people are more likely to walk and bike as a matter of course. (For more details and further resources on these and other ideas go to the Local Government Commission at www.lgc.org.)

1. Continuous networks. The pathways, trails, and lanes for walking and cycling must be complete and create an effective network. Generally the best sidewalks are wide and separate from traffic blocks are short, and intersections frequent, providing many route choices. Bike lanes provide safe riding in areas of higher volume traffic. The ideal result

is that the walk or bike distance between two points isn't dramatically longer than the straight line (or "as-the-crow-flies") distance.

2. Land Use. There are two keys here: Communities (or at least neighborhoods) must be compact enough that total travel distances aren't too great. And there must be a high mix of uses, with residential, retail and commercial activities, schools, recreation, and transit access all interspersed, and thus within walking and biking distance of one another.

3. Safety. People feel safe both from crime and from traffic when out on foot or on a bicycle. This requires that elements of both the social and built environments be favorable. For example, there should be minimal illicit activity and lots of lighting, as well as separation of walkways from travel lanes and slow traffic speeds.

4. Site Designs. Even if sidewalks are available and safe and destinations are plentiful, people will not walk to uninviting buildings, especially if they are set well back from the road behind acres of parking. But buildings near the street with obvious entrances and bicycle parking and many windows are not only more inviting to pedestrians and cyclist. They also provide comfort to those simply walking past.

5. Civic Commitment. Though the softest of the bunch, this may be the most important for long-term, large-scale change. Everyone from elected officials and bureaucrats to the average citizen has to embrace the idea of a more walkable community—and vote with their feet! The best measure of a successful pedestrian environment is whether you see people out and about on foot.

How to build more active communities? Creative approaches and new partners.

Many in planning are developing and testing tools and approaches around zoning and site requirements, the two areas most planning entities control. The following show great promise in helping to create places where more people are likely to walk and cycle

- **Require the network.** Mandate sidewalks in all development, and bicycle lanes where appropriate. (See the "Pedestrian Facilities Users Guide" and the "Bicycle Lane Design Guide" at www.pedbikeinfo.org.) One approach is to construct sidewalks and bike lanes opportunistically—say, when streets are being paved or sewers redone. Note that in many communities health officers review all development plans (often as oversight of water and sewer issues), meaning they can and should be an ally in supporting completion of the bike and pedestrian network

- **Mix uses.** Zone for corner stores or small business districts in neighborhoods, encourage upper floor apartments above first floor retail or businesses.

- **Increase residential and business densities.** One approach is to simply reduce lot sizes; but you can go further and provide density bonuses to developers. These

allow overall greater numbers of units if built in a more compact pattern that encourages biking and walking while preserving open space. Even in already-developed, low-density suburbs you can encourage apartments over garages, in basements, as "garden apartments," etc.

- **Slow down traffic.** Simple traffic calming tools—for example, narrower lanes, median islands, chicanes, and speed tables—have been shown again and again to slow speeds in residential and downtown areas, to the benefit of both pedestrians and drivers. Though not always in a planner's purview, this is a critical adjunct to the other activities described here.

- **Preclude drive-through retail settings.** Don't allow fast food or other services to cater entirely to automobiles at the expense of bicycle and pedestrian traffic. Even fast food outlets and national retailers can succeed—in fact thrive—in more appealing and functional settings.

- **Set maximum setbacks.** Suburbs have typically had minimum setbacks, requiring that structures be greater than some minimum figure from the front lot lines. This generally undermines pedestrian friendliness in two ways: A building set far back from the sidewalk provides little of the oversight or comfort that makes a sidewalk an inviting place to be. And parking is often placed on the lot between the sidewalk and the building, making for more challenging bicycle and pedestrian access. Whenever possible, bring building fronts to the sidewalk edge.

- **Reduce or eliminate on-site parking requirements**. For new construction maximize on-street parking or shared parking between and behind—but not in front of—buildings. Diagonal parking, for example, increases capacity over parallel parking and can also serve to narrow the travel lanes. Ideally, give bicycles the very best parking spaces.

So if this all works, who needs the health community?

What's so unique about this? Most of these suggestions you'd find in any smart growth manifesto, or in guidelines for creating a "New Urbanist" or more sustainable community. This argument adds two key ideas to those approaches.

First, we must all wear the mantle of public health advocates when making the case for more walkable and bicycle-friendly settings. The focus of the argument for better bike and pedestrian facilities at the beginning of this article was to help people be more physically active, and thus to help fight the very real obesity epidemic. But there are two further health arguments. As automobiles are among the greatest contributors to air pollution in this country, replacing some number of car trips with walking or cycling trips can dramatically help improve air quality, and thus health. Also, reducing bicycle and pedestrian crashes, injuries, and fatalities is a key goal, and is a result of better-designed facilities—this argument is especially critical around schools, where child pedestrian traffic is likely to be greatest.

Second, we must use the skills and infrastructure of the public health community to advance the cause. Health advocates tend to be skilled at working in and even facilitating multi-disciplinary teams because it's so often required in their work. Whether collaborating with travel authorities when trying to contain an infectious disease outbreak, hydrologists and engineers to maintain clean water supplies, or education officials and parents to assure vaccinations are universal, public health officials are accustomed to working intersectorally. Thus, they are ready and willing allies in creating more bicycle and pedestrian friendly communities, once the clear connection to their goals—more physically active and thus healthier citizens—is made. Here are several examples of specific initiatives to launch in your community.

National: Walk to School programs. Sometimes called Safe Routes to School, the approach is often to build interest among children and parents with an event on International Walk to School Day (usually the first Wednesday in October), and then build a coalition to improve safety and increase routine walking by building better facilities where needed. School or community health officers are often integral to such efforts. (See www.walktoschool.org for details and a national event registry.)

State: Active Community Awards. The Michigan Department of Community Health encourages communities to do an on-line self-assessment of "activity-friendliness." It covers a variety of areas including land use and planning, non-motorized transport facilities and safety, parks and recreational programming, schools, worksites, and public transportation. The assessment asks communities for intended next steps and provides a score. It both recognizes success (Michigan's governor personally handed out the 2003 awards) while identifying the areas needing improvement. It also begins a process by forcing communities to pull together an interdisciplinary team simply to complete the survey; that team can become the basis for on-going work. A similar effort at community assessment is being pursued in North Carolina. (See www.mihealthtools.org/communities for Michigan's survey and information; or see www.eatsmartmovemoreNC.org for North Carolina's assessment tools.)

Local: Bike/Pedestrian Network Building. There are numerous examples from visionary communities nationwide of efforts to complete their bicycle and pedestrian networks. These include passing bonds to underwrite sidewalk and trail construction, or aggressively pursuing "road-diets," the conversion of four-lane roads to two-lanes plus a turning lane, with the left-over space dedicated to bike and pedestrian right of way. One especially creative approach: towns that purchase homes at the end of cul-de-sac streets when they go on sale, construct cut-through pathways to adjacent streets, parks, or trails, and then resell the homes with the pathway easement owned by or permanently deeded to the town. It's a powerful way to increase bike and pedestrian access in otherwise impenetrable dead-end neighborhoods. (See www.walklive.org, www.bikewalk.org, and www.pedbikeinfo.org for detailed design and engineering information, resources, and an extensive image library.)

Whatever you pursue, keep in mind all of your potential allies—in Cohasset, MA it's been the health officer, not planners or bike advocates, who has led the charge to get local conservation funds put in place for a feasibility study of a trail along an historic rail corridor. Perhaps the health officer in your community is equally enlightened.

And what about *you*? Quite simply, you should put up or shut up. The final but perhaps most effective way to create a more active community is to get involved personally. It's easy to visualize this happening at four levels; everyone can start at the first, but for greatest effect should work all the way to the fourth.

- **Be a role model.** Forego at least one car trip every day, and bike or walk instead. Even better, walk a child to soccer practice, or walk with friends to dinner or a movie to broaden your impact.
- **Be a lone voice.** Show up at planning and zoning meetings, ask questions, and at least make people explain why it's being done the way it is.
- **Infiltrate existing entities.** I ran for my local planning board and find that nothing is as effective as being on the "inside." Simply put, if all I do is get the sidewalk network closer to completion in my community, it will be time well spent. But it's clear one could have an impact working on the zoning board, school or town council, recreation or conservation commissions, neighborhood association—in other words, any one of myriad elected, appointed, or volunteer boards.
- **Create a new coalition**. Cross disciplines: get public safety, health, transportation, planning, public works, education and other officials together with citizen advocates, and make the creation of more walkable and bike-friendly settings a community-wide focus.

This article was published in "Progressive Planning," no. 157, Fall 2003; www.plannersnetwork.org

(This page left blank intentionally to separate printed sections)

WHITEFISH CITY COUNCIL MINUTES
JULY 7, 2014
7:10 P.M.

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, Assistant City Clerk Woodbeck, City Attorney VanBuskirk, Planning and Building Director Taylor, Senior Planner Compton-Ring, Parks and Recreation Director Butts, Fire Chief Kennelly and Police Chief Dial. Approximately 35 people were in the audience.

PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Bret Walcheck to lead the audience in the Pledge of Allegiance.

COMMUNICATIONS FROM THE PUBLIC-(This time is set aside from 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 1:38)

Mac McCrackin, owner of the Pin & Cue, 6570 Hwy 93 S., Whitefish Chamber Board member and the Chair of the Government Action Committee. They would like to invite Mayor Muhlfeld to come and present the Downtown Master Plan to the board and the Government Affairs Committee.

COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 2:27)

Councilor Hildner reported from the Bike/Pedestrian Committee that the Healthy Community Workshop is scheduled for Tuesday July 22nd, if anybody would like to attend they should RSVP to Karin Hilding. The Skye Park Bridge is still in flux as there still is no agreement with the Haggs. They do not feel they will be starting on the bridge before next summer. North Valley Steel will do the estimates on the stairs at the Veterans Memorial Bridge and Stumptown Inn. May Lawn Service will restore Kay Beller Park. They will be doing volunteer projects on either the 23rd or 29th to refurbish the hand rails on the Rocksund Trail and Riverside Park footbridges.

Council Anderson reported from the Resort Tax Committee that they will be doing a field trip to look at some of the future projects.

Mayor Muhlfeld said he sits on the Whitefish Lake Institute Board and there is an upcoming fundraiser. It is their Wine auction on July 31 and August 1st - the tickets can be purchased at the Whitefish Lake Institute or Mike Koopel.

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 items 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 €(3) WCC)

a). Minutes from the June 16, 2014 Council regular meeting (p. 80) (CD 6:05)

b). Resolution No. 14-18: A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 2405 Carver Bay Road, for which the owner has petitioned for and consented to annexation. (p. 91)

RESOLUTION NO. 14-18

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 2405 Carver Bay Road, for which the owner has petitioned for and consented to annexation.

WHEREAS, Charles E. Lyman has filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owner of real property representing 50% or more of the total area to be annexed. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, adopted by the City Council by Resolution No. 09-04 on March 2, 2009, as required by and in conformity with §§7-2-4610 and 7-2-4732, MCA, available at the office of the City Clerk; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish that the City is able to provide municipal services to the area proposed for annexation. Further, it is hereby determined by the Whitefish City Council to be in the best interest of the City of Whitefish, and the inhabitants thereof, as well as the current and future inhabitants of the area to be annexed described herein, that the area be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate boundaries of the City of Whitefish be extended to include the boundaries of the area described in the Petition for Annexation within the limits of the City of Whitefish.

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

Section 1: The corporate boundaries of the City of Whitefish be extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, and legally described as:

> Lot 3 of AN AMENDED PLAT OF LOTS 19 AND 20 OF WHITEFISH LAKE SUMMER HOMES, according to the official plat thereof, filed in Official Records of Flathead County, Montana.

Section 2: The minutes of City Council of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the July 7, 2014 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall be

deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 7TH DAY OF JULY, 2014.

/s/ John M. Muhlfeld
John M. Muhlfeld, Mayor

ATTEST:

/s/ Vanice Woodbeck
Vanice Woodbeck, Assistant City Clerk

c). Resolution NO 14-19; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1722 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation. (p. 102)

RESOLUTION NO. 14-19

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1722 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation.

WHEREAS, Kimberly Garth Tymko and Trina Laree Tymko have filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owners of real property representing 50% or more of the total area to be annexed. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, adopted by the City Council by Resolution No. 09-04 on March 2, 2009, as required by and in conformity with §§7-2-4610 and 7-2-4732, MCA, available at the office of the City Clerk; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish that the City is able to provide and has been providing municipal services to the area proposed for annexation. Further, it is hereby determined by the Whitefish City Council to be in the best interest of the City of Whitefish, and the inhabitants thereof, as well as the current and future inhabitants of the area to be annexed described herein, that the area be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate boundaries of the City of Whitefish be extended to include the boundaries of the area described in the Petition for Annexation within the limits of the City of Whitefish.

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

Section 1: The corporate boundaries of the City of Whitefish be extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, and legally described as:

> Lot 18A of AN AMENDED PLAT OF LOTS 17 & 18, BLOCK 2, LAKE PARK ADDITION, according to the map or plat thereof on file and of record in the office of the Clerk & Recorder of Flathead County, Montana.

Section 2: The minutes of City Council of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the July 7, 2014 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 7TH DAY OF JULY, 2014.

/s/ John M. Muhlfeld
John M. Muhlfeld, Mayor

ATTEST:

/s/ Vanice Woodbeck
Vanice Woodbeck, Assistant City Clerk

d). Consideration of approving the final plat for Orchard Lane 3 subdivision, a four lot subdivision located at 467 Colorado Avenue. (p. 113)

Councilor Hildner offered a motion, seconded by Feury, to approve the Consent Agenda as presented. The motion passed unanimously.

PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolutions 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. 14-20; A Resolution to change the name of the portion of West 15th Street between Baker Avenue and Flathead Avenue to June's Way (p. 152) (CD 6:25)

City Manager Stearns said the City received a request from Whitefish Food Bank to change the name of West 15th Street to June's Way in the portion between Baker Avenue and Flathead Avenue. A public notice was sent out to the neighbors with only one comment received.

Mayor Muhlfeld opened the public hearing with no public comment the Mayor turned it over to the Council.

Councilor Feury offered a motion, seconded by Councilor Frandsen, to adopt Resolution No. 14-20 to change the name of the portion of West 15th Street between Baker Avenue and Flathead Avenue to June's Way.

Councilor Sweeney urged that the Whitefish Food Bank reconsider their proposal not to change their address from Flathead Avenue to June's Way.

The motion passed unanimously.

(CD 9:19)

b). Resolution No. 14-21; A Resolution establishing rates charged for the purchase of a vault in the cemetery columbarium and related services. (p. 160)

City Manager Stearns said we have been sold out of plots at the cemetery for several years. The City installed a columbarium which is above ground. It can hold up to 40 cremation urns with 20 on each side. The total cost was $29,203 divided by 40 vaults equals $730. They are proposing in the lower tiers to be $750 and if you put two urns in it would be another $150. There will different rates for county residents. The upper two tiers will start at $800. There will engraving costs also.

Mayor Muhlfeld opened the public hearing, with no public comment the Mayor turned it over to the Council.

Councilor Hildner offered a motion, seconded by Councilor Frandsen, to adopt Resolution No. 14-21; A Resolution establishing rates charged for the purchase of a vault in the cemetery columbarium and related services.

Councilor Hildner asked and City Manager Stearns said most of our fees do not have a sliding scale. These fees have been rounded up and feels we will be covered for a while. Fees have to be approved by Council.

The motion passed unanimously.

(CD 14:59)

c). Consideration of an application from Greg Eaton of EDM Development for a Conditional Use Permit to construct a 5 Plex at 221-231 O'Brien Avenue subject to six (6) conditions. (p. 166)

Senior Planner Compton-Ring said the property is zoned WB-3, which says if they go above a 4-plex, a Conditional Use Permit is needed. The building is proposed to be located along the north side of the property and will be served by a driveway along the south side of the lot that will connect O'Brien Avenue and the alley to the east. Each unit will have a single car garage and space in the driveway for an additional parking space. Overflow parking is located along the alley.

The project is located on three and a half lots plus half of an abandoned alley. This property is undeveloped and the Growth Policy is Core Commercial. They did mail a notice to the adjacent land owners and to the advisory agencies. After the Planning Board met they did receive a letter from a neighbor not in support of the project if overnight or weekly rentals were allowed.

Planner Compton-Ring said it does comply with the Growth Policy Core Commercial, WB-3 zoning. The access does meet the standards and the Fire Department has reviewed the site plan and was satisfied with the proposed access. Parking is adequate and meets the City zoning. The property is served by both O'Brien Avenue and an alley to the east of the property. The applicant is proposing a driveway along the south property line to provide access to the property and connect O'Brien Avenue with the alley. The driveway is located at the top of the hill, which should provide adequate visibility to O'Brien Avenue.

Planner Compton-Ring said a landscaping plan is required. The applicant will be required to do a stormwater plan. The applicant and Public Works Department need to determine the type of frontage improvements that will be needed along O'Brien Avenue.

Planner Compton-Ring said the applicant has been to the Architectural Review on June 3rd for a preliminary review in which the committee suggested a front porch along O'Brien Avenue as it is commonly found in this neighborhood. Also they would like some kind of sidewalk to connect O'Brien Avenue to the development for pedestrians.

The Planning Board recommended approval subject to six (6) conditions. There were two neighbors that spoke at the hearing and were concerned with the narrowness of the alley, steepness of O'Brien Avenue and adding more garbage cans and it was suggested that the alley be one-way.

Planner Compton-Ring highlighted a couple conditions which are #3: A landscaping plan that incorporates existing, healthy trees into the plan shall be reviewed and approved by the Planning Department prior to the issuance of a building permit, #4: work with the Public Works Department to determine appropriate frontage improvements along O'Brien Avenue. On #5: All internal lot lines shall be eliminated prior to submitting an application for building permit. Planner Compton-Ring said the applicant is considering doing townhouses instead of condos so she has suggested an amended condition which would be #5: All internal lot lines shall <u>either</u> be eliminated <u>or modified to accommodate townhouses</u> prior to submitting an application for building permit.

Mayor Muhlfeld opened the public hearing.

Chad Phillips, 309 Wisconsin Avenue, gave a slide presentation showing the site, proposing a sidewalk that would go down to the improvements to 2nd Street, providing curbs, landscaping and a view of townhomes. The presentation also showed how the residences would get in and out of the townhomes.

Council Hildner was concerned with the width of the driveway and the exit onto O'Brien Avenue. Chad Phillips said there is enough room on the driveways for backing out and the alleyway coming onto O'Brien Avenue is not quite at the top of the hill.

No further comment, Mayor Muhlfeld closed the public hearing.

Councilor Feury offered a motion, seconded by Councilor Sweeney, for the approval of an application from Greg Eaton of EDM Development for a Conditional Use Permit to construct a 5 Plex at 221-231 O'Brien Avenue subject to six (6) conditions and including the recommendation to condition #5.

Councilor Hildner offered an amendment to the motion, seconded by Councilor Barberis, to add condition #7: That a sidewalk would be installed on the East Side of O'Brien Avenue through this development. The motion passed with a 5 to 1 vote with Councilor Anderson voting in opposition.

The motion as amended passed unanimously.

(CD 36:34)

d**). Consideration of a request from Elk Highlands, LLC for a two year extension to Wapiti Woods final plat (p. 196)**

Senior Planner Compton-Ring said the applicant is requesting a 24 month extension for Wapiti Woods at Elk Highlands preliminary plat. This a 34-lot subdivision on 24 acres located on Big Mountain-between Ridge Top Drive, Elk Highlands Drive and Northern Lights Drive. The preliminary plat was granted by Council on August 17, 2009 and in 2012 was granted an additional 24-month extension with it expiring on August 17, 2014.

This subdivision is located within the Whitefish Planning jurisdiction and is zoned BR-4 (Flathead County Planned Resort). Upon review of the file, issues raised during the public hearing process included:

Secondary Emergency Access: The project is designed with a main entrance off Northern Lights Drive and a secondary emergency access into the Sunrise Ridge subdivision to the east. The emergency access road is proposed to be a locked secondary emergency access. The Big Mountain Fire Department was satisfied with this approach, as was the Council.

Right-of-way Width for Private Roads: They did ask for a subdivision variance to the width of the right-of-way. All the roads in this development are private. The applicant has proposed two of the private roads to have a 40-foot right-of-way instead of 60-foot. This does not reduce the width of the actual paved roadway. The purpose of the narrower right-of-way is to reduce the amount of clearing and grading needed to install the roadway. The Council approved this request.

Planner Compton-Ring said there have been some changes in the standards since 2009 when it was first approved. The project was approved during an earlier version of the Water Quality Protection regulations (formerly known as the Critical Area regulations). Conditions 6-8 required the applicant, prior to final plat, to conduct a Site Stability Analysis on each lot to see if additional geotechnical analysis would be warranted. The City Council has since amended this section of the regulations to eliminate the Site Stability Analysis. Preliminary geotechnical review is needed with lots that are greater than 10%. Tree protection and Wildland Urban Interface standards are more detailed in the subdivision regulations.

Planner Compton-Ring said adjacent land owners within 300-feet were notified in March 2014. A number of concerns were:

Subdivision's relationship with the larger Elk Highlands Homeowners' Association as far as maintaining the roads, ski lift, etc.
Using the Elk Highlands name as part of the subdivision name
Density of the project and being out of character with the larger neighborhood
Timeframe for build-out
Storm water retention and erosion control
Impact on utilities
Noise, outdoor lighting, development on the ridge
Safety at the intersection with Northern Lights Drive
Use of Ridge Run Drive as an emergency access
Impact on the environment and loss of green space
Subdivision variance for the street width
Rezone to allow more units (This request accompanied the preliminary plat in 2009)
Effects on the ski access trail, chair lift and grooming for Elk Highlands/Northern Lights North
Effects on property values
Installation of the roads and the homes on steep lots
Snow Removal
Impacts on the Home Again Ski Trail
Impacts from the proposed Community Center

A second notice was sent, and they did receive 12 letters in opposition and 1 in support. The letter in support pointed out that there are dark sky requirements on the mountain, it's a good thing to have diversity in housing and the roads in this neighborhood were for support of the subdivisions. Overall, the neighbors feel that they were unaware of the project, that conditions in the neighborhood have changed and the project deserves to go back through the review process to ensure adequate public participation. Other comments were:

That the homes may be rentals and not permanent dwellings
Increased traffic
Road access
Increase in noise
Loss of trees
Loss of wildlife
Less noticing requirement in 2009; now more people know about the project and conditions have changed to warrant more neighborhood input
There are some suggestions for improvement to the project including removing lots, rearranging lots and changing the street access for the project
Poor public noticing in 2009

Discrepancy in the acreage of the project staff report versus preliminary plat map (NOTE: The application states 34 acres and both the plat map and the state of Montana CAMA webpage state 24 acres. The application must be a typo that staff used for the staff report and public notice. However, this typo does not place the project out of compliance with the Overall Development Plan).

Staff does recommend approval of the request to extend the Wapiti Woods at Elk Highlands preliminary plat for 24 months, expiring on August 17, 2016. Planner Compton-Ring said they are just here to either extend or not for 24 month as they cannot change or add any conditions.

Tom Sands, Sands Surveying, said the original process for Elk Highlands started in 2003. As part of the Elk Highlands Phase 1 & 2 the developers donated 104 acres as a conservation easement. Phase 3 of Elk Highlands which this property is on, had already been approved with the OPD. In 2009 Elk Highlands proposed to increase the density from 18 lots to 34. The OPD for the preliminary plat went to the Council and the issues of emergency access and density were all addressed. Flathead County, WSI, the developers of Sunrise Ridge HOA allowed gated emergency egress on Ridge Run Drive. This would invalidate the Sunrise Ridge subdivision approval that was granted by the County in 1991. When the Elk Highlands purchased the property from WSI, it contained an emergency access easement agreement granting Elk Highland use of Ridge Run Drive as use as an emergency egress. The road does come up through Northern Lights development and Northern Lights West Development which are owned by WSI. There is through traffic from the base area up through Northern Lights West back down to Elk Highlands and then to the highway.

Tom Penaluna, developer of Wapiti Wood, said the market is coming back and they are confident that now they can move forward. One reason why they postponed in April was so they could meet with the homeowners in the Sunrise Ridge area. They did meet with some of them and believe they answered most if not all of their concerns. There are 20 conditions that they have agreed to in the preliminary plat and they will be complying with all the conditions. One of the conditions is the emergency egress road. Tom said that Sunrise Ridge needs Wapiti Woods emergency egress as much as they need theirs. They are planning on doing the engineering this winter and hope to start next summer in 2015 and hope to be completed in 2016.

Kenneth Lockard, developer of Wapiti Wood, said they worked very hard to create detailed documents to hold a standard of quality in Elk Highlands and it is their goal for Wapiti Wood in Phase 3. They want to have quality of views, vegetation and very high quality homes. He feels they have been very communicative with the residents when doing Phase 1 & 2. He read a couple of paragraphs that each owner has signed that have built in Elk Highlands: There could be construction in progress which could cause noise, dust and other inconveniences. Maintenance of roads serving the subdivision shall be the responsibility of Elk Highlands HOA. The buyers who will be purchasing a lot during a period in which construction is or will be happening and that improvement to the lot maybe completed prior to the completion of those of other lots. The buyers agree not to take action to impair or delay any development of real estate subject to the BR-4 zoning or any land added to this district so long as such development complies with the Flathead County zoning regulations. They do want to work with the property owners and he thinks they have added a lot of value to Sunrise Ridge at our own cost as they put in the ski lift that replaced the T-bar.

Tom Penaluna said they have an easement agreement with WSI that owns Northern Lights Drive and it gives them access to come into our subdivision name the road which when then come into Wapiti Wood. Council Anderson would like to see a copy of this agreement before voting tonight.

Mayor Muhlfeld opened the public hearing.

Ryan Purdy, an attorney with Morrison/Frampton 341 Central Avenue, he is representing several of the homeowners in Elk Highlands Phase 1 & 2. They have met with the developers and unfortunately my clients have been unable to obtain an agreement on their concerns. Their main issue is that Wapiti Woods would not have to put in for road maintenance without an agreement with Elk Highlands which they do not have at this time.

Jerry Meislik, 161 Ridge Run Drive, is concerned about the lot acres of Wapiti Woods. All the other neighbors have larger lots and he feels this will decrease their property values. He is not sure if there is permission from Sunrise Ridge homeowners for emergency egress. What is the commitment from Wapiti Woods to shield the traffic, noise and light from the current residences of Sunrise Ridge?

Karl Moody, 566 Elk Highlands Drive, is opposed to granting another 2 year extension. These are very small lots which is out of character. It has been 5 years since this started and nothing has been done. He owns lot 1 in Northern Lights West which is above Ridge Run Drive. They are asking for a 94% increase in density. If this is denied then a traffic study would have to be updated from 2006. He also feels the value of his property will also go done because of the density.

Bob Reich, 116 Ridge Top Drive, he is also president of the Big Mountain HOA. Egress is his primary concerns as he has not seen an agreement that is in place. The current board is not opposed to the egress and if they are going to require the road be open 24 hours 365 days a year, who will be paving the road and maintaining it.

Paul Okerberg, 476 Elk Highlands, former president of Big Mountain HOA. He wonders if there could be an alternate route that would address the concerns of Elk Highland homeowners. What about

the wear and tear on the roads after the construction has been done. It would not be fair for Elk Highland Phase 1 & 2 to have to pay for this is Wapiti Woods does not share in the cost. There is a lot of concern on the access. They need to come up with an alternate route and if they deny the request everybody could work on this route. The primary road that they are proposing to use is very unstable. They still have 5 weeks before this extension expires and that would give them time to find another route if they do not rush their decision.

Steve Cosby, 84 Elk Highland Drive, is also concerned of the road development and who will be paying for maintaining the roads and this does need to be worked out with the developers. He would also like to see this come back to the Council so they have time to work everything before the extension is granted.

Steven K. Winegar, 254 Elk Highlands Drive, feels the developers did a wonderful job in Phase 1 & 2 and for the developers to work with the homeowners at Elk Highlands.

Dan Graves, WSI Inc., said Sunrise Ridge was approved in 1992 & 1993. The language reads, "an emergency egress and access shall be provided serving Ridge Run Drive. The roads shall be constructed at the time that 30% of the proposed housing units are under construction along the entire Ridge Run Drive serving 74 acres in pods M,P,Q,R" and pod M is where Wapiti Woods is. On the preliminary plat in 1993 says an emergency access and egress shall be provided by looping Ridge Run Drive back to Big Mountain Road. This road would be constructed when 30% of the houses have been done along Ridge Run Drive serving 74 acres of residential land in pods M, P, W and R. In the declaration that was done in 1999, article 6 reads: Certain rights of declarant (WSI), owners and leases, section 1 which is reserve rights within respect of the property furnished by the declarant. Whether or not expressed at the time all real property conveyed by the declarant (WSI) to an association shall at all times remain subject to existing easement for utilities including gas, electricity, water, sewer, telephone, television or other utilities services or for communication alarms or other systems, existing systems for parking purposes, existing easements in favor of declarant and declarants customers, leases and any road easements, access and egresses. All the roads within the resort stand under this declarant.

Shepherd Heery, 409 Morning Eagle, also owns Lot 2 in the Northern Lights. He urges that they continue this.

No further public comment, Mayor Muhlfeld turned it over to the Council.

Mayor Muhlfeld called for a 5 minutes break.

(CD 1:49:19)

After question to staff and applicants from Council a motion was made.

Councilor Feury offered a motion, seconded by Councilor Anderson, to table Wapiti preliminary plat extension to August 4, 2014. The motion passed with a 5 to 1 vote with Councilor Frandsen voting in opposition.

(CD (2) 14:50)

e). Consideration of an application from Bret Walcheck of 48 North Engineering on behalf of Whitefish West Limited Partnership for a 15-lot preliminary plat subdivision call Timber Ridge-the property is located at 265 Haugen Heights Road and is 4.39 acres (p. 265)

Planner Compton-Ring said this is a request for a 15-lot preliminary plat called Timber Ridge and is located at 265 Haugen Heights Road and is 4.39 acres. The applicant had indicated on their application that it would only be single family houses, but at the hearing said they were interested in having single family houses on the west side and duplexes on the east side of the development. The staff report and portions of the preliminary plat application indicated that the development would only be single family. Planner Compton-Ring has redone the staff report with the changes in case they choose to do attached townhouses. The applicant has updated their information so there is an updated staff report along with a letter from the applicant that there could possibly be attached single family homes.

Planner Compton-Ring said the eight (8) lots on the west side will be single family and the seven (7) lots on the east side could be detached single family or duplexes. All lots will front on a public right-of-way that will connect Haugen Heights Road to Lake Park Lane. Lake Park Lane is a narrow dirt road that will be improved to a 20 foot paved surface. In-lieu of parkland dedication the applicant will be doing a cash-in-lieu and the Park Board is recommending that the Council accept the cash-in-lieu. Landowners were notified within 300 feet and also the public agencies. They did receive one letter from the neighbor to the north where the road will T into their property and they are concerned car lights shining into her home, the loss of trees and questions regarding the improvements to and maintenance of Lake Park Lane.

Planner Compton-Ring said the developer will extend municipal water and sewer to the subdivision and for drainage the applicant is proposing stormwater to sheet flow across lots to the street where it will be captured in gutters and collected in curb inlets and conveyed by a pipe into a central stormwater management area in the north east corner of the project. The street will be built by the contractor, but owned and maintained by the City and will be designed to meet all City standards. The city is requested a 10 foot right-of-way along their property line at the time of final plat to add to the substandard right-of-way of 40 feet.

Planner Compton-Ring said this application complies with the Growth Policy and zoning which is WR-2 which allows for single family and two family. It also complies with the City zoning and subdivision rules. The Planning Board was unable to come to a decision for either approval or denial. One reason for this was that the staff report did not match what they were asking for as the staff was going by their original application.

Planner Compton-Ring said staff is recommending approval, because the Planning Board was not able to come to any sort of recommendation, she did include her staff conditions of approval. Some conditions they are recommending is a 10 foot right-of-way dedicated along the north property line to

the City at the time of final plat, cash-in-lieu be paid at the time of final plat and that the property would be annexed prior to final plat.

City Manager Stearns is concerned about the paved 20 foot road as a requirement but does not see it on any of the conditions. Planner Compton-Ring said it is a Public Works requirement and it is an oversight and it would be good to add it to condition #7.

Mayor Muhlfeld opens the public hearing.

Kathleen Harding, 295 Lake Park Lane, would like to point out that although the staff report has been updated to include the townhouses the public was not properly notified. The areas surrounding this property are either single family or undeveloped at this time. She would like the Council to just allow single family homes. Kathleen would like to see the zoning changed according to the developer's application which request 8 single family 7 duplexes so in the future more duplexes could not be built. She hopes the Council will recognize the character of the neighborhood, with just single family homes allowed. Kathleen said the proposed road T's right into her property and she would like to have this looked at some more. The drainage and runoff of the stormwater is a major concern as her property is lower than the subdivision. She would like to see the subdivision have a cul-de-sac then they would not have to worry about the power lines, drainage and also the T right into her property. If a cul-de-sac cannot be put in could they curve the road to meet the easement on the side of her property? Kathleen would also like to see the parkland instead of cash-in-lieu. Please do not approve this application.

Bret Walcheck, 48 North Engineering, is here with one of the owners Shaun Hass for any question that they may have.

No further public comment, Mayor Muhlfeld closed the public hearing.

Councilor Frandsen asked Planner Compton-Ring how the new condition would be worded. Compton-Ring said "Lake Park Lane shall be improved to a 20 foot paved width from the western edge of the property line to State Park Road and compliance with City standards".

Councilor asked questions from staff and the developers a motion was made.

Councilor Anderson offered a motion, seconded by Frandsen, to table the preliminary plat at Timber Ridge and to be re-advertised in compliance with what the developer is requesting and to notify the neighbors as before. The motion passed on a 5 to 1 vote with Councilor Hildner voting in opposition.

(CD (2) 57:48)

COMMUNICATION FROM CITY MANAGER
a). Written report enclosed with the packet. Questions from Mayor or Council? (p. 497)
b). Other items arising between July 2nd and July 7th: none.

c). Discussion of proposed countywide Special District for 911 Funding and possible resolution in support of Special District and to commit to reduce property tax levy by equivalent amount at least in the first year. (p. 506)

City Manager Stearns said the 911 Board had forwarded to the County Commissioners to change the funding from the current situation where the county Sheriff levies about 6 mills and each city contributes based on population. The new system would be the Sheriff would continue to levy about 6 mills and it would be supplement that with a special district fee is similar to the landfill assessment which appears on county property tax bills, would be on developed property only. The assessment would be $25 flat rate fee for residential properties annually and $50 per commercial unit not to exceed 30 units for commercial properties.

City Manager Stearns said we have $159,000 in the budget to go to the 911 fund. Next year we could reduce the FY16 budget by 7.07 mills or whatever the final figure is, which would be revenue neutral on our budget and our expenditures would reduce by $159,000 or more. City Manager Stearns is looking for direction on if the Council would like the City Manager to draft a resolution to this effect. The Council gave their support on drafting the resolution.
(CD (2) 1:14:30

COMMUNICATION FROM MAYOR AND CITY COUNCILORS
a). Emails from Bob Howard and Brad Cox regarding additional boat slips at the Marina at the Lodge at Whitefish Lake. (p. 533)
b). Email from Gerda Reeb and petition from residents and property owners on Texas Avenue requesting the installation of sidewalks on Texas Avenue (p. 565): Gerda Reeb said there is a signed petition from the neighbors on Texas Avenue in the packet requesting that the City install a sidewalk on the east side of Texas Avenue with no cost to the homeowners. Gerda understands there is around $50,000 in the Sidewalk District North fund that could maybe be used on this project. Public Works Director said he would like to have an engineer do some work on this and come back with some cost estimates. Councilor Anderson said the Resort Tax Committee will be doing a field trip to look at different projects and maybe they could look at moving Texas Avenue up the list.

c). Letter from Jan Metzmaker regarding questions about the sign ordinance (p. 565): Staff will check into her concerns and get back with her.
d). Letter from Rita Hanson regarding July 4th hazards at Frasier Avenue and Ramsey Avenue (p. 566)

e). Set date for another FY 15 budget work session: The Council set August 1, 2014 from 11:00 a.m. to 1:30.

Councilor Anderson offered a motion, seconded by Councilor Feury, to extend the meeting unto 11:30 p.m. The motion passed unanimously.

Councilor Hildner is still concerned about the monuments at the Veterans Memorial Bridge. Mayor Muhlfeld suggested getting ahold of Virginia Sloan and get John Tester involved.

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

Meeting was adjourned at 11:10 p.m.

CLOSED EXECUTIVE SESSION-with City Attorney pursuant to 2-3-203(4)(a) MCA to discuss strategies to follow in regard to litigation.

The executive session ended at 11:55 p.m.

_____

Mayor John Muhlfeld

_____

Vanice Woodbeck, Assistant City Clerk

Return to: Necile Lorang, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

RESOLUTION NO. 14-___

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City certain tracts of land known as 2492, 2494, 2496 and 2498 East Lakeshore Drive, for which the owners have petitioned for and consented to annexation.

WHEREAS, RICHARD A. MAGNUSON AND ALLISON L. MAGNUSON, AS TRUSTEES OF THE MAGNUSON LIVING TRUST CREATED BY AGREEMENT DATED JULY 25, 2005, have filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owners of real property representing 50% or more of the total area to be annexed. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, adopted by the City Council by Resolution No. 09-04 on March 2, 2009, as required by and in conformity with §§7-2-4610 and 7-2-4732, MCA, available at the office of the City Clerk; and

WHEREAS, it is the considered and reasoned judgment of the City Council of the City of Whitefish that the City is able to provide and has been providing municipal services to the area proposed for annexation. Further, it is hereby determined by the Whitefish City Council to be in the best interest of the City of Whitefish, and the inhabitants thereof, as well as the current and future inhabitants of the area to be annexed described herein, that the area be annexed into the City of Whitefish and it is hereby declared to be the intent of the City of Whitefish that the corporate boundaries of the City of Whitefish be extended to include the boundaries of the area described in the Petition for Annexation within the limits of the City of Whitefish.

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

Section 1: The corporate boundaries of the City of Whitefish be extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, and legally described as:

> Lots 20, 21, 22 and 23 of First Addition to Whitefish Lake Summer Homes Amended, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Section 2: The minutes of City Council of the City of Whitefish, Montana, incorporate this Resolution.

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the July 21, 2014 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to §7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 21ST DAY OF JULY, 2014.

_____
John M. Muhlfeld, Mayor

ATTEST:

_____
Necile Lorang, City Clerk

Return to: Necile Lorang, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

PETITION
BEFORE THE CITY COUNCIL
OF THE
CITY OF WHITEFISH

PETITION FOR ANNEXATION TO CITY

Dated this 2nd day of July, 2014.

The undersigned Property Owner hereby petitions the City Council of the City of Whitefish, pursuant to Section 7-2-4601(3)(a), MCA, requesting annexation of the following real property into the City of Whitefish and to remove the following real property from the Whitefish Fire Service Area.

This petition is pursuant to the Contract Agreement for Annexation and City Water and/or Sanitary Sewer Service dated the 2nd day of July, 2014.

Petitioner agrees that this annexation petition is irrevocable, and that the City may act on this petition, and actually accomplish the annexation of such real property, at any time in the future, without limitation. Petitioner has had an opportunity to review the City of Whitefish Plan for Extension of Services applicable to such real property, and Petitioner is satisfied with such Plan.

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED:

Lots 20, 21, 22, and 23 of First Addition to Whitefish Lake Summer Homes Amended

PROPERTY ADDRESS: 2498, 2496, 2494, and 2492 E. Lakeshore Dr.

ZONED AS: R-1

Magnuson Living Trust:

Richard Magnuson
Richard Magnuson (trustee
[Printed Name]

Allison Magnuson
Allison Magnuson, trustee
[Printed Name]

STATE OF Montana)
) :ss
County of Flathead)

On this 2nd day of July, 2014, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared Richard Magnuson and Allison Magnuson, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

RANDI JOHNSON
NOTARY PUBLIC for the
State of Montana
Residing at Kalispell, Montana
My Commission Expires
October 03, 2015
(SEAL)

Randi Johnson
Notary Public for the State of Montana
Print or Type Name of Notary: Randi Johnson
Residing at Kalispell, Mt.
My Commission expires: 10/03/2015

Return to: Necile Lorang, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

CONTRACT AGREEMENT FOR ANNEXATION AND CITY WATER AND/OR SANITARY SEWER SERVICE

THIS AGREEMENT is entered into as of 2nd day of July, 2014, by and between the City of Whitefish, a municipal corporation ("CITY") as grantor of City water and/or sanitary sewer services, and Magnuson Living Trust ("OWNER"), as grantee recipient(s) of City water and/or sanitary sewer services, whose mailing address is 262 W. Santa Inez Ave., Hillsborough, CA 94010 with respect to the following facts:

A. CITY owns and operates a municipal water and sanitary sewer system.

B. OWNER is the sole owner of the real property that is legally described below, or as fully disclosed and shown on Exhibit "A" attached and made a part of this Agreement ("OWNER'S REAL PROPERTY"):

LEGAL DESCRIPTION

LOTS 20, 21, 22, AND 23
OF FIRST ADDITION TO
WHITEFISH LAKE SUMMER HOMES AMENDED

C. OWNER'S REAL PROPERTY is located outside of the current corporate limits of the CITY.

D. OWNER desires to obtain municipal water/sewer service from the CITY to serve OWNER'S REAL PROPERTY.

E. The parties desire to enter into an Agreement pursuant to MCA §§ 7-13-4312 and 7-13-4314, for the CITY to furnish municipal water and/or sanitary sewer service at rates adopted in accordance with Montana State Law in return for OWNER'S agreement that OWNER'S REAL PROPERTY may be annexed to the corporate limits of the CITY at any time.

In consideration of the performance of the terms and conditions of this Agreement on the part of each party, and pursuant to MCA §§ 7-13-4312 and 7-13-4314, it is hereby agreed as follows:

(1) Furnishing of Sewer Services: The CITY hereby agrees to furnish municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY. Unless otherwise agreed in writing between the parties, OWNER shall be solely responsible for all costs involved in extending municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY and connecting OWNER'S REAL PROPERTY to the municipal water and/or sewer system. Nothing in this Agreement shall obligate CITY to pay the costs of right-of-way acquisition, engineering, construction and other related costs involved in extending or connecting municipal water and/or sewer service to OWNER'S REAL PROPERTY.

(2) Municipal Water and/or Sanitary Sewer Connections: Upon approval by the CITY Public Works Department of the design and construction of all the municipal water and/or sanitary sewer lines and other facilities necessary to serve OWNER'S REAL PROPERTY, and acceptance of all of such water and/or sewer facilities by the CITY, OWNER will be given permission to connect no more than one (1) connection to the CITY'S municipal water and/or sanitary sewer system. Any additional water and/or sewer connections shall require a new application for service and approval obtained from the CITY Public Works Department.

Upon approval by the CITY Public Works Department, OWNER will be given permission to extend one (1) water and sanitary sewer stubs from the municipal sanitary main to the property line of the property described herein. Any additional water and/or sanitary sewer stubs shall require a new application for CITY water and/or sanitary sewer service. Prior to connecting any residential or commercial building or any other structure to the water and/or sanitary sewer service stub-out(s), a request must be submitted to CITY for municipal water and/or sanitary sewer service describing the use of the building proposed to be connected. Any connections must comply with the Rules and Regulations for the City of Whitefish Water, Wastewater and Garbage Utility. The request is to be reviewed and approved by CITY prior to any connection of a residential or commercial building, or other structure. No residential or commercial building or any other structure shall be allowed to connect to the municipal water and/or sanitary sewer service extension unless approval has first been obtained from the CITY Public Works Department.

(3) Transfer of Title: Within thirty (30) days of the completion of the construction and CITY acceptance of the said water and/or sanitary sewer extension, OWNER hereby agrees to transfer, or cause to be transferred to CITY by appropriate documents any right, title and interest that OWNER may have in the municipal water and/or sanitary sewer lateral and main extensions to be built by OWNER to provide service to the herein described property.

OWNER agrees that the municipal water and/or sanitary sewer line extension to the property shall be constructed in a public right-of-way or on land either owned by OWNER or subject to an appropriate easement approved by CITY, granting OWNER, CITY, and their successors and assigns the right to construct, repair, and maintain the sanitary

sewer extension lines. If any portion of the lateral extension is constructed on land owned by OWNER at the time OWNER transfers their interest in the sanitary sewer extension line to the CITY, they shall also grant the CITY an appropriate easement for construction, repair, and maintenance of the municipal water and/or sanitary sewer extension lines. The CITY shall not be required to accept any previously constructed water or sewer lines unless they are properly located in the right-of-way or a valid easement.

(4) **Maintenance**: Upon completion and acceptance of construction and the approval of access to the municipal water and/or sanitary sewer lines constructed in easements, maintenance, and repair of the mains servicing OWNER'S REAL PROPERTY shall become and remain the responsibility of CITY. Maintenance and repair of the lateral service lines serving the OWNER'S REAL PROPERTY shall become and remain the responsibility of the OWNER.

(5) **Rates, Rules and Policies**: OWNER agrees to pay to the CITY such charges, rates, and fees, including but not limited to connection fees and impact fees, as are established by the CITY in accordance with Montana Law. In addition, OWNER agrees to comply with and be subject to all of the CITY'S rules, regulations and policies, as amended from time to time, with respect to the operation of the CITY'S municipal water and/or sanitary sewer system.

(6) **Consent to Annexation**: OWNER acknowledges and agrees that the CITY is willing to provide municipal water and/or sanitary sewer services only if OWNER provides all of the promises and representations contained in this Agreement. Pursuant to MCA § 7-13-4314, the CITY requires that any person, firm, or corporation outside of the incorporated CITY limits is required, as a condition to initiate such service(s), to consent to and petition for annexation of the tract served by the CITY, and in consideration for the CITY'S agreement to provide municipal water and/or sanitary sewer service, OWNER agrees to consent to annexation under the following conditions and in the following manner:

a) OWNER hereby irrevocably consents to the annexation of OWNER'S REAL PROPERTY, and OWNER irrevocably waives any right of protest to any annexation proceedings initiated by the CITY. OWNER agrees that the CITY may initiate annexation of OWNER'S REAL PROPERTY, relying upon this consent and waiver of protest, at any time in the future, without limitation. OWNER acknowledges that, but for this waiver, OWNER would have a right to protest the annexation of OWNER'S REAL PROPERTY.

b) OWNER hereby petitions to have OWNER'S REAL PROPERTY annexed to the CITY, pursuant to MCA § 7-2-4601, et seq. OWNER agrees that the CITY may act on this petition at any time in the future, without limitation. OWNER furthermore expressly waives the provisions of MCA § 7-2-4608, which provides, in effect, that no property used for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purposes or for any purpose incident thereto shall be annexed pursuant to the provisions of MCA § 7-2-4601, et seq.

c) OWNER hereby signs the petition requesting annexation attached to and made a part hereof under this Agreement for municipal water and/or sanitary sewer services at the time of signing this Agreement. Such Petition shall be filed with the City Clerk.

d) OWNER acknowledges and agrees that OWNER has had an opportunity to inspect the contents of the CITY'S Plan for Extension of Services, as adopted by the CITY, and which describes the manner in which CITY services may be extended to properties annexed by the CITY. OWNER acknowledges and agrees that OWNER is satisfied with the CITY'S Plan for Extension of Services, and that the CITY'S Plan for Extension of Services adequately provides for the extension of CITY services to OWNER'S REAL PROPERTY. OWNER hereby waives the right to object or otherwise challenge the CITY'S Plan for Extension of Services.

e) OWNER hereby irrevocably waives for all time the right to file an action in court to challenge, for any reason, the CITY'S annexation of OWNER'S REAL PROPERTY, whether such annexation occurs now or in the future.

f) OWNER acknowledges and agrees that all of OWNER'S REAL PROPERTY, as described above, will clearly and immediately, and not merely potentially, be serviced by the municipal water and/or sanitary sewer service to be provided by the CITY pursuant to this Agreement.

g) OWNER agrees that if ever OWNER, their heirs, assigns, successors, purchasers, administrators, personal representatives or subsequent holders of title to OWNER'S REAL PROPERTY, breach, challenge, disregard, or otherwise violate any of the terms of this Agreement, the CITY may, after providing twenty (20) days written notice, terminate water and/or sanitary sewer services to OWNER'S REAL PROPERTY, in addition to any other remedies that the CITY may have.

h) OWNER agrees that if OWNER, in violation of this Agreement, submits a protest to the annexation of OWNER'S REAL PROPERTY, the CITY may disregard such protest, in addition to any other remedies that the CITY may have.

i) The promises, covenants, representations, and waivers provided pursuant to this Agreement are voluntarily and knowingly given, with full knowledge of the OWNER'S legal rights. OWNER acknowledges and agrees that it is has had an opportunity to consult with legal counsel of its choice regarding the provisions of this Agreement.

(7) **Recording; Binding Effect**: OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and

OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors, administrators, personal representatives and any and all subsequent holders or owners of OWNER'S REAL PROPERTY.

(8) **Future Deeds**: Subsequent to this Agreement all deeds to parcels of land within the property subject to this Agreement granted by OWNER shall contain the following consent to annexation and waiver:

> The Owner hereby covenants and agrees that acceptance of this deed does constitute a waiver of the statutory right of protest against any annexation procedure initiated by the City of Whitefish with respect to the property described herein. Owner also agrees that acceptance of a deed constitutes an obligation on the part of Owner to initiate annexation procedures per the Petition to Annex on file at the City Clerk's Office.
>
> This consent to annexation and waiver shall run with the land and shall forever be binding upon the Owner, transferees, successors and assigns.

OWNER agrees that this Agreement shall be binding even if OWNER fails to include the language set forth above in future deeds. After annexation of OWNER'S REAL PROPERTY, future deeds need not contain the language set forth above.

(9) **Term**: This Agreement shall be in perpetuity.

(10) **Entire Agreement**: This Agreement contains the entire agreement between the parties and any additional agreement hereafter made shall be ineffective to alter, change, modify or discharge it in whole or in part, unless such additional agreement is in writing and signed by the parties hereto.

(11) **Partial Invalidity**: Each term, covenant, condition or provision of this Agreement shall be viewed as separate and distinct, and in the event that any such term, covenant, condition or provision shall be held by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

(12) **Necessary Acts**: Each party to this Agreement agrees to perform any further acts and execute and deliver any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

CITY OF WHITEFISH

By: Charles C. Stearns
Charles C. Stearns, City Manager

OWNER(S)

Magnuson Living Trust:

Richard Magnuson
Richard Magnuson, trustee
[Printed Name]

Allison Magnuson
Allison Magnuson, trustee
[Printed Name]

ATTEST:

Necile Lorang

Necile Lorang, City Clerk

STATE OF MONTANA)
) ss.
County of Flathead)

On this 11 day of July, 2014, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared CHARLES C. STEARNS and NECILE LORANG, known to me to be the City Manager and City Clerk of the City of Whitefish, whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

VANICE WOODBECK
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
February 23, 2016

Vanice Woodbeck

Notary Public for the State of Montana

STATE OF MONTANA)
) ss.
County of Flathead)

On this 2nd day of July, 2014, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared Richard Magnuson and Alison Magnuson, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

(SEAL)

RANDI JOHNSON
NOTARY PUBLIC for the
State of Montana
Residing at Kalispell, Montana
My Commission Expires
October 03, 2015

Randi Johnson

Notary Public for the State of Montana

Randi Johnson

[print or type name of Notary]

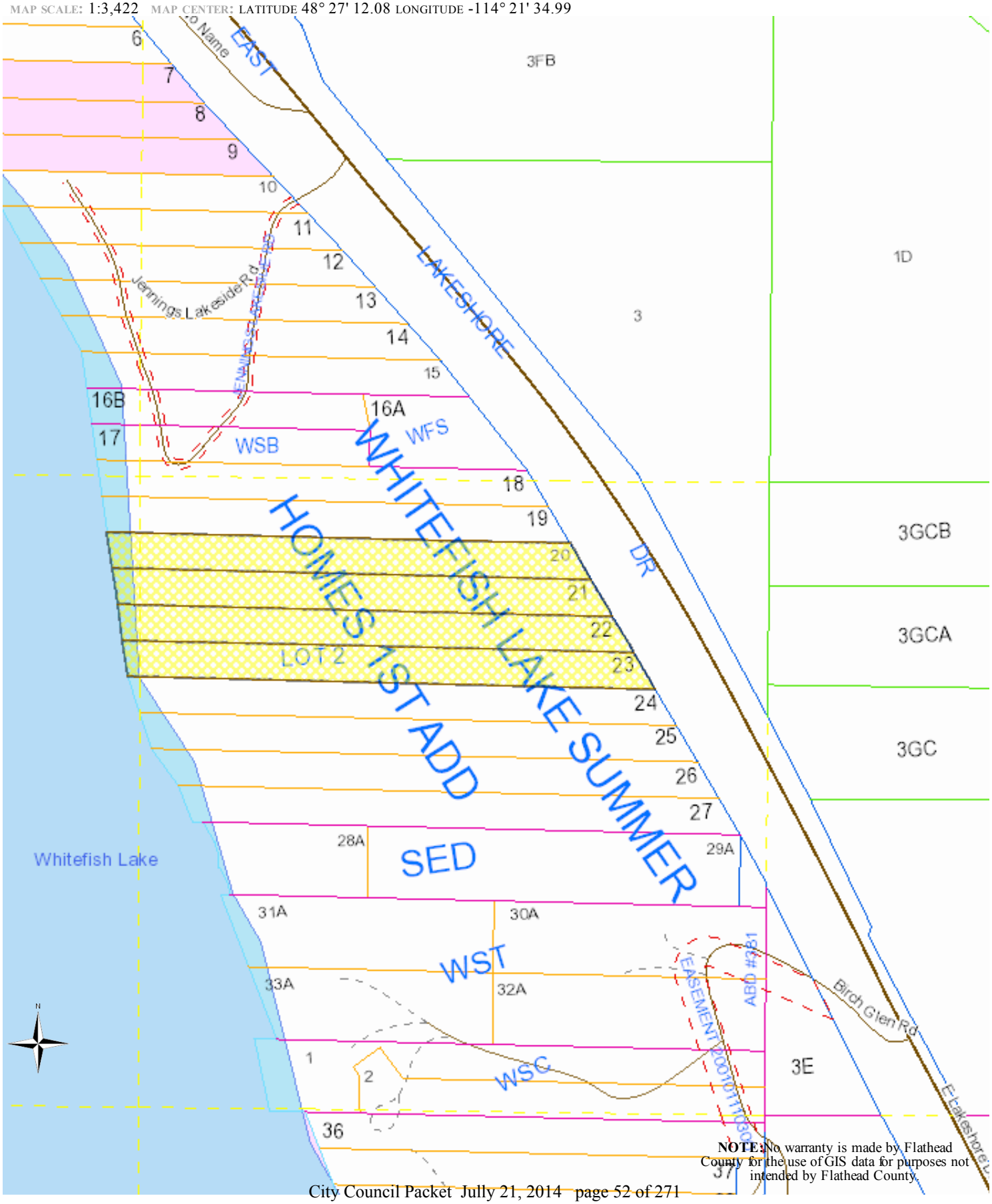
Residing at Kalispell, MT

My Commission expires: 10/03/2015

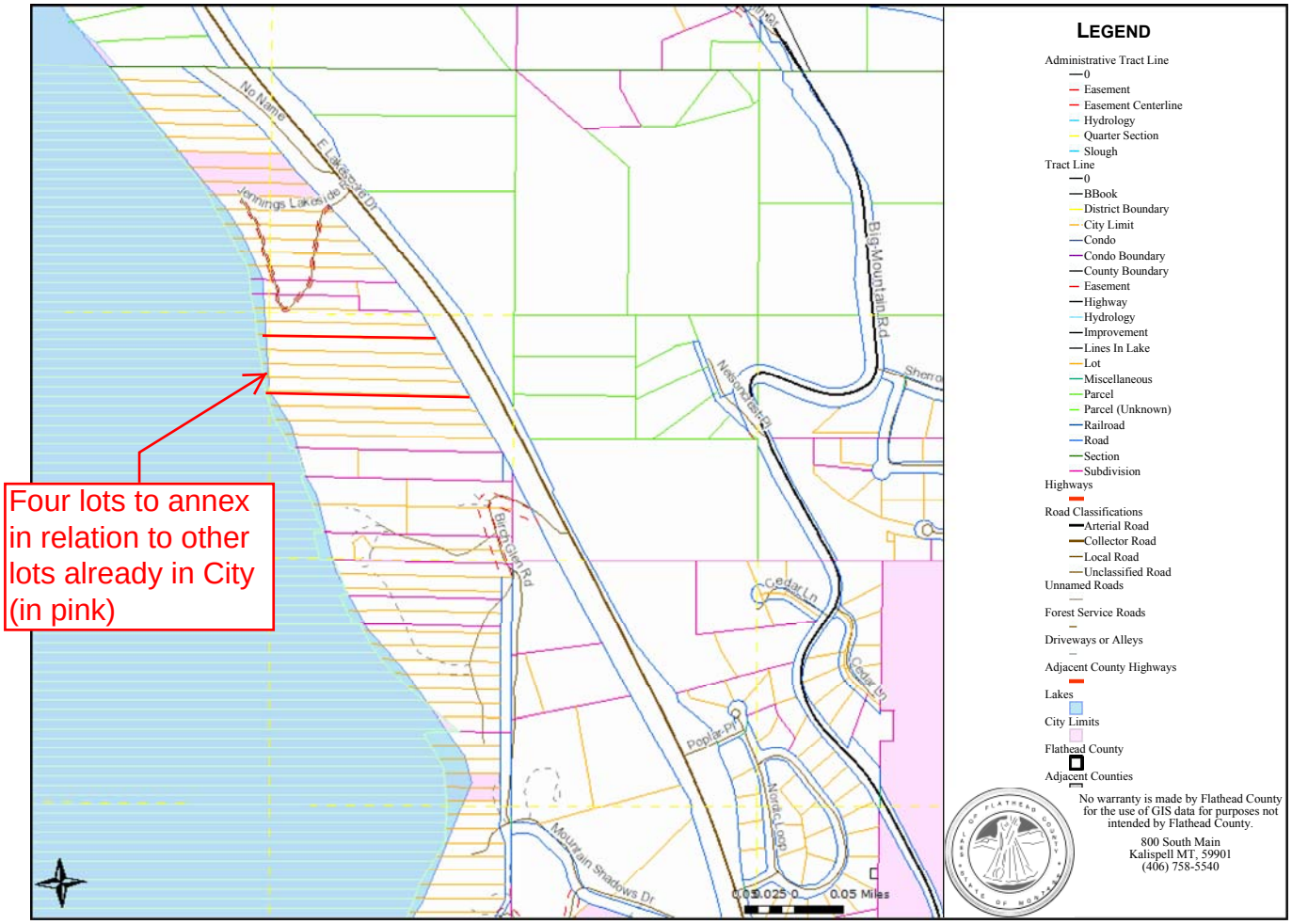
FLATHEAD COUNTY GIS

KALISPELL, MONTANA

MAP SCALE: 1:3,422 MAP CENTER: LATITUDE 48° 27' 12.08 LONGITUDE -114° 21' 34.99



NOTE: No warranty is made by Flathead County for the use of GIS data for purposes not intended by Flathead County.


Four lots to annex in relation to other lots already in City (in pink)
No Name
E Lakeshore Dr
Jennings Lakeside
Big Mountain Rd
Birch Glen Rd
Cedar Ln
Poplar Pl
Nordic Loop
Mountain Shadows Dr
0.05 0.025 0 0.05 Miles
LEGEND
Administrative Tract Line
0
Easement
Easement Centerline
Hydrology
Quarter Section
Slough
Tract Line
0
BBook
District Boundary
City Limit
Condo
Condo Boundary
County Boundary
Easement
Highway
Hydrology
Improvement
Lines In Lake
Lot
Miscellaneous
Parcel
Parcel (Unknown)
Railroad
Road
Section
Subdivision
Highways
Road Classifications
Arterial Road
Collector Road
Local Road
Unclassified Road
Unnamed Roads
Forest Service Roads
Driveways or Alleys
Adjacent County Highways
Lakes
City Limits
Flathead County
Adjacent Counties
No warranty is made by Flathead County for the use of GIS data for purposes not intended by Flathead County.
800 South Main
Kalispell MT, 59901
(406) 758-5540

(This page left blank intentionally to separate printed sections)

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

July 15, 2014

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

RE: Bennett Accessory Apartment at 416 Ramsey Avenue; (WCUP 14-02)

Honorable Mayor and Council:

Summary of Requested Action: William and MaiBritt Bennett are requesting approval of a Conditional Use Permit to construct an accessory apartment at 416 Ramsey Avenue. The property is currently developed with a single family residence and is zoned WR-2 (Two Family Residential District). The Whitefish Growth Policy designates this property as "Urban". The proposed structure will be less than 600 square feet, and will comply with the standard setbacks established in the zoning regulations. The proposed access for the accessory apartment will be along Ramsey Avenue on the north side of the subject property.

Planning Board Action: The Whitefish City-County Planning Board met on June 19, 2014 and considered the request. Following the hearing, the Planning Board recommended approval of the above referenced conditional use permit (6-0, unanimously) with seven (7) conditions as recommended by staff and adopted the staff report as findings of fact. The Board recommended approval (6-0, unanimously) of an amendment to Condition #2 to change the word 'as' to 'if' and take out the words 'and paving will.' The condition with the proposed changes would read:

> Condition 2. An engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department, *if* the impervious surface of all constructed areas ~~and paving will~~ exceed 5,000 square feet.

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. Following the Planning Board meeting, staff met with the applicant and Public Works regarding the condition for an engineered stormwater plan. After the meeting, staff and the applicant's technical representative recalculated the impervious surfaces for the new areas, and have determined that the total will *not* trigger the stormwater plan. Therefore, staff is recommending Condition #2 be removed.

Public Hearing: The applicant and their technical representative spoke at the hearing. The applicant's concerns included if separate meters for water & sewer would be

required, paving of the driveway, and an engineered stormwater plan. No other members from the public 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 July 21, 2014. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

Bailey Minnich, CFM
Planner II

Att: Exhibit A: Recommended Conditions of Approval
Email from Technical Representative re: Impervious Surfaces 7-11-14
Draft Minutes of 6-19-14 Planning Board Meeting

Exhibits from 6-19-14 Planning Board Packet

1. Staff Report – WCUP 14-02, 6-12-14
2. Adjacent Landowner Notice, 5-30-14
3. Advisory Agency Notice, 5-30-14

The following were submitted by the applicant:

4. Application for Conditional Use Permit, 5-5-14

c: w/att Necile Lorang, City Clerk

c: w/o att William & MaiBritt Bennett, 416 Ramsey Ave Whitefish, MT 59937
Mark Van Everen, Bridge Water Builders

Exhibit A
Bennett
WCUP 14-02
Whitefish City-County Planning Board
Recommended Conditions of Approval
June 19, 2014

1. The project shall be constructed in compliance with the plans submitted on May 5, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval.

2. <u>An engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department, if the impervious surface of all constructed areas exceed 5,000 square feet.</u>

3. The applicant shall be required to obtain a building permit from the City of Whitefish for the proposed accessory apartment.

4. One off-street parking space shall be designated for the accessory apartment and two off-street parking spaces shall be designated for the primary residence.

5. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure.

6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

Bailey Minnich

From: Mark Van Everen <Mark@bridgewaterbuilds.com>
Sent: Friday, July 11, 2014 1:02 PM
To: Bailey Minnich
Cc: maibritt406@yahoo.com; design@otbdesignworks.com
Subject: RE: Bennett Accessory Apartment

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Bailey,

I met with Chuck Gailey the other day and we pulled together the impervious surface areas as they existed prior to construction of the new Bennett home. I also measured the proposed asphalt areas and the following are my findings:

Existing impervious surfaces:

- Existing house and porch 2400 s.f.
- Outside slab area 105 s.f.
- Existing Garage 1,442 s.f.

Total 3,947

New home impervious surfaces:

- House 2304
- Carport & side roofs 763
- RV garage 725
- Garage porch roof 137

Total 3,929

Proposed New Asphalt Areas (these numbers include the areas off Bennett property that will actually make the connection with Ramsey asphalt; ie. Right of way areas)

- Area in front of existing garage to Ramsey 1080
- Link between above area and carport 594
- Area between Ramsey and above link 351
- North carport Exit to Ramsey 896
- New driveway to apartment 1320

Total 4,241

Net total for new impervious surfaces 4,241 s.f. less difference between before and after (18 s.f.) = 4,223s.f. Based on the above, it looks like we are safely under the 5,000 s. f. requirement for triggering an engineered storm water plan.

Sorry I didn't get this out to you before you went on vacation, but it took me a little longer to pull this together. Call with any questions and let's talk when you get back in town.

Regards, Mark

Mark Van Everen, RESNET Energy Rater, BPI Building Analyst, CGB
Bridgewater Innovative Builders, Inc
www.bridgewaterbuilds.com
406.260.1204

From: Bailey Minnich [mailto:bminnich@cityofwhitefish.org]
Sent: Wednesday, June 11, 2014 4:12 PM
To: maibritt406@yahoo.com
Cc: Mark Van Everen
Subject: Bennett Accessory Apartment

Hi MaiBritt,
Here is a copy of my staff report for the Planning Board. Their meeting will be on June 19th. The file will then go to the City Council for a final decision on July 21st.

Please let me know if you have any questions.

Bailey

Bailey Minnich, CFM
Planner II
City of Whitefish
510 Railway Street
P.O. Box 158
Whitefish, MT 59937
(406) 863-2410

Draft

WHITEFISH CITY PLANNING BOARD
MINUTES OF MEETING
JUNE 19, 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: Ken Stein, Scott Wurster (arrived at 6:08 p.m.), Vic Workman, Karen Reeves, Ted Roosendahl and Greg Gunderson. Members absent were Chad Phillips and John Ellis. Planning Director Taylor, Senior Planner Compton-Ring and Planner Minnich represented the Whitefish Planning & Building Department. There were approximately 20 people in the audience.

APPROVAL OF MINUTES

Gunderson said on page 3 Roosendahl name was spelled wrong. Workman moved and Stein seconded to approve the May 15, 2014 minutes as amended. On a vote by acclamation the motion passed unanimously.

COMMUNICATIONS FROM THE PUBLIC

none

OLD BUSINESS

none

WILLIAM & MAIBRITT BENNETT REQUEST FOR A CUP

William and MaiBritt Bennett are requesting a Conditional Use Permit in order to construct an accessory apartment. The RV garage shown on the submitted site plan will be the proposed accessory apartment and will be connected to the single family residence. The property is located at 416 Ramsey Avenue.

STAFF REPORT WCUP-14-

Gunderson wanted everyone to know he had completed some landscaping for the Bennetts in the past. The Board did not believe he had a conflict. Planner Minnich presented her report regarding a request for a conditional use permit to allow an accessory apartment in a WR-2 zone.

The applicant is requesting a conditional use permit to construct an accessory apartment adjacent to a single-family at 416 Ramsey Avenue. The applicant has indicated they wish to change the proposed RV garage into an attached proposed accessory apartment. The new structure will be approximately 32-feet long by 16-feet wide. The structure will be approximately 512 square feet, and will comply with the standard setbacks established in the zoning regulations. The subject property is a corner lot, with two driveway access points both on Ramsey Avenue on the east side of the property. The proposed accessory apartment driveway will access Ramsey Avenue on the north side of the property. The property is 24,548 square feet (0.564 acres).

The subject property is currently developed with a single family residence. The property is zoned WR-2, Two Family Residential District. The purpose of this district is intended for residential purposes to provide for one-family and two family homes in an urban setting connected to all municipal utilities and services.

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 30, 2014. A notice of the public hearing was published in the Whitefish Pilot on June 4, 2014. As of the writing of this staff report, no comments have been received.

The proposed use is accessory to a single family home and adequate parking will be provided. Additionally, the accessory apartment will meet the zoning setbacks for the principal structure. The subject property for the proposed accessory apartment is approximately 24,500 square feet, which complies with both the minimum lot size and lot width requirements of the WR-2 zoning.

The structure will be setback 10-feet from the side property line in compliance with the standard structure setbacks. The maximum permitted lot coverage in this zoning district is 40%. The existing residence and garage, along with the proposed accessory apartment will have a lot coverage of approximately 20%.

The subject property is located directly off Ramsey Avenue and is a corner lot with two sides of the property fronting Ramsey Avenue. The existing single family residence and garage access Ramsey Avenue along the east side of the property. The existing driveway is approximately 19-24 feet wide and makes a loop between the single family residence and existing garage. The proposed accessory apartment will access off Ramsey Avenue from the north side of the property with a separate driveway. Currently, both driveways are gravel for building construction. As a condition of approval, both driveway and parking areas must be paved in compliance with the zoning regulations.

The Zoning Regulations requires two parking spaces per single family dwelling unit and requires one off-street space must be provided for the accessory apartment. The existing garage for the single family residence can accommodate two parking spaces. The proposed accessory apartment will have its own driveway and parking area for at least one vehicle.

Separate water and sewer service is required for the accessory apartment. An engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department, as the impervious surface will exceed 5,000 square feet.

Traffic impacts are anticipated to be minimal as the subject property has an existing single family residence, and the proposed accessory apartment should not result in a significant impact to traffic on Ramsey Avenue or surrounding roadways.

There are no hours of operation anticipated with this use beyond those that would be typical for a residential property. The proposed attached accessory apartment's bulk and massing will be less than 600 square feet. The proposed structure will be similar to existing adjacent residential uses in the neighborhood, and will not exceed the maximum height of 24-feet for an accessory structure.

The proposed accessory apartment appears to be adequately scaled to the subject property. It will be substantially smaller than the existing single family residence and will be located approximately 11-feet away from the existing residential structure.

Planner Minnich said the staff recommends adopting the findings of fact within staff report WCUP 14-02 with a recommendation for approval to the Whitefish City Council subject to the six conditions.

APPLICANT/AGENCIES

Maibritt Bennett, 416 Ramsey Avenue, said she did not realize they needed a separate meters for water & sewer, paving the driveway or an engineered stormwater plan. Ms. Bennett said they are having a hard enough time with having to pay the Conditional Use Permit and now all these other costs. Planner Minnich said the Public Works Department requires meters and the stormwater plan and the requirement for paving the driveway is in the zoning regulations.

Mark VanEveren from Bridge Water Builders said they did a stormwater drainage plan that was approved when they were going to do the RV garage and nothing has changed.

PUBLIC HEARING

No one wished to speak.

MOTION

Reeves moved and seconded by Stein, to adopt the staff report WCUP 14-02 as findings-of-fact and recommend to the Whitefish City Council that Conditional Use Permit request be approved subject to the six conditions.

BOARD DISCUSSION

Reeves asked about if they needed to pave the driveway and do another stormwater plan. Minnich said that maybe the stormwater plan they did for the RV garage would be ok with the Public Works Department. The paving is in the Parking Standards under §11-6-1D(2). Gunderson said it says they could use concrete brick, concrete or other materials so they do not have to pave it. Minnich said this is a standard condition.

MOTION

Wurster moved, seconded by Stein to add condition #7 - The driveway and parking area for the accessory apartment shall be paved in accordance with Whitefish Zoning Regulations 11-6-1 (D) (2).

Gunderson made an amendment to the motion, seconded by Reeves that on condition #2 to change the word "as" to "if" and to take out the words "and paving will"

ROLL CALL

The motion passed unanimously on a vote by acclamation as amended.

ROLL CALL

The motion passed unanimously on a vote by acclamation.
This item is scheduled to go before the Council on July 21, 2014.

BRETT & JANICE PIERCE REQUEST FOR CUP

Brett and Janice Pierce are requesting a Conditional Use Permit in order to construct an accessory apartment. The proposed accessory apartment is located at 728 Columbia Avenue.

STAFF REPORT WCUP 14-04

Planner Minnich said 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 allow an accessory apartment in a WR-2 zone.

The applicant is requesting a conditional use permit to construct an accessory apartment adjacent to a single-family residence at 728 Columbia Avenue and will be located above a proposed two car garage. It will be located in the rear of the subject property, adjacent to the alley. The new structure will be approximately 29-feet long by 20-feet 7-inches wide. The structure will be approximately 596.82 square feet, with a reduced side and rear setback of 6-feet from the property lines. No proposed changes to the existing home. The subject property is an interior lot with a front driveway along Columbia Avenue, and a second driveway access at the rear of the property from the adjacent alley. The proposed accessory apartment will access from the alley on the west side of the property.

BENNETT
CONDITIONAL USE PERMIT WCUP 14-02
EXHIBIT LIST
JUNE 19, 2014

1. Staff Report – WCUP 14-02, 6-12-14
2. Adjacent Landowner Notice, 5-30-14
3. Advisory Agency Notice, 5-30-14

The following were submitted by the applicant:

4. Application for Conditional Use Permit, 5-5-14

BENNETT
CONDITIONAL USE PERMIT
WCUP 14-02
JUNE 12, 2013

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 allow an accessory apartment in a WR-2 zone. This application has been scheduled before the Whitefish City-County Planning Board for a public hearing on Thursday, June 19, 2014. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, July 21, 2014.

PROJECT SCOPE

The applicant is requesting a conditional use permit to construct an accessory apartment adjacent to a single-family residence. The site plan depicts the existing single family home and existing garage, as well as a proposed RV garage. The applicant has indicated they wish to change the proposed RV garage into an attached proposed accessory apartment. The proposed accessory apartment will be located in the northwest corner of the subject property. The new structure will be approximately 32 feet long by 16 feet wide. The structure will be approximately 512 square feet, and will comply with the standard setbacks established in the zoning regulations. There are no proposed changes to the existing home. The subject property is a corner lot, with two driveway access points both on Ramsey Avenue. The driveway for the existing single family residence and existing garage is off Ramsey Avenue on the east side of the property. The proposed accessory apartment driveway will access Ramsey Avenue on the north side of the property.

A. **OWNER:**

William & MaiBritt Bennett
416 Ramsey Avenue
Whitefish, MT 59937
(406) 270-6643

Technical Representative:

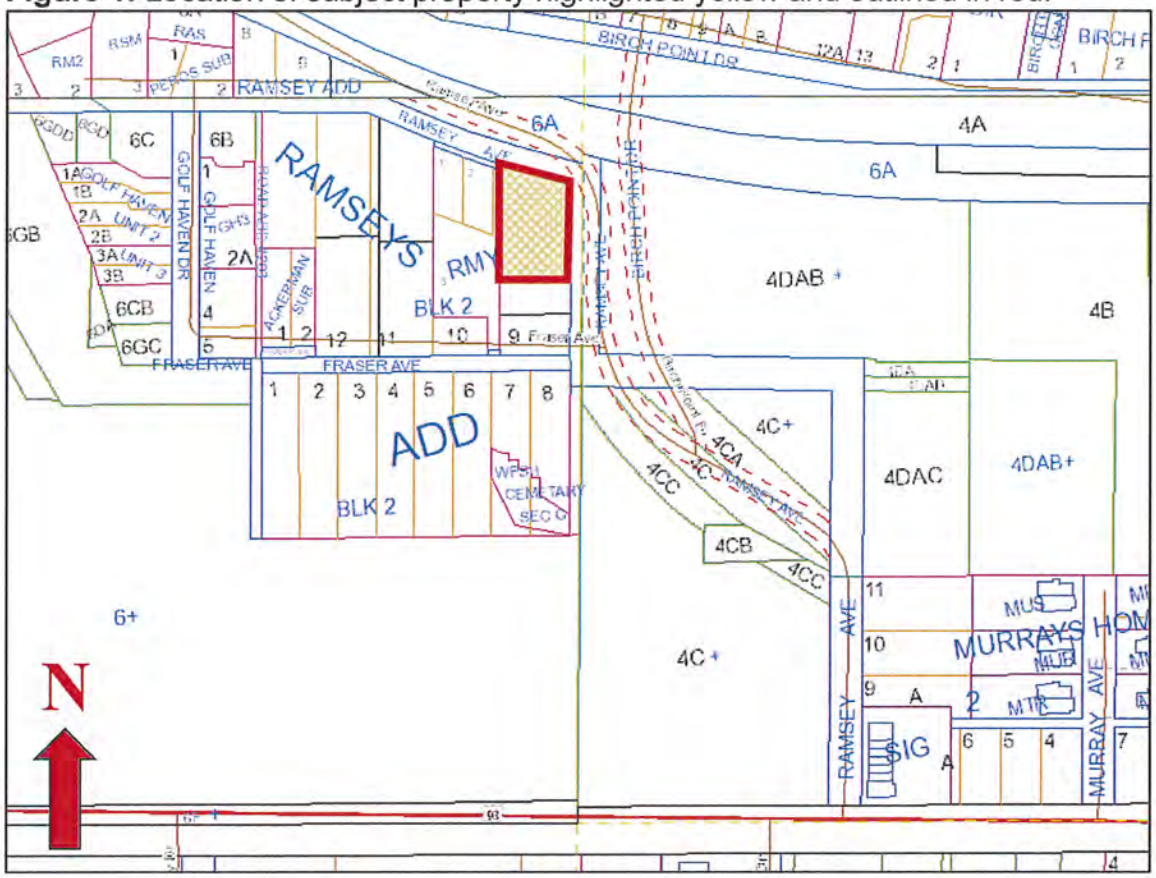
Mark Van Everen
(406) 260-1204

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

The subject property is 24,548 square feet (0.564 acres). It is located at 416 Ramsey Avenue, and can be described as Lots 9-EXS142.5 in Block 2 of Ramseys Addition to Whitefish Subdivision in Section 35, Township 31N, Range 22W, P.M.M., Flathead County, Montana.

EXHIBIT
1

Figure 1: Location of subject property highlighted yellow and outlined in red.



C. **EXISTING LAND USE AND ZONING:**

The subject property is currently developed with a single family residence. The property is zoned WR-2, Two Family Residential District. The purpose of this district is intended for residential purposes to provide for one-family and two-family homes in an urban setting connected to all municipal utilities and services.

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

North:	Residential	WR-2
West:	Residential	WR-2
South:	Residential	WR-2
East:	Great Northern Peace Park	WI

E. **ZONING DISTRICT:**

WR-2 (Two Family Residential District)

F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation for this area is 'Urban' which corresponds to the WR-2. "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
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 May 30, 2014. A notice was emailed to advisory agencies on May 30, 2014. A notice of the public hearing was published in the *Whitefish Pilot* on June 4, 2014. As of the writing of this staff 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 because the proposal is for an accessory apartment in association with a single family residence in compliance with the WR-2 zoning.

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

The property is zoned WR-2, Two Family Residential District. The purpose of this district is intended for one and two family dwellings in an urban setting connected to all municipal utilities and services.

The development proposal is consistent with the purpose and intent of the applicable regulations. Section 11-3-1 describes the requirements for an accessory apartment and this project meets all the requirements. The proposed use is accessory to a single family home and adequate parking will be provided. Additionally, the accessory apartment will meet the zoning setbacks for a principal structure. The subject property for the proposed accessory apartment is approximately 24,500 square feet, which complies with both the minimum lot size and lot width requirements of the WR-2 zoning.

Finding 2: The proposed use complies with the WR-2 zoning district because it conforms to the development standards outlined in the zoning and Section 11-3-1 of the Whitefish Zoning Regulations regarding accessory apartments.

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

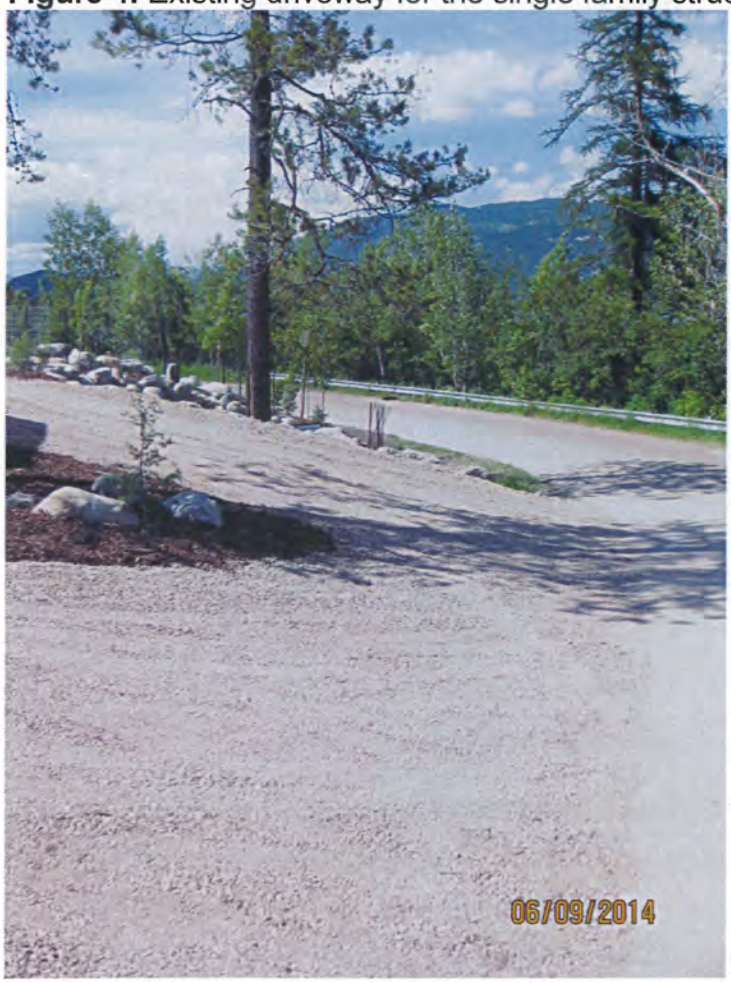
Adequate usable land area: The subject parcel is approximately 24,500 square feet in size. The structure will be setback 10 feet from the side property line in compliance with the standard structure setbacks. There is adequate space on the subject property for the proposed structure to meet all other required setbacks. The maximum permitted lot coverage in this zoning district is 40%. The existing residence and garage, along with the proposed accessory apartment will have a lot coverage of approximately 20%.

Figure 2: Location of proposed accessory apartment adjacent to single family home

Access that meets the standards set forth in these regulations, including emergency access: The subject property is located directly off Ramsey Avenue and is a corner lot with two sides of the property fronting Ramsey Avenue. The existing single family residence and garage access Ramsey Avenue along the east side of the property. The existing driveway is approximately 19-24 feet wide and makes a loop between the single family residence and existing garage. The proposed accessory apartment will access off Ramsey Avenue from the north side of the property with a separate driveway. Both driveway locations should provide adequate emergency access to either the single family residence or the accessory apartment. Currently, both driveways are gravel for building construction. As a condition of approval, both driveways and parking areas must be paved in compliance with the zoning regulations.

Figure 3: Existing driveway for the proposed accessory apartment.

Figure 4: Existing driveway for the single family structure.



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. Additionally, there are no wetlands, riparian zones, or geological hazards on or near the subject property.

Finding 3: The subject property is suitable for the proposed accessory apartment because the proposal complies with the minimum lot size, minimum lot coverage, and required setbacks; access to the proposed structure will be from an existing driveway off Ramsey Avenue on the north side of the subject property; and there are no environmental constraints on the property to limit development.

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: Section 11-6-2(A) of the Whitefish Zoning Regulations requires two (2) parking spaces per single family dwelling unit and Section 11-3-1(D) requires one (1) off-street space must be provided for the accessory apartment. The

proposed lot provides adequate space to accommodate all parking needs on site. The existing garage for the single family residence can accommodate 2 parking spaces. The proposed accessory apartment will have its own driveway and parking area for at least one vehicle.

Traffic Circulation: The proposed use should not impact traffic circulation on the existing road.

Open space: The submitted site plan appears to have adequate open space.

Fencing/Screening: Fencing and screening are not required by the zoning regulations.

Landscaping: Section 11-4-1 of the Whitefish Zoning Regulations exempts single family dwellings and accessory apartments from the landscaping requirements; therefore, no landscape plan is required.

Signage: No signage is proposed for the accessory apartment.

Undergrounding of new and existing utilities: The subject property currently has existing utilities located on-site which service the single family residence. Any new utilities will be required to be installed underground.

Finding 4: The quality and functionality of the proposed development is adequate because the applicant can meet the required number of parking spaces, the proposed use will not impact existing traffic circulation, no signage is proposed for the accessory apartment, and all new utilities will be undergrounded.

5. Availability and Adequacy of Public Services and Facilities.

Sewer and water: The subject property is currently serviced by municipal services to the existing single family residence. Separate water and sewer service is required for the accessory apartment.

Storm Water Drainage: An engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department, as the impervious surface will exceed 5,000 square feet.

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

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

Streets: The subject property is located directly off Ramsey Avenue, and is accessed from existing driveways off Ramsey Avenue on both the north and east side of the property. Ramsey Avenue is a paved travel surface, and both driveways will be paved as well per the zoning regulations.

Finding 5: The subject property appears to have adequate availability of public services because the property is currently served by sewer and water, is within the jurisdiction of the Whitefish Fire Department and the City of Whitefish Police Department, and is accessed from Ramsey Avenue which is paved.

6. Neighborhood/Community Impact:

Traffic Generation: Traffic impacts are anticipated to be minimal as the subject property has an existing single family residence, and the proposed accessory apartment should not result in a significant impact to traffic on Ramsey Avenue or surrounding roadways.

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. The driveway access for the accessory apartment is proposed to be paved.

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

Hours of Operation: There are no hours of operation anticipated with this use beyond those that would be typical for a residential property.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because the accessory apartment will not increase traffic generation on surrounding streets, there will be no noise or vibration beyond associated construction disturbance, no fumes or other odors are anticipated, and there will be no hours of operation for the residential use.

7. Neighborhood/Community Compatibility:

Structural Bulk and Massing: The proposed attached accessory apartment's bulk and massing will be less than 600 square feet. The structure will comply with the standard setback of 10 feet from the side property line. The proposed structure will be similar to existing adjacent residential uses in the neighborhood, and will not exceed the maximum height of 24-feet for an accessory structure.

Scale: The proposed accessory apartment appears to be adequately scaled to the subject property. It will be substantially smaller than the existing single family residence and will be located approximately 11 feet away from the existing residential structure. This will allow for adequate open space within the subject property to maintain the character of the neighborhood.

Context of Existing Neighborhood: The existing neighborhood is predominantly single family residential, with the exception of the Great Northern Peace Park located across Ramsey Avenue to the east. The proposed use is not expected to impact or change the character of the existing neighborhood. The proposed use is consistent with the existing zoning and the structures already constructed within the neighborhood.

Density: The design of the proposed structure is similar to other buildings in the area. The density is not out of character with the area.

Community Character: The proposed accessory apartment will not be detrimental to the immediate neighborhood integrity as the accessory apartment reflects the housing standards established in the area and will be utilized as an accessory use to the existing primary residence.

Finding 7: The proposed accessory apartment is compatible with the surrounding neighborhood because the use is similar to existing uses in the neighborhood, it will be consistent with the design, size and density of the immediate area, and it will be utilized as an accessory use to the existing primary residence.

RECOMMENDATION

It is recommended that the Whitefish City-County Planning Board adopt the findings of fact within staff report WCUP 14-02 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 plans submitted on May 5, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval.

2. An engineered stormwater plan will be required to be reviewed and approved by the City Public Works Department, as the impervious surface of all constructed areas and paving will exceed 5,000 square feet.

3. The applicant shall be required to obtain a building permit from the City of Whitefish for the proposed accessory apartment.

4. One off-street parking space shall be designated for the accessory apartment and two off-street parking spaces shall be designated for the primary residence.

5. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure.

6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

Planning & Building Department
PO Box 158
510 Railway Street
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409

Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that William and MaiBritt Bennett has applied for a Conditional Use Permit to construct an accessory apartment. The property is developed with a single family home and is zoned WR-2 (Two Family Residential District). The RV garage shown on the submitted site plan will be converted for the proposed accessory apartment and will be connected to the single family residence. The structure for the accessory apartment will be approximately 16 feet wide by 32 feet long, for a total of 512 square feet. The structure will be constructed using standard setbacks of 10 feet from the side property line. The property is located at 416 Ramsey Avenue and can be legally descried as Lot 9-EXS142.5 of Block 2 in Ramseys Addition to Whitefish Subdivision, S35 T31N, R22W, P.M.M., Flathead County, Montana.

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:

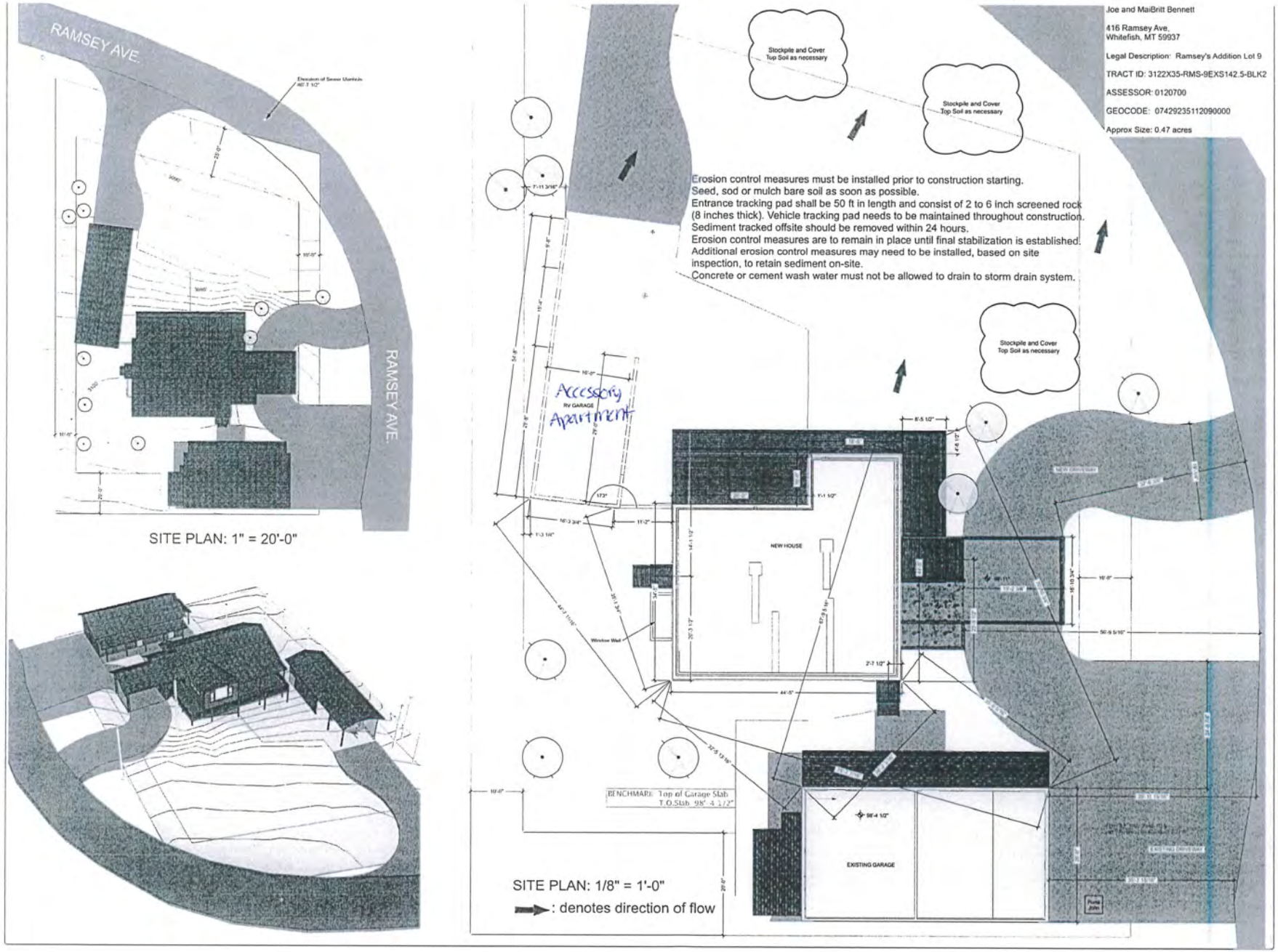
Thursday, June 19, 2014
6:00 p.m.
Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937

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, July 21, 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 *bminnich@cityofwhitefish.org*. Comments received by the close of business on Tuesday, June 10, 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.

EXHIBIT
2

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS


RAMSEY AVE.
RAMSEY AVE.
SITE PLAN: 1" = 20'-0"
Joe and MaiBritt Bennett
416 Ramsey Ave,
Whitefish, MT 59937
Legal Description: Ramsey's Addition Lot 9
TRACT ID: 3122X35-RMS-9EXS142.5-BLK2
ASSESSOR: 0120700
GEOCODE: 07429235112090000
Approx Size: 0.47 acres
Stockpile and Cover Top Soil as necessary
Stockpile and Cover Top Soil as necessary
Stockpile and Cover Top Soil as necessary
Erosion control measures must be installed prior to construction starting.
Seed, sod or mulch bare soil as soon as possible.
Entrance tracking pad shall be 50 ft in length and consist of 2 to 6 inch screened rock (8 inches thick). Vehicle tracking pad needs to be maintained throughout construction.
Sediment tracked offsite should be removed within 24 hours.
Erosion control measures are to remain in place until final stabilization is established.
Additional erosion control measures may need to be installed, based on site inspection, to retain sediment on-site.
Concrete or cement wash water must not be allowed to drain to storm drain system.
Accessory Apartment
RV GARAGE
NEW HOUSE
EXISTING GARAGE
BENCHMARK: Top of Garage Slab T.O.Slab 98' 4 1/2"
SITE PLAN: 1/8" = 1'-0"
: denotes direction of flow
REVISIONS:
7/12/2013 Preliminary for Estimates
8/29/2013 Construction Documents Release
9/26/2013 Construction Documents Structural Updates
10/8/2013 Construction Documents Structural Updates
10/31/2013 Final Construction Document
5/23/2013 RV Garage Foundation revision
NOTES:
OTB Designworks waives any and all responsibility and liability for problems which arise from failure to follow these plans and the design intent therein, or owing in respect to any errors, omissions, inconsistencies, or conflicts which are alleged.
PROJECT:
Bennett Residence
416 Ramsey Ave
Whitefish, MT 59937
406.260.3036
malbritt406@yahoo.com
CONTRACTOR:
Bridgewater Builds
Mark Van Everen
406.260.1204
mark@bridgewaterbuilds.com
DRAWN BY:
OTB DESIGNWORKS, LLC.
406.250.7022
design@otbdesignworks.com
www.otbdesignworks.com
DATE:
Sept 25, 2013
N
SCALE:
Not to Scale
SHEET NUMBER:
C2.1
SHEET NAME:
Site Plan

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

Date: May 30, 2014

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish City-County Planning Board will be held on Thursday, June 19, 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, July 7, 2014 and items 3-5 on Monday, July 21, 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. Whitefish West Limited Partnership is proposing to subdivide 4.39 acres into 15 single family lots. The property is undeveloped and is zoned WR-2 (Two-Family Residential District). The property is located at 265 Haugen Heights Road and can be legally described as Lake Park Addition, Lot 4, Block 11 in S26 T31N R22W (WPP 14-04) Compton-Ring

2. EDM Development llc is requesting a Conditional Use Permit in order to construct a 5-plex. The property is undeveloped and is zoned WB-3 (General Business District). The property is located at 221/231 O'Brien Avenue and can be described as north ½ Lot 22, Lots 23-25, south ½ alley, Block 42, S36 T31N R22W. (WCUP 14-03) Compton-Ring

3. William and MaiBritt Bennett are requesting a Conditional Use Permit in order to construct an accessory apartment. The RV garage shown on the submitted site plan will be converted for the proposed accessory apartment and will be connected to the single family residence. The property is located at 416 Ramsey Avenue and can be legally descried as Lot 9-EXS142.5 of Block 2 in Ramseys Addition to Whitefish Subdivision, S35 T31N, R22W. (WCUP-14-02) Minnich

4. Brett and Janice Pierce are requesting a Conditional Use Permit in order to construct an accessory apartment. The proposed accessory apartment would be located above a proposed garage. The property is located at 728 Columbia Avenue and can be legally described as Lot 4, Block 13 of Riverside Addition to Whitefish, S36, T31N, R22W. (WCUP-14-04) Minnich

5. 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

EXHIBIT

3

policy, and implementation priorities, as per directives contained in the Growth Policy establishing a biennial review. WGPA 14-01 (Taylor)

6. Highway 93 West Corridor Land Use Plan work session. Introduction and overview of the draft plan.

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*. For questions or further information regarding these proposals, phone 406-863-2410.

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: _____
- ☐ 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 2nd Street.
- ☐ After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Name: Bennett Apartment
Project Address: 416 Ramsey Ave Whitefish
Assessor's Tract No.(s) 0120700 Lot No(s) 9 except for South 142.5'
Block # 2 Subdivision Name Ramsey Addition
Section 35 Township 31 Range 22

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

MaiBritt Bennett William Bennett — 4/1/14
Owner's Signature[1] Date

MaiBritt Bennett
Print Name WILLIAM Bennett

Applicant's Signature Date

Print Name

Representative's Signature Date

Print Name

[1] 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

EXHIBIT 4

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.

This project would add one one bed/one bath apartment to the Whitefish rental pool. Housing is in great demand now in Whitefish and for the foreseable future.

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

An accessory apartment is allowed in our zoning and our project will be a positive addition to our neighborhood.

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?

This project has plenty of land for an apartment & parking. Emergency access is good. There are no environmentally sensitive areas on our property.

4. How are the following design issues addressed on the site plan?
   a. Parking locations and layout - 1-2 parking spaces next to apartment
   b. Traffic circulation N/A
   c. Open space big yard for house and apartment
   d. Fencing/screening
   e. Landscaping

   Landscaping (and maybe fencing) will shield vehicles from house, apt and neighbors.

Revised 12-31-13

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

Our neighborhood has gone through extreme changes in density and community character in the past ≈ 20 years. We changed from a mainly single family house (stand alone) to a much more dense neighborhood with many twin houses (duplex). We, and many of our early 1990's neighbors, fought this density to no avail. Now, with a more dense neighborhood, our project will be a positive small addition because we will maintain open space on over half of our lot, while providing a rental home to the Whitefish community.

May 5, 2014

City of Whitefish
Planning & Building Department
510 Railway Street
Whitefish, MT 59937

To Whom It May Concern:

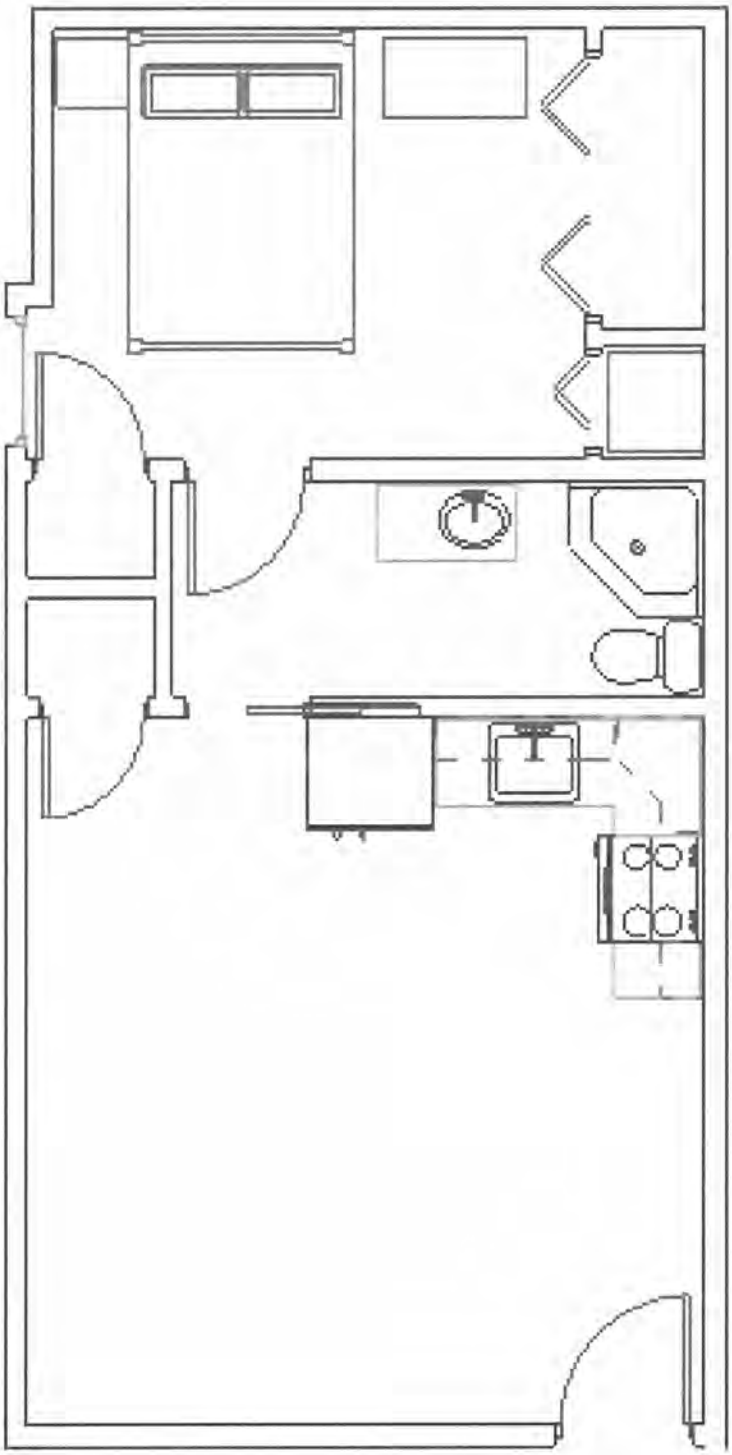
My wife, MaiBritt Bennett, will be our authorized representative in the Conditional Use Permit and building processes for our proposed apartment project at 416 Ramsey Avenue, Whitefish.

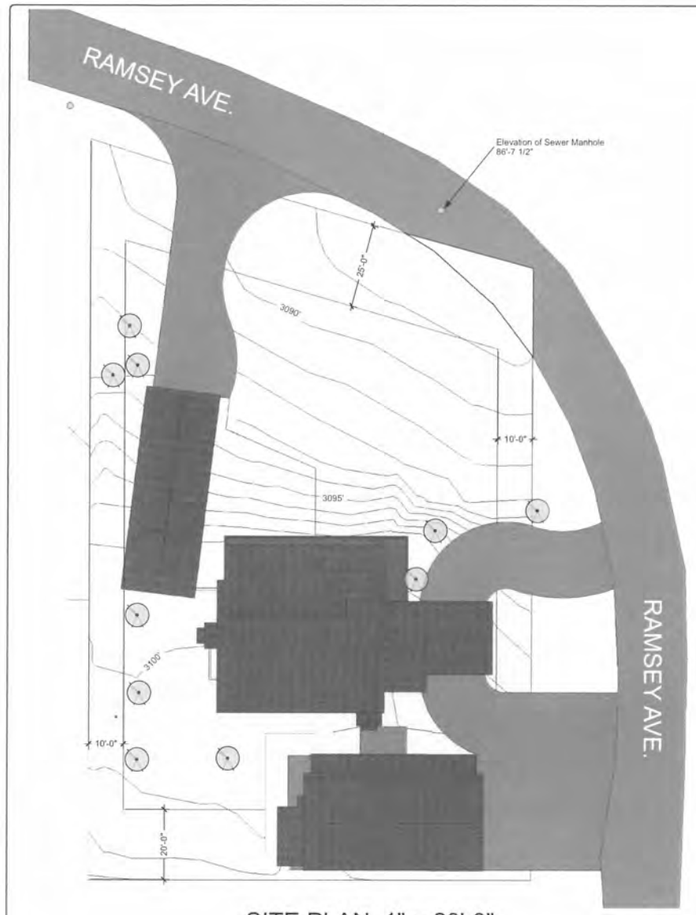
William Joe Bennett

William Joe Bennett
416 Ramsey Avenue
Whitefish, MT 59937
270-6643

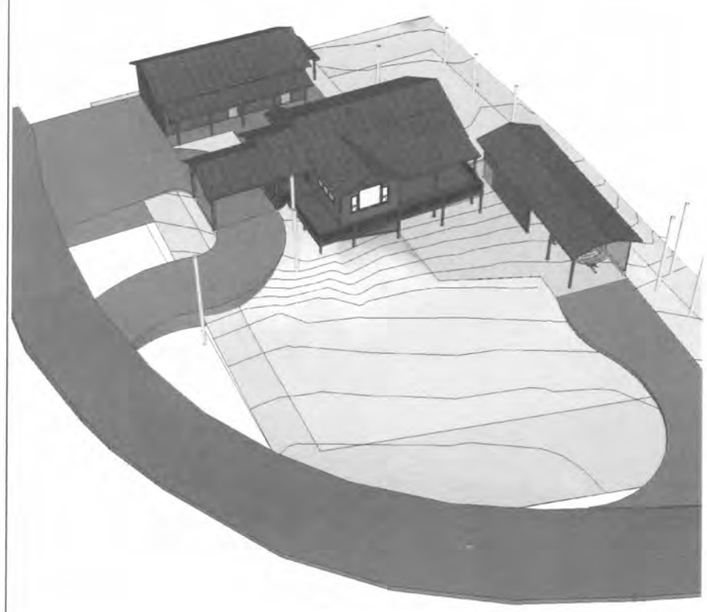
Bennett Apartment – Floor Plan
416 Ramsey Avenue
Whitefish
MaiBritt Bennett 260-3036

Interior maximum width 15'-9" Interior length 32'





SITE PLAN: 1" = 20'-0"



Joe and MaiBritt Bennett

416 Ramsey Ave,
Whitefish, MT 59937

Legal Description: Ramsey's Addition Lot 9

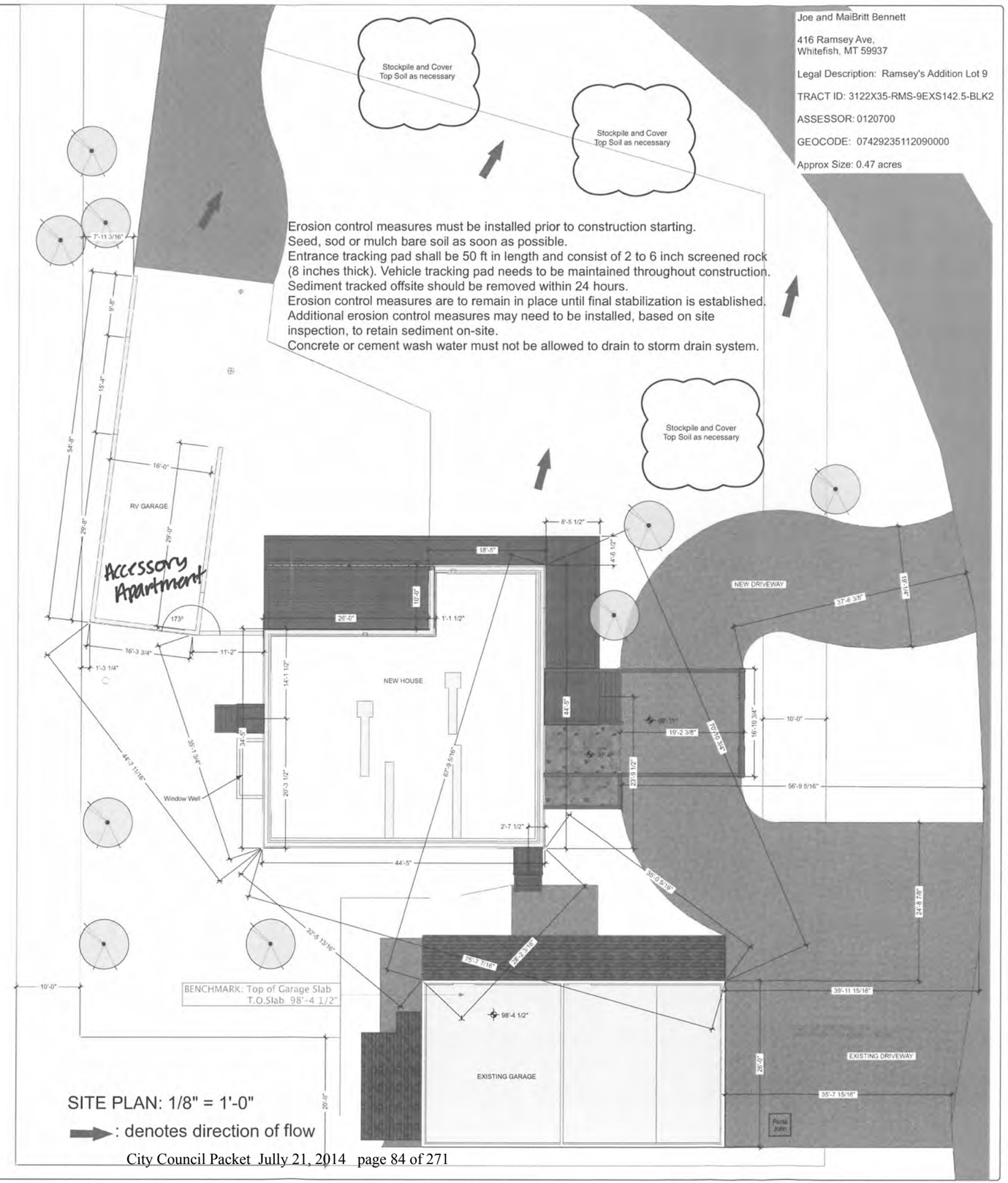
TRACT ID: 3122X35-RMS-9EXS142.5-BLK2

ASSESSOR: 0120700

GEOCODE: 07429235112090000

Approx Size: 0.47 acres

Erosion control measures must be installed prior to construction starting.
Seed, sod or mulch bare soil as soon as possible.
Entrance tracking pad shall be 50 ft in length and consist of 2 to 6 inch screened rock (8 inches thick). Vehicle tracking pad needs to be maintained throughout construction.
Sediment tracked offsite should be removed within 24 hours.
Erosion control measures are to remain in place until final stabilization is established.
Additional erosion control measures may need to be installed, based on site inspection, to retain sediment on-site.
Concrete or cement wash water must not be allowed to drain to storm drain system.



SITE PLAN: 1/8" = 1'-0"

: denotes direction of flow

REVISIONS:

7/10/2013	Preliminary for Estimates
8/29/2013	Construction Document Release
9/04/2013	Construction Document Structural Updates
9/05/2013	Construction Document Structural Updates
9/10/2013	Final Construction Document
9/25/2013	RV Garage Foundation revision

NOTES:

OTB Designworks waives any and all responsibility and liability for problems which arise from failure to follow these plans and the design intent they convey with respect to any errors, omissions, inconsistencies, or conflicts which are alleged.

PROJECT:

Bennett Residence

416 Ramsey Ave
Whitefish, MT 59937
406.260.3036
malbritt406@yahoo.com

CONTRACTOR:

Bridgewater Builds

Mark Van Everen
406.260.1204
mark@bridgewaterbuilds.com

DRAWN BY:

OTB DESIGNWORKS, LLC.

406.250.7022
design@otbdesignworks.com
www.otbdesignworks.com

DATE:

Sept 25, 2013

N

SCALE:

Not to Scale

SHEET NUMBER:

C2.1

SHEET NAME:

Site Plan

(This page left blank intentionally to separate printed sections)

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

July 15, 2014

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

RE: Pierce Accessory Apartment at 728 Columbia Avenue; (WCUP 14-04)

Honorable Mayor and Council:

Summary of Requested Action: Brett & Janice Pierce are requesting approval of a Conditional Use Permit to construct an accessory apartment above a proposed two car garage at 728 Columbia Avenue. The property is currently developed with a single family residence and is zoned WR-2 (Two Family Residential District). The Whitefish Growth Policy designates this property as "Urban". The proposed structure will be less than 600 square feet, which allows a reduced side and rear setback of 6 feet from the property lines as established in the zoning regulations. The proposed access for the accessory apartment will be from the alley located on the west side of the subject property.

Planning Board Action: The Whitefish City-County Planning Board met on June 19, 2014 and considered the request. Following the hearing, the Planning Board recommended denial of the above referenced conditional use permit (6-0, unanimously). The Board recommended approval (6-0, unanimously) of an amendment to Finding of Fact #2 to read:

> Finding 2. While the proposed use complies with the WR-2 zoning district it does not comply with Section 11-3-1 of the regulations regarding accessory apartments because the owner does not maintain permanent residence of the primary structure.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with seven (7) conditions set forth in the attached staff report and one (1) additional condition recommended at the Planning Board meeting. The additional condition recommended by staff would read:

> Condition 8. No roof shall be permitted to extend over the 2nd flood deck to increase the living area of the accessory apartment. This shall be included in the deed restriction or restrictive covenant recorded prior to the issuance of a building permit.

Public Hearing: The applicant's technical representative spoke at the hearing stating the applicant is agreeable with the conditions proposed by staff. Three members from the public spoke at the hearing. The concerns raised by the public included the subject property as a rental property, the maintenance of the subject property, the applicant not currently living at the property, the development in the neighborhood, the access to the proposed structure from the alley, and parking for the proposed use. 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 July 21, 2014. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

Bailey Minnich, CFM
Planner II

Att: Exhibit A: Staff Recommended Conditions of Approval
Draft Minutes of 6-19-14 Planning Board Meeting

Exhibits from 6-19-14 Planning Board Packet

1. Staff Report – WCUP 14-04, 6-12-14
2. Adjacent Landowner Notice, 5-30-14
3. Advisory Agency Notice, 5-30-14

The following were submitted by the applicant:

4. Application for Conditional Use Permit, 5-22-14

c: w/att Necile Lorang, City Clerk

c: w/o att Brett & Janice Pierce, 33 Grizzly Way, Kalispell, MT 59901
Cole Blackwell, 750 W. 2nd Street, Suite F, Whitefish, MT 59937

Exhibit A
Pierce
WCUP 14-04
Whitefish Planning Staff
Recommended Conditions of Approval
June 19, 2014

1. The project shall be constructed in compliance with the plans submitted on May 22, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval.

2. All storm water generated by the proposal shall be retained on-site.

3. The applicant shall be required to obtain a building permit from the City of Whitefish for the proposed accessory apartment.

4. One off-street parking space shall be designated for the accessory apartment and two off-street parking spaces shall be designated for the primary residence.

5. The driveway and parking area for the accessory apartment shall be paved in accordance with Whitefish Zoning Regulations §11-6-3-1(D)(2).

6. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure.

7. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

8. No roof shall be permitted to extend over the 2nd flood deck to increase the living area of the accessory apartment. This shall be included in the deed restriction or restrictive covenant recorded prior to the issuance of a building permit.

BOARD DISCUSSION

Reeves asked about if they needed to pave the driveway and do another stormwater plan. Minnich said that maybe the stormwater plan they did for the RV garage would be ok with the Public Works Department. The paving is in the Parking Standards under §11-6-1D(2). Gunderson said it says they could use concrete brick, concrete or other materials so they do not have to pave it. Minnich said this is a standard condition.

MOTION

Wurster moved, seconded by Stein to add condition #7 - The driveway and parking area for the accessory apartment shall be paved in accordance with Whitefish Zoning Regulations 11-6-1 (D) (2).

Gunderson made an amendment to the motion, seconded by Reeves that on condition #2 to change the word "as" to "if" and to take out the words "and paving will"

ROLL CALL

The motion passed unanimously on a vote by acclamation as amended.

ROLL CALL

The motion passed unanimously on a vote by acclamation.
This item is scheduled to go before the Council on July 21, 2014.

BRETT & JANICE PIERCE REQUEST FOR CUP

Brett and Janice Pierce are requesting a Conditional Use Permit in order to construct an accessory apartment. The proposed accessory apartment is located at 728 Columbia Avenue.

STAFF REPORT WCUP 14-04

Planner Minnich said 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 allow an accessory apartment in a WR-2 zone.

The applicant is requesting a conditional use permit to construct an accessory apartment adjacent to a single-family residence at 728 Columbia Avenue and will be located above a proposed two car garage. It will be located in the rear of the subject property, adjacent to the alley. The new structure will be approximately 29-feet long by 20-feet 7-inches wide. The structure will be approximately 596.82 square feet, with a reduced side and rear setback of 6-feet from the property lines. No proposed changes to the existing home. The subject property is an interior lot with a front driveway along Columbia Avenue, and a second driveway access at the rear of the property from the adjacent alley. The proposed accessory apartment will access from the alley on the west side of the property.

The subject property is 6,500 square feet (0.14 acres). The subject property is currently developed with a single family residence. The property is zoned WR-2, Two Family Residential District. The purpose of this district is intended for residential purposes to provide for one-family and two-family homes in an urban setting connected to all municipal utilities and services.

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 30, 2014. A notice of the public hearing was published in the Whitefish Pilot on June 4, 2014. As of the writing of this staff report, no comments have been received.

The accessory apartment will meet the reduced zoning setbacks of 6-feet from the side and rear property lines as it is proposed to be less than 600 square feet. The subject property for the proposed apartment is approximately 6,500 square feet, which complies with both the minimum lot size and lot width requirements of the WR-2 zoning.

The maximum permitted lot coverage is this zoning district is 40%. The existing residence and the proposed accessory apartment/garage will have a lot coverage of approximately 34%.

The existing single family residence has an existing driveway access off the front property line along Columbia Avenue. The proposed accessory apartment/garage will access off the alley at the rear of the subject property. The existing driveway off Columbia Avenue is constructed of concrete. As a condition of approval, the driveway for the accessary apartment/garage must be paved in compliance with the zoning regulations.

The zoning regulations requires two off-street parking spaces per single family dwelling unit and Section 11-3-1(D) requires one off-street space must be provided for the accessory apartment. The proposed lot provides adequate space to accommodate all parking needs on site. The existing garage attached to the single family residence off Columbia Avenue can accommodate one parking space. The proposed accessory apartment and garage will have its own driveway and provide parking for two cars in the double garage.

Separate water and sewer service is required for the accessory apartment. An engineered stormwater plan will not be required as the impervious surface will not exceed 5,000 square feet.

Traffic impacts are anticipated to be minimal as the subject property has an existing single family residence, and the proposed accessory apartment should not result in a significant impact to traffic on Columbia Avenue or surrounding areas.

There are no hours of operation anticipated with this use beyond those that would be typical for a residential property. The apartment bulk and massing will be less than 600 square feet. This allows for a reduced setback on the side and rear property lines to 6-feet. It will not exceed the maximum height of 24-feet for an accessory structure.

It will be located approximately 20-feet away from the existing residential structure and will allow for adequate open space.

Minnich said staff recommends to adopt the findings of fact within staff report WCUP 14-04 and that this conditional use permit be recommended for approval to the Whitefish City Council subject to seven conditions and staff would like to add another condition #8 which states: No roof shall be permitted to extend over the 2nd floor deck to increase the living area of the accessory apartment. This shall be included in the deed restriction or restrictive covenant recorded prior to the issuance of a building permit.

Workman asked if a roof over the deck is considered a living space and Minnich said it does. Wurster asked if under the deck of the carport is considered living space. Minnich said no because it has no walls. The main concern is that they are already at 600 square feet for living space which is the max amount and if they go over they would be in violation of the zoning setbacks. Reeves said the owners live in Kalispell and not at the residence. Minnich said this is addressed in condition #6 which states they have to live in the main residence to be able to rent the apartment.

APPLICANT/AGENCIES

Cole Blackwell, 760 State Park Road, a couple of things in item #4 that one off-street parking for the accessory apartment and two off-street per single family. They have two with the house already. Minnich said it does not matter where they park the site has to have three spaces with the house and apartment. He said the clients are ok with no roof over the deck. Roosendahl asked if the existing garage is being used as a garage and Cole said it is.

PUBLIC COMMENT

Sabine Bridgett, 719 Columbia Avenue, would like to mention that the applicant owns two properties next to each other and they are not well taken care of. She is concerned with a 3rd rental property it will be worse. She would like to see this

denied, as it would not be good for the neighborhood because he does not take care of the properties and it does deter from everyone else's properties. Also in the 11 years that she has lived there the owners have never lived in the house so she does not see them living in it at all. Sabine also had a letter from another neighbor Kimberly McCay, as she was unable to make the meeting and she lives at 711 Columbia Avenue. The letter asked the Whitefish City Council to slow down on the approval of this request from the property owners of 736 Columbia Avenue. She is concerned with this kind of development in her neighborhood.

Marilyn Kurta, 717 Columbia Avenue, said it has been a nightmare living next to this property, as they are allowed to have animals and they never take care of the property. She does not feel he should be approved for this application.

Rod Schmidt 735 Columbia Avenue which is across the street is also concerned about the properties being taken of care and adding another rental will make it worse. He is concerned about them being able to get into the garage from the alley as it is very tight. He is concerned about the parking because their renters are not very good at moving their vehicles for plowing. If the garage is used as storage they will be parking on the street which will cause problems.

MOTION

Stein moved and Reeves seconded to adopt staff report WCUP 14-04 as finding-of-facts and recommend to the Whitefish City Council that the Conditional Use Permit request be approved subject to the eight conditions.

BOARD DISCUSSION

Stein asked if in this zone an accessory apartment is allowed with a conditional use permit, Minnich said in a WR-2 zone it is allowed. Stein also said that one of the conditions is that he has to live in the primary residence in order to rent the apartment and Minnich said that is true and this restriction is recorded against the property. Stein said the neighbors could let them know if they are living there and also report when the sidewalk is not being shoveled or the yard taken care of. Workman said we do have a community decay ordinance and the neighbors can report this. Workman also asked if they could deny this based on the concerns of the neighbors. Stein said because of the zoning our hands are somewhat tied. This does not mean the council will approve this.

Reeves said they do not have to approve this. Minnich said they have these conditions attached and they have to meet all of them. This does not mean they have to approve it. Director Taylor said they can move to deny it. If you are going to

recommend denial then you need to come up with findings for why.

Reeves asked if they did not move into the residence then what would happen to them. Taylor said if one of the neighbors brought it to their attention they would then proceed with enforcement action as they would be in violation of the conditional use permit. This will be recorded with their deed so it would become a civil issue. Taylor said they could make a condition that they prove they will be moving in prior to going to City Council.

Minnich said on page 8 under Neighborhood/Community Compatibility: Community Character is where you could make a recommendation on keeping the lawn mowed. You could modify Finding 7.

Stein said the conditional use permits they have recommended for approval in the past, the owners are already living in the residence. Reeves said they are not living there now and she does not feel they will comply with condition #6. Minnich said Finding of Fact #2 would be the finding to change in order to deny the project. If they are not living at the residence, they are not complying with Section 11-3-1 of the regulations.

Gunderson supports these accessory apartments because they provide low income housing which is needed in Whitefish. It does say in black and white that the owners have to live in the primary residence and he feels this will solve the problem. There is a course of action that the neighbors have. Reeves said the net gain of properties would be zero as they would have to move into the main residence so they would still have two rentals instead of three.

ROLL CALL

The motion failed on a 1 to 5 vote with Stein, Workman, Wurster, Reeves and Roosendahl voting in opposition.

MOTION

Workman moved, seconded by Reeves to deny WCUP 14-04.

Planner Minnich said she has come up with an alternate finding of fact for denial. Which would be modifying finding of fact #2 which currently says that "this complies because it conforms to the development standards outlined in the zoning and Section 11-3-1 of the Whitefish Zoning Regulations regarding accessory apartments". The Board could recommend a change to "While the proposed use complies with the WR-2 zoning district it does not comply with Section 11-3-1 of the regulations regarding accessory apartments because the owner does not maintain permanent residence of the primary

structure".

MOTION

Stein moved, seconded by Reeves to change the finding of fact #2 to read "While the proposed use complies with the WR-2 zoning district it does not comply with Section 11-3-1 of the regulations regarding accessory apartments because the owner does not maintain permanent residence of the primary structure".

Wurster asked if staff was still going to recommend approval and Minnich said they would because they do not have proof that the owners will not be moving into the residence at this time as they were told up front that they have to live in the primary structure. Stein said they are voting to deny because they are not living there now.

Director Taylor said the recommendation from staff for approval is over ridden by the Planning Board recommendation for denial and it will go the Council with that recommendation and the Council will look at everything before voting.

ROLL CALL

The vote to changing finding of fact #2 passed unanimously.

ROLL CALL

The motion to deny as amended passed unanimously.

WHITEFISH WEST LIMITED PARTNERSHIP TO SUBDIVIDE 4.39 ACRES INTO 15 LOTS

Whitefish West Limited Partnership is proposing to subdivide 4.39 acres into 15 lots. The property is undeveloped and is zoned WR-2 (Two-Family Residential District). The property is located at 265 Haugen Heights Road and can be legally described as Lake Park Addition.

STAFF REPORT WPP 14-04

Senior Planner Compton-Ring said the Preliminary Plat for 15-lots are on 4.39 acres. The gross density of the subdivision is 3.42 dwelling units per acre. All lots front on the public right-of-way that will connect Haugen Heights Road to Lake Park Lane. Lake Park Lane is currently a narrow gravel city and county right-of-way, but will be entirely annexed into the city and improved to a 20-foot wide paved surface. The internal public street will be designed to meet city standards with curb, gutter, sidewalks, landscape boulevard, street trees and city lighting.

The property is located at 265 Haugen Heights Road to the north of Old Town Neighborhood. A notice was mailed to adjacent land owners with 300-feet of the subject parcel on May 30, 2014. A sign was posted on the property on May 30, 2014. Advisory agencies were noticed on May 30, 2014. A notice was published in the Whitefish Pilot on June 4, 2014.

PIERCE
CONDITIONAL USE PERMIT WCUP 14-04
EXHIBIT LIST
JUNE 19, 2014

1. Staff Report – WCUP 14-04, 6-12-14
2. Adjacent Landowner Notice, 5-30-14
3. Advisory Agency Notice, 5-30-14

The following were submitted by the applicant:

4. Application for Conditional Use Permit, 5-22-14

PIERCE
CONDITIONAL USE PERMIT
WCUP 14-04
JUNE 12, 2013

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 allow an accessory apartment in a WR-2 zone. This application has been scheduled before the Whitefish City-County Planning Board for a public hearing on Thursday, June 19, 2014. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, July 21, 2014.

PROJECT SCOPE

The applicant is requesting a conditional use permit to construct an accessory apartment adjacent to a single-family residence. The accessory apartment will be located above a proposed two car garage. The garage and accessory apartment will be located in the rear of the subject property, adjacent to the alley. The new structure will be approximately 29 feet long by 20 feet-7 inches wide. The structure will be approximately 596.82 square feet, which allows a reduced side and rear setback of 6 feet from the property lines. There are no proposed changes to the existing home. The subject property is an interior lot with a front driveway access along Columbia Avenue, and a second driveway access at the rear of the property from the adjacent alley. The proposed accessory apartment will access from the alley on the west side of the property.

A. **OWNER:**

Brett & Janice Pierce
33 Grizzly Way
Kalispell, MT 59901
(406) 885-6455

Technical Representative:

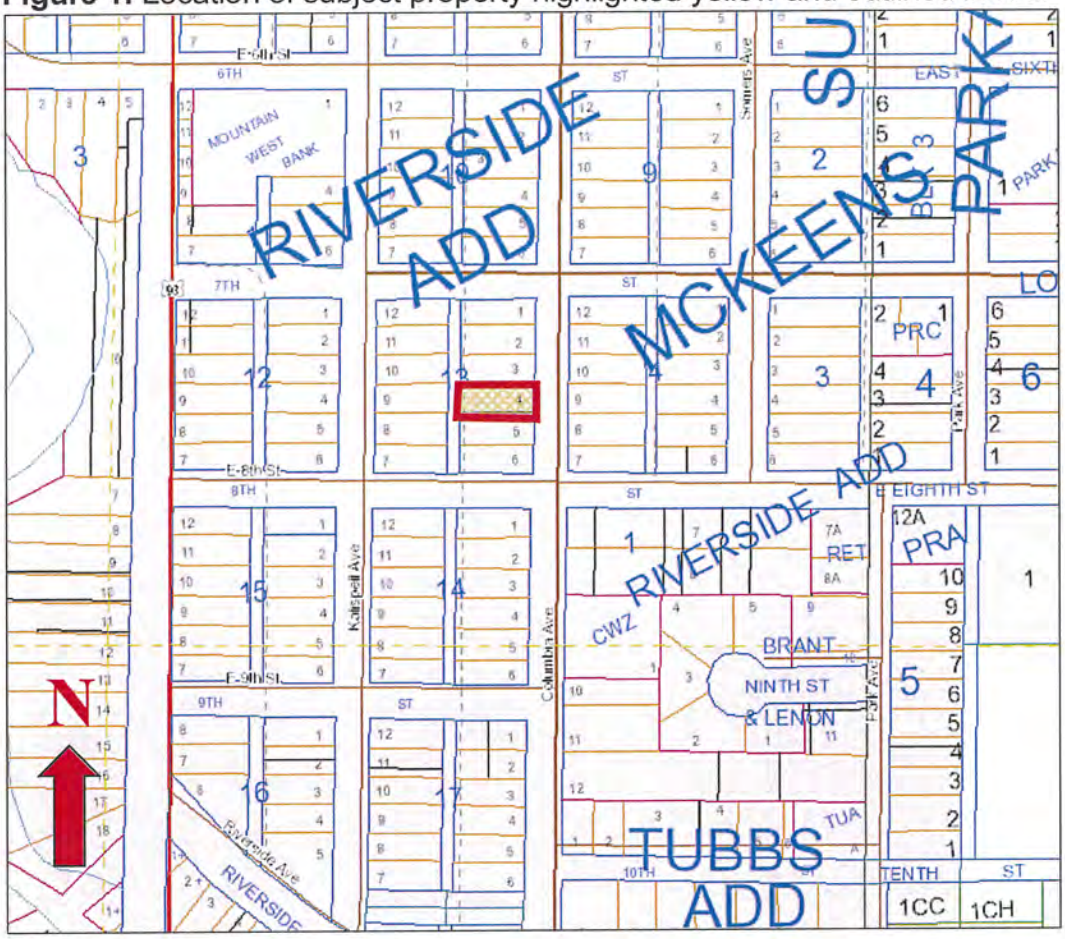
Cole Blackwell
750 W. 2nd Street, Suite F
Whitefish, MT 59937
(406) 471-3081

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

The subject property is 6,500 square feet (0.14 acres). It is located at 728 Columbia Avenue, and can be described as Lot 4 of Block 13 in Riverside Addition to Whitefish Subdivision in Section 36, Township 31N, Range 22W, P.M.M., Flathead County, Montana.

EXHIBIT
1

Figure 1: Location of subject property highlighted yellow and outlined in red.



C. EXISTING LAND USE AND ZONING:

The subject property is currently developed with a single family residence. The property is zoned WR-2, Two Family Residential District. The purpose of this district is intended for residential purposes to provide for one-family and two-family homes in an urban setting connected to all municipal utilities and services.

D. ADJACENT LAND USES AND ZONING:

North:	Residential	WR-2
West:	Residential	WR-2
South:	Residential	WR-2
East:	Residential	WR-2

E. ZONING DISTRICT:

WR-2 (Two Family Residential District)

F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation for this area is 'Urban' which corresponds to the WR-2. "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
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 May 30, 2014. A notice was emailed to advisory agencies on May 30, 2014. A notice of the public hearing was published in the *Whitefish Pilot* on June 4, 2014. As of the writing of this staff 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 because the proposal is for an accessory apartment in association with a single family residence in compliance with the WR-2 zoning.

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

The property is zoned WR-2, Two Family Residential District. The purpose of this district is intended for one and two family dwellings in an urban setting connected to all municipal utilities and services.

The development proposal is consistent with the purpose and intent of the applicable regulations. Section 11-3-1 describes the requirements for an accessory apartment and this project meets all the requirements. The proposed use is accessory to a single family home and adequate parking will be provided. Additionally, the accessory apartment will meet the reduced zoning setbacks of 6 feet from the side and rear property lines as it is proposed to be less than 600 square feet. The subject property for the proposed

accessory apartment is approximately 6,500 square feet, which complies with both the minimum lot size and lot width requirements of the WR-2 zoning.

Finding 2: The proposed use complies with the WR-2 zoning district because it conforms to the development standards outlined in the zoning and Section 11-3-1 of the Whitefish Zoning Regulations regarding accessory apartments.

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

Adequate usable land area: The subject parcel is approximately 6,500 square feet in size. The proposed garage which will contain the accessory apartment will be less than 600 square feet, and therefore have a reduced side and rear setback of 6 feet from the property lines. The maximum permitted lot coverage in this zoning district is 40%. The existing residence and the proposed accessory apartment/garage will have a lot coverage of approximately 34%.

Figure 2: Location of proposed accessory apartment adjacent to single family home

Access that meets the standards set forth in these regulations, including emergency access: The subject property is located directly off Columbia Avenue. The existing single family residence has an existing driveway access off the front property line along Columbia Avenue. The proposed accessory apartment/garage will access off the alley at the rear of the subject property. Both driveway locations should provide adequate emergency access to either the single family residence or the accessory apartment. The existing driveway off Columbia Avenue is constructed of concrete. The proposed driveway for the accessory apartment is currently a graveled area. As a condition of

approval, the driveway for the accessory apartment/garage must be paved in compliance with the zoning regulations.

Figure 3: Existing driveway for the single family residence.

Figure 4: Proposed driveway location for the accessory apartment.

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. Additionally, there are no wetlands, riparian zones, or geological hazards on or near the subject property.

Finding 3: The subject property is suitable for the proposed accessory apartment because the proposal complies with the minimum lot size, minimum lot coverage, and required setbacks; access to the proposed structure will be from an existing alley located at the rear of the property; and there are no environmental constraints on the property to limit development.

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: Section 11-6-2(A) of the Whitefish Zoning Regulations requires two (2) off-street parking spaces per single family dwelling unit and Section 11-3-1(D) requires one (1) off-street space must be provided for the accessory apartment. The proposed lot provides adequate space to accommodate all parking needs on site. The existing garage attached to the single family residence off Columbia Avenue can accommodate 1 parking space. The proposed accessory apartment and garage will have its own driveway and provide parking for two cars in the double garage.

Traffic Circulation: The proposed use should not impact traffic circulation on the existing road.

Open space: The submitted site plan appears to have adequate open space.

Fencing/Screening: Fencing and screening are not required by the zoning regulations. The property currently has existing fencing which will be partially removed and reconstructed around the proposed new structure.

Landscaping: Section 11-4-1 of the Whitefish Zoning Regulations exempts single family dwellings and accessory apartments from the landscaping requirements; therefore, no landscape plan is required.

Signage: No signage is proposed for the accessory apartment.

Undergrounding of new and existing utilities: The subject property currently has existing utilities located on-site which service the single family residence. Any new utilities will be required to be installed underground.

Finding 4: The quality and functionality of the proposed development is adequate because the applicant can meet the required number of parking spaces, the proposed use will not impact existing traffic circulation, no signage is proposed for the accessory apartment, and all new utilities will be undergrounded.

5. Availability and Adequacy of Public Services and Facilities.

Sewer and water: The subject property is currently serviced by municipal services to the existing single family residence. Separate water and sewer service is required for the accessory apartment.

Storm Water Drainage: Storm water created by the proposed accessory apartment is not anticipated to impact adjacent properties because all storm water is required to be maintained on-site. An engineered stormwater plan will not be required as the impervious surface will not exceed 5,000 square feet.

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

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

Streets: The subject property is located directly off Columbia Avenue, and is accessed from an existing driveway off Columbia Avenue on the east side of the property. The proposed accessory apartment will access from the alley on the west side of the property. Columbia Avenue has a paved travel surface, and the alley is also paved. The proposed driveway from the alley will be required to be paved per the zoning regulations.

Finding 5: The subject property appears to have adequate availability of public services because the property is currently served by sewer and water, is within the jurisdiction of the Whitefish Fire Department and the City of Whitefish Police Department, and is accessed from Columbia Avenue and an existing alley which are both paved surfaces.

6. Neighborhood/Community Impact:

Traffic Generation: Traffic impacts are anticipated to be minimal as the subject property has an existing single family residence, and the proposed accessory apartment should not result in a significant impact to traffic on Columbia Avenue or surrounding roadways.

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. The driveway access for the accessory apartment is proposed to be paved.

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

Hours of Operation: There are no hours of operation anticipated with this use beyond those that would be typical for a residential property.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because the proposed accessory apartment will not increase traffic generation on surrounding streets, there will be no noise or vibration beyond associated construction disturbance, no fumes or other odors are anticipated, and there will be no hours of operation for the residential use.

7. Neighborhood/Community Compatibility:

Structural Bulk and Massing: The proposed accessory apartment's bulk and massing will be less than 600 square feet. This allows for a reduced setback on the side and rear property lines to 6 feet. The proposed structure will be similar to existing adjacent residential uses in the neighborhood, and will not exceed the maximum height of 24-feet for an accessory structure.

Scale: The proposed accessory apartment appears to be adequately scaled to the subject property. It will be substantially smaller than the existing single family residence and will be located approximately 20 feet away from the existing residential structure. This will allow for adequate open space within the subject property to maintain the character of the neighborhood.

Context of Existing Neighborhood: The existing neighborhood is predominantly single family residential. The proposed use is not expected to impact or change the character of the existing neighborhood. The proposed use is consistent with the existing zoning and the structures already constructed within the neighborhood.

Density: The design of the proposed structure is similar to other buildings in the area. The density is not out of character with the area.

Community Character: The proposed accessory apartment will not be detrimental to the immediate neighborhood integrity as the accessory apartment reflects the housing standards established in the area and will be utilized as an accessory use to the existing primary residence.

Finding 7: The proposed accessory apartment is compatible with the surrounding neighborhood because the use is similar to existing uses in the neighborhood, it will be consistent with the design, size and density of the immediate area, and it will be utilized as an accessory use to the existing primary residence.

RECOMMENDATION

It is recommended that the Whitefish City-County Planning Board adopt the findings of fact within staff report WCUP 14-04 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 plans submitted on May 22, 2014, except as amended by these conditions. Any significant deviation from the plans shall require approval.

2. All storm water generated by the proposal shall be retained on-site.

3. The applicant shall be required to obtain a building permit from the City of Whitefish for the proposed accessory apartment.

4. One off-street parking space shall be designated for the accessory apartment and two off-street parking spaces shall be designated for the primary residence.

5. The driveway and parking area for the accessory apartment shall be paved in accordance with Whitefish Zoning Regulations §11-6-3-1(D)(2).

6. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure.

7. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun.

Planning & Building Department
PO Box 158
510 Railway Street
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409

Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Brett and Janice Pierce have applied for a Conditional Use Permit to construct an accessory apartment. The property is developed with a single family home and is zoned WR-2 (Two Family Residential District). The proposed accessory apartment would be located above a proposed garage. The accessory apartment will be approximately 20 feet 7 inches wide by 29 feet long, for a total of 596.82 square feet. As the garage will be less than 600 square feet, the structure qualifies for reduced side and rear setbacks of 6 feet. The property is located at 728 Columbia Avenue and can be legally described as Lot 4, Block 13 of Riverside Addition to Whitefish, S36, T31N, R22W, P.M.M., Flathead County, Montana.

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, June 19, 2014
6:00 p.m.
Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937

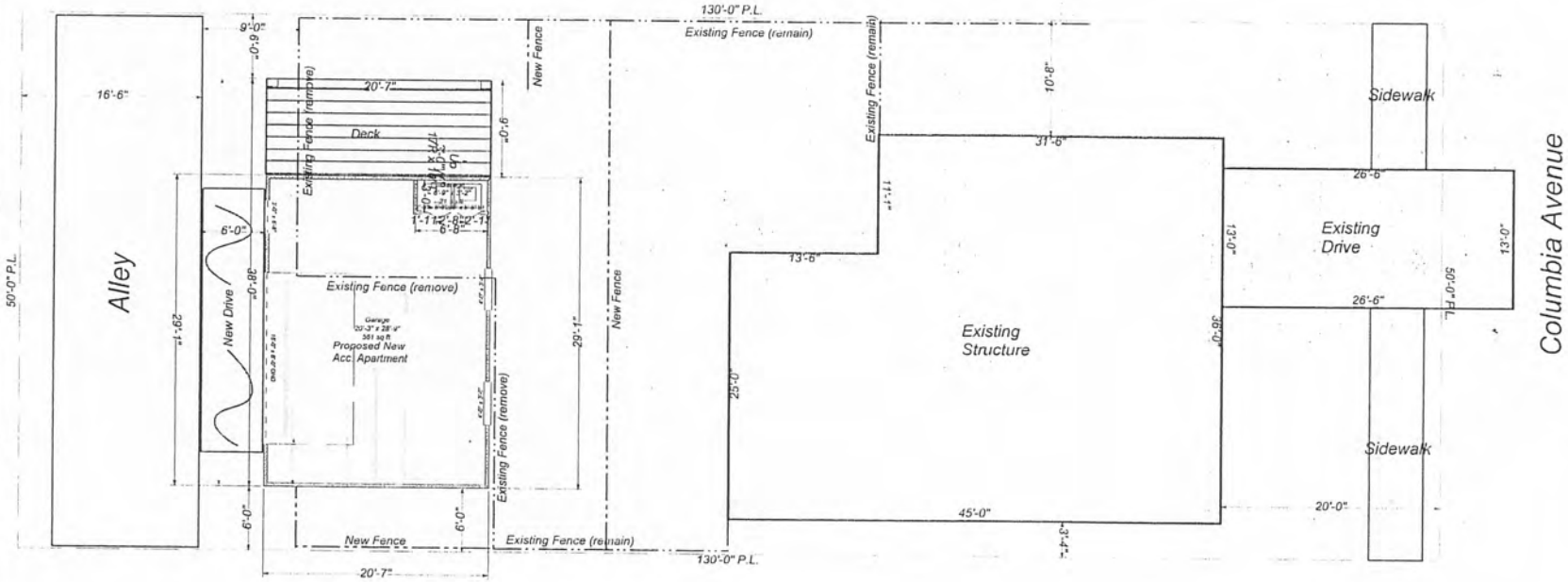
The City-County Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on Monday, July 21, 2014 at 7:10 p.m., also in the Whitefish City Council Chambers.

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 *bminnich@cityofwhitefish.org*. Comments received by the close of business on Tuesday, June 10, 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.

EXHIBIT

2

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS



Project:
Pierce Accessory Apt.

Title:

Date:
5-15-14

Signature:

Scale:
1/8" = 1'

Designed by:

Blackwell Enterprises, Inc
750 W 2nd Street, Suite F
Whitefish, MT 59937

Pierce Accessory Apartment

Revision Notes:

Date:

Signature:

Drawing Number:

Sheet:
Site Plan

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

Date: May 30, 2014

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish City-County Planning Board will be held on Thursday, June 19, 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, July 7, 2014 and items 3-5 on Monday, July 21, 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. Whitefish West Limited Partnership is proposing to subdivide 4.39 acres into 15 single family lots. The property is undeveloped and is zoned WR-2 (Two-Family Residential District). The property is located at 265 Haugen Heights Road and can be legally described as Lake Park Addition, Lot 4, Block 11 in S26 T31N R22W (WPP 14-04) Compton-Ring

2. EDM Development llc is requesting a Conditional Use Permit in order to construct a 5-plex. The property is undeveloped and is zoned WB-3 (General Business District). The property is located at 221/231 O'Brien Avenue and can be described as north ½ Lot 22, Lots 23-25, south ½ alley, Block 42, S36 T31N R22W. (WCUP 14-03) Compton-Ring

3. William and MaiBritt Bennett are requesting a Conditional Use Permit in order to construct an accessory apartment. The RV garage shown on the submitted site plan will be converted for the proposed accessory apartment and will be connected to the single family residence. The property is located at 416 Ramsey Avenue and can be legally descried as Lot 9-EXS142.5 of Block 2 in Ramseys Addition to Whitefish Subdivision, S35 T31N, R22W. (WCUP-14-02) Minnich

4. Brett and Janice Pierce are requesting a Conditional Use Permit in order to construct an accessory apartment. The proposed accessory apartment would be located above a proposed garage. The property is located at 728 Columbia Avenue and can be legally described as Lot 4, Block 13 of Riverside Addition to Whitefish, S36, T31N, R22W. (WCUP-14-04) Minnich

5. 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

EXHIBIT 3

policy, and implementation priorities, as per directives contained in the Growth Policy establishing a biennial review. WGPA 14-01 (Taylor)

6. Highway 93 West Corridor Land Use Plan work session. Introduction and overview of the draft plan.

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*. For questions or further information regarding these proposals, phone 406-863-2410.

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

File #: WCUP-14-04
Date: 5/22/2014
Intake Staff: BT
Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED $ 990.00
(See current fee schedule)

INSTRUCTIONS:

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

A. PROJECT INFORMATION:

Project Name: Pierce Accessory Apartment

Project Address: 728 Columbia Avenue

Assessor's Tract No.(s) 0067850 Lot No(s) 4
Block # 10 Subdivision Name _____
Section 36 Township 31N Range 22W

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[1] — Date: 5/21/14

Brett L. & Janice Pierce
Print Name

Applicant's Signature — Date: 5/21/14

Brett Pierce
Print Name

Representative's Signature — Date: 5-21-14

Cole Blackwell
Print Name

[1] 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

EXHIBIT 4

APPLICATION CONTENTS:

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

____ Conditional Use Permit Application – **11 copies**

____ Written description how the project meets the criteria in Section D – **11 copies**

____ 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.

____ Reduced copy of the site plan not to exceed 11" x 17" – **1 copy**

____ Where new buildings or additions are proposed, building sketches and elevations shall be submitted.

____ Electronic version of entire application such as .pdf

____ Certified adjacent owners list for properties within 150-feet of subject site – **1 copy**

____ 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: Brett L. & Janice Pierce Phone: 406-885-6455

Mailing Address: 33 Grizzly Way

City, State, Zip: Kalispell, MT 59901

Email: brettpierce1@yahoo.com

APPLICANT (if different than above):

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

TECHNICAL/PROFESSIONAL:

Name: Cole Blackwell Phone: 406-471-3081

Mailing Address: 750 W. 2nd Street, Suite F

City, State, Zip: Whitefish, MT 59937

Email: cole@blackwellenterprisesinc.com

C. DESCRIBE PROPOSED USE:

Accessory Apartment with Garage Below and upper deck.

ZONING DISTRICT: WR-2

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 accessory apartment provides additional low income housing in the Whitefish Area as well as providing additional density in town.

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

   This proposal is consistant with the Conditional Use permitted uses of the Zoning. Permitted uses allow for accessory apartments above a garage with a living square footage not to exceed 600 square feet. The design is currently at 598.6 square feet.

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

   This property has a large backyard area that can accomidate the new building. After the proposed addition the lot is still well under the permitted 40% lot coverage. Access will be off of the alley and meets current standards and setbacks.

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. Parking for the current residence will remain the same w/ 1 in the garage and 1 in the Driveway. After construction there will be 3 additional spaces, 2 in the new garage and 1 under the new deck.
b. The apartment will be able to be accessed from either side of the alley which will not interfere with traffic circulation.
c. There will be sufficient open space and lot coverage will be below what is permitted.
d. Some existing fencing will be removed to accomodate, and additional fencing will be installed where necessary. See site plan.
e. Landscaping will remain relatively the same. Currently a majority of the new building location is gravel for parking. Some additional sod and plants will be added as needed.
f. N/A
g. New utilities will be placed underground
h. Existing utilities will remain as is.

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

a. Sewer will be tied into City Main which
b. Existing water service will be upgraded and a new meter pit will be installed to service existing and new structures
c. Stormwater will be contained with gutters and french drains (to be designed after consultation with Carin Hilding as required)
d. Fire Protection will not be affected
e. Police Protection will not be affected
f. Street access is more than adequate
g. Parks will not be affected
h. There is a sidewalk currently in the front of the property and at each end of the alley way for access.
i. Will not be affected

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

   This is a small project will a quick completion timeframe. All traffic will be kept at a minimum and traffic could potentially only be blocked in the alley during sewer hookup. This will be kept at a minimum. All work will be done during normal business hours. Normal construction noises such as equipment, saws, nailguns, etc. will be present.

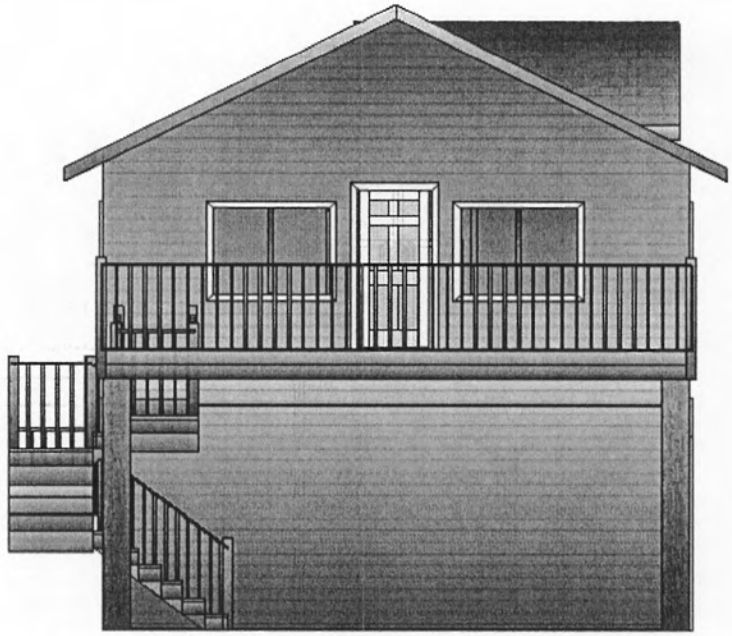
7. What are the proposed hours of operation?

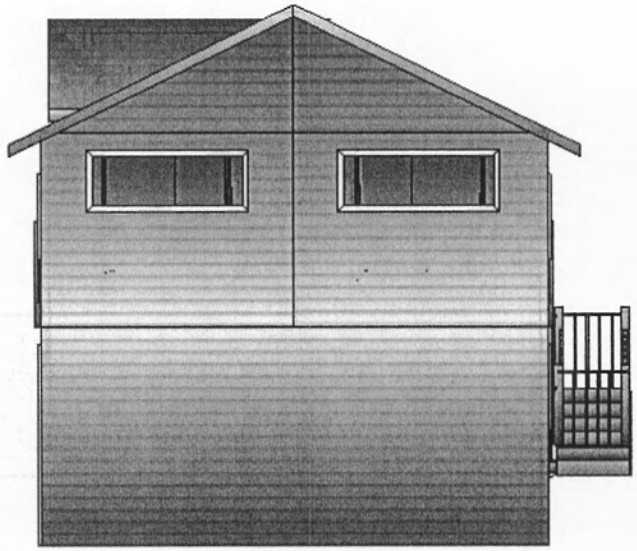
   7:30 a.m to 6:00 p.m. Monday through Friday

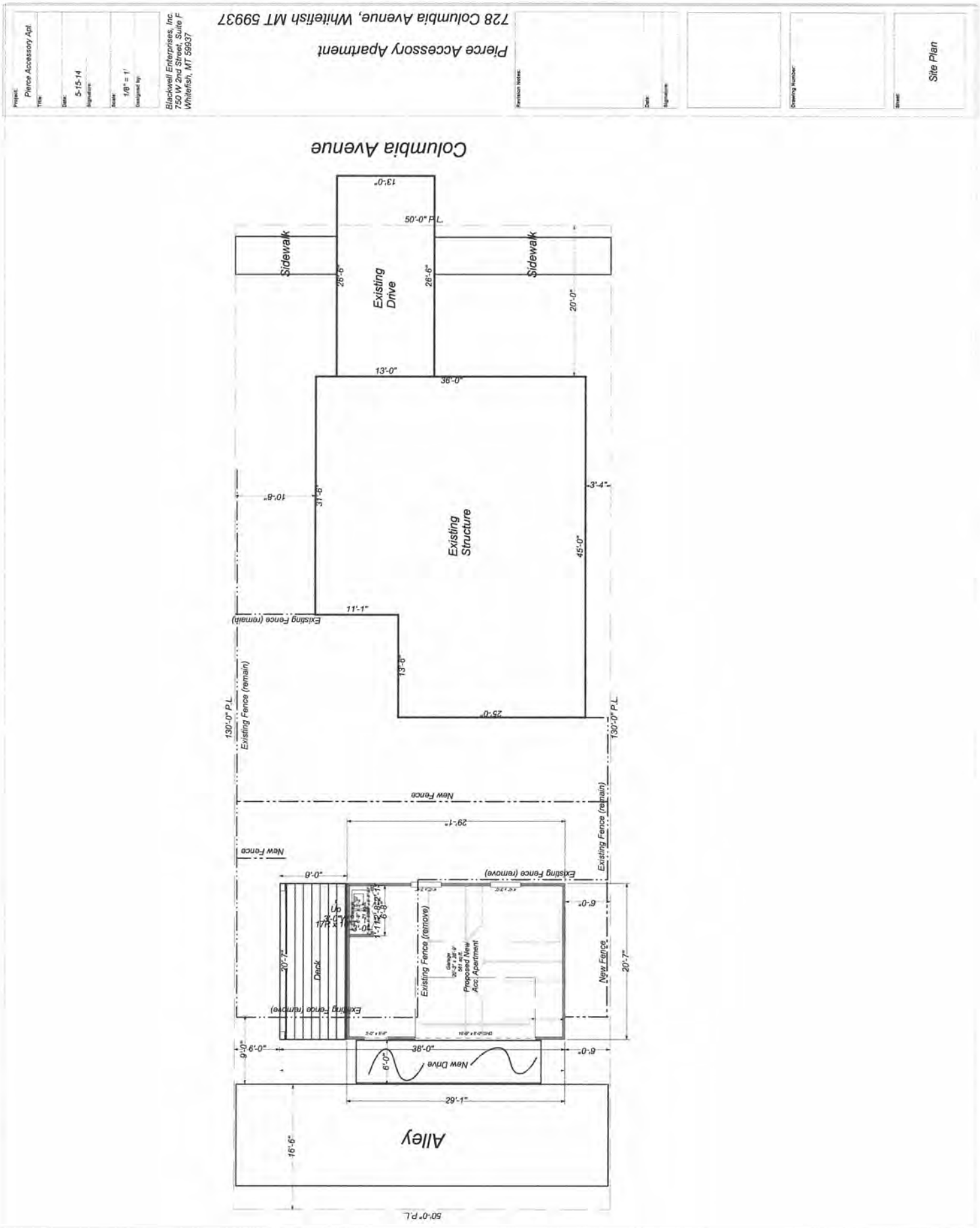
8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:
   a. Structural bulk and massing
   b. Scale
   c. Context of existing neighborhood
   d. Density
   e. Community Character

   This project is similar in these general terms to many accessory apartments that have been approved and constructed in the area.

22'-5"
9'-1"






Project: Pierce Accessory Apt.
Title:
Date: 5-15-14
Signature:
Scale: 1/8" = 1'
Designed by:
Blackwell Enterprises, Inc.
750 W 2nd Street, Suite F
Whitefish, MT 59937
Pierce Accessory Apartment
728 Columbia Avenue, Whitefish MT 59937
Revision Notes:
Date:
Signature:
Drawing Number:
Sheet: Site Plan
Columbia Avenue
Sidewalk
Sidewalk
Existing Drive
50'-0" P.L.
13'-0"
26'-6"
26'-6"
20'-0"
13'-0"
36'-0"
Existing Structure
3'-4"
45'-0"
25'-0"
13'-6"
11'-1"
31'-6"
10'-8"
Existing Fence (remain)
130'-0" P.L.
Existing Fence (remain)
130'-0" P.L.
New Fence
29'-1"
Existing Fence (remove)
Existing Fence (remain)
New Fence
6'-0"
20'-7"
New Fence
Existing Fence (remove)
Existing Fence (remove)
Deck
20'-7"
Proposed New Acc. Apartment
New Drive
38'-0"
6'-0"
6'-0"
6'-0"
29'-1"
Alley
16'-6"
50'-0" P.L.

(This page left blank intentionally to separate printed sections)

RESOLUTION NO. 14-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, IN SUPPORT OF A COUNTYWIDE 911 SPECIAL DISTRICT WITH NEW FEES SIMILAR TO THE COUNTYWIDE LANDFILL FEE SYSTEM AND PLEDGING TO REDUCE THE FY16 PROPERTY TAX MILL LEVY BY AN AMOUNT EQUIVALENT TO THE BUDGET SAVINGS FROM THE DISCONTINUATION OF ANNUAL CITY FINANCIAL SUPPORT OF THE 911 SYSTEM.

WHEREAS, on February 1, 2009, the Whitefish City Council approved a new Interlocal Agreement for the establishment, operation, and funding of a new, consolidated, countywide 911 system; and

WHEREAS, the consolidated 911 system began operation in April, 2009; and

WHEREAS, as part of the 2009 911 Interlocal Agreement, a "Future Funding Committee" was established to research and recommend future funding options for a more equitable funding system given that the four jurisdictions could not agree on a permanent funding mechanism prior to the consolidation of the 911 system;

WHEREAS, the 911 Future Funding Committee issued their report and recommendations on May 4, 2011 with recommendations for a Countywide property tax mill levy, at the appropriate time for an election, as the most equitable method of funding the 911 system for both operations and maintenance and capital equipment replacement; and

WHEREAS, given the economic downturn during 2008 – 2011, the 911 Administrative Board and the Future Funding Committee believed chances for countywide voter approval of an additional property tax levy for 911 were not very good, so no ballot proposal was pursued; and

WHEREAS, in 2013, Flathead County evaluated and proposed a 911 funding system which would retain the countywide property tax levy of approximately 6 mills currently funded in the Flathead County Sheriff budget and supplement that property tax levy with a proposed new, countywide Special District fee of $25.00 per year per developed residential unit and $50.00 per year per commercial unit up to a maximum of 30 commercial units, as a fee similar in assessment to the current countywide landfill fee; and

WHEREAS, the Flathead County Board of Commissioners are currently considering placing the question of the new Special District fees for the 911 system on the November, 2014 election ballot; and

WHEREAS, this proposed system is a more equitable system of funding and similar properties throughout the County will pay equal amounts of property taxes and Special District fees for 911 operations, maintenance, and capital replacement as

compared to the current, inequitable funding system; and

WHEREAS this proposed new funding system of countywide property taxes and a new Special District flat fee provides additional new funding for future capital facilities and equipment replacement and expansion whereas there is currently no funding being provided or set aside for capital facilities and equipment replacement and expansion; and

WHEREAS, many officials and citizens believe that voters in both the cities and county throughout Flathead County will not support the new 911 Special District fee proposal if they believe that the cities will use the money that they will save from ending their annual 911 budget contributions in other ways rather than reducing expenditures and property tax levies; and

WHEREAS, current City Councils cannot bind future City Councils for long term budget commitments beyond the term of the sitting City Council, but the current City Council can pledge and commit to reduce the FY16 property tax levy by an amount equal to the savings from discontinued 911 budget appropriations; and

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

Section 1: The City of Whitefish hereby supports the proposed 911 Special District funding proposal attached as Exhibit A to this Resolution and encourages the Flathead County Board of Commissioners to place a referendum on the November, 2014 election ballot as a proposal to enact the 911 Special District and funding system; and

Section 2: The City Council of the City of Whitefish hereby commits to reduce the FY16 property tax levy by the number of mills equal to its budget savings from a discontinuance of municipal annual appropriations for the 911 system. This reduction is currently estimated at $159,000.00 or approximately 7.07 mills in the FY15 preliminary budget; and

Section 3: Future City Councils will determine whether or not to continue this property tax mill levy reduction beyond FY16; and

Section 2: 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

FLATHEAD EMERGENCY COMMUNICATIONS FUNDING PLAN

Background:

In 2009 Flathead County, Kalispell, Whitefish and Columbia Falls entered into an interlocal agreement that consolidated dispatch and communication services from four separate operations to one central operation in Kalispell. This consolidation was a significant achievement after many years of discussion and research into the concept. Change is not easy and there were some definite bumps in the road that have been overcome. Our citizens are well served by this consolidation with a well-trained dedicated staff and state of the art dispatch and radio communications systems.

A key provision of Section I of the interlocal agreement stated that, "the board shall appoint a committee within three months of the execution of this agreement to study funding issues and to search for funding mechanisms that are more appropriate and acceptable to the parties to this agreement". There was a definite understanding between the county and the three participating cities that a "future funding committee" would be established to make every effort to find a fair and equitable funding mechanism to replace the population based funding formula approved as part of the interlocal agreement.

This committee was formed and a number of funding alternatives have been researched and presented to the Flathead Emergency Communications Center Board and the Board of County Commissioners for their consideration. Due to the effects of the recession, the idea of pursuing a ballot issue for a voted mill levy or another form of funding was not considered viable so the status quo has been in effect for several years now.

The funding options explored to date include (1) a voted mill levy, (2) vehicle license fee surcharge allowed by state law, (3) collection of additional revenue from rural fire districts, federal/state/local government agencies and private emergency providers – i.e. all user agencies would pay on a per call cost basis, (4) formation of a special emergency communications district, and (5) continuation of the current funding method that does not provide any funding for critical capital improvement needs.

The key funding issue is fairness. Under the current formula, all taxpayers pay on a mill levy basis for the 66% share that comes from the sheriff's levy. So both rural and city taxpayers pay the same mill rate for that part of the revenue contribution. Then the three cities each levy taxes to their citizens to fund their allocation, so city taxpayers pay both the county and city levies for the same services. So there is a big disparity involved as you look at contribution dollars for this service between rural and city taxpayers where everyone has the same right and ability to dial 911 – see attached chart with residential property examples of the same value house in each jurisdiction.

Recommendation:

The funding committee concluded that the best funding option to take to our citizens for their consideration is the creation of a special emergency communications district. This option would continue the collection of the county mill levy where all taxpayers pay on an equitable property value basis. The balance of the funding needed to operate the FECC would be generated from newly formed special district flat rate fees collected in the same manner the county collects funds for the solid waste

district landfill operations. Using this combined funding formula, all taxpayers would pay the same mill rate to the county to provide for capital improvement funding and the portion of the emergency communications operations that involves costly radio communications, GIS, and IT services. The flat rate special district fees would provide funding for the dispatch center staff, facility maintenance, equipment and operations. This combined funding approach provides a fair balance with a combination mill levy and flat rate that apply equitably to city and rural taxpayers and different classifications of taxpayers.

The estimated annual cost to operate all of the emergency communications components outlined above for the next five years is $3.9 million. We receive approximately $625,000 from the state from a one dollar ($1.00) monthly phone user tax paid to the telephone companies to assist in the operation of county and city dispatch centers. So the net amount we need to fund at the county and city level is about $3.3 million. Our proposed funding plan will cover all the operational costs and a critically needed $500,000 annual contribution for the capital improvement program over the next twenty years. We propose to continue the property tax levy at about the six mill level from the county sheriff's office budget that totals approximately $1.5 million. The proposed special district funding would require an additional estimated $1.9 million to fully fund this operation that has been in place for the past five years. The new funding required that has not been achieved under the current funding system is the $500,000 needed for the capital improvement program.

We are proposing to continue the sheriff's levy that is currently a little less than six (6) mills and our proposed flat rate for the special district would be a $25 flat rate fee for residential properties annually and $50 per commercial unit not to exceed 30 units for commercial properties.

We strongly feel this combined funding formula creates fairness and provides the revenue needed to be able to provide needed facilities, equipment, personnel and state of the art communications systems to meet the emergency needs for all the citizens of Flathead County.

Conclusion:

It is critical that a new funding solution be put into place in the near future since we have been unable to generate any new funds for capital improvement needs under the current funding formula due to levy limits set by state law for the county and the three cities. We hope our citizens will support formation of a special communications district with some additional funding to allow us to provide the best level of service we can for the critical emergency communications system our citizens deserve and expect.

County and city officials feel the best approach to take in regard to securing a fair and equitable funding solution is to properly inform the public of the funding needs to provide the best emergency communications we can. It is the desire of the Flathead County Board of Commissioners to place the question of the potential formation of a special emergency communications district on the ballot to provide the level of service needed to protect our citizens. The question is proposed to be placed on the November 2014 general election ballot.

Recommendation:

The 911 Funding Sub-committee reviewed this report and conclusion and voted unanimously by email proxy of those responding (5-0) in May, 2014 to recommend that the FECC Board and the Flathead Board of County Commissioners pursue the creation of this special district and countywide funding sources.

Chuck Stearns
911 Funding Sub-committee Chair
May 6, 2014

Mike Pence
Funding Plan Report Author
May 6, 2014

		Comparison of 911 Costs on Tax Bills versus Cost of Special District Fee Proposal							
		Prepared by Chuck Stearns, City Manager of Whitefish	on	4/8/2014					
					Current Tax Cost		Proposed Fee Cost		Motor Vehicle Fee
							5.921 mills on value		Surcharge Option
							plus $25 fee		
$300,000	House in County								
		Market Value		$300,000					
		DOR Appraised Value (MV *.53)	1	$159,000					
		DOR Assessed Value (above * .0247) (Taxable Value)		$3,927					
		Cost - County Mills (5.921 mills/1000) * Taxable Value	2		$23.25		$23.25		
		Special District Fee, MV Tax, or other			$0.00		$25.00		
		Total Cost			$23.25		$48.25		
$300,000	House in Kalispell								
		Market Value		$300,000					
		DOR Appraised Value (MV *.53)	1	$159,000					
		DOR Assessed Value (above * .0247) (Taxable Value)		$3,927					
		Cost - Kalispell Mills (12.133 mills/1000) * Taxable Value	3		$47.65		$0.00		
		Plus - Cost of County 5.921 mills			$23.25		$23.25		
		Special District Fee, MV Tax, or other			$0.00		$25.00		
		Total Cost			$70.90		$48.25		
$300,000	House in Whitefish								
		Market Value		$300,000					
		DOR Appraised Value (MV *.53)	1	$159,000					
		DOR Assessed Value (above * .0247) (Taxable Value)		$3,927					
		Cost - Whitefish Mills (6.870 mills/1000) * Taxable Value	4		$26.98		$0.00		
		Plus - Cost of County 5.921 mills			$23.25		$23.25		
		Special District Fee, MV Tax, or other			$0.00		$25.00		
		Total Cost			$50.23		$48.25		
$300,000	House in Columbia Falls								
		Market Value		$300,000					
		DOR Appraised Value (MV *.53)	1	$159,000					
		DOR Assessed Value (above * .0247) (Taxable Value)		$3,927					
		Cost - CF equivalent Mills (16.263 mills/1000) * Taxable Value	5		$63.87				
		Plus - Cost of County 5.921 mills			$23.25		$23.25		
		Special District Fee, MV Tax, or other			$0.00		$25.00		
		Total Cost			$87.12		$48.25		
	Footnotes								
	1. Section 15-6-222 exempts 47% of market value for Class 4 Residential properties								
	2. County mills equal $1,431,807 budget for 911 divided by County mill value of $241,807								
	3. Kalispell mills equal $477,268 cost divided by Kalispell mill value of $39,334.85								
	4. Whitefish mills equal $151,859 cost divided by Whitefish mill value of $22,105.76								
	5. Columbia Falls mills equal $108,470 cost divided by Col Falls mill value of $6,669.52								

MEMORANDUM
#2014-024

To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

Re: Staff Report – Resolution of Support - proposed countywide Special District for 911 Funding

Date: July 15, 2014

Introduction/History

On February 1, 2009, the Whitefish City Council approved the 911 Interlocal Agreement which consolidated all dispatch services among the cities in Flathead County with Flathead County's 911 dispatch. The Interlocal Agreement was finally approved and signed by all parties in April, 2009 and a copy of the Interlocal Agreement is in the packet with this report.

Despite much discussion, the four parties could not agree on a funding mechanism for 911 other than to have the three cities and Flathead County contribute to the budget based on population. This method ensured that property owners in the three cities would pay twice for 911 services – once to their city for its contribution and also to Flathead County for its contribution. To address this inequity and to provide a long term, sustainable funding method, a Future Funding Committee was created to work on funding alternatives (end of Article I in Interlocal Agreement).

I was appointed to that committee and was subsequently appointed as chairperson of the committee. The committee worked on alternatives for two years and submitted our report to the 911 Administrative Board in May, 2011 and a copy of that report is in the packet.

Subsequent to that report, the 911 Administrative Board and the Future Funding Committee continued to work on when an appropriate time to place a countywide property tax levy on the ballot. Given the economic downturn, no one was very enthusiastic about placing such a property tax levy on the ballot.

Last year, Commissioner Gary Krueger suggested an alternative to fund 911 with an assessment similar to the landfill assessment which appears on county property tax bills where there are structures (vacant land is not assessed for the landfill cost). Commissioner Krueger worked with

County Administrator Mike Pence and county staff on the particulars of such a proposal and the final product and recommended structure is contained in a report in the packet called the "**FLATHEAD EMERGENCY COMMUNICATIONS FUNDING PLAN".**

The basic elements of this plan is that 911 would be funded entirely by countywide property taxes and a Special District fee on developed property. The Countywide property tax would be to continue the current Sheriff countywide property tax levy for 911 of approximately 6 mills (5.921 mills last year) and augment that mill levy with a Special District $25 flat rate fee for residential properties annually and $50 per commercial unit not to exceed 30 units for commercial properties. The creation and funding of such a Special District has to be voted upon by all electors in Flathead County. The Flathead County Commissioners are going to consider putting this Special District ballot issue on the November, 2014 ballot very soon.

The other very important, likely essential, element of this funding proposal is that it will provide a stable funding source in the future for 911, especially for needed capital equipment replacement and additions. The current funding which was approved by all four entities has only provided funding for operating costs and a minimal level of capital equipment. This proposal would provide $500,000 of new funding annually for capital equipment acquisition and replacement. If capital equipment replacement and addition is never funded, the 911 Center will die a slow death of attrition.

Current Report

Having considered various funding alternatives for 911 for many years, even before the Interlocal Agreement, there is considerable sentiment among some members of the public that for a countywide funding mechanism to pass, each city should agree to reduce its current property tax levy by the amount of funding each city currently contributes to 911 – in the City of Whitefish's case, the FY15 contribution is budgeted at $159,000 which is the equivalent of 7.07 mills.

This Special District funding proposal may have a difficult time passing on a countywide vote. However, the equity issues of uniform funding for each similar situated property is very important. The current proposal is a blend of property tax revenue (based on valuation) and flat fees. If the funding were all based on flat fees, the scenarios analyzed would have been too expensive for the typical residential property owner to accept. Thus this blended proposal was developed. However, the flat fee that is blended into the proposal helps ensure that expensive properties don't carry too much of a burden for 911 services because calls for service to 911 are not really correlated with the value of property.

While we can't commit or bind future City Council's to a reduction of our property taxes in future years, I believe we can commit to a reduction in the first year after any passage of the ballot issue. In subsequent years, there may be other needs which arise that could drive the need for a subsequent property tax increase. However, to help with passage of this proposed countywide Special District, I believe it is essential that we would commit to reducing our property tax levy by the equivalent 7.07 mills (or whatever the actual FY15 equivalent is) in the

FY16 budget, if the ballot issue passes. 66% of the County population in the 2010 census lived outside of cities, so that is where the vote is going to be decided. Strong support from the County Commissioners and County Sheriff will be needed for this ballot issue to pass. If the cities show support by lowering our property tax levies by the amount of savings our budgets will realize, it should help offset some opponents arguments.

The Mayor and City Council discussed this topic at their meeting on July 7, 2014 and directed staff to prepare a resolution for their review and consideration.

Financial Requirement/Impact

Reducing the FY16 budget one year from now by 7.07 mills or whatever the final figure is would be revenue neutral on our budget because our expenditures would reduce by $159,000 or more. Thus, the commitment to reducing the levy for at least one year does not really affect our budgets for FY16.

Recommendation

Staff respectfully recommends the City Council, after considering testimony at a public hearing, adopt a Resolution in support a countywide 911 special district with new fees similar to the countywide landfill fee system and pledging to reduce the FY16 property tax mill levy by an amount equivalent to the budget savings from the discontinuation of annual city financial support of the 911 system.

INTERLOCAL AGREEMENT

THIS AGREEMENT is made and entered into by and among the following Montana public agencies within the meaning of the Interlocal Cooperation Act:

Flathead County, hereinafter called "County";
The City of Columbia Falls, hereinafter called "Columbia Falls";
The City of Kalispell, hereinafter called "Kalispell";
The City of Whitefish, hereinafter called "Whitefish".

WHEREAS, Title 7, Chapter 11, Part 1, M.C.A., known as the "Interlocal Cooperation Act," permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities;

WHEREAS, said Act provides that an interlocal agreement may be authorized and approved by the governing body of each party to said contract;

WHEREAS, the Flathead County Sheriff's Office and each of the Cities Police Departments, as well as many other emergency response agencies, are in need of dispatch services;

WHEREAS, currently within Flathead County there are separate dispatch operations within the County and the three Cities;

WHEREAS, the aforesaid local governmental units have determined it most desirable and efficient to consolidate the dispatch of law enforcement and emergency response personnel into one operation and one staff serving all of the governmental entities;

WHEREAS, the parties to this agreement agree that a central administrative body composed of representatives of the signatories of this agreement should be established for the

purpose of administering and setting the policies for such a staff as well as to coordinate its work in light of the priority of need;

WHEREAS, the parties to this agreement agree that the administration of the County's Office of Emergency Services and the Flathead County Fire Service Area should be coordinated with dispatching emergency services; and

WHEREAS, the citizens of Flathead County approved a bond issue for funding for an Emergency Communications Center.

NOW THEREFORE, it is agreed by and among the parties as follows:

I.

ESTABLISHMENT OF FLATHEAD EMERGENCY COMMUNICATIONS CENTER GOVERNING BOARD

There is hereby established a "Flathead Emergency Communications Center Board." Said body shall be referred to hereinafter as the "BOARD."

The BOARD is established as an administrative body for policy making and financial budget preparation and administration for the Flathead Emergency Communications Center (hereinafter, the Center). The BOARD shall be composed of six (6) members, as follows:

1. The Flathead County Sheriff;
2. A County Commissioner chosen by the Board of County Commissioners;
3. The County Attorney or other elected County officer; and
4. An elected official or designee from each of the cities of Kalispell, Whitefish and Columbia Falls.

Any expenses incurred by a member will be paid for by the governing body which said member represents.

The BOARD shall elect a Presiding Officer from its members, and shall conduct meetings on a quarterly basis. A special meeting of the BOARD may be called by the Presiding Officer or by two members upon two days' written notice to all members.

The BOARD shall adopt by-laws to govern its organization, internal affairs, meetings, and items of general administration in conformity with this agreement; such by-laws may be amended from time to time upon concurrence of four members of the BOARD. The BOARD shall follow the open meetings and public participation standards of a political subdivision of the state. Its financial statements shall be discrete and reasonably available for public scrutiny. The BOARD shall not act except at a meeting in which a quorum, consisting of a majority of the members, is present and upon the majority vote of those members present.

The BOARD shall appoint a committee within three months of the execution of this agreement to study funding issues and to search for funding mechanisms that are more appropriate and acceptable to the parties to this Agreement. The committee shall make its recommendations within two years of its formation.

II.

PURPOSE

The purpose of this agreement is to consolidate all dispatch services in Flathead County and the Cities in Flathead County into one operation and one staff in order to provide efficient service to all emergency responders and to coordinate the County's Office of Emergency Services and Flathead County Fire Service Area responsibilities with the dispatch center. The service will include receiving calls concerning governmental services outside of regular business hours which may not involve emergency response but do require timely governmental action, such as problems with governmental water and sewer facilities. The consolidated Center will result in better service for all emergency responders, thereby benefiting all citizens of the County and the Cities by facilitating more timely response of emergency responders for all citizens requiring such services.

III.

STAFF

The BOARD and the Board of Commissioners of Flathead County will jointly employ, by contract, a Director who shall work under the BOARD and work under the Board of Commissioners. Both the Board of Commissioners and the BOARD must agree to any termination of employment that might be initiated in regard to the Director during the term of the Director's contract. In the event that either the Board of Commissioners or the BOARD is not satisfied with the performance of the Director at the end of the contract term, the Director shall not be granted a new contract.

The Director shall hire and direct dispatch staff and technical staff (radio, IT and GIS) and shall be responsible for operation of the Center, under the supervision of the BOARD. The Director shall hire and direct staff to carry out the responsibilities of the County's Office of Emergency Services and the Flathead County Fire Service Area under the supervision of the Board of Commissioners.

The BOARD shall adopt administrative policies to govern its staff's rights, duties, salary schedules, fringe benefits, and such other matters as may be proper and necessary to the efficient and harmonious operation thereof. Dispatch and technical staff personnel shall be employees of the BOARD. The administrative policy adopted by the BOARD shall recognize and provide for all rights and duties as are provided by law for all public employees. In any mandatory matters relating to public employees, the laws applicable to the County shall govern. The County will contract with the BOARD to administer the personnel record-keeping functions and to allow the employees to join the County health insurance program. The BOARD will be responsible for all employer contributions and premiums for health insurance benefits provided to the employees.

The BOARD will also provide for Workers' Compensation coverage, Unemployment Insurance and general liability and errors and admissions insurance, retirement benefits, and all other benefits of the staff of the Emergency Dispatch Center.

The Director's responsibilities with regard to the staff hired to carry out the responsibilities of the County's Office of Emergency Services and the Flathead County Fire Service Area shall be carried out under County Personnel Policy. Those staff members will be County employees.

IV.

FINANCE

Prior to the 15th day of April of each year, the Director shall prepare an estimated overall budget for the Center for the following fiscal year; said budget shall include the income, costs and expenses of the Center and staff provided for herein.

The funds for all members received from the State pursuant to Section 10-4-302, M.C.A., will be budgeted by the BOARD and will be used for installing, operating, and improving the 9-1-1 emergency telephone system. The BOARD shall designate to each party served by the Center a proportionate share of the remainder of the funding for said budget based upon the population of each of the Cities and of the County outside of the Cities as determined in the latest United States census completed every ten years. In addition, the County will fund one-half of the salary of the Director and of an Office Assistant, including one-half of benefits, for provision of services in carrying out the County's responsibilities for the Office of Emergency Services and the Flathead County Fire Service Area.

The Flathead County Treasurer shall act as the Treasurer for the BOARD. Each party agrees to budget and to pay to the Flathead County Treasurer, under the provisions of the Local

Government Budget Act (Title 7, Chapter 6, Part 40, or successor legislation) the amount designated by the BOARD for Center operation.

V.

PROPERTY

The Center building will be owned by Flathead County. No rent will be charged to the other parties of this Agreement. Furniture and office equipment provided by the County with the Center will be owned by the County. All furniture, office equipment, automobiles, and major items of personal property purchased by the BOARD, and accumulated cash, shall remain the property of the BOARD as long as this agreement remains in effect.

The County shall be responsible for insuring the building and any personal property belonging to the County. The BOARD shall be responsible for insuring any personal property acquired by it under this Agreement.

The parties agree that staff hired to carry out the responsibilities of the County for the County's Office of Emergency Services and the Flathead County Fire Service Area may be housed in the Center. The BOARD and the County will share all maintenance costs for the building, including major maintenance items such as roof and furnace/boiler replacement, in the proportion of square footage allotted to staff carrying out dispatch functions and to staff carrying out the County's responsibilities for the Office of Emergency Services and the Flathead County Fire Service Area.

The withdrawal of a party from this agreement, pursuant to Paragraph IX, shall not result in any change of ownership of any property owned by the BOARD; any party, by withdrawing, shall waive any claim it might have to property owned by the BOARD. In the event that this agreement is terminated by mutual consent of the parties, any property then owned by the

BOARD shall either (i) be divided among the parties pursuant to an agreement reached by the parties at the time of termination, or in lieu of such agreement, (ii) be sold pursuant to the statutory provision then in effect with regard to the sale of County property. In the event of a sale, the proceeds shall be divided among the parties pursuant to an agreement reached by the parties at the time of termination or, in lieu of such agreement, by using the percentages used to determine the contributions of each party to the BOARD in its budget for its last year of operation.

VI.

COUNSEL

The Flathead County Attorney shall provide the BOARD with necessary legal advice and counsel as requested, at no extra cost to the BOARD or the City parties hereto.

VII.

PRIOR AGREEMENT

The parties hereto did, on March 15, 1999, file an Interlocal Services Agreement, and an Addendum thereto, establishing the "Enhanced 911 Emergency Coordination Center." Said agreement is by instant agreement terminated by the mutual consent of all parties.

VIII.

ESTABLISHMENT OF ADVISORY COMMITTEE

An advisory committee shall be formed and shall be composed of the following members:

1. one representative from Sheriff's Office;
2. one member from either police or fire from each participating city;
3. one rural fire representative to be appointed by the County Chiefs Association;
4. one appointee for the EMS community appointed by the City/County Health Board;
5. the dispatch supervisor;

6. up to 2 public at-large members to be appointed by the BOARD to serve two year terms.

The at-large positions shall be appointed by the BOARD from a list of applicants. The BOARD shall give notice of the availability of the positions by article in the newspaper, and seek applications therefore at least 30 days prior to filling the positions.

The Advisory Committee shall meet monthly and at such other times as the committee shall determine or when requested by the BOARD. The members shall elect a Chairperson who shall conduct the meetings and assume other functions as the committee shall determine.

The Advisory Committee shall adopt by-laws and shall provide advice and evaluation for the BOARD and the Director on the following:

1. Call-taking, selective call-transfer and dispatch procedures and policies.
2. Continuous quality improvement monitoring and review of Center performance.
3. Priorities, policies and procedures for E9-1-1 system enhancement, programming, implementation and equipment usage.
4. Administrative and operational policies and procedures of the Center.
5. New equipment proposals.
6. Any other matters on which the Director or the BOARD may request advice or evaluation.

IX.

TERM AND WITHDRAWAL OF A PARTY

After approval and appropriate filing, this agreement shall become effective and shall endure until terminated by law or by mutual agreement of the parties. A party may withdraw from this agreement only upon lawful resolution of the governing body of that party and service of written notice thereof on the remaining party or parties hereto at least 180 days prior to the first day of July of any year. This agreement will remain in full force and effect as to a

withdrawing party until the 30th day of June next following service of notice of the withdrawal of said party; the agreement shall remain in full force and effect as to all remaining parties until termination or withdrawal.

X.

TRANSITION PROVISION

The parties agree that the transition from the current dispatch operation to the consolidated operation will require substantial planning, including consultations with current staffs and their collective bargaining representatives. The parties therefore agree that the current operation will continue after the execution of this Agreement, under the Memorandum of Understanding executed by the 911 Administration Board, the Board of Commissioners, the Sheriff and the Interim Emergency Services Director.

The BOARD shall work closely with the Sheriff and the Interim Emergency Services Director to achieve a smooth transition. When the transition to the new building is complete, the BOARD will hire a Director under Section III of this Agreement.

IN WITNESS WHEREOF, the parties execute this agreement effective this 20 day of April, 2009.

FLATHEAD COUNTY

By: Dale W. Layman, Chairman

ATTEST:

By: Diana Kile, Clerk

(seal)

CITY OF COLUMBIA FALLS

By: William F. Shaw, City Manager

ATTEST:

By: Susan M. Nicosia, City Clerk

(seal)

CITY OF KALISPELL

By: _____
Myrt Webb, Interim City Manager

ATTEST:

By: _____
Theresa White, City Clerk

(seal)

CITY OF WHITEFISH

By: _____
Charles C. Stearns, City Manager

ATTEST:

By: _____
Neeile Lorang, Clerk

(seal)

* * * * * * * * *

STATE OF MONTANA)
:ss
County of Flathead)

On this 4 day of ~~April~~ May, 2009, before me, the undersigned Notary Public for the State of Montana, personally appeared DALE W. LAUMAN and DIANA KILE, known to me to be the Chairman of the Board of Commissioners and the Clerk of the Board, respectively, and acknowledged to me that the County executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

(seal)

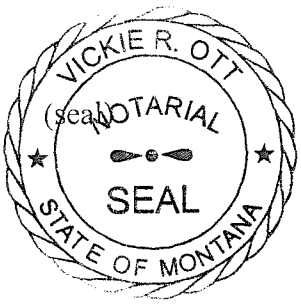
_____
Debbie L. Boreson
Notary Public for the State of Montana
Residing at Kalispell
My commission expires: July 16, 2009

* * * * * * * * *

STATE OF MONTANA)
:ss
County of Flathead)

On this 22nd day of April, 2009, before me, the undersigned Notary Public for the State of Montana, personally appeared WILLIAM F. SHAW and SUSAN M. NICOSIA, known to me to be the City Manager and City Clerk, respectively, and acknowledged to me that the City of Columbia Falls executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.



Vickie R. Ott
Printed Name: Vickie R. Ott
Notary Public for the State of Montana
Residing at Columbia Falls
My commission expires: 10-14-2011

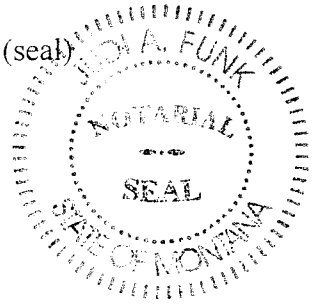
* * * * * * * * *

STATE OF MONTANA)
:ss
County of Flathead)

On this 21st day of April, 2009, before me, the undersigned Notary Public for the State of Montana, personally appeared MYRT WEBB and THERESA WHITE, known to me to be the Interim City Manager and City Clerk, respectively, and acknowledged to me that the City of Kalispell executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

(seal)



Judi A Funk
Printed Name: Judi A Funk
Notary Public for the State of Montana
Residing at Kalispell
My commission expires: 2/25/2012

* * * * * * * * *

STATE OF MONTANA)
:ss
County of Flathead)

On this 27 day of April, 2009, before me, the undersigned Notary Public for the State of Montana, personally appeared CHARLES C. STEARNS and NECILE LORANG, known to me to be the City Manager and City Clerk, respectively, and acknowledged to me that the City of Whitefish executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

Vanice Woodbeck
Printed Name: Vanice Woodbeck
(seal) Notary Public for the State of Montana
Residing at Whitefish
My commission expires: 2 23 2012

FLATHEAD COUNTY 911
Emergency Communications Center

911 Funding Committee
Final Report and Recommendation

To: The Honorable Jim Dupont, Chair
Honorable Members of the 911 Administration Board

From: Chuck Stearns, Whitefish City Manager/Funding Sub-committee chair

Re: Final Report of 911 Funding Sub-committee and Recommendation

Date: May 4, 2011

Background and Recommendations

The April 20, 2009 Interlocal Agreement between Flathead County, and the cities of Columbia Falls, Kalispell, and Whitefish contained the following provision which established our funding sub-committee:

> *The BOARD shall appoint a committee within three months of the execution of this agreement to study funding issues and to search for funding mechanisms that are more appropriate and acceptable to the parties to this Agreement. The committee shall make its recommendations within two years of its formation.*

This sub-committee has met for approximately the past year and a half to discuss fair and equitable methods of funding the 911 dispatch functions. This memo and attachments contain our final report and recommendation, however, if there are additional issues or topics that the 911 Administration Board would like us to review, we are certainly willing to do so.

Recommendation #1 – The sub-committee recommends that, at the appropriate time as determined by the 911 Administration Board and the Flathead County Commissioners, an election ballot question be posed to the countywide electorate for funding the 911 dispatch operation from a new countywide property tax levy.

Recommendation #2 – Until such an appropriate time for a countywide levy election proposal is determined, the sub-committee recommends that the 911 dispatch function be funded by a combination of a pro-rata sharing of the 911 base budget on a population basis among the three cities and Flathead County as currently exists in the Interlocal Agreement. Beginning in FY13 and phased in over three years (50%, 75%, then 100%), we propose that the base budget would also be augmented by billing other users of the 911 dispatch service on a call volume basis for their per call cost whereby the base budget is allocated among all users on a per call basis. I.e. the four jurisdictions would pay the base budget

each year based on census only and other users would be billed on a per call basis. Such billing of state and federal agencies could begin as early as July 1, 2011 and the other districts could begin on July 1, 2012.

History, Justification and Rationale – Recommendation #1

Prior to our first meeting, I met with other members of the committee to discuss a double taxation analysis which I had prepared (Exhibit A). A large concern of mine was that the current funding formula had city taxpayers in each of the three cities paying twice for 911 costs – once in the city portion of their property tax bill and then again in the county portion of their property tax bill for the residents of the unincorporated area. This system seemed unfair to the cities and was a point of discussion prior to the Interlocal Agreement. Moreover, as Exhibit A shows, the current system was most unfair to the City of Columbia Falls which is the jurisdiction least able to afford such costs.

As the sub-committee began meeting, we focused on evaluating a countywide levy and allocating costs based on call volume and billing all jurisdictions on a per call basis. The sub-committee members generally liked the equity and administrative ease of a countywide property tax levy, but recognized the difficulty with getting a new tax levy passed, especially in the current economic times.

The sub-committee then focused on obtaining credible numbers for a call volume based funding system, but we ultimately decided we had to wait until after the consolidation of dispatch operations occurred to get comparable data. After the consolidation occurred in 2010, we were able to obtain the first six months of call data for the period of July 1 – December 31, 2010. Those call totals and proportions are shown in Exhibit B.

Last fall, Mike Pence and I made presentations to the monthly County Fire Chiefs meeting and to the EMS Administration Board about allocating cost on a per call basis. We told them that we would get back in touch with them prior to implementing any billing based on call volume. The reception to our presentations was courteous, but it is probably safe to say that the different fire departments and districts along with EMS responders did not welcome the beginning of being billed for their dispatch calls. However, those discussions did compel us to evaluate two additional options for funding 911 – a system similar to the landfill assessment and a mixed system of population and per call volume.

A countywide property tax levy would ensure that all taxpayers would pay for 911 dispatch services on a fair and equitable basis and no one would pay twice. While there are inequities in the property taxation system, it is a system which Montana local governments are reliant upon. Moreover, there is an inherent public good aspect to 911 dispatch services wherein an argument could be made that the users of the service should not pay all of the costs; i.e. we all benefit by having a good 911 dispatch system in place even if one never uses the service individually.

While the current economic retrenchment is not the best time to propose a new property tax levy, there are few good times to do so. The 911 Administration Board should consult with the Flathead County Commissioners, and possibly all jurisdictions, on the appropriate time to propose a new Countywide property tax levy for 911 dispatch.

History, Justification and Rationale – Recommendation #2

Once the sub-committee received the call volume data for the second half of calendar year 2010, we analyzed that data. Despite sharing the costs with other jurisdictions, there were significant shifting of costs among the four jurisdictions that did not seem fair. Another aspect of going to a call volume based billing method was that the sub-committee members did not necessarily want any incentive to restrict or limit communications and billing on a per call basis might provide such an incentive. The basic purpose of a 911 dispatch system is for good communications and if public safety personnel start thinking of needing to limit calls for budgetary purposes, that might hinder public safety.

The sub-committee then decided to wait until we saw the effects of the 2010 Census and that information arrived in the middle of March, 2011. At that point, the four options we were evaluating were summarized in Exhibit C.

The reasoning for having the four jurisdictions continue to pay based on population is that the differential effects on some jurisdictions to go to per call billing were even greater than the increases caused by the new census population. Another reason was the call rationing discussion above and we didn't want any incentive for call rationing. However, we still felt that the other jurisdictions and agencies which use the 911 dispatch service should pay some for the service and their costs are best allocated on a per call basis as the population data for their jurisdictions or agencies is not easily available or may not be as relevant.

So basically, as Exhibit C shows, we are recommending Option B for the funding contributions from the four governments in the Interlocal Agreement and continuing to use the decennial census as the basis for the allocation because of the inherent problems with the annual estimates. This recommendation would allocate the base budget of property tax requirements (total budget less non-tax revenue) which was $1,899,235 in FY11 and allocating the base budget each year among the four jurisdictions using the 2010 census figures. Then, additional revenue of $179,516 could be obtained by billing the other jurisdictions and agencies as shown in Exhibit B. Such billing could begin for state and federal agencies in July, 2011 and for the other districts and agencies in July, 2012.

Final points

We recognize that there will be opposition to both a countywide levy and to billing other districts and agencies. However, equity for the four jurisdictions will remain an issue until a countywide levy is adopted. Also, if the other districts start receiving and paying a bill for 911 services, in the future when a countywide levy is proposed which might eliminate their billings, the other districts and agencies might help advocate for a countywide property tax levy.

We hope that this report and recommendations help the 911 Administration Board understand and discuss the various options. We remain committed to answering your questions, joining your discussions, and helping you implement any recommendations. If you would like us to do additional research or evaluation, we would be willing to do so.

Respectfully submitted.

Chuck Stearns,
City Manager, Whitefish
Funding Sub-Committee Chair

911 Funding Sub-Committee - Exhibit A

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1														
2			DOUBLE TAXATION ANALYSIS OF PROPOSED 911 AGREEMENT											
3		**DRAFT - SUBJECT TO VERIFICATION AND VALIDATION BY EACH JURISDICTION**												
4				PREPARED:	4/11/2011 16:21									
5														
6														
7	**CURRENT MARKET & TAXABLE VALUES**								2009 TOTAL					
8		2009 TOTAL	Percentage		2009 TOTAL	Percentage			TAXABLE VALUE	Percentage				
9		ASSESSOR'S MARKET VALUE	of Total		TAXABLE VALUE	of Total			w/o TIF's	of Total				
10														
11	Columbia Falls	$186,675,055	2.42%		$5,850,970	2.61%			$5,850,970	2.61%				
12	Kalispell	$1,269,510,589	16.45%		$39,522,014	17.65%			$37,981,898	16.96%				
13	Whitefish	$888,143,474	11.51%		$26,541,317	11.85%			$20,103,083	8.98%				
14	County Outside Municilalities	$5,373,630,671	69.63%		$151,989,760	67.88%			$159,968,110	71.44%				
15														
16	Total Flathead County	$7,717,959,789	100.00%		$223,904,061	100.00%			$223,904,061	100.00%				
17														
18														
19	**DOUBLE TAXATION EFFECTS OF CURRENT PROPOSAL**													
20					ALLOCATION OF				PORTION OF					
21					PROPOSED FY11		IMPACT ON		COUNTY OUTSIDE			TOTAL	IMPACT ON	DOLLARS
22					CONSOLIDATED BUDGET*		OWNER OF		MUNICIPALITIES			MILLS	OWNER OF	OF
23		2000 CENSUS	Percentage		BY POPULATION	# OF	$200,000 HOUSE		CARRIED BY	# OF		ON	$200,000 HOUSE	DOUBLE
24		POPULATION	of total		(*Budget less non-tax rev)	MILLS	(Assessed Value)		MUNICIPALITIES	MILLS		TAXPAYERS	(Assessed Value)	TAXATION
25	Columbia Falls	3,645	4.89%		$92,958.49	15.888	$93.10		$34,368.69	5.874		21.762	$127.52	$34.42
26	Kalispell	14,223	19.10%		$362,729.38	9.550	$55.96		$223,106.26	5.874		15.424	$90.39	$34.42
27	Whitefish	5,032	6.76%		$128,331.17	6.384	$37.41		$118,085.82	5.874		12.258	$71.83	$34.42
28	County Outside Municilalities	51,571	69.25%		$1,315,215.97	5.874	$34.42		$939,655.19	5.874		5.874	$34.42	
29														
30	Total Flathead County	74,471	100.00%		$1,899,235.00				$1,315,215.97	5.874		5.874	$34.42	
31														
32														
33	**ALLOCATION OF COSTS IF DONE BY COUNTYWIDE LEVY**													
34					ALLOCATION OF				PORTION OF					
35					PROPOSED FY11				COUNTY OUTSIDE			TOTAL		DOLLARS
36					CONSOLIDATED BUDGET*		IMPACT ON		MUNICIPALITIES			MILLS	IMPACT ON	OF
37		2000 CENSUS			BY POPULATION	# OF	OWNER OF		CARRIED BY	# OF		ON	OWNER OF	DOUBLE
38		POPULATION			(*Budget less non-tax rev)	MILLS	$200,000 HOUSE		MUNICIPALITIES	MILLS		TAXPAYERS	$200,000 HOUSE	TAXATION
39	Columbia Falls	3,645	4.89%				$49.71					8.482	$49.71	$0.00
40	Kalispell	14,223	19.10%				$49.71					8.482	$49.71	$0.00
41	Whitefish	5,032	6.76%				$49.71					8.482	$49.71	$0.00
42	County Outside Municilalities	51,571	69.25%				$49.71					8.482	$49.71	
43		0												
44	Total Flathead County	74,471	100.00%		$1,899,235.00	8.482	$49.71					8.482	$49.71	
45														
46														
47														
48														
49														
50														
51														
52														
53														
54														
55														
56														
57														

911 Funding Sub-Committee - Exhibit B

	A	B	C	D	E	F	G	H	I	J	K
1	Flathead 9-1-1 Dispatch and Emergency Communications Center										
2	Computer Aided Dispatch Total Responses by Agency Between July 1, 2010 and December 31, 2010										
3	Department	ORI	Responses including Mutual Aid		Percentage of Responses			Calls in Response Area Only	Percentage of Responses		Allocation of FY11 property tax requirements for 911
4	ALERT	904	372		0.85%			372	0.85%		$15,819.14
5	Bad Rock Fire Department	7011	88		0.20%			88	0.20%		$3,742.16
6	Big Mountain Fire Department	7019	32		0.07%			32	0.07%		$1,360.79
7	Bigfork Fire Department	7012	186		0.42%			184	0.42%		$7,824.52
8	Bigfork Volunteer Ambulance	410	215		0.49%			215	0.49%		$9,142.78
9	Blankenship Fire Department	7037	6		0.01%			6	0.01%		$255.15
10	Canyon QRU	119	108		0.25%			108	0.25%		$4,592.65
11	Columbia Falls Fire Department	7003	165		0.38%			160	0.37%		$6,803.93
12	Columbia Falls Police Department	MT0150100	2,816		6.40%			2,797	6.42%		$118,941.24
13	Coram-West Glacier Fire Department	7031	64		0.15%			64	0.15%		$2,721.57
14	Creston Fire Department	7016	107		0.24%			107	0.25%		$4,550.13
15	Evergreen Fire Department	7018	607		1.38%			607	1.39%		$25,812.42
16	Ferndale Fire Department	7036	16		0.04%			16	0.04%		$680.39
17	Fisher River Valley Fire Rescue	56013	0		0.00%			0	0.00%		$0.00
18	Flathead County Fire Investigation Team	99993	0		0.00%			0	0.00%		$0.00
19	Flathead County Juvenile Detention Center	FCJD01500	0		0.00%			0	0.00%		$0.00
20	Flathead County Sheriff Office	MT0150000	16,872		38.37%			16,641	38.17%		$707,651.47
21	Flathead District Court	MT015025J	0		0.00%			0	0.00%		$0.00
22	Flathead Justice Court	MT015041J	0		0.00%			0	0.00%		$0.00
23	Flathead Nordic	99992	0		0.00%			0	0.00%		$0.00
24	Flathead Search and Rescue	99998	0		0.00%			0	0.00%		$0.00
25	Glacier National Park	MTDI00100	1		0.00%			1	0.00%		$42.52
26	Glacier Park International Airport Fire-Rescue	7050	17		0.04%			17	0.04%		$722.92
27	Hungry Horse Fire Department	7032	51		0.12%			51	0.12%		$2,168.75
28	Immigration and Customs Enforcement	MTICE04T0	0		0.00%			0	0.00%		$0.00
29	Kalispell Fire Department	7001	1,402		3.19%			1,402	3.22%		$59,619.46
30	Kalispell Interagency Fire Management	7030	0		0.00%			0	0.00%		$0.00
31	Kalispell Police Department	MT0150300	13,181		29.98%			13,083	30.01%		$556,349.03
32	Lakeside QRU, Inc.	449	112		0.25%			112	0.26%		$4,762.75
33	Marion Ambulance & Rescue Service Inc.	508	0		0.00%			0	0.00%		$0.00
34	Marion Fire Department	7035	87		0.20%			87	0.20%		$3,699.64
35	Martin City Fire Department	7033	48		0.11%			48	0.11%		$2,041.18
36	Montana Fish and Game	MTMFG0500	232		0.53%			230	0.53%		$9,780.65
37	Montana Highway Patrol	MTMHP0700	2		0.00%			2	0.00%		$85.05
38	North Valley Search and Rescue	99997	0		0.00%			0	0.00%		$0.00
39	Olney Fire Department	7034	24		0.05%			24	0.06%		$1,020.59
40	Other Agency	99999	0		0.00%			0	0.00%		$0.00
41	Rollins Fire Department	15032	0		0.00%			0	0.00%		$0.00
42	Smith Valley Fire Department	7013	181		0.41%			181	0.42%		$7,696.95
43	Somers-Lakeside Fire Department	7014	134		0.30%			134	0.31%		$5,698.29
44	South Kalispell Fire Department	7017	100		0.23%			100	0.23%		$4,252.46
45	Three Rivers EMS	722	631		1.44%			631	1.45%		$26,833.01
46	US Customs Service	MTUSC5004	0		0.00%			0	0.00%		$0.00
47	US Forest Service	MTD0A9900	320		0.73%			319	0.73%		$13,565.34
48	US Marshall Service	MTUSM010	0		0.00%			0	0.00%		$0.00
49	West Flathead EMS	510	178		0.40%			177	0.41%		$7,526.85
50	West Valley Fire Department	7015	208		0.47%			208	0.48%		$8,845.11
51	Whitefish Fire Department	7002	830		1.89%			830	1.90%		$35,295.40
52	Whitefish Police Department	MT0150200	4,579		10.41%			4,565	10.47%		$194,124.69
53											
54											
55			43,972		100.00%			43,599	100.00%		$1,854,029.00
56											
57											
58	Notes:										
59	1.) Totals include any call for which the listed agency responded to during the period.										
60	2.) Totals include any mutual aid calls for which the listed agency responded to outside their response area during the period.										
61	3.) Removed totals for Flathead 911 Dispatch (test calls, information only calls, etc.)										

OPTIONS FOR 911 FUNDING SUB-COMMITTEE
PREPARED: 3/16/2011

911 Funding Sub-Committee - Exhibit C

OPTION A - 2000 CENSUS ALLOCATION

	2000 CENSUS POPULATION	Percentage of total	ALLOCATION OF PROPOSED FY11 CONSOLIDATED BUDGET* BY POPULATION (*Budget less non-tax rev)
Columbia Falls	3,645	4.89%	$92,958.49
Kalispell	14,223	19.10%	$362,729.38
Whitefish	5,032	6.76%	$128,331.17
County Outside Municilalities	51,571	69.25%	$1,315,215.97
Other Districts and Agencies		0.00%	$0.00
Total Flathead County	74,471	100.00%	$1,899,235.00

OPTION B - 2010 CENSUS ALLOCATION

	2010 CENSUS POPULATION	Percentage of total	ALLOCATION OF PROPOSED FY11 CONSOLIDATED BUDGET* BY POPULATION (*Budget less non-tax rev)
Columbia Falls	4,688	5.16%	$97,919.38
Kalispell	19,927	21.92%	$416,220.04
Whitefish	6,357	6.99%	$132,780.19
County Outside Municilalities	59,956	65.94%	$1,252,315.39
Other Districts and Agencies		0.00%	$0.00
Total Flathead County	90,928	100.00%	$1,899,235.00

OPTION C - CALL VOLUME ALLOCATION - 100'
BASED ON JULY-DEC 2010 CALLS

	CALLS	Percentage of total	ALLOCATION OF PROPOSED FY11 CONSOLIDATED BUDGET* BY POPULATION (*Budget less non-tax rev)
Columbia Falls	2,957	6.78%	$128,811.16
Kalispell	14,485	33.22%	$630,987.38
Whitefish	5,395	12.37%	$235,013.94
County Outside Municilalities	16,641	38.17%	$724,905.84
Other Districts and Agencies	4,121	9.45%	$179,516.67
Total Flathead County	43,599	100.00%	$1,899,235.00

OPTION D - CALL VOLUME ALLOCATION - 50%
BASED ON JULY-DEC 2010 CALLS
AND 50% BY POPULATION

	2010 CENSUS POPULATION	CALLS	ALLOCATION (*Budget less non-tax rev)
Columbia Falls	4,688	2,957	$113,365.27
Kalispell	19,927	14,485	$523,603.71
Whitefish	6,357	5,395	$183,897.06
County Outside Municilalities	59,956	16,641	$988,610.61
Other Districts and Agencies		4,121	$89,758.34
Total Flathead County	90,928	43,599	$1,899,235.00

(This page left blank intentionally to separate printed sections)

RESOLUTION NO. 14-___

A Resolution of Intention of the City Council of the City of Whitefish, Montana, indicating its intent to accept and approve the 2014 Review of the 2007 Whitefish City-County Master Plan (2007 Growth Policy), with amendments to the text and maps, as an addendum to the 2007 Growth Policy.

WHEREAS, the Whitefish City-County Master Plan (Growth Policy) was adopted by the City of Whitefish by Resolution No. 96-3 on February 20, 1996; and

WHEREAS, the 2007 Whitefish City-County Growth Policy (2007 Growth Policy) was adopted by the City Council pursuant to Resolution No. 07-57 on November 19, 2007; and

WHEREAS, the Implementation/Intergovernmental Element of the 2007 Growth Policy recommends that the 2007 Growth Policy be reviewed every two (2) years and revised as necessary; and

WHEREAS, in furtherance of such review and analysis, the Whitefish Planning & Building Department prepared a report entitled "2014 Six-Year Review of 2007 Whitefish City-County Growth Policy", dated June 19, 2014 (the "2014 Review"), and recommended changes to the text, Future Land Use map, retention of the Infill Policy and recommended Implementation Priorities, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, at lawfully noticed work sessions and public hearings on February 20, March 20, May 15 and June 19, 2014, the Whitefish City-County Planning Board considered the 2014 Review, received oral and written reports from Planning staff, invited public comment, and thereafter Planning staff prepared its July 21, 2014 transmittal letter to the Whitefish City Council which unanimously recommended approval of the six-year review with its recommended amendment to the text and Future Land Use map, retention of the Infill Policy, and recommended Implementation Priorities. In addition, the Planning Board recommended adding the Environmental Sensitive Areas (ESA Overlay) map from the 1996 Master Plan in the Future Land Use Map, as suggested in the Growth Policy; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt a Resolution of Intention to accept and approve the 2014 Review of the 2007 Growth Policy, with its recommended amendment to the text and Future Land Use map, including the addition of the ESA Overlay map from the 1996 Master Plan in the Future Land Use Map, retention of the Infill Policy, and recommended Implementation Priorities.

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

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

Section 2: The City Council of the City of Whitefish, Montana, hereby indicates its intent to accept and adopt the 2014 Review of the 2007 Whitefish City-County Growth Policy, attached hereto and incorporated herein by reference, with its amendment to the text and Future Land Use map, including the addition of the ESA Overlay map from the 1996 Master Plan in the Future Land Use Map retention of the Infill Policy, and recommended Implementation Priorities.

Section 3: 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

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

To: Whitefish City-County Planning Board

From: David Taylor, AICP, Director of Planning & Building

Date: June 19, 2014

RE: 2014 Six-Year Review of 2007 Whitefish City-County Growth Policy

Introduction

This document is a six-year review of the adopted 2007 Whitefish City-County Growth Policy. The previous two reviews in 2009 and 2012 focused on the narrative and goals and objectives of the plan. This review will focus on the Future Land Map and categories, recommending some updates where there may be some inconsistencies with current zoning. This review also will look at the Infill Policy as well as a revised Implementation Strategy with recommendations, per the review requirements outlined in the Growth Policy. It also reviews all of the Recommended Actions of the Growth Policy in Appendix A.

The Growth Policy was adopted in November of 2007 to be the baseline long-range planning document for the greater Whitefish area over the following decade. It established community issues, goals, policies, and recommended actions for natural resources, land use, economic growth, transportation, housing, and community facilities. The Implementation Element of the plan required a periodic two-year review, with recommendations to the City Council by the Whitefish City-County Planning Board. It has been two years since the plan was last reviewed and six years since it was adopted.

In addition to reviewing the Future Land Use Maps and the Infill Policy, the Growth Policy calls for biennial reviews by the Planning Board of the trends and projects of the resource analysis, the recommended actions of the individual Growth Policy elements, and status of priority programs. Staff will summarize that below.

Additionally, the Implementation Priorities Major Projects are reviewed and a fresh recommendation made. The Planning Board is tasked with reviewing staff's recommendations as to any revisions that might be warranted and updated implementation priorities list for the council to establish.

In the six years since its adoption by the Council, implementation of many elements of Growth Policy major projects have been completed. Major priority projects such as the Critical Areas Ordinance (and subsequent revisions), the Subdivision Code re-write, the Whitefish Community Wide Transportation Plan, the Architectural Review Standards re-write, the Extension of Services Plan, and implementation of the Downtown Master Plan were all either completed or overseen by the long range planning staff. With the assistance of WGM Group, staff is currently developing a Highway 93 West Corridor Land Use Plan as called for in the Growth Policy.

Since the 2012 review, there have been limited changes in existing community conditions. Litigation continues over the Interlocal Agreement between the City of Whitefish and Flathead County. Subdivision activity is beginning to increase, and the construction trends for new single family homes continues to increase dramatically every year from all time lows in 2008 and 2009. Assurances in the form of a ratified Interlocal Agreement may be necessary before any major long range planning can occur outside of city limits, including the corridor plan called for on Highway 93 South.

Six-Year Review Detailed Report

As outlined in the Growth Policy biennial review description, staff has gone through the Growth Policy and analyzed its effectiveness in working toward community goals and carrying out its vision. What follows are updates and comments on various aspects of the Policy, notably the Resource Analysis, Infill Policy Review, and the Implementation Strategy. Appendix A is a detailed review and update on Recommended Actions adopted.

Trends and projections from the Resource Analysis

Staff reviewed the Resource Analysis and found several changes in conditions in the six years since the Growth Policy was adopted.

In 2013, the US Census Bureau issued the 2012 population estimates. Whitefish is the 18th most populated city in the state of Montana with a population of 6,460. This is a 1.6% increase since the 2010 census when the city had a population of 6,357, with a rate of increase behind only the cities of Kalispell, Bozeman, Belgrade, and Columbia Falls. The population for Flathead County is 91,633, a 0.8% increase since the 2010 census, when the population was 90,9028.

Jurisdiction	2012 Population Estimate	% Change 2010-2012
Whitefish	6,460	1.6%
Columbia Falls	4,712	0.5%
Kalispell	20,487	2.8%
Flathead County Total	91,633	0.8%

In 2008, the State had estimated Whitefish's population to be growing with a 64% increase, and projected it as the fastest growing city in the state with a projected population of 8,281. However, those estimates were based on new dwelling units being

created, and while growth has slowed compared to the boom in 2005-2006, Whitefish is also one of the leading communities in the state in the second house market, meaning many new property owners do not count toward the census as they primarily officially reside elsewhere, skewing the numbers.

NEW RESIDENTIAL CONSTRUCTION

New residential construction peaked in 2005 with 292 total dwelling units constructed. New residential construction slowed significantly for three years from 2008-2010, but picked up in 2011-2013. Residential remodels continue to outpace, but that ratio has dropped significantly since 2008.

TYPE	2008	2009	2010	2011	2012	2013
Single Family	29	14	21	43	**51**	**75**
Duplex	6	0	2	0	**6**	**2**
Multi-Family	0	0	3	0	**1**	**0**
Mobile	0	0	0	0	**0**	**0**
TOTAL	35	14	26	43	58	77

Source: Whitefish Building Department records

TYPE	1980-1989 average annual	1990-1999 average annual	2001-2010 average annual	2011-2013 average annual
Single Family	18	29	48	**54**
Duplex	5	9	23	**3**
Multi-Family	19	12	41	**1**
Mobile	1	0	**0**	**0**
TOTAL	43	50	112	58

Source: Whitefish Building Department records

STUDENT ENROLLMENT

According to the Flathead County Superintendent of Schools *2013 Statistical Report of Schools*, the Whitefish School District enrollment is down 11% over the previous 10 years for the elementary grades (K-8) and down 33% for the high school. For all schools in the entire County, enrollment is up 3%. From 2004 to 2013, statewide enrollment decreased by 16%.

	1980 1981	1985 1986	1990 1991	1995 1996	2000 2001	2004 2005	2010 2011
Public Schools	***(Muldown, Central, Whitefish High)***						
K-8	941	1140	1216	1364	1279	1192	**1122**
9-12	541	515	493	606	697	692	**492**
TOTAL PUBLIC	**1482**	**1655**	**1709**	**1970**	**1976**	**1884**	1614
Private Schools	***Whitefish Christian Academy***						
K-8	Not open	57	125	114	105	121	**72**
TOTAL	1482	1712	1834	2084	2081	2005	1686

HOUSING COSTS & AFFORDABILITY

Housing prices across the valley have dropped as the real estate market has stagnated. Prices in Whitefish were higher in 2005 than in 2010 with a 31 percent drop in the value of the median houses sold. However, it has picked up significantly in the last year.

Location	Median Price 2005	Median Price 2011	% Change 2005-10
Bigfork	$297,400	$247,000	**-17%**
Columbia Falls	$199,250	$100,000	**-50%**
Kalispell	$192,000	$158,250	**-18%**
Whitefish	$319,000	$246,500	**-23%**

Source: NMAR, househunt.com

CAPITAL IMPROVEMENTS PLAN

Since 2007, the city engaged in a number of public infrastructure projects including a new Emergency Services Building in Baker Commons and improving the downtown business district streets. The parking lot at East 2nd Street and Spokane Avenue was also completed, and the city received TIGER grant funds to reconstruct East 2nd Street from Baker Avenue to Spokane Avenue, including new left turn signals. A major sewer improvement project was completed on Geddes Avenue, including a new sewer line bored under the Whitefish River. The city also did a Hydroelectric Plant construction project, and is currently undertaking an East Second Street reconstruction project. Future capital improvements include a new City Hall/Parking Garage and West 7th Street reconstruction.

ECONOMICS

According to the Montana Department of Labor and Industries 2013 *Labor Day Report to the Governor*, the United States was in a recession from December 2007 until the Spring of 2009. However, the report states that Montana survived the recession better than other states. Montana unemployment rates continued to decline in 2012 and is now approaching normal levels. The rate remains a full three percentage points below the U.S. average, but has outperformed the nation since the 2001 recession. Flathead County and the entire northwestern part of the state has the highest unemployment rate in the state at 8%, while the lowest is in the eastern half of the state at 4.2%.

> "The Northwest region experienced job losses earlier and deeper than the rest of Montana, but posted employment gains in 2011 and 2012. The Northwest employment levels remain about 10,000 jobs lower than the pre-recession July peak.'

Source: 'Labor Day Report to the Governor" September 2011 Montana Department of Labor and Industries

Locally, of the top ten employers identified in the 2005 Resource Document, Idaho Timber shut down operations in 2009. The other businesses are still operating.

TRANSPORTATION

In the 2006 Resource Analysis, the only transit service in Flathead County was Eagle Transit which only provided service to the elderly and disabled. In early 2008, Eagle Transit expanded their services to provide three days a week afternoon routes out of Whitefish to Kalispell. They have also established a commuter route that leaves Whitefish every morning to Kalispell and returns every evening after 5 pm.

The Whitefish Community Wide Transportation Plan was adopted by the City Council in January of 2010, and it dictates future transportation corridors and priority projects within the Whitefish area. In 2010, the Montana Department of Transportation also completed the Whitefish Urban Corridor Plan.

Future Land Use Map and Definitions Review

One of the major components of the 2007 Growth Policy that has not been looked at thoroughly in the previous two reviews is the Future Land Use Map and the definitions of the various land-use types represented on the map. Here is how the map is defined in the text of the plan:

The Future Land Use Map is a graphic and general representation of the type, density, and spatial extent of future growth in the Whitefish area. Because the map is a general representation, more than one zoning district may apply and serve to implement each land use designation on the map.

There are various land use types represented on the map, such as Commercial Core, General/Highway Commercial, Neighborhood Commercial, Hospital/Medical/Offices, Parks and Recreation, High-Density Residential, Suburban Residential, Rural Residential, etc. Each of those types has a definition/intent and it lists whatever zoning districts from the Whitefish Zoning Code appropriate within that Future Land Use area. There is some overlap. For instance, Commercial Core allows both WB-3 (downtown commercial) zoning as well as WR-4 (high density residential).

Staff has reviewed the Future Land Use Map and the listed categories, and we have come up with several areas that need review and possible revision to either the map or the Growth Policy text. Under each defined land use section below, staff will identify things that need review or revision. Future Land Use and Zoning Maps are on the last few pages for reference under Exhibits 1-4.

Future Land Use Designations

A. Commercial Core

Commercial Core: This designation describes the downtown area of Whitefish as well as surrounding transitional and mixed use areas. The major uses are retail commercial, professional and government offices, financial institutions, restaurants and taverns, hotels, and art galleries and studios. The Commercial Core is also characterized by mixed and multi-use developments such as residential above retail, mixed residential and office, and "artist lofts" which may have residential, studio, and gallery components. Urban forms in the Core are dense and usually multi-level. Street connectivity is high, with minimal or zero setbacks, and accessible, human scale storefronts. Character is decidedly pedestrian. On-street parking is provided for ease of accessibility, but parking serving employees and residents is generally located in parking structures or in small lot accessed from alleys. Streets in the Core are active, and streetscapes are attractive with street trees,

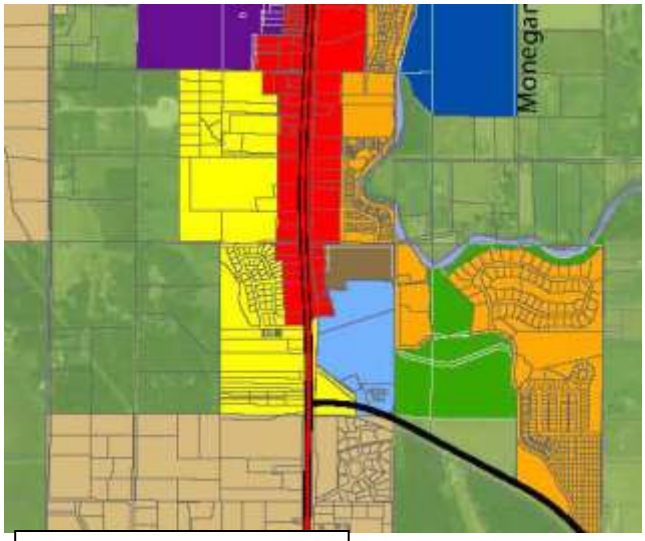
planters, and street furniture. Architecture is of very high quality and contributes to the established local theme. Zoning is mostly WB-3, but the Commercial Core can also be implemented through WR-4.

The Commercial Core doesn't have any major issues at this time. However, the Future Land Use Map will need to be updated to reflect any changes to the Commercial Core boundaries that the latest Downtown Business District Master Plan update calls for. That plan is still in process with the consultants, Crandall and Arambula.

B. General/Highway Commercial

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

There are a couple of concerns with the General Commercial/Highway Commercial designation. On the Future Land Use Map, the application of General Commercial/Highway Commercial stops as you head south out of town long before the existing WB-2 Secondary Business District zoning does, calling out the future land uses as Suburban Residential on both sides of Highway 93 right up to the Highway 40 intersection (see Future Land Use Map, Exhibits 1-3), making those existing commercial properties out of compliance with the Future Land Use map. It is uncertain whether the mapping issue was an oversight or whether it was done intentionally to curb future commercial development to the south. In any case, it should be discussed. It should be noted that a lot of those properties that front along Highway 93 South with a Suburban Residential Land Use and WB-2 Zoning are narrow lots with predominantly existing residential uses. Red represents General/Highway Commercial and yellow Suburban Residential on the Future Use Map. (See Exhibits 2 or 3 for land use color key). The discrepancy is best dealt with through a future Highway 93 South Land Use Corridor Plan, although cooperation with the County is essential for any planning south of Hwy 40, which is the area most in need of a land-use evaluation. Also, Spokane Avenue from East 6th Street south to the Whitefish River does not meet the lot size or intent of the Highway Commercial, and might better be identified as Neighborhood Commercial. That could also be addressed in a Highway 93 South plan.



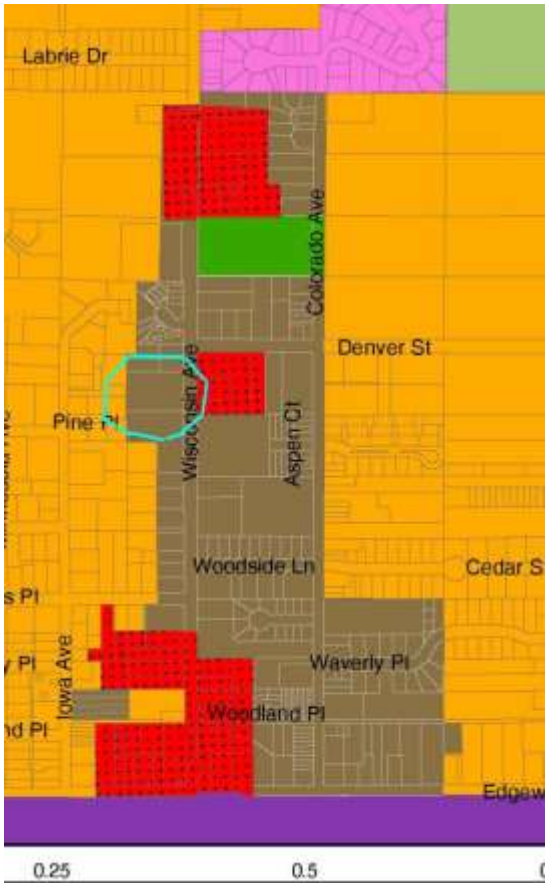
Future Land Use Map

Zoning Map

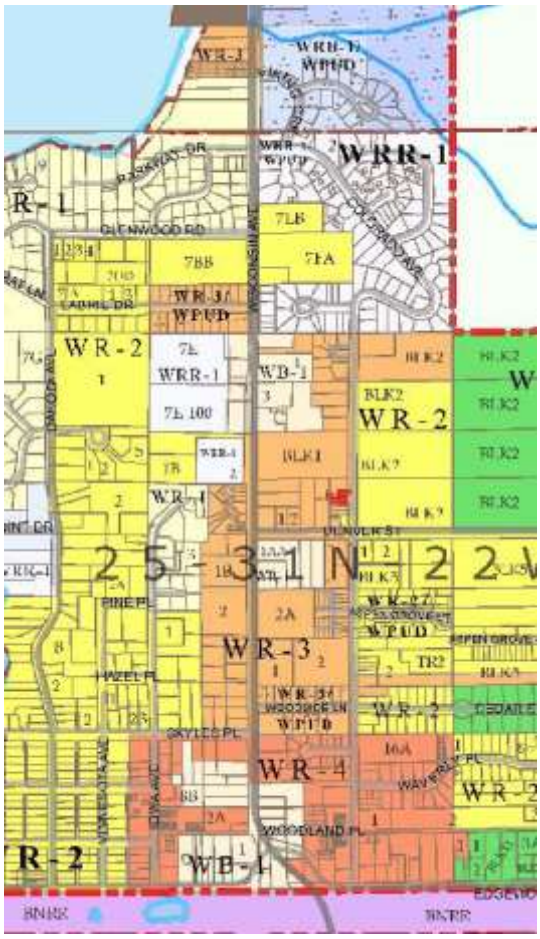
C. Neighborhood Commercial

Neighborhood Commercial: Neighborhood commercial is usually defined as commercial uses that mainly draw clientele from a smaller, sub-community area. Uses include convenience stores, personal services such as a barber shop or salon, and agency offices such as a branch bank, real estate, or insurance. The purpose of neighborhood commercial is usually for the convenience of residents of nearby neighborhoods as well as passers by. They tend to be pedestrian oriented, shorten vehicle trips, and generate far more non-motorized trips than general commercial, which is more often auto oriented.

Neighborhood Commercial is currently found along Wisconsin Avenue between the Viaduct and Labrie Drive. It is shown as red with white dots on the Future Land Use Map. The text does not state what zoning types are consistent with it, but it should be WB-1, Limited Business, as well as a possible companion neighborhood commercial district that might be appropriate on a portion of Spokane Avenue where the zoning is currently WB-2 but the lots are too small to fit the intent of the WB-2. One map inconsistency appears to be where the McGarry's business is located in a WR-3/PUD zoning (would be consistent with WB-1), but the Future Land Use is shown as Urban Residential instead of Neighborhood Commercial (blue circle). The Future Land Use Map could be amended to accommodate that lot with a Neighborhood Commercial future land use, however, it may be best to wait until a Wisconsin Corridor Plan is developed to address the issue.



Future Land Use Map



Zoning Map

D. Business Service Center

Business Service Center: This is a non-retail service commercial and light industrial designation. Major uses would be distribution, light manufacturing and component assembly, office-warehouse-showroom types of operations, contractors, building and material suppliers, wholesale trades, mini-storage, and other commercial services of a destination nature. Suitable locations would be adjacent to arterial or collector streets or a highway. Structures would be of moderate to high architectural quality, and clearly not "industrial" in appearance. Landscaping will be extensive with good quality and effective screening and buffering. Applicable zoning districts would be WB-4 and a re-written WI.

This Future Land Use category does not have any issues other than needing to amend the WI district, and adding WBSD, Business Service District zoning, to the last sentence of applicable zoning districts.

E. Planned Industrial

Planned Industrial: Vital industries need to be provided for in areas where they will not compete against commercial development for land, but also where they will not impact residential neighborhoods with intense industrial activities and truck and rail traffic. Industrial uses tend to centers of employment, generate far less traffic than commercial, and do not generally depend on drive by traffic for clientele. WB-4 and WI are the applicable zoning districts.

Not much to note here except a typo in the text in the second to last sentence – should read 'uses tend to be…'

F. Hospital/Medical/Office

Hospital/Medical/Office: This designation is primarily for the new North Valley Hospital and related medical offices and services, but it can be applied to any location in the community where medical/professional office development is a desired use. The North Valley Hospital area is subject to a master plan amendment and a planned unit development, which regulate uses and site planning parameters. A new Office/Professional zoning district must be written and adopted to implement this land use designation.

The only outstanding issue with this is the last sentence. The existing PUD and Hospital Site Master Plan already implemented the land use designation at its current location at the North Valley Hospital site. WB-2 allows professional offices, of which medical clinics and hospitals are allowed. Staff is unsure a new zoning district as described is necessary.

G. Public/Semi-Public and Parks and Recreation

Public/Semi-Public: Schools and municipal government services fall under this designation. Underlying zoning varies by neighborhood, and a separate P/SP should be considered when the zoning code is revised following adoption of this Growth Policy.

Parks and Recreation: Primarily City parks and the golf courses are included in this category, by it also contains some county and state park facilities. Zoning varies, and a special park zone should be considered in future code rewrites.

As stated above, creating new zoning districts for Public Lands and Facilities and Parks and Recreation has long been on our 'to-do' list, although trumped by other priorities the last few years.

H. Residential

High Density Residential: Multi-family residential, mostly in the form of apartments, condominiums, and townhomes, are accounted for by this designation. Areas designated for High Density Residential development are mostly near the downtown and along major transportation routes. All multi-family structures are now subject to architectural review, and

the City will be looking for a higher quality of site planning, architecture, and overall development high density projects have exhibited in the past. The applicable zones are WR-3 and WR-4, but WR-2 with a PUD option also allows for high densities.

Urban: 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, andWR-2.

Suburban Residential: Lower density residential areas at the periphery of the urban service area generally fall under this designation on the Future Land Use Map. The residential product type is predominantly single-family, but cluster homes and low-density town homes that preserve significant open space are also appropriate. Densities range from one unit per 2 ½ acres to 2.5 units per acre, but could be higher through the PUD. Zoning districts include WCR, WER, and WSR. Cluster residential that preserves considerable open space, allows for limited agriculture, maintains wildlife habitat is encouraged.

Rural Residential: The rural residential designation is intended primarily for areas that are already divided into lots of 2 ½ to 10 acres in size. Its intent is to preserve rural character while allowing existing large-lot residential areas to continue without becoming non-conforming as to minimum lot size. Applicable zoning districts include WCR and WA-10. Rural residential is not seen as a desirable future development option, and this Growth Policy does not advocate designating additional areas for rural residential beyond what is already depicted on the Future Land Use Map.

The various residential future land use districts are well defined and without major issues. The only task outstanding is to complete the addition of WA-5, WA-10, WA-20, and WA-40 zones into the zoning code to match the equivalent county zones. That code amendment was put together and the Planning Board recommended approval of it to the City Council in 2009, but the City Council postponed that indefinitely because they were at the time re-negotiating the Interlocal Agreement with Flathead County and didn't want to complicate matters. Those code amendments should be brought back to the Council. Staff recommends that High Density Residential mention light commercial uses such as professional offices allowed conditionally along major arterials so those existing uses are consistent with the Growth Policy. Also, the last sentence in the definition of Rural Residential has proven to be problematic. Changing Rural to Rural Residential is not as big of an issue as changing Rural Residential to Suburban Residential. There are several non-conforming properties that are split by different zoning that may need to amend the Future Land Use Map to extend Rural Residential into some Rural designated areas. The existing wording makes it difficult to find Growth Policy support for those unique circumstances.

I. Planned Resort

Planned Resort: This designation is for a master planned, dense, mixed and multi-use destination resort complex. The Planned Resort center is highly walkable and is pedestrian and bicycle oriented. Architecture and streetscapes are of very high quality. Parking is generally in on-site structures or lots that do not interfere with trails, paths, and walkways. Land uses include accommodations of all kinds, resort retail, eating and drinking establishments, and spas and fitness centers. Residential uses are generally medium to high density and are clustered around open space and other resort amenities. Zoning is generally WPR (Whitefish Planned Resort).

Staff brought an ordinance before the City Council to adopt a Planned Resort zoning district per the Growth Policy directive above, but the council unanimously denied its adoption based on concerns it opened the door for small resorts and possible satellite cities. An amendment needs to be made to the text add Big Mountain zoning (WBMRR, WBMV) to allowed zoning within a Planned Resort Future Land Use in the last sentence above. The zoning type Planned Resort should be removed from the text to reflect the council's decision to not adopt such zoning. It should be noted that the Planned Resort zoning was designed as an 'equivalent' to the County BR-4 zoning that exists in Elk Highlands on the mountain since the city needs to eventually change all county zoned lands within the planning jurisdiction to equivalent Whitefish zones. If the city wins the doughnut lawsuit, another Planned Resort type zoning district will need to be considered to match the BR-4.

J. Resort Residential

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

There are a few Resort Residential areas on the map that should be looked at. The latest update to the Downtown Master Plan is calling for BNSF property north of the Railway District to change from what is currently Resort Residential to High Density Residential. Resort Residential zoning is basically the same as High Density Residential, only vacation rentals (less than 30-days) are allowed in Resort Residential. Staff is of the opinion that in the unlikely event that property is ever sold for development, allowing some overnight rentals near downtown would fill a need. If the council adopts the Downtown Master Plan update as is, this will need to be changed on the map. Resort Commercial might even be a better choice.

The other major issue with the Resort Residential Future Land Use on the map is that it was applied in areas where there should have rather been a Resort Commercial Future Land Use type. Resort Commercial was accidentally omitted from the original Growth Policy and the map as a Future Land Use, therefore places like the Whitefish Lake Lodge and Grouse Mountain Lodge were given a Resort Residential Future Land Use.

That puts those properties out of compliance with the Growth Policy and limits their flexibility with regard to any possible future expansion. Staff recommends we change those properties to a Resort Commercial category and add a new section in the Growth Policy for Resort Commercial that would read thus:

> **Resort Commercial**: This designation is defined by medium to high density resort uses such as hotels, motels, conference centers, and recreation areas, including residential development of all types and densities (in accordance with specific zoning) including rental cabins, vacation cottages, condominiums, and town homes. Hotels and resorts are also allowed, including limited associated commercial uses such as restaurants, bars, and tourist and recreation associated retail. Zoning is generally WRB-1 and WRB-2.

K. Rural

> **Rural**: Open lands with decidedly rural character, including farmlands, pasture lands, timber harvesting and management areas, and forest lands generally fall under this designation. Agricultural and timber management are generally allowed, but residential densities are extremely low. This designation includes "important farmlands" as defined by National Resources Conservation Service criteria. Zoning is mainly WA-10 and WA-20.

Once again, the City Council needs to adopt WA-10 and WA-20 zoning, which they previously tabled, in order to facilitate the Growth Policy.

L. Environmentally Sensitive Areas

> **Environmentally Sensitive Areas (ESA Overlay):** Lands subject to this overlay are deemed environmentally sensitive due to a number of factors. ESA lands may have high groundwater, hydric soils, steep and/or potentially unstable slopes, or other development constraints. ESAs also include riparian lands and flood plains adjacent to the Whitefish River, local creeks and streams, wetlands, and critical wildlife habitat. Areas subject to the EAS may not be developable to full allowable densities under applicable zoning due to specific environmental characteristics. Sensitive areas mapping from the 1996 Master Plan will be adopted and utilized until such time as new mapping can be developed pursuant to a critical areas ordinance and/or a comprehensive hillside development ordinance.

The 1996 '2020' Comprehensive Plan shows mapped Environmentally Sensitive Areas (ESA) as dotted (see attached map, Exhibit 5). The ESA Overlay was never added to the 2007 Growth Policy Future Land Use Map because the city adopted a Critical Areas Ordinance (CAO) in 2008, which focused on water quality but also included a hillside development ordinance. However, the hillside section was later removed due to controversy, and the CAO was amended to become the Water Quality Protection Ordinance (WQP) that just dealt with development within a few hundred feet of lakes and streams and wetlands. The ESA Overlay is more expansive, and takes into consideration things the WQP does not such as steep slopes, critical wildlife habitat, and areas of high groundwater. The question then is whether it is worth adding the ESA

overlay to the Future Land Use map to further protect sensitive areas, or whether the current WQP ordinance is sufficient in that regard.

Infill Policy

The Planning Board is tasked with making a recommendation to the City Council on whether to retain the infill policy as part of the Growth Policy.

The infill policy states:

> 9. Land designated Rural or Rural Residential on the Future Land Use Map shall not be redesignated by the City of Whitefish through a Growth Policy amendment, neighborhood plan, or subarea plan, except as set forth in the Implementation/Intergovernmental Element, until at least 50% of the previously entitled dwelling units, as depicted on the Approved Entitlements Map dated September 20, 2007, is actually constructed.

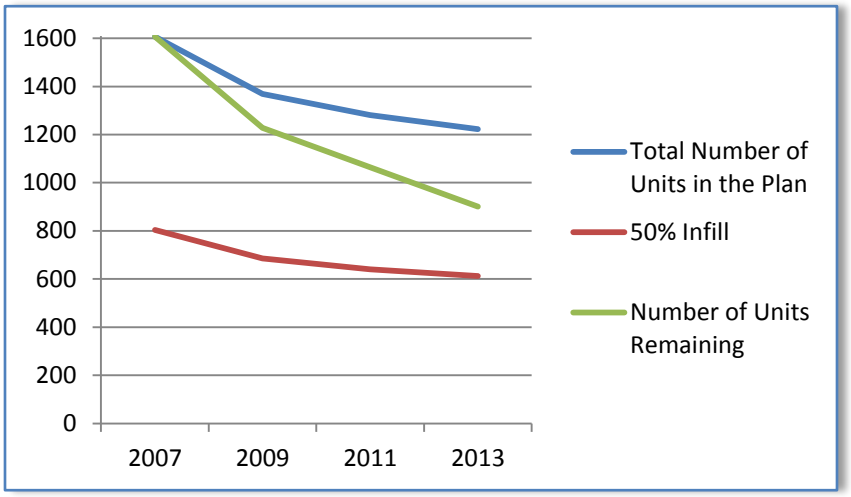
The areas identified as 'Rural' and 'Rural Residential' are those areas surrounding the urban/urbanizing area of the city (green and tan). They are areas without immediate, easy access to municipal water and sewer and may have roads not intended to serve urban densities.

There are a large number of available entitled home sites on existing platted undeveloped lots in the Whitefish area that are already on utilities. New small lot subdivisions on the rural fringe often eliminate prime agricultural land and burden city taxpayers with the cost of increasing the capacity of water and sewer and road maintenance services. It was determined that encouraging construction on vacant lots as infill was preferred to allowing more suburban and urban density subdivisions in rural areas before that land is truly needed for residential purposes. The policy was meant to discourage the Growth Policy adopted Future Land Use Maps from being amended. However, the policy will go away when the infill goal of 50% development of those platted lots is reached. Much of the impetus to adopt the policy was driven by the residents of areas such as Karrow Avenue and Monegan Road who adamantly wanted to see their rural areas protected.

The Infill Policy does not specifically prevent property outside the city from being subdivided or rezoned to higher densities, and it still allows zoning changes to higher densities as long as they are still consistent with the underlying Future Land Use map. For example, a, property within a Rural Residential land use overlay is not prevented from rezoning a 15 acre minimum zone to a 2.5 acre minimum zone to add density. Both Country Residential (WCR) and the Agricultural (WA) zones are allowed under the Rural Residential land use overlay. Even higher density developments can be approved through the Planned Unit Development process for new subdivisions. The City Council also has the authority to approve changes to rural areas of the Future Land Use Map to suburban densities if a development can show it provides a significant public benefit. So the infill policy does not prevent re-zones or new subdivisions, it just discourages

changing the underlying future land-use map in rural areas to suburban or urban densities until the city gets to a place where there is a much smaller number of available lots to develop and it makes sense to extend infrastructure out to those rural areas.

Progress



This chart shows the progress being made toward achieving the 50% threshold. In 2007, there were 55 developments with some level of entitlement. Since 2007, the number of active developments has dropped to 33, as 22 projects have expired. This has caused the total number of entitled lots in 2013 to decrease to 1,223 – almost a 24% reduction since 2007. This has also resulted in the 50% threshold to drop as well, while the number of units being constructed has accelerated (depicted on the green line). The total baseline number of units has dropped from 1607 to 1223, with 901 of those still vacant in 2013. Based on that, 289 new units will need to be built to reach the 50% infill number of 612.

Based on our current development pattern of approximately 75 new units a year, it would take approximately four years to build 289 units, or an estimated four years to reach that 50% infill plateau.

Entitled Lots

The way the City arrived at the number of entitlements is an important consideration. As used in the Growth Policy, the term "entitlement" refers to a legal status whereby the right to develop something, in this case a dwelling unit, has been established through some development review, approval, or permitting process. In very simple terms, an entitlement is an approval of some kind, but that approval has not yet been exercised----like a legally platted lot that is vacant.

For purposes of the Growth Policy, entitlements were tabulated as a way to assess the infill development potential in Whitefish. All known approved development projects located generally within the urban service area of the City were inventoried, and the most accurate tabulation possible was made of the units left to be built within each. The units were then added up to arrive at a total number of 1,578 entitlement units as of September 20, 2007. After re-checking the numbers, staff modified that total to 1,607. In 2009, we subtracted all the subdivisions that had expired or were soon to expire, as well as a number of lots that were counted that are already in a Rural designated area. We did not add in any of the 100 or so newly created lots since 2007. We arrived at a new

baseline total of 1,369. For 2013, we did the same re-calculation, and ended up with a new baseline total of **1,223**.

It is important to note that in identifying development projects to be included in the calculation, only the most recently approved developments were considered. Also, as stated previously, only projects generally within the urban service areas of Whitefish were considered. This also doesn't take into account all the land in our rural areas that has existing zoning and underlying Growth Policy future land use designation that could accommodate smaller lot subdivisions. Subdivisions in rural areas not served by city water and/or sewer are not considered to be a component of infill. Finally, vacant or under-developed parcels within the City that could be developed or redeveloped without subdivision were not included either. At the time of the Growth Policy in 2007, the estimate for the total number of these types of lots was 1,200.

Only the following types of projects were included:

- Final plat - These are vacant lots and/or as yet un-built units within an area that has received final plat approval. Examples are Iron Horse, Great Northern Heights, and The Lakes Subdivision.
- Preliminary plat - These projects have an approved preliminary plat, but no final plat had been approved as of August, 2006. Examples are Hidden Meadow Preserve and Karrow Glen.
- Planned Unit Developments (PUD) - Approved PUDs include Bridgewater Trails, Old Towne, and The Views Condos. (Note: Some projects have both approved PUDs and preliminary plats.)

All projects used in the tabulation of entitlement units are depicted on the 2007 Approved Entitlements Map (Exhibit 8). Attached as Exhibit 7 is the updated list of vacant newly subdivided lots counted with the number of units remaining.

<u>What is Infill?</u>

An infill policy is a tool to manage growth. It is well known that rural and suburban sprawl has significant costs to municipalities, rate payers and homeowners compared to infill. There are increased infrastructure costs to simply build new water and sewer lines and develop new roads. The maintenance of these extra facilities is borne by the city tax payers and rate payers of the facilities. Maximizing the use of existing public facilities should lower the per capita costs of providing and maintaining services. Other personal costs are increased by developing in a sprawling pattern including transportation costs and loss of time due to spending more time traveling.

Infill can provide the following benefits:

- Provides housing near job centers and public transportation, reducing congestion
- Increases the property tax base in the city without requiring annexation
- Preserves open space on the fringe of the city
- Residents to support existing shopping districts and services
- Capitalizes on existing community assets such as parks and infrastructure
- Properties underutilized or blighted are redeveloped, increasing values

- Infill housing often provides affordable housing opportunities
- Lower cost for developers because there is no obligation for infrastructure improvements

While rural lands and open space may eventually develop as the city grows, those areas do have a function more than aesthetics. Open space protects animal and plant habitat and working lands by removing development pressure and redirecting new growth to the existing community. It protects the environment by combating air pollution, blocking wind, and reducing noise. It moderates temperatures and provides erosion control, protecting surface and ground water resources by filtering runoff and chemical pollutants before they enter water systems.

Do We Still Need An Infill Policy?

The City will grow into rural areas eventually, but currently there are still over 900 lots available to be built upon just in the subdivisions approved in the couple of years leading up to the Growth Policy adoption (there are at least that many available vacant and under-developed lots with easy access to public infrastructure). Whitefish is still a destination of choice in the second home market. People are still building homes on existing vacant lots in Whitefish faster per capita than anywhere else in the valley as our 2013 Building Department numbers show. Until the glut of available, more affordable lots is used up, it will make little financial sense for developers to initiate new multi-lot subdivisions anyway. As planners and forward-thinkers, we should lay a foundation so that when new development comes, we create well-designed quality neighborhoods with open space, parks, and trails to attract new families. Any new subdivision that comes along will be reviewed on its own merits on how it adds value to the community, whether there is an infill language in the Growth Policy or not.

At the very least, it is clear that Whitefish still has an overabundance of available lots to build homes on, and it will take years before those are developed and the community truly needs to extend more utilities to subdivide additional rural lands into suburban lots. The amenities of open space and high yield prime agricultural land surrounding Whitefish are one of the many reasons many people choose to move to our beautiful community. It would seem unwise to change long-term land use designations on those lands without a demonstrated need or public benefit. Eventually the City will grow to such an extent that there is no other place to accommodate new residential development, and it will make sense to change the land use. By the time growth in those areas is needed, the City should have some more comprehensive character based development regulations in place which may mandate more clustered developments with open space and agricultural land protections as set out elsewhere in the Growth Policy. Staff recommends retaining the infill policy.

Implementation Element

The Implementation Element is the priority list for the Recommended Actions of the Growth Policy. The original 2007 Whitefish City-County Growth Policy stated the following with regard to the review of implementation priorities:

> It is recommended that immediately upon adoption of this Growth Policy, the City Council and City Manager, in consultation with the Planning Board and Whitefish Planning & Building Director, establish a priority list of programs and regulations for the next two years. Upon the biennial review of the Growth Policy by the Planning Board (as set forth in this element under Periodic Review), implementation priorities shall again be set for the next two-year period.

The original implementation priorities that have already been completed by staff include:

- Update of the subdivision regulations as required by amendments to Montana law enacted in 2005
- Critical Areas Ordinance (amended to be the Water Quality Protection Regulations)
- Parks and Recreation Master Plan

Implementation Priorities that have not been completed include:

- Highway 93 West Corridor Plan (underway, once adopted it will require several months of code changes to implement the plan)
- Wisconsin Avenue Corridor Plan
- Highway 93 South Corridor Plan
- Rewrite of the zoning code to adopt "character based" regulations and to address other issues set forth in this Growth Policy (character-based zoning is being explored in the Highway 93 West Corridor Plan)
- Evaluation of additional affordable housing programs and/or regulations (staff is looking at several non-mandatory options to improve the stock of affordable housing)

Additionally, the Growth Policy specifies that new priorities should be added from the plans Recommended Actions.

Since the Growth Policy was adopted, staff has been completing the elements in the implementation plan as well as the Recommended Actions of the Growth Policy. Major projects such as the Critical Areas Ordinance and the Subdivision Regulations update were both addressed in 2008 with assistance from consultants. In 2009, elimination of budget monies for consultants coupled with the loss of three planning staff members and re-assignment of code enforcement duties impacted time available by staff for long range planning assignments. The Planning Department was able to add another staff person in late 2013 as well as add some consultant monies to the budget, which, while we are still short handed for long range planning, will enable us to tackle some of the implementation priorities in 2014.

Staff recommends the following be the revised priority implementation list:

- Wisconsin Avenue Corridor Plan

With the ever increasing traffic on Wisconsin Avenue and East Lakeshore Drive as well as the massive development potential of several large properties along that State highway corridor, there is a definite need to make a corridor and land use plan for Wisconsin a priority. Here is what the Growth Policy states about Wisconsin Avenue:

The Wisconsin Ave. corridor on the north side of Whitefish has its own unique set of issues. This corridor has **multiple** land uses, heavy seasonal traffic, is an active pedestrian area, and will soon have a major bike route as well. Land uses include commercial, offices, restaurants, lodging, a major resort facility (The Lodge at Whitefish Lake), multi-family residential, public, and semi-public uses. Zoning is a mixture of WB-1 (Neighborhood Commercial), and high-density residential (WR-3 and WR-4). Average daily traffic for 2005 was around 9,000 vehicles just north of Edgewood Drive. In this corridor the plan must address the mix of uses and the transition to residential both east and west of the roadway. It must also address connections to the adjacent residential neighborhoods, orientation and connections to the new bike route, scale issues, landscaping/screening, and circulation/access. Most of the existing commercial is located in the WB-1 (Limited Business) zoning district, and that scale and intensity of commercial activity should be preserved.

- Re-write of 'clustering' chapter in the zoning and subdivision regulations to enhance community character and protect environmentally sensitive areas.

This is part of the implementation item to rewrite the code to implement 'character based' standards for zoning and subdivision. The current clustering chapter in the zoning is cumbersome and ineffective. We have never had an applicant use the existing chapter in the experience of any of the current staff. An incentivized clustering chapter would create much more attractive and functional subdivisions. Such amendments have long been a staff priority. The policy states:

For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

- New Public Lands and Facilities zoning district for parks, schools, and government property

This is an Recommended Action item for both the Growth Policy and the Parks Master Plan

- Re-write existing Warehousing and Industrial zoning district to Planned Industrial

This is an Recommended Action item of the Growth Policy

- Evaluation of Affordable Housing Programs

Mandatory workforce housing has been a hot topic for many years. Due to a slowdown in new subdivisions due to the economy, this item was previously put on the backburner

on the priority list by the Council. The Council will need to take the lead on any mandatory programs. Staff plans on introducing text amendments to streamline 'accessory apartment' regulations in multi-family zones to help facilitate more affordable housing opportunities.

- Create conditional use criteria for buildings over 15,000 square feet

The city currently requires CUP's for new buildings or expansions of buildings to 15,000 square feet or greater. Conditional Use Permit criteria needs to be added to the code that would require an economic impact analysis and other criteria for big box stores, etc.

- Open Space Designation and Acquisition Strategic Plan

Staff was hoping that such a plan would be implemented as part of the recent Parks and Recreation Master Plan, but it was not.

- Rewrite Zoning Code to "character based" regulations

Here is what the Growth Policy Recommended Action states with regard to 'character based' regulations:

> 1. In order to protect and preserve the character, scale, and qualities of existing neighborhoods, the City of Whitefish shall revise the Zoning Jurisdiction Regulations and adopt "character based" standards and "neighborhood conservation" districts for new development, redevelopment, and infill. For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

Adding 'character based' zoning to our residential zoning requirements will require significant revisions of the code. That will likely be a long, drawn out process using steering committees and engaging stakeholders. The latest nationwide trends in 'character based' codes are moving away from strictly character based zoning and toward a blend of tradition zoning and character based codes. For instance, the character based zoning code that former Planning Director Bob Horne developed in Jackson Hole is currently being revised to be more of a blend of traditional zoning because the character based code wasn't working well for them. Blended zoning is a tactic staff recommends pursuing. We are exploring implementing some character based zoning as part of the implementation recommendations of the Highway 93 West Corridor Plan, which will provide a 'test subject' for redevelopment of that area. The main task is adding Floor Area Ratio (FAR), Landscaping Ratio (LSR) standards and impervious surfaces limits to zoning district standards. It should be noted that Whitefish's Architectural Review Standards already provide a solid baseline of some existing "character based" standards and regulations to go with our standard zoning requirements for multi-family and commercial projects. The last part of the Action Item involves amendments to our clustering and subdivision regulations, which staff feels should be a higher priority (and is noted as such above).

- Corridor Plan for Highway 93 South

A Highway 93 South Corridor Plan was a major priority of the Growth Policy. It was put on the back burner when the extra-territorial jurisdiction 'donut' dispute arose. It remains important, but is highly dependent on planning jurisdiction issues being resolved because most of the major planning issues involve properties outside city limits. Here is what the Growth Policy states with regard to Highway 93 South:

Hwy 93 South is characterized by a number of commercial establishments of various kinds. Many are legal non-conforming uses, but most are legal permitted and conditional uses under the SAG-5 Flathead County zoning district (administered by the City of Whitefish within the jurisdictional area). Most of this corridor is heavily timbered, and many of the commercial buildings are of high quality. These two factors make the corridor far less visually distracting than many commercial strips in unincorporated Flathead County. Still, the corridor suffers from a lack of screening and landscaping, and from multiple uncontrolled highway approaches. Widening of the highway and growth in traffic have made the residential environment increasingly hostile. Because of this factor, there has been disinvestment in residential property resulting in some of those properties taking on a rundown appearance. ADT is approximately 15,000.

While the issues facing the Hwy 93 South corridor are complex and will be difficult to solve, the Whitefish community has long history of discouraging this area from becoming a "commercial strip". Policy 6.3 of the 1996 Master Plan states, *Avoid the spread of strip commercial activity south of the Highways 93 and 40 intersection.* In 2004 when the North Valley Hospital Neighborhood Plan was adopted, it included the following goal: *In no way promotes or encourages commercial development south of the Highway 40 intersection.* As concluded earlier in this element of the Growth Policy, visioning session participants expressed very little support for extending additional commercial development in either the Hwy 93 South or Hwy 40 corridors. Finally, it is important to remember that the existing zoning in the corridor was put in place in 1993 by the Blanchard Lake Area Zoning District, and one of the reasons for the SAG-5 zoning along the highway itself was that additional commercial development was not supported by the master plan in effect at that time. Therefore, any corridor plan for Hwy 93 South **must successfully address** at least the following issues:

- Commercial growth- Commercial growth will continue to be discouraged by the City of Whitefish.
- Scale- The existing modest scale of commercial and residential structures should be maintained. No "big box" retail or office buildings should be proposed.
- Architectural standards- Any successful plan must include high standards of architectural design that is compatible with the wooded environs of the corridor.
- Landscaping/screening- The corridor plan must include standards for replacement of existing forest stands, on-site landscaping, and screening of parking and service areas.
- Utilities- Water and sewer service must be provided, or, the corridor plan should support no more development than can be served by well and septic systems **without** adversely affecting water quality or wells on neighboring properties.

- Trip generation- With growing traffic volumes on Hwy 93 already, additional non-residential uses should not be of a nature that attracts large numbers of additional vehicle trips. The corridor plan must include a traffic impact and access analysis.
- Traffic safety, circulation, and access- Traffic safety will be a major concern with any new growth in this corridor. The proliferation of access points can cause both safety and traffic access problems. An access and circulation component must be a product of the over-all corridor plan.
- Bike/pedestrian facilities- Bicycle and pedestrian ways must be provided within the corridor itself, and should link to the existing commercial areas north of Hwy 40.

Due to the complexity of the corridor, staff estimates that utilizing consultants a thorough plan would likely take around a year to accomplish, and will cost at least 70-80K. For comparison, the Highway 93 West plan, which is a much less complicated corridor, has taken the consultant team over twelve months and cost $54,000. Doing the plan in house may still require up to $40-50K in consultants for mapping and landscape architecture, and a longer timeline. However, some cooperation may be achieved with other interested parties. Staff has been in dialogue with a contract planner that represents a group of Highway 93 frontage property owners south of Highway 40 about initiating some joint planning of the area, and at least $10,000 has been offered up by a private individual (Tee Bauer) toward consultant fees for corridor planning at Highway 40 and Highway 93 South.

A corridor plan for Highway 93 for just property in the city limits could be developed. However, the WB-2 commercial use boundaries are well established and other issues are minimal compared to south of Highway 40. We also have an existing but outdated plan for that area. It would also leave out the portion of the highway most prioritized by the 2007 Growth Policy and a large group of citizens that want the corridor zoning reviewed. Without the county's cooperation, it will be difficult to find a solution for the area south of Highway 40 that permanently protects land use and aesthetics in the corridor.

Recommendation

Staff recommends the Whitefish City-County Planning Board review the future land use text, future land use mapping, infill policy, and implementation priorities as outlined in this report, and then make a recommendation to the City Council with regard to the Six-Year Review Summary of the 2007 Whitefish City-County Growth Policy.

Staff recommends the following changes to the Growth Policy:

- Specific Proposed Growth Policy Amendments to Future Land Use Classifications:

  Neighborhood Commercial: Neighborhood commercial is usually defined as commercial uses that mainly draw clientele from a smaller, sub-community area. Uses include convenience stores, personal services such as a barber shop or salon, and agency offices such as a branch bank, real estate, or insurance. The purpose of neighborhood

commercial is usually for the convenience of residents of nearby neighborhoods as well as passers by. They tend to be pedestrian oriented, shorten vehicle trips, and generate far more non-motorized trips than general commercial, which is more often auto oriented. Zoning is generally WB-1.

Business Service Center: This is a non-retail service commercial and light industrial designation. Major uses would be distribution, light manufacturing and component assembly, office-warehouse-showroom types of operations, contractors, building and material suppliers, wholesale trades, mini-storage, and other commercial services of a destination nature. Suitable locations would be adjacent to arterial or collector streets or a highway. Structures would be of moderate to high architectural quality, and clearly not "industrial" in appearance. Landscaping will be extensive with good quality and effective screening and buffering. Applicable zoning districts would be WB-4, WBSD, and a re-written WI.

Planned Industrial: Vital industries need to be provided for in areas where they will not compete against commercial development for land, but also where they will not impact residential neighborhoods with intense industrial activities and truck and rail traffic. Industrial uses tend to be centers of employment, generate far less traffic than commercial, and do not generally depend on drive by traffic for clientele. WB-4 and WI are the applicable zoning districts.

Hospital/Medical/Office: This designation is primarily for the new North Valley Hospital and related medical offices and services, but it can be applied to any location in the community where medical/professional office development is a desired use. The North Valley Hospital area is subject to a master plan amendment and a planned unit development, which regulate uses and site planning parameters. ~~A new Office/Professional zoning district must be written and adopted to implement this land use designation.~~

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

Rural Residential: The rural residential designation is intended primarily for areas that are already divided into lots of 2 ½ to 10 acres in size. Its intent is to preserve rural character while allowing existing large-lot residential areas to continue without becoming non-conforming as to minimum lot size. Applicable zoning districts include WCR and WA-10. Rural residential is not seen as a desirable future development option, and caution should be exercised before ~~this Growth Policy does not advocate~~ designating

additional areas for rural residential beyond what is already depicted on the Future Land Use Map.

Planned Resort: This designation is for a master planned, dense, mixed and multi-use destination resort complex. The Planned Resort center is highly walkable and is pedestrian and bicycle oriented. Architecture and streetscapes are of very high quality. Parking is generally in on-site structures or lots that do not interfere with trails, paths, and walkways. Land uses include accommodations of all kinds, resort retail, eating and drinking establishments, and spas and fitness centers. Residential uses are generally medium to high density and are clustered around open space and other resort amenities. Zoning is generally ~~WPR (Whitefish Planned Resort)~~ WBMRR and WBMV.

Resort Commercial: This designation is defined by medium to high density resort uses such as hotels, motels, conference centers, and recreation areas, including residential development of all types and densities (in accordance with specific zoning) including rental cabins, vacation cottages, condominiums, and town homes. Hotels and resorts are also allowed limited associated commercial uses such as restaurants, bars, and tourist and recreation associated retail. Zoning is generally WRB-1 and WRB-2.

- Staff recommends the following mapping changes to the Future Land Use Map:
    - Change Future Land Use Map to place 'Resort Commercial' Future Land Use under property owned by Grouse Mountain Lodge and The Whitefish Lake Lodge
    - Update Future Land Use Map to reflect changes incurred by new Downtown Master Plan and Highway 93 West Corridor plans (TBD).

- Staff continues to recommend upholding the 50% Infill Policy

- Staff recommends the following Growth Policy Implementation Priorities:
    - Wisconsin avenue Corridor Plan
    - Re-write of 'clustering' chapter in the zoning and subdivision regulations to enhance community character and protect environmentally sensitive areas.
    - Create new Public Lands and Facilities zoning district and apply it to public property
    - Rewrite Whitefish Warehousing and Industrial Zoning district to Planned Industrial zoning
    - Streamline accessory apartment requirements for multi-family zones as part of the evaluation of affordable housing programs and regulations
    - Create conditional use criteria for buildings over 15,000 square feet
    - Create Open Space Designation and Acquisition Strategic Plan
    - Add 'character' based standards such as Floor Area Ratio (FAR), Landscape Ratio (LSR), and impervious coverage maximums to zoning regulations
    - Highway 93 South Corridor Plan

Appendix A

2007 Growth Policy "Recommended Actions" Detailed Review

This section is an in-depth review of adopted Recommended Actions which have either been achieved or are underway, with comments on their effectiveness if applicable. Items with no comments have either not been initiated, or not enough information was available on the progress to provide information.

Natural Resources Element

Air Quality

1. Require dust-free surfaces on all new driveways and parking and vehicle storage areas within the planning jurisdictional area.

Underway. The parking section of the zoning code already requires this for new construction and existing multi-family and commercial use, but does not require it for existing single family residential unless the house is expanded by 50% or more.

2. Require developments to provide off-site pedestrian and bikeway improvements "up front" so that facilities are available concurrently with demand.

Staff is evaluating several options with regard to bike and pedestrian improvements as part of its 'Building Active Communities' partnership with North Valley Hospital and Montana State University.

3. Continue to work and cooperate with federal, state, and county agencies on air quality monitoring programs for the Whitefish area.

4. Continue to explore programs and regulations that will improve, or at least maintain, Whitefish's air quality over time.

The downtown TIGER Grant project currently underway will reduce traffic congestion and improve air quality. The city is also working on bringing non-conforming unpaved commercial parking lots into compliance.

5. Initiate a program to establish reasonable benchmarks for Vehicle Miles Traveled (VMT), and to reduce VMT growth as the city grows.

The updated 2010 Whitefish Area Transportation Plan dictates growth in alternative transportation modes to reduce carbon emissions. In addition, the Safe Routes to Schools Program (K-8) will encourage more children to walk to school, reducing vehicle trips.

6. Evaluate the effectiveness and feasibility of a wood stove buy-back program.

Not sure who would take the lead on such a program. Outside the scope of land use planning.

Water Quality

1. Ensure that baseline water quality monitoring programs are established for all Whitefish area lakes, rivers, and streams, and use the outcomes to target measures to improve water quality.

Underway. The City of Whitefish supports the Whitefish Lake Institute (WLI) water quality monitoring program via a grant in the amount of $15,000 annually. The grant money is split evenly in the Public Works Department Water Fund ($5,000), Wastewater Fund ($5,000), and Stormwater Fund ($5,000). The grant money supports physical and chemical monitoring at two locations on Whitefish Lake, in addition to tributary inputs including; Lazy Creek, Swift Creek, Hellroaring Creek, Smith Creek, Viking Creek. Lake output is monitored on the Whitefish River at the Hwy 93 Bridge. WLI also monitors atmospheric nutrient deposition as related to water quality. Monitoring sites within the Whitefish Planning Jurisdiction not included in the WLI program include the Whitefish River downstream of the Hwy 93 Bridge, Haskill Creek and Cow Creek.

One area that could use improvement is monitoring of the City's stormwater outfalls.

2. Formulate and adopt regulations that would "piggy back" onto the 20-foot lakeshore protection zone and 10' structural buffer to address water quality issues such as erosion, sedimentation, nutrient loading, and pollutants from construction (paint, stains, corrosives, etc) farther landward adjacent to Whitefish, Lost Coon, and Blanchard Lakes.

Achieved. The Critical Areas Ordinance, adopted by the City Council in 2008, revised as the Water Quality Protection Ordinance, established setbacks, slope review, and erosion control standards for new construction around Whitefish, Lost Coon, and Blanchard Lakes.

Additional education and measures should be taken to protect local water bodies from aquatic invasive species.

3. Initiate stream bank regulations, including minimum setbacks and undisturbed buffer areas, that are expressly designed to protect and enhance water quality, and to keep stream banks and shorelines in their natural condition to the extent possible.

Achieved. The Critical Areas Ordinance, adopted by the City Council in 2008, revised as the Water Quality Protection Ordinance, established stream bank regulations and minimum setbacks.

4. Enact water quality enhancement measures in the Whitefish Stormwater System Utility Plan (WSSUP).

Achieved. The Whitefish Stormwater System Utility Plan was recent updated and adopted as the City of Whitefish Engineering Standards. The document provides updated performance standards for erosion control, stormwater, and water quality enhancement.

5. Initiate an intense public information campaign on how fertilizers and pesticides can impact the water quality of Whitefish's lakes and streams.

Through the support of the City of Whitefish, WLI is able to promote educational and outreach programs that speak to the issue of fertilizer and pesticide application. These programs include presentations to HOA's, information in WLI's quarterly newsletter *LakeFront* and WLI education boat tours. The City also has sent out flyers to all lakeshore residents on several occasions.

6. Study seasonal ordinary high water (OHWM) on Blanchard Lake for a period of five years in order to establish OHWM in accordance with Montana law.

Completed. Recently, a five year study initiated by F&H surveying to establish the seasonal ordinary high water on Blanchard Lake was completed. It verified the existing high water mark as consistent.

7. Based upon the VOC study produced by the Whitefish Lake Institute,
   a. Strongly encourage the Montana Department of Fish, Wildlife and Parks to consider banning carbureted two-stroke engines from Whitefish and Blanchard Lakes.

As a result of the WLI VOC study, a couple of years ago former State Senator Dan Weinberg introduced a bill to restrict the sale or resale of carbureted two-stroke engines. The bill failed in committee. However, the marine engine industry is responding to public pressure by phasing out carbureted two-stroke technology and replacing it with cleaner burning fuel injected four stroke technology.

   b. Encourage the City of Whitefish to provide a bilge purge area at the City Beach boat launch in order prevent gasoline constituents from entering the lake directly.

Underway. As a result of the WLI VOC study, the Whitefish City Council approved the installation of an interceptor ditch and dry well type structure on the City Beach Boat Ramp. This project is slated to be completed over the summer.

8. In order to avoid concentrations of impacts on the resource, encourage the City, County, and State of Montana to provide additional public access points to Whitefish Lake.

Ongoing. In 2008, the State of Montana Fish, Wildlife, and Parks took over management of Les Mason Park from the Friends of Les Mason Park. The county has made improvements to their access at Lazy Creek.

9. Work with and support non-profit conservation groups such as the Flathead Land Trust, Montana Land Reliance, Whitefish Lake Institute, and Nature Conservancy to preserve and maintain critical waterfront sites as open space.

Underway. Thus far the only wetlands preserved as open space have been those at Viking Creek given to the Whitefish Lake Institute for management

10. Execute an agreement with the Montana DEQ and the Flathead County Health Department to actively identify, pursue, and correct failing and substandard individual sewage disposal systems that are polluting surface and/or ground waters.

The Whitefish Lake Institute (WLI)—supported by Montana Department of Natural Resources and Conservation (DNRC) Renewable Resource Grant and Loan (RRGL) funds—conducted research and identified areas of concern on Whitefish Lake related to aging and substandard septic systems, and reported their results in the 2012 *Investigation of Septic Leachate to the Shoreline Area of Whitefish Lake*. As a result, the City of Whitefish formed the ad-hoc Whitefish Community Wastewater Committee (WCWC) to address the issue and provide a range of management options which are now found in the Whitefish Community Wastewater Management Plan (2013). As Technical Facilitators to the WCWC, WLI provided to the Whitefish City Council prioritized management actions from the Whitefish Community Wastewater Management Plan via memos, the most recently dated 2-20-14. The issue is pending Whitefish City Council direction.

Critical Areas

1. Initiate a public awareness program on the value and function of wetlands in both an urban and rural environment.

In 2008, the City of Whitefish approved the Viking Creek Development Proposal which included a 30 acre wetland gift to the Whitefish Lake Institute. WLI will protect the area for water quality and wildlife habitat in perpetuity while opening a portion of the area to an interpretive nature trail. WLI has been active in creating public awareness about the wetlands.

2. Map environmentally sensitive areas at an appropriate planning level so that developers and the general public are made aware of their presence.

Achieved but could be improved. Environmentally sensitive areas were mapped as background data for the Critical Areas Ordinance. Recent Lidar mapping was completed providing more accurate topography. Consultant funds need to be budgeted to evaluate the data and update the mapping.

3. Enact regulatory requirements for site specific wetland identification, evaluation, preservation, management, buffering, and enhancement in conjunction with new and expanded development.

Achieved. The Critical Areas/Water Quality Ordinance fulfilled this recommended action.

4. Develop a comprehensive critical area ordinance (CAO) that:
    a. Identifies the critical resources to be protected
    b. Establishes benchmarks for each resource (current condition)
    c. Establishes goals desired for each resource
    d. Determines the existing impacts and threats that are contributing to the degradation, or potential degradation, of the resource, and determine the relative significance of each impact
    e. Establishes performance-based standards to achieve desired goals
    f. Establishes guidelines to achieve standards
    g. Establishes guidelines and mitigation measures for stream crossings, terrain disturbance on steep slopes, and stream and wetland encroachments

Achieved. The Critical Areas Ordinance/Water Quality Ordinance enacted by the Council fulfilled this recommended action item.

5. Promote a greater understanding of what specific natural hazards are prevalent in the Whitefish area, and how they can be avoided or mitigated.

6. Add a menu of effective mitigation measures for high ground water to the building code through adoption of supplementary regulations.

Still needs work. The City Engineering Standards need to be updated to address this issue through strict requirements for development in high groundwater areas. The revised subdivision regulations also provide requirements for development in these areas.

7. Define a “maximum buildable” slope and establish it consistently in zoning and subdivision regulations and in the public facility design standards.

The Critical Areas Ordinance did not define a “maximum buildable” slope, however the revised subdivision regulations requires newly created lots to have a buildable area with slopes no greater than 30%.

8. Initiate a program to establish baseline data on critical wildlife habitat at a sufficient level of detail to alert developers and landowners of wildlife issues.

Fish, Wildlife, and Parks has baseline data on critical wildlife habitat available.

9. For areas of severe soil limitations, as mapped by the Natural Resources Conservation Service (NRCS), require site specific soil and subsurface investigations and mitigation measures for all developments.

10. Incorporate environmental standards into the City's floodplain ordinance, and encourage floodplains to be retained in their natural state.

Updated floodplain regulations were adopted by the City Council in March, 2008. However, they need to be revised to be consistent with the new state model ordinance. The floodplain is identified for protection in the CAO and the Subdivision Regulations.

Economic Development Element

1. Implement code and master plan (Growth Policy) amendments recommended in the Downtown Master Plan.

Achieved. Zoning code and Architectural Review Standards amendments were approved by the City Council in 2008 as part of the Downtown Master Plan implementation. New streetscapes and sidewalks have been implemented on Central Avenue. New City Hall design is underway. Parking improvements are always under consideration – 3-hour parking was implemented in lot at 3rd and Central in 2011. The Downtown Master Plan is currently going through an update.

2. Research regulatory amendments to discourage or prohibit formula business from locating in the downtown area.

Achieved. The Downtown Master Plan implementation zoning code changes prohibit formula retail from locating in the Old Town Commercial District downtown.

3. Explore adding an economic impact analysis requirement to the permitting process for big box commercial facilities.

Not yet achieved. Staff explored that requirement during the WB-2 zoning issue, but it was ultimately removed from proposed code changes. The city could do a code amendment to require economic impact analysis when conditional uses are triggered for buildings over 15,000 square feet.

4. Review design and signage standards, propose amendments where necessary, and continue to support the current regulations on billboards.

Underway. The Architectural Design Standards were completely revamped in 2008, with changes approved by the City Council. Staff periodically initiates housekeeping revisions of the sign standards. Billboard enforcement will be expensive due to certain litigation, and needs more support/direction from the Council and City Attorney's office.

5. Work with the DNRC and Fish, Wildlife, and Parks to explore ways to promote resource based tourism without endangering vital natural resources.

Underway. Partnerships with DNRC, Fish, Wildlife and Parks, Flathead County, the US Forest Service, and private landowners have enabled the Whitefish Trail project to be completed, providing approximately 20 miles of new trails in the Lion Mountain/Beaver Lakes area. Discussion is ongoing with regard to Spencer Mountain and the recreational uses there.

6. Investigate alternatives and possible partnerships to identify and recruit clean, community-compatible industry to Whitefish.

Underway. The City is working with the Chamber of Commerce and MWEDC on this.

7. Conduct asset mapping and SWOT assessment to identify clean industries and businesses compatible with the character and qualities of Whitefish.

MWEDC did this aspect of their visioning process and 5-year plan.

8. Actively pursue partners and grants to fund and establish a business incubator to provide technical and logistic support to new businesses that would diversify the community's base economy.

Not yet implemented. However, this is being explored by MWEDC.

9. Establish development and design standards in the WI and WB-4 zoning district sufficient to attract and protect private investment.

Achieved. The revised Architectural Design Standards added the WI and WB-4 to the Highway Design District. A revised WI zone needs to be completed.

10. Map active local agricultural operations as part of the land use data base.

11. Establish low-density and rural zoning districts in local farming areas, and protect existing operations to the extent possible through agriculture indemnity statements on plats and prior notice conditions of approval.

The 2007 adopted Growth Policy did establish low-density and rural for the underlying land use in many important agricultural areas, and the infill clause was put in to help protect those areas from rezoning to higher density development. Staff also initiated creating 5-acre, 10-acre, 20-acre, and 40-acre agricultural zoning districts, but that was put on indefinite hold by the City Council in early 2010 and needs to be brought back and adopted.

12. Explore incentives for the growth and retention of localized agriculture.

The local Farmer's Market has expanded, as well as the Farm to Schools Program.

Land Use Element

1. In order to protect and preserve the character, scale, and qualities of existing neighborhoods, the City of Whitefish shall revise the Zoning Jurisdiction Regulations and adopt "character based" standards and "neighborhood conservation" districts for new development, redevelopment, and infill. For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

This item was on the original implementation schedule, and should still be a priority. Staff is recommending doing the last part first (clustering and conservation subdivision regulation revisions) since it will be simpler to accomplish and would have a greater immediate impact, and then later implementing more in depth character based standards through major zoning code amendments (much bigger project, probably requiring a consultant). There are only a half dozen instances of buildings truly out of character with neighborhoods out there, and most of them are single family homes which aren't reviewed by the ARC.

2. In order to preserve and protect historic Whitefish buildings and neighborhood character, the City of Whitefish shall initiate a Historic Properties Survey of downtown and the Railway District, and explore options with regard to historic preservation, including historic overlay zones, preservation incentives, and public education.

The Stumptown Historical Society does have a program to place plaques on historic buildings. As we have seen with the historic Casey's building, nothing currently prevents landmark or iconic buildings from being torn down, and no incentive programs exist to help owners keep and maintain historic buildings. Designating buildings/areas historic is a very politically charged item, and the City Council will need to take the lead on prioritizing it and funding a historic property survey.

3. The City shall formulate and adopt a comprehensive critical areas ordinance (CAO) to protect and manage designated environmentally sensitive lands.

Achieved in March of 2008.

4. All zoning district designations may be reviewed for conformance with this Growth Policy. The City or neighborhoods may initiate rezonings in order to bring zoning into compliance.

Partially underway. A step by step review of all zoning districts for conformance with the Growth Policy is a city council short term goal and will be done when time allows (it is a time consuming endeavor and staff is currently juggling a lot of major projects). The City has worked with at least one neighborhood to create a new zone and initiate rezoning to bring conformance with the Growth Policy (Highway 40 and Dillon Road). Other neighborhoods, such as the neighborhood between the Post Office and the Whitefish River that seems mis-zoned as high-density residential, will have to initiate such

changes themselves through the neighborhood planning process because the City will not initiate a down-zoning due to potential loss of property values.

5. The City shall actively and aggressively pursue an agreement with Flathead County for cooperative planning outside the Whitefish planning jurisdictional area.

The City and the Whitefish City-County Planning Board has been attempting to work with Flathead County and Kalispell on cooperative planning for corridors. That process has been hampered by uncertainty over the interlocal agreement for the planning jurisdiction, and the county's unwillingness to as of yet to pursue joint corridor plans. Any planning outside city limits would benefit greatly from a new interlocal agreement with the county.

6. The City shall actively pursue conservation easements, transfer of development rights (TDR), and other mechanisms to protect and preserve rural lands surrounding the Whitefish urbanized area.

The Whitefish Trail has been a great success story acquiring conservation easements for public trails. Protecting rural lands could be further addressed by adopting an Open Space Designation and Acquisition Strategic Plan, as called for elsewhere in the Growth Policy. Retaining the current infill policy to protect rural areas is an important component.

7. The City shall develop special regulations for "big box" commercial structures to ensure that the scale and character of the community are maintained.

Currently the city requires conditional use permits in commercial zones for buildings exceeding 15,000 square feet (7,500 in the Old Town Central district), but other than architectural design guidelines, there are no other specific regulations for "big box" structures as of yet. This could be addressed by creating conditional use criteria for buildings over 15,000 square feet.

8. The City shall explore a zoning text amendment to allow offices, galleries, and similar uses as conditional uses in the WR-2 zone along Baker Ave. from 10th Street to the Whitefish River.

Achieved through a zoning text amendment passed in the summer of 2008.

9. The City shall formulate, or shall facilitate the development of, corridor plans for all major transportation corridors to address land use, transportation function and modes, noise, screening, landscaping, and all aspects of urban design. Corridor plans shall address the issues and concerns set forth in this element of the Growth Policy. The Hwy 93 South corridor shall be the first priority, and the remaining corridors shall include:
   - US 93 North
   - Montana Hwy 40
   - Wisconsin Avenue

- US 93/Spokane Avenue

Staff is currently working on finalizing a draft of a Highway 93 West Corridor Plan. Once that is adopted, staff will be working on the implementation elements of the new plan. Wisconsin Avenue is a priority for the next plan when that is complete. While Highway 93 South is still a priority, it is hampered by uncertainty with regard to the major components of the corridor being in the planning doughnut. Staff has met with property owners and a planning consultant with regard to a future corridor plan for Hwy 93 South, and the WB-2 zoning committee also recognized a need for corridor planning between Highway 40 and downtown. Highway 40 planning should also be a priority, but it, too, is hampered by planning jurisdiction issues. Adopting plans for areas outside city limits without some cooperation from the County is problematic.

10. The City shall explore adding noise standards to its Community Decay ordinance.

Noise ordinances are best enforced through police powers rather than planning, as the majority of complaints occur after business hours. Also, noise metering equipment is notoriously unreliable and subjective, making it difficult to set acceptable standards through zoning. Staff did initiate code amendments requiring noise mitigation from HVAC equipment on new buildings.

11. Work with Flathead County to adopt firewise practices for development and construction in the Wildland Urban Interface (WUI).

Underway. The revised subdivision regulations include development restrictions adopting firewise practices for development and construction in the Wildland Urban Interface.

12. Revise jurisdictional zoning regulations to include special standards for gravel extraction, including but not necessarily limited to:

- Screening and landscaping
- Noise and dust abatement, including the tracking of material onto public streets
- Surface and ground water quality monitoring
- Preventive and mitigative measures to protect water quality
- Access plans to avoid adverse impacts on existing neighborhoods
- Street reconstruction plans (as necessary)
- Sequential reclamation plans

Standards for the development of gravel pits have not been adopted. This would require adding the use to the code as a Conditional Use in certain zones, then developing performance standards for said CUP's in the Special Provisions chapter. Thus far, this has not been a priority on the implementation list.

13. The City shall adopt standards for widths of waterfront lots in order to control waterfront congestion.

Each residential zoning district has minimum lot widths currently in place that provide such control for new subdivisions.

Community Facilities Element

Municipal Water Services

1. Continue communication and cooperation with the Whitefish Lake Institute (WLI), the Whitefish Water & Sewer District and other agencies to monitor and protect the quality of Whitefish Lake and Haskill Creek (as direct sources of drinking water), and all other local lakes and streams so that point and non-point source pollution can be effectively targeted in regulations and programs.

The City of Whitefish provides funding support and a member to the WLI technical and citizens advisory committees and openly cooperates with WLI, the Whitefish Water District and the Haskill Basin Group. A member of the Public Works Department serves on the Technical Advisory Board of the WLI.

2. Continue to study and investigate pollution from septic systems and implement regulatory and/or programmatic measures to curtail eutrophication of Whitefish Lake.

In 2009, the Whitefish County Water and Sewer District was awarded a grant through the DNRC Renewable Resource Grant and Loan Program to implement a study methodology developed by the Whitefish Lake Institute entitled "Investigation of Septic Leachate to the Littoral Areas of Whitefish Lake, Montana." The grant is expected to be executed soon after contract modifications and negotiations with DNRC.

3. The City of Whitefish shall institute a comprehensive water conservation program that includes public education/information and promotes the principals of sustainability and low impact development.

Underway. The Public Works Department has water conservation brochures available for the public.

4. The City shall explore improving the efficiency of its irrigations systems for parklands and other irrigated open spaces.

Not yet. The Public Works Department could make plans to coordinate with the Parks Department to further improve the efficiency of parkland irrigation systems. Currently the Parks Department pays Public Works for use of water for irrigation, which impacts the Parks budget.

5. The City of Whitefish shall institute a public education program on the use of lawn and garden fertilizers and pesticides, and how nutrients from lawn chemicals impact the area's lakes and streams.

The Whitefish Lake Institute has initiated education materials that cover these topics.

6. For subdivisions and other developments within the Whitefish Planning Jurisdictional Area that propose individual and/or private water systems, require contingency plans to connect to the municipal system at some future time.

7. Formulate comprehensive hillside development and critical areas ordinances to directly address the causes and sources of water pollution and sedimentation, integrating and balancing economic, environmental, and social goals.

Achieved through the Critical Areas Ordinance and revised subdivision regulations.

8. Developments in the 2nd Creek watershed shall be closely evaluated and conditioned to protect the City's domestic water supply source.

The city is working with Stoltze to acquire a conservation easement for the watershed, using grants and cooperative agreements with State and Federal agencies.

Wastewater Collection and Treatment

1. New developments within the Jurisdictional Area which propose on-site sewage disposal shall submit contingency plans for eventual connection to the municipal wastewater system.

2. Continue to work with the Whitefish County Water and Sewer District and the Big Mountain Sewer District to develop and implement long range wastewater management plans for the urbanizing areas of the Planning Jurisdictional Area, including those areas around Whitefish Lake where much of the new construction continues to rely on individual sewage disposal systems.

The City Manager is involved with the Flathead Regional Wastewater Management Committee.

3. Work with the Flathead County Health Department to prepare a public education program on the proper operation, life expectancy, and potential pollution problems associated with individual on site disposal systems.

4. Work with the Flathead County Health Department and the Whitefish Lake Institute to monitor existing on-site sewage disposal systems around Whitefish Lake to detect failed systems, and devise a plan for corrective action.

In 2009, the Whitefish Water District was awarded a grant through the DNRC Renewable Resource Grant and Loan Program to implement a study methodology developed by the Whitefish Lake Institute entitled "Investigation of Septic Leachate to the Littoral Areas of Whitefish Lake, Montana." The grant is expected to be executed in 2010 after contract modifications and negotiations with DNRC. According to the

Whitefish Lake Institute, no communication or cooperation has been done with the Flathead County Health Department since the early 1980's when some dye testing was done.

5. Study the feasibility of extending sewer mains to serve lakefront properties.

The Public Works Department is looking into options for this.

Stormwater Management

1. Formulate and adopt comprehensive hillside development and critical area regulations aimed at eliminating sedimentation and nutrient loading to receiving water bodies from urban runoff and site drainage in order to achieve established water quality standards for receiving water bodies.

Partially addressed through the Critical Areas Ordinance/Water Quality Ordinance adoption and new Public Works Standards.

2. Develop and implement a comprehensive program to reduce water quality impacts associated with the City's urban drainage system to achieve established water quality standards for receiving water bodies over the long term, and to establish Whitefish as a regional leader in environmentally responsible stormwater management.

The City adopted the updated 2008 Engineering Standards which include water quality treatment requirements for new development. The Public Works Department needs to improve the maintenance checkups on City storm water treatment facilities. The City should also provide for some inspection of private stormwater treatment facilities that require maintenance.

3. The City shall explore an incentive-based program that provides for "green roofs" and the reuse of stormwater for irrigation.

This has not been done. However, a Public Works staff member has received LEED A.P. certification for new construction.

Financing and Improvement Mechanisms

1. Continue to explore impact fees as a mechanism for funding future public facility needs resulting from new development.

The City of Whitefish did adopt Impact Fees, which are found under Municipal Code Section 10-2-1 in August of 2007. Transportation impact fees have not yet been adopted.

2. Formulate and adopt a concurrency policy for sidewalks, parks, bike and pedestrian ways, and other related facilities that integrates with an overall master plan for such facilities.

The Parks and Recreation Department has plans to update the City's Bicycle/Pedestrian Master Plan, which will address that issue, with potential new regulations added to zoning.

Solid Waste

1. The City of Whitefish shall explore options for a community-wide recycling program, including public education a community recycling center.

The City is exploring curbside recycling, and will likely ask for input from the Council in the near future on the costs/benefits of such a program.

2. Develop construction management guidelines and incentives for reduction of construction waste through reuse, recycling, and composting.

The City could coordinate with the Flathead Building Association's Green Builder's Group to provide workshops on this subject.

3. The City of Whitefish shall support and promote recycling through the placement of recycling containers in all city facilities.

The city council chambers has recycling containers, and most city departments recycle paper.

4. The City shall formulate and adopt regulations that require refuse disposal for the unincorporated portions of the Whitefish Planning Jurisdictional Area.

5. Institute a public education program for the proper use and disposal of household chemicals.

While the city doesn't have any programs, Citizens for a Better Flathead sponsors programs for household chemical disposal at the landfill.

6. Coordinate community recycling for used electronics.

7. Promote special events and promotions to emphasize the importance of recycling and sustainability to the community.

Pacific Recycling now takes electronics waste year around.

Emergency Services

1. The City of Whitefish shall explore community policing, community resource officers, and other means to provide efficient and localized police services as the community grows.

2. The City's fire prevention program should be expanded to the unincorporated portions of the planning jurisdictional area. It should be integrated with the City's new Zoning Compliance Permit for the unincorporated areas.

3. The City must continue to work with Flathead County and the cities of Kalispell and Columbia Falls, and continue to be a leader in the implementation of E-911.

Completed. The city diligently worked with Flathead County and the other cities on a unified 911 dispatch center.

4. The City shall explore one or more emergency at-grade crossings of the BNSF rail lines in order to enhance emergency access.

Human Infrastructure

1. The City should form and ad hoc committee to review existing community services, determine any additional community service needs, and report its finding and recommendations to the City Council

Parks and Recreation

1. The City of Whitefish shall formulate and adopt a comprehensive park and recreation master plan to assess current parkland and recreational programs and facilities, and to identify and anticipate future needs, and explore funding options for new and/or upgraded facilities.

The Parks Department recently completed a new Parks and Recreation Master Plan.

Open Spaces

1. In addition to a Park and Recreation Master Plan, the City should consider an Open Space Designation and Acquisition Strategic Plan that would identify, prioritize, and set forth realistic recommendations for open spaces of all types.

It is recommended that the council consider making this a city priority project, and the plan could address the additional recommended actions with regard to open space below.

2. The City should be proactive in determining new urban forms and neighborhood types as the urbanized area grows so that important open spaces can be retained.

3. The City shall investigate mechanism to designate open spaces including transfer of development rights, purchase of development rights, scenic easements, conservation easements, and life estates.

4. The City shall investigate the formation of an Open Space Board to coordinate and investigate all aspects of open space designation, priorities, and funding.

5. The City shall seek ways to increase public access to Whitefish Lake, as well as to the Whitefish River and local streams and creeks.

6. As new development occurs, the City shall work cooperatively with land owners and developers to identify and maintain access to publicly and privately owned roads, trails, and lands.

The revised subdivision regulations include language that prohibits gated subdivisions, which helps improve access to private roads and adjacent public and private lands.

Sustainability

1. The City shall appoint a Sustainability Task Force to research and recommend educational community and neighborhood programs with the objective of making Whitefish a sustainable community.

2. The City shall calculate its municipal carbon footprint for daily operations and identify ways to reduce it. The City shall issue challenges to the North Valley Hospital, Whitefish Mountain Resort, and the local school district to do the same.

The Public Works Department could coordinate with a student intern from the FVCC's energy program to provide an energy audit. The Public Works Department could investigate the possibility of running some equipment on a percent biodiesel.

3. The City shall explore the incorporation of sustainability concepts, principles, and incentives into its land development regulations.

Some sustainable concepts were incorporated into the recently adopted Engineering Standards update.

Housing Element

1. The City of Whitefish shall partner with the Whitefish Housing Authority (WHA) to update the 2003 Housing Needs Assessment in order to provide the information and analysis necessary to:
    - Reexamine the existing voluntary program
    - Determine other needs that should be addressed through additional programs

- Assess the feasibility and potential effectiveness of a mandatory inclusionary affordable housing program
- Assess the linkage between high-end market rate housing and the need for affordable housing.

Achieved. An updated Housing Needs Assessment was completed in 2008.

2. The City shall, with the cooperation and participation of the WHA, fully investigate mandatory housing programs for both workforce housing, and a linkage program for seasonal and full-time employees in businesses related to the visitation industry.

On Hold. The Planning Department has been in dialogue with the City Council on a number of occasions on the topic of mandatory housing programs. However, with the slowdown in development that occurred in 2008 and 2009, it became less of a priority and staff reductions precluded further investigation on the topic. In the future, we can look at incorporating additional incentives for affordable housing in new code updates, while City Council needs to take the lead on any mandatory programs.

3. The City shall review its codes and ordinances for additional opportunities to support and provide for affordable housing.

Staff believes revisions to our accessory apartment code would help facilitate more affordable housing.

4. The City and the WHA shall proactively identify the prime locations for affordable housing in the community, and designate those areas on the Future Land Use Map that is contained in this Growth Policy.

5. The City shall investigate the community benefits to adopting and administering a housing code.

6. The City and WHA shall investigate the feasibility of an Affordable Whitefish Housing Foundation in order to bring additional financial resources to the affordable housing problem.

7. The City and WHA shall jointly explore a program to encourage the privately funded construction of accessory residential units and to ensure their continued affordability.

8. The City of Whitefish shall investigate and adopt special standards for residential construction in areas with high groundwater.

High groundwater standards were removed from the revised Water Quality Protection Ordinance. There is a plan to include that in the Whitefish Engineering Standards, but that has not been done yet.

Transportation Element

1. Make construction of new sidewalks and pathways a priority in areas where they do not currently exist.

The City has constructed several new bike/pedestrian paths in the past two years. The City receives money for sidewalks in lieu of constructing them and Public Works will install new ones when there is enough money in the fund for the various sections of town. A new Bicycle/Pedestrian Master Plan is essential to establishing priority projects.

2. Plan for through, continuous streets to the extent possible. When cul-de-sacs are appropriate due to ownership, topography, or other constraints, ensure that a future street extension can be made via a right-of-way dedication, or at the very least, a pedestrian connection.

The City's adopted 2009 Transportation Plan addresses this. Also, our revised Subdivision Regulations address these issues for new developments.

3. It is highly recommended that no additional land in the Monegan Road area be designated for urban or suburban development until such time as additional connections are made available.

The city should also consider limits on density east of the Wastewater Treatment Plant (WWTP) between Monegan and Voerman Road due to odors from WWTP (it will get worse in approximately 10 years when we are required to build a mechanical plant). In addition, the area has drainage limitations.

4. Through the community-wide transportation plan, explore possibilities for an additional grade separated crossing of the BNSF rail facilities.

This issue is also highlighted in the updated Transportation Plan.

5. The City shall make the provision of sidewalks, pathways, and other non-motorized transportation facilities part of a concurrency program and policy.

6. The City shall research and develop a set of alternative "neighborhood sensitive" designs for local residential streets.

Underway. This was partially addressed in the City's 2008 Engineering Standards.

7. The City shall develop a menu of traffic calming measures for use residential collector streets.

This was included in both the 2008 Engineering Standards and the 2009 Transportation Plan.

8. Through the community-wide transportation plan, the City shall assess the need and feasibility of a highway by-pass to alleviate through traffic in the downtown area.

This was investigated as part of the 2009 Transportation Plan.

9. Continue support for federal funding that will keep Amtrak passenger service operating in Montana.

10. Continue to support agreements with Eagle Transit and the Snow Bus, and encourage them or other enterprises to expand existing services to provide daily and year-round public transportation options in Whitefish.

This is addressed some in the 2009 draft Transportation Plan. The City needs to further promote bus commuting by creating covered bus stops, park and ride areas, and promoting the benefits of public transportation. The snow bus program should continue to be supported and promoted by the City. Eagle Transit has recently expanded their service to year around daily service between Whitefish and Kalispell and Columbia Falls. While ridership numbers are not high, the program is continuing.

11. Coordinate with the Montana State Department of Transportation in developing corridor studies for state highways within the planning jurisdiction.

The Urban Corridor Study was completed in spring of 2010.

12. Explore alternative vehicular routes to the Whitefish Mountain Village.

In combination with the fire-wise program, the city is working with the resort and local land owners and developers to ensure alternative routes are considered in the future.

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

July 21, 2014

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

Re: Six-Year Review Summary of 2007 Growth Policy

Honorable Mayor and Council:

This is a six-year review of the 2007 Whitefish City-County Growth Policy. The Whitefish City-County Planning Board met regarding this review on February 20, 2014 for a work session on the Future Land Use Maps, held a work session on the Infill Policy on March 20, 2014, and held public hearings on May 15, 2014 and June 19, 2014. The Planning Board review included consideration of existing conditions, the plan's recommended actions, and recommendations to the City Council as to the Future Land Use Maps, the Infill Policy, and implementation priorities per directives contained in the Growth Policy establishing a biennial review.

Planning Board Action: Following the second public hearing, the Planning Board unanimously recommended approval of the attached six-year review of the 2007 Whitefish City-County Growth Policy, with its recommended changes to the text and Future Land Use map, retention of the Infill Policy, and suggested implementation Priorities. In addition, the board recommended the following amendment:

1. Reeves moved, seconded by Workman to add the Environmentally Sensitive Areas (ESA Overlay) map from the 1996 Master Plan in the Future Land Use Map, as suggested in the Growth Policy (approved unanimously).

Minutes of the 515/14 and 6/19/14 Planning Board meetings are attached.

Planning Department Recommendation: Staff recommends the City Council review and approve the attached staff report and the recommendations therein, and add it as an addendum to the Growth Policy by resolution, with proposed changes to the text and map with regard to Future Land Uses as included as an amendment. Additionally, staff supports the additional Planning Board recommendation to include the Environmentally Sensitive Overlays areas to the Future Land Use Map,

Public Meetings: At the May 15 meeting, Mayre Flowers from Citizens for a Better Flathead spoke and asked the Planning Board to table the item so she could have more time to review it. That was all the public comment.

At the June 19th meeting, no one from the public spoke. Staff did receive an emailed letter from Mayre Flowers with several pages of comments on the day of the meeting, which we delivered to the board and addressed during our presentation.

This item has been placed on the agenda for your regularly scheduled meeting on July 21, 2014. There is also a work session prior to the meeting so that staff can give a thorough overview and questions can be answered. Should Council have additional questions or need further information on this matter, please contact Director David Taylor at the Planning and Building Department.

David Taylor, AICP

Att: 2014 Review Summary of 2007 Growth Policy with maps
Minutes of 5//15/14 and 6/19/14 Planning Board Meetings
6/19/14 Comment letter from Citizens for a Better Flathead

c: w/att Necile Lorang, City Clerk

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

To: Whitefish City-County Planning Board

From: David Taylor, AICP, Director of Planning & Building

Date: June 19, 2014

RE: 2014 Six-Year Review of 2007 Whitefish City-County Growth Policy

Introduction

This document is a six-year review of the adopted 2007 Whitefish City-County Growth Policy. The previous two reviews in 2009 and 2012 focused on the narrative and goals and objectives of the plan. This review will focus on the Future Land Map and categories, recommending some updates where there may be some inconsistencies with current zoning. This review also will look at the Infill Policy as well as a revised Implementation Strategy with recommendations, per the review requirements outlined in the Growth Policy. It also reviews all of the Recommended Actions of the Growth Policy in Appendix A.

The Growth Policy was adopted in November of 2007 to be the baseline long-range planning document for the greater Whitefish area over the following decade. It established community issues, goals, policies, and recommended actions for natural resources, land use, economic growth, transportation, housing, and community facilities. The Implementation Element of the plan required a periodic two-year review, with recommendations to the City Council by the Whitefish City-County Planning Board. It has been two years since the plan was last reviewed and six years since it was adopted.

In addition to reviewing the Future Land Use Maps and the Infill Policy, the Growth Policy calls for biennial reviews by the Planning Board of the trends and projects of the resource analysis, the recommended actions of the individual Growth Policy elements, and status of priority programs. Staff will summarize that below.

Additionally, the Implementation Priorities Major Projects are reviewed and a fresh recommendation made. The Planning Board is tasked with reviewing staff's recommendations as to any revisions that might be warranted and updated implementation priorities list for the council to establish.

In the six years since its adoption by the Council, implementation of many elements of Growth Policy major projects have been completed. Major priority projects such as the Critical Areas Ordinance (and subsequent revisions), the Subdivision Code re-write, the Whitefish Community Wide Transportation Plan, the Architectural Review Standards re-write, the Extension of Services Plan, and implementation of the Downtown Master Plan were all either completed or overseen by the long range planning staff. With the assistance of WGM Group, staff is currently developing a Highway 93 West Corridor Land Use Plan as called for in the Growth Policy.

Since the 2012 review, there have been limited changes in existing community conditions. Litigation continues over the Interlocal Agreement between the City of Whitefish and Flathead County. Subdivision activity is beginning to increase, and the construction trends for new single family homes continues to increase dramatically every year from all time lows in 2008 and 2009. Assurances in the form of a ratified Interlocal Agreement may be necessary before any major long range planning can occur outside of city limits, including the corridor plan called for on Highway 93 South.

Six-Year Review Detailed Report

As outlined in the Growth Policy biennial review description, staff has gone through the Growth Policy and analyzed its effectiveness in working toward community goals and carrying out its vision. What follows are updates and comments on various aspects of the Policy, notably the Resource Analysis, Infill Policy Review, and the Implementation Strategy. Appendix A is a detailed review and update on Recommended Actions adopted.

Trends and projections from the Resource Analysis

Staff reviewed the Resource Analysis and found several changes in conditions in the six years since the Growth Policy was adopted.

In 2013, the US Census Bureau issued the 2012 population estimates. Whitefish is the 18th most populated city in the state of Montana with a population of 6,460. This is a 1.6% increase since the 2010 census when the city had a population of 6,357, with a rate of increase behind only the cities of Kalispell, Bozeman, Belgrade, and Columbia Falls. The population for Flathead County is 91,633, a 0.8% increase since the 2010 census, when the population was 90,9028.

Jurisdiction	2012 Population Estimate	% Change 2010-2012
Whitefish	6,460	1.6%
Columbia Falls	4,712	0.5%
Kalispell	20,487	2.8%
Flathead County Total	91,633	0.8%

In 2008, the State had estimated Whitefish's population to be growing with a 64% increase, and projected it as the fastest growing city in the state with a projected population of 8,281. However, those estimates were based on new dwelling units being

created, and while growth has slowed compared to the boom in 2005-2006, Whitefish is also one of the leading communities in the state in the second house market, meaning many new property owners do not count toward the census as they primarily officially reside elsewhere, skewing the numbers.

NEW RESIDENTIAL CONSTRUCTION

New residential construction peaked in 2005 with 292 total dwelling units constructed. New residential construction slowed significantly for three years from 2008-2010, but picked up in 2011-2013. Residential remodels continue to outpace, but that ratio has dropped significantly since 2008.

TYPE	2008	2009	2010	2011	2012	2013
Single Family	29	14	21	43	**51**	**75**
Duplex	6	0	2	0	**6**	**2**
Multi-Family	0	0	3	0	**1**	**0**
Mobile	0	0	0	0	**0**	**0**
TOTAL	35	14	26	43	58	77

Source: Whitefish Building Department records

TYPE	1980-1989 average annual	1990-1999 average annual	2001-2010 average annual	2011-2013 average annual
Single Family	18	29	48	**54**
Duplex	5	9	23	**3**
Multi-Family	19	12	41	**1**
Mobile	1	0	**0**	**0**
TOTAL	43	50	112	58

Source: Whitefish Building Department records

STUDENT ENROLLMENT

According to the Flathead County Superintendent of Schools *2013 Statistical Report of Schools*, the Whitefish School District enrollment is down 11% over the previous 10 years for the elementary grades (K-8) and down 33% for the high school. For all schools in the entire County, enrollment is up 3%. From 2004 to 2013, statewide enrollment decreased by 16%.

	1980 1981	1985 1986	1990 1991	1995 1996	2000 2001	2004 2005	2010 2011
Public Schools	***(Muldown, Central, Whitefish High)***						
K-8	941	1140	1216	1364	1279	1192	**1122**
9-12	541	515	493	606	697	692	**492**
TOTAL PUBLIC	**1482**	**1655**	**1709**	**1970**	**1976**	**1884**	1614
Private Schools	***Whitefish Christian Academy***						
K-8	Not open	57	125	114	105	121	**72**
TOTAL	1482	1712	1834	2084	2081	2005	1686

HOUSING COSTS & AFFORDABILITY

Housing prices across the valley have dropped as the real estate market has stagnated. Prices in Whitefish were higher in 2005 than in 2010 with a 31 percent drop in the value of the median houses sold. However, it has picked up significantly in the last year.

Location	Median Price 2005	Median Price 2011	% Change 2005-10
Bigfork	$297,400	$247,000	**-17%**
Columbia Falls	$199,250	$100,000	**-50%**
Kalispell	$192,000	$158,250	**-18%**
Whitefish	$319,000	$246,500	**-23%**

Source: NMAR, househunt.com

CAPITAL IMPROVEMENTS PLAN

Since 2007, the city engaged in a number of public infrastructure projects including a new Emergency Services Building in Baker Commons and improving the downtown business district streets. The parking lot at East 2nd Street and Spokane Avenue was also completed, and the city received TIGER grant funds to reconstruct East 2nd Street from Baker Avenue to Spokane Avenue, including new left turn signals. A major sewer improvement project was completed on Geddes Avenue, including a new sewer line bored under the Whitefish River. The city also did a Hydroelectric Plant construction project, and is currently undertaking an East Second Street reconstruction project. Future capital improvements include a new City Hall/Parking Garage and West 7th Street reconstruction.

ECONOMICS

According to the Montana Department of Labor and Industries 2013 *Labor Day Report to the Governor*, the United States was in a recession from December 2007 until the Spring of 2009. However, the report states that Montana survived the recession better than other states. Montana unemployment rates continued to decline in 2012 and is now approaching normal levels. The rate remains a full three percentage points below the U.S. average, but has outperformed the nation since the 2001 recession. Flathead County and the entire northwestern part of the state has the highest unemployment rate in the state at 8%, while the lowest is in the eastern half of the state at 4.2%.

> "The Northwest region experienced job losses earlier and deeper than the rest of Montana, but posted employment gains in 2011 and 2012. The Northwest employment levels remain about 10,000 jobs lower than the pre-recession July peak.'

Source: 'Labor Day Report to the Governor" September 2011 Montana Department of Labor and Industries

Locally, of the top ten employers identified in the 2005 Resource Document, Idaho Timber shut down operations in 2009. The other businesses are still operating.

TRANSPORTATION

In the 2006 Resource Analysis, the only transit service in Flathead County was Eagle Transit which only provided service to the elderly and disabled. In early 2008, Eagle Transit expanded their services to provide three days a week afternoon routes out of Whitefish to Kalispell. They have also established a commuter route that leaves Whitefish every morning to Kalispell and returns every evening after 5 pm.

The Whitefish Community Wide Transportation Plan was adopted by the City Council in January of 2010, and it dictates future transportation corridors and priority projects within the Whitefish area. In 2010, the Montana Department of Transportation also completed the Whitefish Urban Corridor Plan.

Future Land Use Map and Definitions Review

One of the major components of the 2007 Growth Policy that has not been looked at thoroughly in the previous two reviews is the Future Land Use Map and the definitions of the various land-use types represented on the map. Here is how the map is defined in the text of the plan:

The Future Land Use Map is a graphic and general representation of the type, density, and spatial extent of future growth in the Whitefish area. Because the map is a general representation, more than one zoning district may apply and serve to implement each land use designation on the map.

There are various land use types represented on the map, such as Commercial Core, General/Highway Commercial, Neighborhood Commercial, Hospital/Medical/Offices, Parks and Recreation, High-Density Residential, Suburban Residential, Rural Residential, etc. Each of those types has a definition/intent and it lists whatever zoning districts from the Whitefish Zoning Code appropriate within that Future Land Use area. There is some overlap. For instance, Commercial Core allows both WB-3 (downtown commercial) zoning as well as WR-4 (high density residential).

Staff has reviewed the Future Land Use Map and the listed categories, and we have come up with several areas that need review and possible revision to either the map or the Growth Policy text. Under each defined land use section below, staff will identify things that need review or revision. Future Land Use and Zoning Maps are on the last few pages for reference under Exhibits 1-4.

Future Land Use Designations

A. Commercial Core

Commercial Core: This designation describes the downtown area of Whitefish as well as surrounding transitional and mixed use areas. The major uses are retail commercial, professional and government offices, financial institutions, restaurants and taverns, hotels, and art galleries and studios. The Commercial Core is also characterized by mixed and multi-use developments such as residential above retail, mixed residential and office, and "artist lofts" which may have residential, studio, and gallery components. Urban forms in the Core are dense and usually multi-level. Street connectivity is high, with minimal or zero setbacks, and accessible, human scale storefronts. Character is decidedly pedestrian. On-street parking is provided for ease of accessibility, but parking serving employees and residents is generally located in parking structures or in small lot accessed from alleys. Streets in the Core are active, and streetscapes are attractive with street trees,

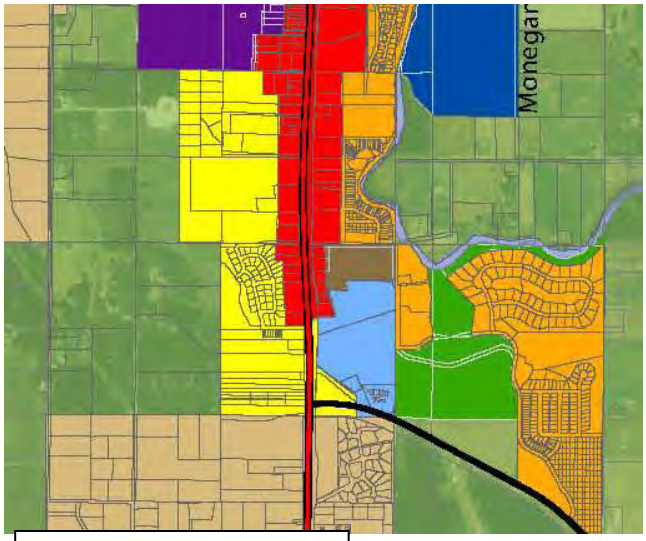
planters, and street furniture. Architecture is of very high quality and contributes to the established local theme. Zoning is mostly WB-3, but the Commercial Core can also be implemented through WR-4.

The Commercial Core doesn't have any major issues at this time. However, the Future Land Use Map will need to be updated to reflect any changes to the Commercial Core boundaries that the latest Downtown Business District Master Plan update calls for. That plan is still in process with the consultants, Crandall and Arambula.

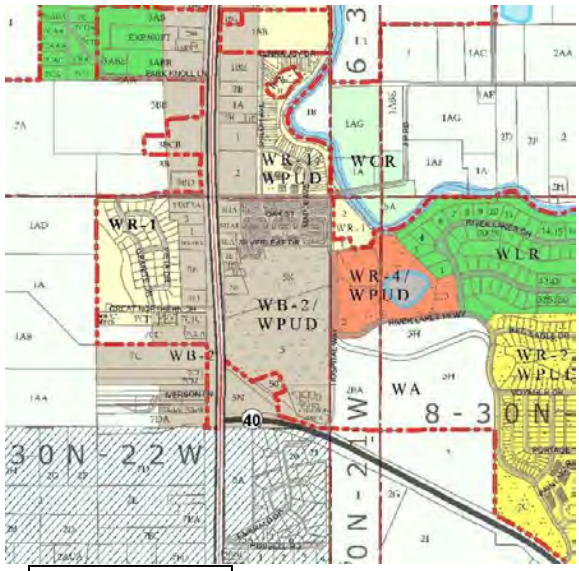
B. General/Highway Commercial

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

There are a couple of concerns with the General Commercial/Highway Commercial designation. On the Future Land Use Map, the application of General Commercial/Highway Commercial stops as you head south out of town long before the existing WB-2 Secondary Business District zoning does, calling out the future land uses as Suburban Residential on both sides of Highway 93 right up to the Highway 40 intersection (see Future Land Use Map, Exhibits 1-3), making those existing commercial properties out of compliance with the Future Land Use map. It is uncertain whether the mapping issue was an oversight or whether it was done intentionally to curb future commercial development to the south. In any case, it should be discussed. It should be noted that a lot of those properties that front along Highway 93 South with a Suburban Residential Land Use and WB-2 Zoning are narrow lots with predominantly existing residential uses. Red represents General/Highway Commercial and yellow Suburban Residential on the Future Use Map. (See Exhibits 2 or 3 for land use color key). The discrepancy is best dealt with through a future Highway 93 South Land Use Corridor Plan, although cooperation with the County is essential for any planning south of Hwy 40, which is the area most in need of a land-use evaluation. Also, Spokane Avenue from East 6th Street south to the Whitefish River does not meet the lot size or intent of the Highway Commercial, and might better be identified as Neighborhood Commercial. That could also be addressed in a Highway 93 South plan.



Future Land Use Map

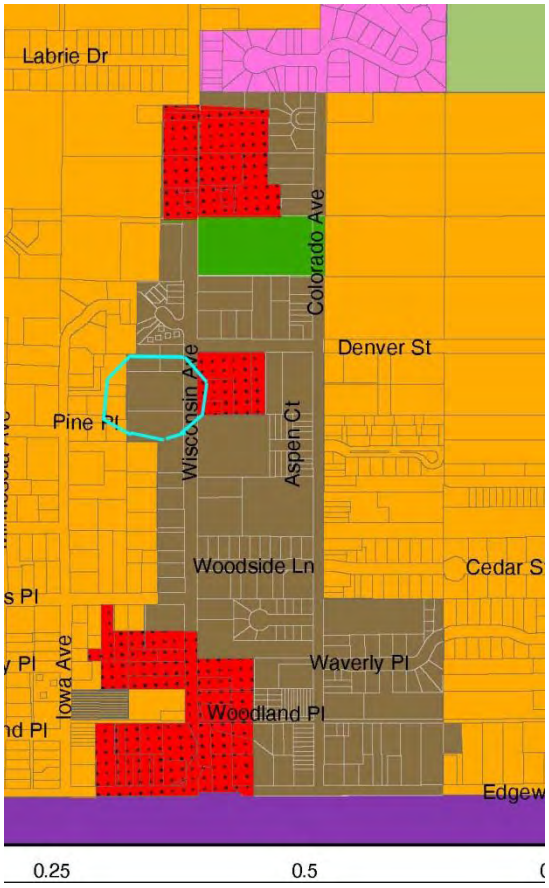


Zoning Map

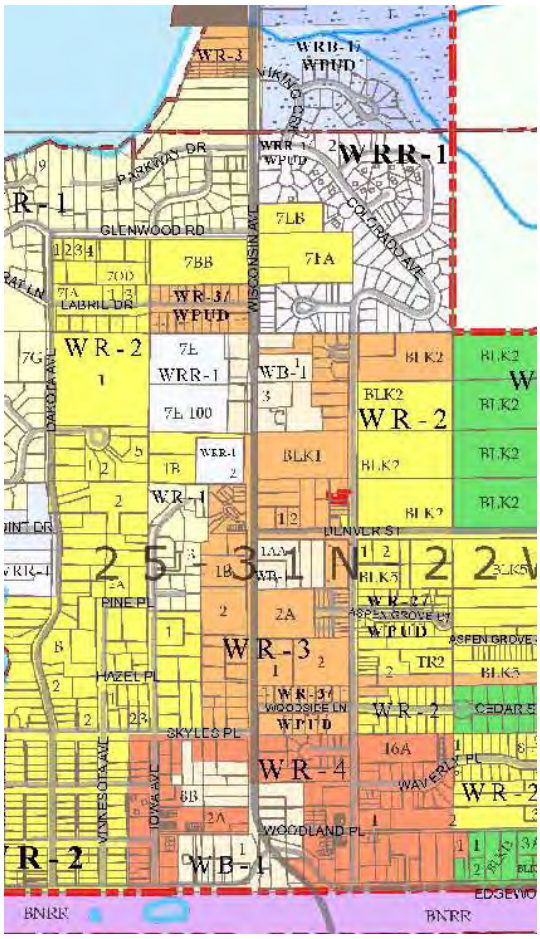
C. Neighborhood Commercial

Neighborhood Commercial: Neighborhood commercial is usually defined as commercial uses that mainly draw clientele from a smaller, sub-community area. Uses include convenience stores, personal services such as a barber shop or salon, and agency offices such as a branch bank, real estate, or insurance. The purpose of neighborhood commercial is usually for the convenience of residents of nearby neighborhoods as well as passers by. They tend to be pedestrian oriented, shorten vehicle trips, and generate far more non-motorized trips than general commercial, which is more often auto oriented.

Neighborhood Commercial is currently found along Wisconsin Avenue between the Viaduct and Labrie Drive. It is shown as red with white dots on the Future Land Use Map. The text does not state what zoning types are consistent with it, but it should be WB-1, Limited Business, as well as a possible companion neighborhood commercial district that might be appropriate on a portion of Spokane Avenue where the zoning is currently WB-2 but the lots are too small to fit the intent of the WB-2. One map inconsistency appears to be where the McGarry's business is located in a WR-3/PUD zoning (would be consistent with WB-1), but the Future Land Use is shown as Urban Residential instead of Neighborhood Commercial (blue circle). The Future Land Use Map could be amended to accommodate that lot with a Neighborhood Commercial future land use, however, it may be best to wait until a Wisconsin Corridor Plan is developed to address the issue.



Future Land Use Map



Zoning Map

D. Business Service Center

Business Service Center: This is a non-retail service commercial and light industrial designation. Major uses would be distribution, light manufacturing and component assembly, office-warehouse-showroom types of operations, contractors, building and material suppliers, wholesale trades, mini-storage, and other commercial services of a destination nature. Suitable locations would be adjacent to arterial or collector streets or a highway. Structures would be of moderate to high architectural quality, and clearly not "industrial" in appearance. Landscaping will be extensive with good quality and effective screening and buffering. Applicable zoning districts would be WB-4 and a re-written WI.

This Future Land Use category does not have any issues other than needing to amend the WI district, and adding WBSD, Business Service District zoning, to the last sentence of applicable zoning districts.

E. Planned Industrial

Planned Industrial: Vital industries need to be provided for in areas where they will not compete against commercial development for land, but also where they will not impact residential neighborhoods with intense industrial activities and truck and rail traffic. Industrial uses tend to centers of employment, generate far less traffic than commercial, and do not generally depend on drive by traffic for clientele. WB-4 and WI are the applicable zoning districts.

Not much to note here except a typo in the text in the second to last sentence – should read 'uses tend to be…'

F. Hospital/Medical/Office

Hospital/Medical/Office: This designation is primarily for the new North Valley Hospital and related medical offices and services, but it can be applied to any location in the community where medical/professional office development is a desired use. The North Valley Hospital area is subject to a master plan amendment and a planned unit development, which regulate uses and site planning parameters. A new Office/Professional zoning district must be written and adopted to implement this land use designation.

The only outstanding issue with this is the last sentence. The existing PUD and Hospital Site Master Plan already implemented the land use designation at its current location at the North Valley Hospital site. WB-2 allows professional offices, of which medical clinics and hospitals are allowed. Staff is unsure a new zoning district as described is necessary.

G. Public/Semi-Public and Parks and Recreation

Public/Semi-Public: Schools and municipal government services fall under this designation. Underlying zoning varies by neighborhood, and a separate P/SP should be considered when the zoning code is revised following adoption of this Growth Policy.

Parks and Recreation: Primarily City parks and the golf courses are included in this category, by it also contains some county and state park facilities. Zoning varies, and a special park zone should be considered in future code rewrites.

As stated above, creating new zoning districts for Public Lands and Facilities and Parks and Recreation has long been on our 'to-do' list, although trumped by other priorities the last few years.

H. Residential

High Density Residential: Multi-family residential, mostly in the form of apartments, condominiums, and townhomes, are accounted for by this designation. Areas designated for High Density Residential development are mostly near the downtown and along major transportation routes. All multi-family structures are now subject to architectural review, and

the City will be looking for a higher quality of site planning, architecture, and overall development high density projects have exhibited in the past. The applicable zones are WR-3 and WR-4, but WR-2 with a PUD option also allows for high densities.

Urban: 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, andWR-2.

Suburban Residential: Lower density residential areas at the periphery of the urban service area generally fall under this designation on the Future Land Use Map. The residential product type is predominantly single-family, but cluster homes and low-density town homes that preserve significant open space are also appropriate. Densities range from one unit per 2 ½ acres to 2.5 units per acre, but could be higher through the PUD. Zoning districts include WCR, WER, and WSR. Cluster residential that preserves considerable open space, allows for limited agriculture, maintains wildlife habitat is encouraged.

Rural Residential: The rural residential designation is intended primarily for areas that are already divided into lots of 2 ½ to 10 acres in size. Its intent is to preserve rural character while allowing existing large-lot residential areas to continue without becoming non-conforming as to minimum lot size. Applicable zoning districts include WCR and WA-10. Rural residential is not seen as a desirable future development option, and this Growth Policy does not advocate designating additional areas for rural residential beyond what is already depicted on the Future Land Use Map.

The various residential future land use districts are well defined and without major issues. The only task outstanding is to complete the addition of WA-5, WA-10, WA-20, and WA-40 zones into the zoning code to match the equivalent county zones. That code amendment was put together and the Planning Board recommended approval of it to the City Council in 2009, but the City Council postponed that indefinitely because they were at the time re-negotiating the Interlocal Agreement with Flathead County and didn't want to complicate matters. Those code amendments should be brought back to the Council. Staff recommends that High Density Residential mention light commercial uses such as professional offices allowed conditionally along major arterials so those existing uses are consistent with the Growth Policy. Also, the last sentence in the definition of Rural Residential has proven to be problematic. Changing Rural to Rural Residential is not as big of an issue as changing Rural Residential to Suburban Residential. There are several non-conforming properties that are split by different zoning that may need to amend the Future Land Use Map to extend Rural Residential into some Rural designated areas. The existing wording makes it difficult to find Growth Policy support for those unique circumstances.

I. Planned Resort

Planned Resort: This designation is for a master planned, dense, mixed and multi-use destination resort complex. The Planned Resort center is highly walkable and is pedestrian and bicycle oriented. Architecture and streetscapes are of very high quality. Parking is generally in on-site structures or lots that do not interfere with trails, paths, and walkways. Land uses include accommodations of all kinds, resort retail, eating and drinking establishments, and spas and fitness centers. Residential uses are generally medium to high density and are clustered around open space and other resort amenities. Zoning is generally WPR (Whitefish Planned Resort).

Staff brought an ordinance before the City Council to adopt a Planned Resort zoning district per the Growth Policy directive above, but the council unanimously denied its adoption based on concerns it opened the door for small resorts and possible satellite cities. An amendment needs to be made to the text add Big Mountain zoning (WBMRR, WBMV) to allowed zoning within a Planned Resort Future Land Use in the last sentence above. The zoning type Planned Resort should be removed from the text to reflect the council's decision to not adopt such zoning. It should be noted that the Planned Resort zoning was designed as an 'equivalent' to the County BR-4 zoning that exists in Elk Highlands on the mountain since the city needs to eventually change all county zoned lands within the planning jurisdiction to equivalent Whitefish zones. If the city wins the doughnut lawsuit, another Planned Resort type zoning district will need to be considered to match the BR-4.

J. Resort Residential

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

There are a few Resort Residential areas on the map that should be looked at. The latest update to the Downtown Master Plan is calling for BNSF property north of the Railway District to change from what is currently Resort Residential to High Density Residential. Resort Residential zoning is basically the same as High Density Residential, only vacation rentals (less than 30-days) are allowed in Resort Residential. Staff is of the opinion that in the unlikely event that property is ever sold for development, allowing some overnight rentals near downtown would fill a need. If the council adopts the Downtown Master Plan update as is, this will need to be changed on the map. Resort Commercial might even be a better choice.

The other major issue with the Resort Residential Future Land Use on the map is that it was applied in areas where there should have rather been a Resort Commercial Future Land Use type. Resort Commercial was accidentally omitted from the original Growth Policy and the map as a Future Land Use, therefore places like the Whitefish Lake Lodge and Grouse Mountain Lodge were given a Resort Residential Future Land Use.

That puts those properties out of compliance with the Growth Policy and limits their flexibility with regard to any possible future expansion. Staff recommends we change those properties to a Resort Commercial category and add a new section in the Growth Policy for Resort Commercial that would read thus:

> **Resort Commercial**: This designation is defined by medium to high density resort uses such as hotels, motels, conference centers, and recreation areas, including residential development of all types and densities (in accordance with specific zoning) including rental cabins, vacation cottages, condominiums, and town homes. Hotels and resorts are also allowed, including limited associated commercial uses such as restaurants, bars, and tourist and recreation associated retail. Zoning is generally WRB-1 and WRB-2.

K. Rural

> **Rural**: Open lands with decidedly rural character, including farmlands, pasture lands, timber harvesting and management areas, and forest lands generally fall under this designation. Agricultural and timber management are generally allowed, but residential densities are extremely low. This designation includes "important farmlands" as defined by National Resources Conservation Service criteria. Zoning is mainly WA-10 and WA-20.

Once again, the City Council needs to adopt WA-10 and WA-20 zoning, which they previously tabled, in order to facilitate the Growth Policy.

L. Environmentally Sensitive Areas

> **Environmentally Sensitive Areas (ESA Overlay):** Lands subject to this overlay are deemed environmentally sensitive due to a number of factors. ESA lands may have high groundwater, hydric soils, steep and/or potentially unstable slopes, or other development constraints. ESAs also include riparian lands and flood plains adjacent to the Whitefish River, local creeks and streams, wetlands, and critical wildlife habitat. Areas subject to the EAS may not be developable to full allowable densities under applicable zoning due to specific environmental characteristics. Sensitive areas mapping from the 1996 Master Plan will be adopted and utilized until such time as new mapping can be developed pursuant to a critical areas ordinance and/or a comprehensive hillside development ordinance.

The 1996 '2020' Comprehensive Plan shows mapped Environmentally Sensitive Areas (ESA) as dotted (see attached map, Exhibit 5). The ESA Overlay was never added to the 2007 Growth Policy Future Land Use Map because the city adopted a Critical Areas Ordinance (CAO) in 2008, which focused on water quality but also included a hillside development ordinance. However, the hillside section was later removed due to controversy, and the CAO was amended to become the Water Quality Protection Ordinance (WQP) that just dealt with development within a few hundred feet of lakes and streams and wetlands. The ESA Overlay is more expansive, and takes into consideration things the WQP does not such as steep slopes, critical wildlife habitat, and areas of high groundwater. The question then is whether it is worth adding the ESA

overlay to the Future Land Use map to further protect sensitive areas, or whether the current WQP ordinance is sufficient in that regard.

Infill Policy

The Planning Board is tasked with making a recommendation to the City Council on whether to retain the infill policy as part of the Growth Policy.

The infill policy states:

> 9. Land designated Rural or Rural Residential on the Future Land Use Map shall not be redesignated by the City of Whitefish through a Growth Policy amendment, neighborhood plan, or subarea plan, except as set forth in the Implementation/Intergovernmental Element, until at least 50% of the previously entitled dwelling units, as depicted on the Approved Entitlements Map dated September 20, 2007, is actually constructed.

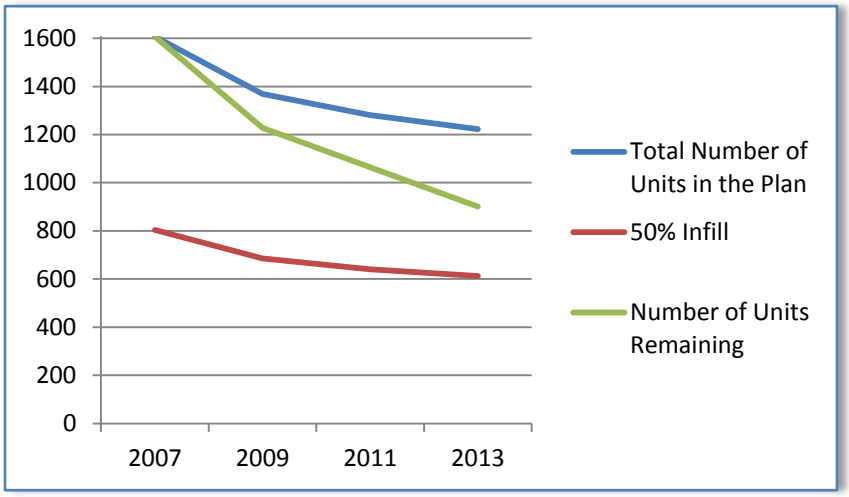
The areas identified as 'Rural' and 'Rural Residential' are those areas surrounding the urban/urbanizing area of the city (green and tan). They are areas without immediate, easy access to municipal water and sewer and may have roads not intended to serve urban densities.

There are a large number of available entitled home sites on existing platted undeveloped lots in the Whitefish area that are already on utilities. New small lot subdivisions on the rural fringe often eliminate prime agricultural land and burden city taxpayers with the cost of increasing the capacity of water and sewer and road maintenance services. It was determined that encouraging construction on vacant lots as infill was preferred to allowing more suburban and urban density subdivisions in rural areas before that land is truly needed for residential purposes. The policy was meant to discourage the Growth Policy adopted Future Land Use Maps from being amended. However, the policy will go away when the infill goal of 50% development of those platted lots is reached. Much of the impetus to adopt the policy was driven by the residents of areas such as Karrow Avenue and Monegan Road who adamantly wanted to see their rural areas protected.

The Infill Policy does not specifically prevent property outside the city from being subdivided or rezoned to higher densities, and it still allows zoning changes to higher densities as long as they are still consistent with the underlying Future Land Use map. For example, a, property within a Rural Residential land use overlay is not prevented from rezoning a 15 acre minimum zone to a 2.5 acre minimum zone to add density. Both Country Residential (WCR) and the Agricultural (WA) zones are allowed under the Rural Residential land use overlay. Even higher density developments can be approved through the Planned Unit Development process for new subdivisions. The City Council also has the authority to approve changes to rural areas of the Future Land Use Map to suburban densities if a development can show it provides a significant public benefit. So the infill policy does not prevent re-zones or new subdivisions, it just discourages

changing the underlying future land-use map in rural areas to suburban or urban densities until the city gets to a place where there is a much smaller number of available lots to develop and it makes sense to extend infrastructure out to those rural areas.

Progress



This chart shows the progress being made toward achieving the 50% threshold. In 2007, there were 55 developments with some level of entitlement. Since 2007, the number of active developments has dropped to 33, as 22 projects have expired. This has caused the total number of entitled lots in 2013 to decrease to 1,223 – almost a 24% reduction since 2007. This has also resulted in the 50% threshold to drop as well, while the number of units being constructed has accelerated (depicted on the green line). The total baseline number of units has dropped from 1607 to 1223, with 901 of those still vacant in 2013. Based on that, 289 new units will need to be built to reach the 50% infill number of 612.

Based on our current development pattern of approximately 75 new units a year, it would take approximately four years to build 289 units, or an estimated four years to reach that 50% infill plateau.

Entitled Lots

The way the City arrived at the number of entitlements is an important consideration. As used in the Growth Policy, the term "entitlement" refers to a legal status whereby the right to develop something, in this case a dwelling unit, has been established through some development review, approval, or permitting process. In very simple terms, an entitlement is an approval of some kind, but that approval has not yet been exercised----like a legally platted lot that is vacant.

For purposes of the Growth Policy, entitlements were tabulated as a way to assess the infill development potential in Whitefish. All known approved development projects located generally within the urban service area of the City were inventoried, and the most accurate tabulation possible was made of the units left to be built within each. The units were then added up to arrive at a total number of 1,578 entitlement units as of September 20, 2007. After re-checking the numbers, staff modified that total to 1,607. In 2009, we subtracted all the subdivisions that had expired or were soon to expire, as well as a number of lots that were counted that are already in a Rural designated area. We did not add in any of the 100 or so newly created lots since 2007. We arrived at a new

baseline total of 1,369. For 2013, we did the same re-calculation, and ended up with a new baseline total of **1,223**.

It is important to note that in identifying development projects to be included in the calculation, only the most recently approved developments were considered. Also, as stated previously, only projects generally within the urban service areas of Whitefish were considered. This also doesn't take into account all the land in our rural areas that has existing zoning and underlying Growth Policy future land use designation that could accommodate smaller lot subdivisions. Subdivisions in rural areas not served by city water and/or sewer are not considered to be a component of infill. Finally, vacant or under-developed parcels within the City that could be developed or redeveloped without subdivision were not included either. At the time of the Growth Policy in 2007, the estimate for the total number of these types of lots was 1,200.

Only the following types of projects were included:

- Final plat - These are vacant lots and/or as yet un-built units within an area that has received final plat approval. Examples are Iron Horse, Great Northern Heights, and The Lakes Subdivision.
- Preliminary plat - These projects have an approved preliminary plat, but no final plat had been approved as of August, 2006. Examples are Hidden Meadow Preserve and Karrow Glen.
- Planned Unit Developments (PUD) - Approved PUDs include Bridgewater Trails, Old Towne, and The Views Condos. (Note: Some projects have both approved PUDs and preliminary plats.)

All projects used in the tabulation of entitlement units are depicted on the 2007 Approved Entitlements Map (Exhibit 8). Attached as Exhibit 7 is the updated list of vacant newly subdivided lots counted with the number of units remaining.

<u>What is Infill?</u>

An infill policy is a tool to manage growth. It is well known that rural and suburban sprawl has significant costs to municipalities, rate payers and homeowners compared to infill. There are increased infrastructure costs to simply build new water and sewer lines and develop new roads. The maintenance of these extra facilities is borne by the city tax payers and rate payers of the facilities. Maximizing the use of existing public facilities should lower the per capita costs of providing and maintaining services. Other personal costs are increased by developing in a sprawling pattern including transportation costs and loss of time due to spending more time traveling.

Infill can provide the following benefits:

- Provides housing near job centers and public transportation, reducing congestion
- Increases the property tax base in the city without requiring annexation
- Preserves open space on the fringe of the city
- Residents to support existing shopping districts and services
- Capitalizes on existing community assets such as parks and infrastructure
- Properties underutilized or blighted are redeveloped, increasing values

- Infill housing often provides affordable housing opportunities
- Lower cost for developers because there is no obligation for infrastructure improvements

While rural lands and open space may eventually develop as the city grows, those areas do have a function more than aesthetics. Open space protects animal and plant habitat and working lands by removing development pressure and redirecting new growth to the existing community. It protects the environment by combating air pollution, blocking wind, and reducing noise. It moderates temperatures and provides erosion control, protecting surface and ground water resources by filtering runoff and chemical pollutants before they enter water systems.

Do We Still Need An Infill Policy?

The City will grow into rural areas eventually, but currently there are still over 900 lots available to be built upon just in the subdivisions approved in the couple of years leading up to the Growth Policy adoption (there are at least that many available vacant and under-developed lots with easy access to public infrastructure). Whitefish is still a destination of choice in the second home market. People are still building homes on existing vacant lots in Whitefish faster per capita than anywhere else in the valley as our 2013 Building Department numbers show. Until the glut of available, more affordable lots is used up, it will make little financial sense for developers to initiate new multi-lot subdivisions anyway. As planners and forward-thinkers, we should lay a foundation so that when new development comes, we create well-designed quality neighborhoods with open space, parks, and trails to attract new families. Any new subdivision that comes along will be reviewed on its own merits on how it adds value to the community, whether there is an infill language in the Growth Policy or not.

At the very least, it is clear that Whitefish still has an overabundance of available lots to build homes on, and it will take years before those are developed and the community truly needs to extend more utilities to subdivide additional rural lands into suburban lots. The amenities of open space and high yield prime agricultural land surrounding Whitefish are one of the many reasons many people choose to move to our beautiful community. It would seem unwise to change long-term land use designations on those lands without a demonstrated need or public benefit. Eventually the City will grow to such an extent that there is no other place to accommodate new residential development, and it will make sense to change the land use. By the time growth in those areas is needed, the City should have some more comprehensive character based development regulations in place which may mandate more clustered developments with open space and agricultural land protections as set out elsewhere in the Growth Policy. Staff recommends retaining the infill policy.

Implementation Element

The Implementation Element is the priority list for the Recommended Actions of the Growth Policy. The original 2007 Whitefish City-County Growth Policy stated the following with regard to the review of implementation priorities:

> It is recommended that immediately upon adoption of this Growth Policy, the City Council and City Manager, in consultation with the Planning Board and Whitefish Planning & Building Director, establish a priority list of programs and regulations for the next two years. Upon the biennial review of the Growth Policy by the Planning Board (as set forth in this element under Periodic Review), implementation priorities shall again be set for the next two-year period.

The original implementation priorities that have already been completed by staff include:

- Update of the subdivision regulations as required by amendments to Montana law enacted in 2005
- Critical Areas Ordinance (amended to be the Water Quality Protection Regulations)
- Parks and Recreation Master Plan

Implementation Priorities that have not been completed include:

- Highway 93 West Corridor Plan (underway, once adopted it will require several months of code changes to implement the plan)
- Wisconsin Avenue Corridor Plan
- Highway 93 South Corridor Plan
- Rewrite of the zoning code to adopt "character based" regulations and to address other issues set forth in this Growth Policy (character-based zoning is being explored in the Highway 93 West Corridor Plan)
- Evaluation of additional affordable housing programs and/or regulations (staff is looking at several non-mandatory options to improve the stock of affordable housing)

Additionally, the Growth Policy specifies that new priorities should be added from the plans Recommended Actions.

Since the Growth Policy was adopted, staff has been completing the elements in the implementation plan as well as the Recommended Actions of the Growth Policy. Major projects such as the Critical Areas Ordinance and the Subdivision Regulations update were both addressed in 2008 with assistance from consultants. In 2009, elimination of budget monies for consultants coupled with the loss of three planning staff members and re-assignment of code enforcement duties impacted time available by staff for long range planning assignments. The Planning Department was able to add another staff person in late 2013 as well as add some consultant monies to the budget, which, while we are still short handed for long range planning, will enable us to tackle some of the implementation priorities in 2014.

Staff recommends the following be the revised priority implementation list:

- Wisconsin Avenue Corridor Plan

With the ever increasing traffic on Wisconsin Avenue and East Lakeshore Drive as well as the massive development potential of several large properties along that State highway corridor, there is a definite need to make a corridor and land use plan for Wisconsin a priority. Here is what the Growth Policy states about Wisconsin Avenue:

The Wisconsin Ave. corridor on the north side of Whitefish has its own unique set of issues. This corridor has **multiple** land uses, heavy seasonal traffic, is an active pedestrian area, and will soon have a major bike route as well. Land uses include commercial, offices, restaurants, lodging, a major resort facility (The Lodge at Whitefish Lake), multi-family residential, public, and semi-public uses. Zoning is a mixture of WB-1 (Neighborhood Commercial), and high-density residential (WR-3 and WR-4). Average daily traffic for 2005 was around 9,000 vehicles just north of Edgewood Drive. In this corridor the plan must address the mix of uses and the transition to residential both east and west of the roadway. It must also address connections to the adjacent residential neighborhoods, orientation and connections to the new bike route, scale issues, landscaping/screening, and circulation/access. Most of the existing commercial is located in the WB-1 (Limited Business) zoning district, and that scale and intensity of commercial activity should be preserved.

- Re-write of 'clustering' chapter in the zoning and subdivision regulations to enhance community character and protect environmentally sensitive areas.

This is part of the implementation item to rewrite the code to implement 'character based' standards for zoning and subdivision. The current clustering chapter in the zoning is cumbersome and ineffective. We have never had an applicant use the existing chapter in the experience of any of the current staff. An incentivized clustering chapter would create much more attractive and functional subdivisions. Such amendments have long been a staff priority. The policy states:

For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

- New Public Lands and Facilities zoning district for parks, schools, and government property

This is an Recommended Action item for both the Growth Policy and the Parks Master Plan

- Re-write existing Warehousing and Industrial zoning district to Planned Industrial

This is an Recommended Action item of the Growth Policy

- Evaluation of Affordable Housing Programs

Mandatory workforce housing has been a hot topic for many years. Due to a slowdown in new subdivisions due to the economy, this item was previously put on the backburner

on the priority list by the Council. The Council will need to take the lead on any mandatory programs. Staff plans on introducing text amendments to streamline 'accessory apartment' regulations in multi-family zones to help facilitate more affordable housing opportunities.

- Create conditional use criteria for buildings over 15,000 square feet

The city currently requires CUP's for new buildings or expansions of buildings to 15,000 square feet or greater. Conditional Use Permit criteria needs to be added to the code that would require an economic impact analysis and other criteria for big box stores, etc.

- Open Space Designation and Acquisition Strategic Plan

Staff was hoping that such a plan would be implemented as part of the recent Parks and Recreation Master Plan, but it was not.

- Rewrite Zoning Code to "character based" regulations

Here is what the Growth Policy Recommended Action states with regard to 'character based' regulations:

> 1. In order to protect and preserve the character, scale, and qualities of existing neighborhoods, the City of Whitefish shall revise the Zoning Jurisdiction Regulations and adopt "character based" standards and "neighborhood conservation" districts for new development, redevelopment, and infill. For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

Adding 'character based' zoning to our residential zoning requirements will require significant revisions of the code. That will likely be a long, drawn out process using steering committees and engaging stakeholders. The latest nationwide trends in 'character based' codes are moving away from strictly character based zoning and toward a blend of tradition zoning and character based codes. For instance, the character based zoning code that former Planning Director Bob Horne developed in Jackson Hole is currently being revised to be more of a blend of traditional zoning because the character based code wasn't working well for them. Blended zoning is a tactic staff recommends pursuing. We are exploring implementing some character based zoning as part of the implementation recommendations of the Highway 93 West Corridor Plan, which will provide a 'test subject' for redevelopment of that area. The main task is adding Floor Area Ratio (FAR), Landscaping Ratio (LSR) standards and impervious surfaces limits to zoning district standards. It should be noted that Whitefish's Architectural Review Standards already provide a solid baseline of some existing "character based" standards and regulations to go with our standard zoning requirements for multi-family and commercial projects. The last part of the Action Item involves amendments to our clustering and subdivision regulations, which staff feels should be a higher priority (and is noted as such above).

- Corridor Plan for Highway 93 South

A Highway 93 South Corridor Plan was a major priority of the Growth Policy. It was put on the back burner when the extra-territorial jurisdiction 'donut' dispute arose. It remains important, but is highly dependent on planning jurisdiction issues being resolved because most of the major planning issues involve properties outside city limits. Here is what the Growth Policy states with regard to Highway 93 South:

Hwy 93 South is characterized by a number of commercial establishments of various kinds. Many are legal non-conforming uses, but most are legal permitted and conditional uses under the SAG-5 Flathead County zoning district (administered by the City of Whitefish within the jurisdictional area). Most of this corridor is heavily timbered, and many of the commercial buildings are of high quality. These two factors make the corridor far less visually distracting than many commercial strips in unincorporated Flathead County. Still, the corridor suffers from a lack of screening and landscaping, and from multiple uncontrolled highway approaches. Widening of the highway and growth in traffic have made the residential environment increasingly hostile. Because of this factor, there has been disinvestment in residential property resulting in some of those properties taking on a rundown appearance. ADT is approximately 15,000.

While the issues facing the Hwy 93 South corridor are complex and will be difficult to solve, the Whitefish community has long history of discouraging this area from becoming a "commercial strip". Policy 6.3 of the 1996 Master Plan states, *Avoid the spread of strip commercial activity south of the Highways 93 and 40 intersection.* In 2004 when the North Valley Hospital Neighborhood Plan was adopted, it included the following goal: *In no way promotes or encourages commercial development south of the Highway 40 intersection.* As concluded earlier in this element of the Growth Policy, visioning session participants expressed very little support for extending additional commercial development in either the Hwy 93 South or Hwy 40 corridors. Finally, it is important to remember that the existing zoning in the corridor was put in place in 1993 by the Blanchard Lake Area Zoning District, and one of the reasons for the SAG-5 zoning along the highway itself was that additional commercial development was not supported by the master plan in effect at that time. Therefore, any corridor plan for Hwy 93 South **must successfully address** at least the following issues:

- Commercial growth- Commercial growth will continue to be discouraged by the City of Whitefish.
- Scale- The existing modest scale of commercial and residential structures should be maintained. No "big box" retail or office buildings should be proposed.
- Architectural standards- Any successful plan must include high standards of architectural design that is compatible with the wooded environs of the corridor.
- Landscaping/screening- The corridor plan must include standards for replacement of existing forest stands, on-site landscaping, and screening of parking and service areas.
- Utilities- Water and sewer service must be provided, or, the corridor plan should support no more development than can be served by well and septic systems **without** adversely affecting water quality or wells on neighboring properties.

- Trip generation- With growing traffic volumes on Hwy 93 already, additional non-residential uses should not be of a nature that attracts large numbers of additional vehicle trips. The corridor plan must include a traffic impact and access analysis.
- Traffic safety, circulation, and access- Traffic safety will be a major concern with any new growth in this corridor. The proliferation of access points can cause both safety and traffic access problems. An access and circulation component must be a product of the over-all corridor plan.
- Bike/pedestrian facilities- Bicycle and pedestrian ways must be provided within the corridor itself, and should link to the existing commercial areas north of Hwy 40.

Due to the complexity of the corridor, staff estimates that utilizing consultants a thorough plan would likely take around a year to accomplish, and will cost at least 70-80K. For comparison, the Highway 93 West plan, which is a much less complicated corridor, has taken the consultant team over twelve months and cost $54,000. Doing the plan in house may still require up to $40-50K in consultants for mapping and landscape architecture, and a longer timeline. However, some cooperation may be achieved with other interested parties. Staff has been in dialogue with a contract planner that represents a group of Highway 93 frontage property owners south of Highway 40 about initiating some joint planning of the area, and at least $10,000 has been offered up by a private individual (Tee Bauer) toward consultant fees for corridor planning at Highway 40 and Highway 93 South.

A corridor plan for Highway 93 for just property in the city limits could be developed. However, the WB-2 commercial use boundaries are well established and other issues are minimal compared to south of Highway 40. We also have an existing but outdated plan for that area. It would also leave out the portion of the highway most prioritized by the 2007 Growth Policy and a large group of citizens that want the corridor zoning reviewed. Without the county's cooperation, it will be difficult to find a solution for the area south of Highway 40 that permanently protects land use and aesthetics in the corridor.

Recommendation

Staff recommends the Whitefish City-County Planning Board review the future land use text, future land use mapping, infill policy, and implementation priorities as outlined in this report, and then make a recommendation to the City Council with regard to the Six-Year Review Summary of the 2007 Whitefish City-County Growth Policy.

Staff recommends the following changes to the Growth Policy:

- Specific Proposed Growth Policy Amendments to Future Land Use Classifications:

  Neighborhood Commercial: Neighborhood commercial is usually defined as commercial uses that mainly draw clientele from a smaller, sub-community area. Uses include convenience stores, personal services such as a barber shop or salon, and agency offices such as a branch bank, real estate, or insurance. The purpose of neighborhood

commercial is usually for the convenience of residents of nearby neighborhoods as well as passers by. They tend to be pedestrian oriented, shorten vehicle trips, and generate far more non-motorized trips than general commercial, which is more often auto oriented. Zoning is generally WB-1.

Business Service Center: This is a non-retail service commercial and light industrial designation. Major uses would be distribution, light manufacturing and component assembly, office-warehouse-showroom types of operations, contractors, building and material suppliers, wholesale trades, mini-storage, and other commercial services of a destination nature. Suitable locations would be adjacent to arterial or collector streets or a highway. Structures would be of moderate to high architectural quality, and clearly not "industrial" in appearance. Landscaping will be extensive with good quality and effective screening and buffering. Applicable zoning districts would be WB-4, WBSD, and a re-written WI.

Planned Industrial: Vital industries need to be provided for in areas where they will not compete against commercial development for land, but also where they will not impact residential neighborhoods with intense industrial activities and truck and rail traffic. Industrial uses tend to be centers of employment, generate far less traffic than commercial, and do not generally depend on drive by traffic for clientele. WB-4 and WI are the applicable zoning districts.

Hospital/Medical/Office: This designation is primarily for the new North Valley Hospital and related medical offices and services, but it can be applied to any location in the community where medical/professional office development is a desired use. The North Valley Hospital area is subject to a master plan amendment and a planned unit development, which regulate uses and site planning parameters. ~~A new Office/Professional zoning district must be written and adopted to implement this land use designation.~~

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

Rural Residential: The rural residential designation is intended primarily for areas that are already divided into lots of 2 ½ to 10 acres in size. Its intent is to preserve rural character while allowing existing large-lot residential areas to continue without becoming non-conforming as to minimum lot size. Applicable zoning districts include WCR and WA-10. Rural residential is not seen as a desirable future development option, and caution should be exercised before ~~this Growth Policy does not advocate~~ designating

additional areas for rural residential beyond what is already depicted on the Future Land Use Map.

Planned Resort: This designation is for a master planned, dense, mixed and multi-use destination resort complex. The Planned Resort center is highly walkable and is pedestrian and bicycle oriented. Architecture and streetscapes are of very high quality. Parking is generally in on-site structures or lots that do not interfere with trails, paths, and walkways. Land uses include accommodations of all kinds, resort retail, eating and drinking establishments, and spas and fitness centers. Residential uses are generally medium to high density and are clustered around open space and other resort amenities. Zoning is generally ~~WPR (Whitefish Planned Resort)~~ WBMRR and WBMV.

Resort Commercial: This designation is defined by medium to high density resort uses such as hotels, motels, conference centers, and recreation areas, including residential development of all types and densities (in accordance with specific zoning) including rental cabins, vacation cottages, condominiums, and town homes. Hotels and resorts are also allowed limited associated commercial uses such as restaurants, bars, and tourist and recreation associated retail. Zoning is generally WRB-1 and WRB-2.

- Staff recommends the following mapping changes to the Future Land Use Map:
    - Change Future Land Use Map to place 'Resort Commercial' Future Land Use under property owned by Grouse Mountain Lodge and The Whitefish Lake Lodge
    - Update Future Land Use Map to reflect changes incurred by new Downtown Master Plan and Highway 93 West Corridor plans (TBD).

- Staff continues to recommend upholding the 50% Infill Policy

- Staff recommends the following Growth Policy Implementation Priorities:
    - Wisconsin avenue Corridor Plan
    - Re-write of 'clustering' chapter in the zoning and subdivision regulations to enhance community character and protect environmentally sensitive areas.
    - Create new Public Lands and Facilities zoning district and apply it to public property
    - Rewrite Whitefish Warehousing and Industrial Zoning district to Planned Industrial zoning
    - Streamline accessory apartment requirements for multi-family zones as part of the evaluation of affordable housing programs and regulations
    - Create conditional use criteria for buildings over 15,000 square feet
    - Create Open Space Designation and Acquisition Strategic Plan
    - Add 'character' based standards such as Floor Area Ratio (FAR), Landscape Ratio (LSR), and impervious coverage maximums to zoning regulations
    - Highway 93 South Corridor Plan

Appendix A

2007 Growth Policy "Recommended Actions" Detailed Review

This section is an in-depth review of adopted Recommended Actions which have either been achieved or are underway, with comments on their effectiveness if applicable. Items with no comments have either not been initiated, or not enough information was available on the progress to provide information.

Natural Resources Element

Air Quality

1. Require dust-free surfaces on all new driveways and parking and vehicle storage areas within the planning jurisdictional area.

Underway. The parking section of the zoning code already requires this for new construction and existing multi-family and commercial use, but does not require it for existing single family residential unless the house is expanded by 50% or more.

2. Require developments to provide off-site pedestrian and bikeway improvements "up front" so that facilities are available concurrently with demand.

Staff is evaluating several options with regard to bike and pedestrian improvements as part of its 'Building Active Communities' partnership with North Valley Hospital and Montana State University.

3. Continue to work and cooperate with federal, state, and county agencies on air quality monitoring programs for the Whitefish area.

4. Continue to explore programs and regulations that will improve, or at least maintain, Whitefish's air quality over time.

The downtown TIGER Grant project currently underway will reduce traffic congestion and improve air quality. The city is also working on bringing non-conforming unpaved commercial parking lots into compliance.

5. Initiate a program to establish reasonable benchmarks for Vehicle Miles Traveled (VMT), and to reduce VMT growth as the city grows.

The updated 2010 Whitefish Area Transportation Plan dictates growth in alternative transportation modes to reduce carbon emissions. In addition, the Safe Routes to Schools Program (K-8) will encourage more children to walk to school, reducing vehicle trips.

6. Evaluate the effectiveness and feasibility of a wood stove buy-back program.

Not sure who would take the lead on such a program. Outside the scope of land use planning.

Water Quality

1. Ensure that baseline water quality monitoring programs are established for all Whitefish area lakes, rivers, and streams, and use the outcomes to target measures to improve water quality.

Underway. The City of Whitefish supports the Whitefish Lake Institute (WLI) water quality monitoring program via a grant in the amount of $15,000 annually. The grant money is split evenly in the Public Works Department Water Fund ($5,000), Wastewater Fund ($5,000), and Stormwater Fund ($5,000). The grant money supports physical and chemical monitoring at two locations on Whitefish Lake, in addition to tributary inputs including; Lazy Creek, Swift Creek, Hellroaring Creek, Smith Creek, Viking Creek. Lake output is monitored on the Whitefish River at the Hwy 93 Bridge. WLI also monitors atmospheric nutrient deposition as related to water quality. Monitoring sites within the Whitefish Planning Jurisdiction not included in the WLI program include the Whitefish River downstream of the Hwy 93 Bridge, Haskill Creek and Cow Creek.

One area that could use improvement is monitoring of the City's stormwater outfalls.

2. Formulate and adopt regulations that would "piggy back" onto the 20-foot lakeshore protection zone and 10' structural buffer to address water quality issues such as erosion, sedimentation, nutrient loading, and pollutants from construction (paint, stains, corrosives, etc) farther landward adjacent to Whitefish, Lost Coon, and Blanchard Lakes.

Achieved. The Critical Areas Ordinance, adopted by the City Council in 2008, revised as the Water Quality Protection Ordinance, established setbacks, slope review, and erosion control standards for new construction around Whitefish, Lost Coon, and Blanchard Lakes.

Additional education and measures should be taken to protect local water bodies from aquatic invasive species.

3. Initiate stream bank regulations, including minimum setbacks and undisturbed buffer areas, that are expressly designed to protect and enhance water quality, and to keep stream banks and shorelines in their natural condition to the extent possible.

Achieved. The Critical Areas Ordinance, adopted by the City Council in 2008, revised as the Water Quality Protection Ordinance, established stream bank regulations and minimum setbacks.

4. Enact water quality enhancement measures in the Whitefish Stormwater System Utility Plan (WSSUP).

Achieved. The Whitefish Stormwater System Utility Plan was recent updated and adopted as the City of Whitefish Engineering Standards. The document provides updated performance standards for erosion control, stormwater, and water quality enhancement.

5. Initiate an intense public information campaign on how fertilizers and pesticides can impact the water quality of Whitefish's lakes and streams.

Through the support of the City of Whitefish, WLI is able to promote educational and outreach programs that speak to the issue of fertilizer and pesticide application. These programs include presentations to HOA's, information in WLI's quarterly newsletter *LakeFront* and WLI education boat tours. The City also has sent out flyers to all lakeshore residents on several occasions.

6. Study seasonal ordinary high water (OHWM) on Blanchard Lake for a period of five years in order to establish OHWM in accordance with Montana law.

Completed. Recently, a five year study initiated by F&H surveying to establish the seasonal ordinary high water on Blanchard Lake was completed. It verified the existing high water mark as consistent.

7. Based upon the VOC study produced by the Whitefish Lake Institute,
   a. Strongly encourage the Montana Department of Fish, Wildlife and Parks to consider banning carbureted two-stroke engines from Whitefish and Blanchard Lakes.

As a result of the WLI VOC study, a couple of years ago former State Senator Dan Weinberg introduced a bill to restrict the sale or resale of carbureted two-stroke engines. The bill failed in committee. However, the marine engine industry is responding to public pressure by phasing out carbureted two-stroke technology and replacing it with cleaner burning fuel injected four stroke technology.

   b. Encourage the City of Whitefish to provide a bilge purge area at the City Beach boat launch in order prevent gasoline constituents from entering the lake directly.

Underway. As a result of the WLI VOC study, the Whitefish City Council approved the installation of an interceptor ditch and dry well type structure on the City Beach Boat Ramp. This project is slated to be completed over the summer.

8. In order to avoid concentrations of impacts on the resource, encourage the City, County, and State of Montana to provide additional public access points to Whitefish Lake.

Ongoing. In 2008, the State of Montana Fish, Wildlife, and Parks took over management of Les Mason Park from the Friends of Les Mason Park. The county has made improvements to their access at Lazy Creek.

9. Work with and support non-profit conservation groups such as the Flathead Land Trust, Montana Land Reliance, Whitefish Lake Institute, and Nature Conservancy to preserve and maintain critical waterfront sites as open space.

Underway. Thus far the only wetlands preserved as open space have been those at Viking Creek given to the Whitefish Lake Institute for management

10. Execute an agreement with the Montana DEQ and the Flathead County Health Department to actively identify, pursue, and correct failing and substandard individual sewage disposal systems that are polluting surface and/or ground waters.

The Whitefish Lake Institute (WLI)—supported by Montana Department of Natural Resources and Conservation (DNRC) Renewable Resource Grant and Loan (RRGL) funds—conducted research and identified areas of concern on Whitefish Lake related to aging and substandard septic systems, and reported their results in the 2012 *Investigation of Septic Leachate to the Shoreline Area of Whitefish Lake*. As a result, the City of Whitefish formed the ad-hoc Whitefish Community Wastewater Committee (WCWC) to address the issue and provide a range of management options which are now found in the Whitefish Community Wastewater Management Plan (2013). As Technical Facilitators to the WCWC, WLI provided to the Whitefish City Council prioritized management actions from the Whitefish Community Wastewater Management Plan via memos, the most recently dated 2-20-14. The issue is pending Whitefish City Council direction.

Critical Areas

1. Initiate a public awareness program on the value and function of wetlands in both an urban and rural environment.

In 2008, the City of Whitefish approved the Viking Creek Development Proposal which included a 30 acre wetland gift to the Whitefish Lake Institute. WLI will protect the area for water quality and wildlife habitat in perpetuity while opening a portion of the area to an interpretive nature trail. WLI has been active in creating public awareness about the wetlands.

2. Map environmentally sensitive areas at an appropriate planning level so that developers and the general public are made aware of their presence.

Achieved but could be improved. Environmentally sensitive areas were mapped as background data for the Critical Areas Ordinance. Recent Lidar mapping was completed providing more accurate topography. Consultant funds need to be budgeted to evaluate the data and update the mapping.

3. Enact regulatory requirements for site specific wetland identification, evaluation, preservation, management, buffering, and enhancement in conjunction with new and expanded development.

Achieved. The Critical Areas/Water Quality Ordinance fulfilled this recommended action.

4. Develop a comprehensive critical area ordinance (CAO) that:
    a. Identifies the critical resources to be protected
    b. Establishes benchmarks for each resource (current condition)
    c. Establishes goals desired for each resource
    d. Determines the existing impacts and threats that are contributing to the degradation, or potential degradation, of the resource, and determine the relative significance of each impact
    e. Establishes performance-based standards to achieve desired goals
    f. Establishes guidelines to achieve standards
    g. Establishes guidelines and mitigation measures for stream crossings, terrain disturbance on steep slopes, and stream and wetland encroachments

Achieved. The Critical Areas Ordinance/Water Quality Ordinance enacted by the Council fulfilled this recommended action item.

5. Promote a greater understanding of what specific natural hazards are prevalent in the Whitefish area, and how they can be avoided or mitigated.

6. Add a menu of effective mitigation measures for high ground water to the building code through adoption of supplementary regulations.

Still needs work. The City Engineering Standards need to be updated to address this issue through strict requirements for development in high groundwater areas. The revised subdivision regulations also provide requirements for development in these areas.

7. Define a "maximum buildable" slope and establish it consistently in zoning and subdivision regulations and in the public facility design standards.

The Critical Areas Ordinance did not define a "maximum buildable" slope, however the revised subdivision regulations requires newly created lots to have a buildable area with slopes no greater than 30%.

8. Initiate a program to establish baseline data on critical wildlife habitat at a sufficient level of detail to alert developers and landowners of wildlife issues.

Fish, Wildlife, and Parks has baseline data on critical wildlife habitat available.

9. For areas of severe soil limitations, as mapped by the Natural Resources Conservation Service (NRCS), require site specific soil and subsurface investigations and mitigation measures for all developments.

10. Incorporate environmental standards into the City's floodplain ordinance, and encourage floodplains to be retained in their natural state.

Updated floodplain regulations were adopted by the City Council in March, 2008. However, they need to be revised to be consistent with the new state model ordinance. The floodplain is identified for protection in the CAO and the Subdivision Regulations.

Economic Development Element

1. Implement code and master plan (Growth Policy) amendments recommended in the Downtown Master Plan.

Achieved. Zoning code and Architectural Review Standards amendments were approved by the City Council in 2008 as part of the Downtown Master Plan implementation. New streetscapes and sidewalks have been implemented on Central Avenue. New City Hall design is underway. Parking improvements are always under consideration – 3-hour parking was implemented in lot at 3rd and Central in 2011. The Downtown Master Plan is currently going through an update.

2. Research regulatory amendments to discourage or prohibit formula business from locating in the downtown area.

Achieved. The Downtown Master Plan implementation zoning code changes prohibit formula retail from locating in the Old Town Commercial District downtown.

3. Explore adding an economic impact analysis requirement to the permitting process for big box commercial facilities.

Not yet achieved. Staff explored that requirement during the WB-2 zoning issue, but it was ultimately removed from proposed code changes. The city could do a code amendment to require economic impact analysis when conditional uses are triggered for buildings over 15,000 square feet.

4. Review design and signage standards, propose amendments where necessary, and continue to support the current regulations on billboards.

Underway. The Architectural Design Standards were completely revamped in 2008, with changes approved by the City Council. Staff periodically initiates housekeeping revisions of the sign standards. Billboard enforcement will be expensive due to certain litigation, and needs more support/direction from the Council and City Attorney's office.

5. Work with the DNRC and Fish, Wildlife, and Parks to explore ways to promote resource based tourism without endangering vital natural resources.

Underway. Partnerships with DNRC, Fish, Wildlife and Parks, Flathead County, the US Forest Service, and private landowners have enabled the Whitefish Trail project to be completed, providing approximately 20 miles of new trails in the Lion Mountain/Beaver Lakes area. Discussion is ongoing with regard to Spencer Mountain and the recreational uses there.

6. Investigate alternatives and possible partnerships to identify and recruit clean, community-compatible industry to Whitefish.

Underway. The City is working with the Chamber of Commerce and MWEDC on this.

7. Conduct asset mapping and SWOT assessment to identify clean industries and businesses compatible with the character and qualities of Whitefish.

MWEDC did this aspect of their visioning process and 5-year plan.

8. Actively pursue partners and grants to fund and establish a business incubator to provide technical and logistic support to new businesses that would diversify the community's base economy.

Not yet implemented. However, this is being explored by MWEDC.

9. Establish development and design standards in the WI and WB-4 zoning district sufficient to attract and protect private investment.

Achieved. The revised Architectural Design Standards added the WI and WB-4 to the Highway Design District. A revised WI zone needs to be completed.

10. Map active local agricultural operations as part of the land use data base.

11. Establish low-density and rural zoning districts in local farming areas, and protect existing operations to the extent possible through agriculture indemnity statements on plats and prior notice conditions of approval.

The 2007 adopted Growth Policy did establish low-density and rural for the underlying land use in many important agricultural areas, and the infill clause was put in to help protect those areas from rezoning to higher density development. Staff also initiated creating 5-acre, 10-acre, 20-acre, and 40-acre agricultural zoning districts, but that was put on indefinite hold by the City Council in early 2010 and needs to be brought back and adopted.

12. Explore incentives for the growth and retention of localized agriculture.

The local Farmer's Market has expanded, as well as the Farm to Schools Program.

Land Use Element

1. In order to protect and preserve the character, scale, and qualities of existing neighborhoods, the City of Whitefish shall revise the Zoning Jurisdiction Regulations and adopt "character based" standards and "neighborhood conservation" districts for new development, redevelopment, and infill. For newly developed areas, regulations shall provide for cluster and "conservation" subdivisions in order to preserve rural character and environmentally sensitive areas.

This item was on the original implementation schedule, and should still be a priority. Staff is recommending doing the last part first (clustering and conservation subdivision regulation revisions) since it will be simpler to accomplish and would have a greater immediate impact, and then later implementing more in depth character based standards through major zoning code amendments (much bigger project, probably requiring a consultant). There are only a half dozen instances of buildings truly out of character with neighborhoods out there, and most of them are single family homes which aren't reviewed by the ARC.

2. In order to preserve and protect historic Whitefish buildings and neighborhood character, the City of Whitefish shall initiate a Historic Properties Survey of downtown and the Railway District, and explore options with regard to historic preservation, including historic overlay zones, preservation incentives, and public education.

The Stumptown Historical Society does have a program to place plaques on historic buildings. As we have seen with the historic Casey's building, nothing currently prevents landmark or iconic buildings from being torn down, and no incentive programs exist to help owners keep and maintain historic buildings. Designating buildings/areas historic is a very politically charged item, and the City Council will need to take the lead on prioritizing it and funding a historic property survey.

3. The City shall formulate and adopt a comprehensive critical areas ordinance (CAO) to protect and manage designated environmentally sensitive lands.

Achieved in March of 2008.

4. All zoning district designations may be reviewed for conformance with this Growth Policy. The City or neighborhoods may initiate rezonings in order to bring zoning into compliance.

Partially underway. A step by step review of all zoning districts for conformance with the Growth Policy is a city council short term goal and will be done when time allows (it is a time consuming endeavor and staff is currently juggling a lot of major projects). The City has worked with at least one neighborhood to create a new zone and initiate rezoning to bring conformance with the Growth Policy (Highway 40 and Dillon Road). Other neighborhoods, such as the neighborhood between the Post Office and the Whitefish River that seems mis-zoned as high-density residential, will have to initiate such

changes themselves through the neighborhood planning process because the City will not initiate a down-zoning due to potential loss of property values.

5. The City shall actively and aggressively pursue an agreement with Flathead County for cooperative planning outside the Whitefish planning jurisdictional area.

The City and the Whitefish City-County Planning Board has been attempting to work with Flathead County and Kalispell on cooperative planning for corridors. That process has been hampered by uncertainty over the interlocal agreement for the planning jurisdiction, and the county's unwillingness to as of yet to pursue joint corridor plans. Any planning outside city limits would benefit greatly from a new interlocal agreement with the county.

6. The City shall actively pursue conservation easements, transfer of development rights (TDR), and other mechanisms to protect and preserve rural lands surrounding the Whitefish urbanized area.

The Whitefish Trail has been a great success story acquiring conservation easements for public trails. Protecting rural lands could be further addressed by adopting an Open Space Designation and Acquisition Strategic Plan, as called for elsewhere in the Growth Policy. Retaining the current infill policy to protect rural areas is an important component.

7. The City shall develop special regulations for "big box" commercial structures to ensure that the scale and character of the community are maintained.

Currently the city requires conditional use permits in commercial zones for buildings exceeding 15,000 square feet (7,500 in the Old Town Central district), but other than architectural design guidelines, there are no other specific regulations for "big box" structures as of yet. This could be addressed by creating conditional use criteria for buildings over 15,000 square feet.

8. The City shall explore a zoning text amendment to allow offices, galleries, and similar uses as conditional uses in the WR-2 zone along Baker Ave. from 10th Street to the Whitefish River.

Achieved through a zoning text amendment passed in the summer of 2008.

9. The City shall formulate, or shall facilitate the development of, corridor plans for all major transportation corridors to address land use, transportation function and modes, noise, screening, landscaping, and all aspects of urban design. Corridor plans shall address the issues and concerns set forth in this element of the Growth Policy. The Hwy 93 South corridor shall be the first priority, and the remaining corridors shall include:
   - US 93 North
   - Montana Hwy 40
   - Wisconsin Avenue

- US 93/Spokane Avenue

Staff is currently working on finalizing a draft of a Highway 93 West Corridor Plan. Once that is adopted, staff will be working on the implementation elements of the new plan. Wisconsin Avenue is a priority for the next plan when that is complete. While Highway 93 South is still a priority, it is hampered by uncertainty with regard to the major components of the corridor being in the planning doughnut. Staff has met with property owners and a planning consultant with regard to a future corridor plan for Hwy 93 South, and the WB-2 zoning committee also recognized a need for corridor planning between Highway 40 and downtown. Highway 40 planning should also be a priority, but it, too, is hampered by planning jurisdiction issues. Adopting plans for areas outside city limits without some cooperation from the County is problematic.

10. The City shall explore adding noise standards to its Community Decay ordinance.

Noise ordinances are best enforced through police powers rather than planning, as the majority of complaints occur after business hours. Also, noise metering equipment is notoriously unreliable and subjective, making it difficult to set acceptable standards through zoning. Staff did initiate code amendments requiring noise mitigation from HVAC equipment on new buildings.

11. Work with Flathead County to adopt firewise practices for development and construction in the Wildland Urban Interface (WUI).

Underway. The revised subdivision regulations include development restrictions adopting firewise practices for development and construction in the Wildland Urban Interface.

12. Revise jurisdictional zoning regulations to include special standards for gravel extraction, including but not necessarily limited to:

- Screening and landscaping
- Noise and dust abatement, including the tracking of material onto public streets
- Surface and ground water quality monitoring
- Preventive and mitigative measures to protect water quality
- Access plans to avoid adverse impacts on existing neighborhoods
- Street reconstruction plans (as necessary)
- Sequential reclamation plans

Standards for the development of gravel pits have not been adopted. This would require adding the use to the code as a Conditional Use in certain zones, then developing performance standards for said CUP's in the Special Provisions chapter. Thus far, this has not been a priority on the implementation list.

13. The City shall adopt standards for widths of waterfront lots in order to control waterfront congestion.

Each residential zoning district has minimum lot widths currently in place that provide such control for new subdivisions.

Community Facilities Element

Municipal Water Services

1. Continue communication and cooperation with the Whitefish Lake Institute (WLI), the Whitefish Water & Sewer District and other agencies to monitor and protect the quality of Whitefish Lake and Haskill Creek (as direct sources of drinking water), and all other local lakes and streams so that point and non-point source pollution can be effectively targeted in regulations and programs.

The City of Whitefish provides funding support and a member to the WLI technical and citizens advisory committees and openly cooperates with WLI, the Whitefish Water District and the Haskill Basin Group. A member of the Public Works Department serves on the Technical Advisory Board of the WLI.

2. Continue to study and investigate pollution from septic systems and implement regulatory and/or programmatic measures to curtail eutrophication of Whitefish Lake.

In 2009, the Whitefish County Water and Sewer District was awarded a grant through the DNRC Renewable Resource Grant and Loan Program to implement a study methodology developed by the Whitefish Lake Institute entitled "Investigation of Septic Leachate to the Littoral Areas of Whitefish Lake, Montana." The grant is expected to be executed soon after contract modifications and negotiations with DNRC.

3. The City of Whitefish shall institute a comprehensive water conservation program that includes public education/information and promotes the principals of sustainability and low impact development.

Underway. The Public Works Department has water conservation brochures available for the public.

4. The City shall explore improving the efficiency of its irrigations systems for parklands and other irrigated open spaces.

Not yet. The Public Works Department could make plans to coordinate with the Parks Department to further improve the efficiency of parkland irrigation systems. Currently the Parks Department pays Public Works for use of water for irrigation, which impacts the Parks budget.

5. The City of Whitefish shall institute a public education program on the use of lawn and garden fertilizers and pesticides, and how nutrients from lawn chemicals impact the area's lakes and streams.

The Whitefish Lake Institute has initiated education materials that cover these topics.

6. For subdivisions and other developments within the Whitefish Planning Jurisdictional Area that propose individual and/or private water systems, require contingency plans to connect to the municipal system at some future time.

7. Formulate comprehensive hillside development and critical areas ordinances to directly address the causes and sources of water pollution and sedimentation, integrating and balancing economic, environmental, and social goals.

Achieved through the Critical Areas Ordinance and revised subdivision regulations.

8. Developments in the 2nd Creek watershed shall be closely evaluated and conditioned to protect the City's domestic water supply source.

The city is working with Stoltze to acquire a conservation easement for the watershed, using grants and cooperative agreements with State and Federal agencies.

Wastewater Collection and Treatment

1. New developments within the Jurisdictional Area which propose on-site sewage disposal shall submit contingency plans for eventual connection to the municipal wastewater system.

2. Continue to work with the Whitefish County Water and Sewer District and the Big Mountain Sewer District to develop and implement long range wastewater management plans for the urbanizing areas of the Planning Jurisdictional Area, including those areas around Whitefish Lake where much of the new construction continues to rely on individual sewage disposal systems.

The City Manager is involved with the Flathead Regional Wastewater Management Committee.

3. Work with the Flathead County Health Department to prepare a public education program on the proper operation, life expectancy, and potential pollution problems associated with individual on site disposal systems.

4. Work with the Flathead County Health Department and the Whitefish Lake Institute to monitor existing on-site sewage disposal systems around Whitefish Lake to detect failed systems, and devise a plan for corrective action.

In 2009, the Whitefish Water District was awarded a grant through the DNRC Renewable Resource Grant and Loan Program to implement a study methodology developed by the Whitefish Lake Institute entitled "Investigation of Septic Leachate to the Littoral Areas of Whitefish Lake, Montana." The grant is expected to be executed in 2010 after contract modifications and negotiations with DNRC. According to the

Whitefish Lake Institute, no communication or cooperation has been done with the Flathead County Health Department since the early 1980's when some dye testing was done.

5. Study the feasibility of extending sewer mains to serve lakefront properties.

The Public Works Department is looking into options for this.

Stormwater Management

1. Formulate and adopt comprehensive hillside development and critical area regulations aimed at eliminating sedimentation and nutrient loading to receiving water bodies from urban runoff and site drainage in order to achieve established water quality standards for receiving water bodies.

Partially addressed through the Critical Areas Ordinance/Water Quality Ordinance adoption and new Public Works Standards.

2. Develop and implement a comprehensive program to reduce water quality impacts associated with the City's urban drainage system to achieve established water quality standards for receiving water bodies over the long term, and to establish Whitefish as a regional leader in environmentally responsible stormwater management.

The City adopted the updated 2008 Engineering Standards which include water quality treatment requirements for new development. The Public Works Department needs to improve the maintenance checkups on City storm water treatment facilities. The City should also provide for some inspection of private stormwater treatment facilities that require maintenance.

3. The City shall explore an incentive-based program that provides for "green roofs" and the reuse of stormwater for irrigation.

This has not been done. However, a Public Works staff member has received LEED A.P. certification for new construction.

Financing and Improvement Mechanisms

1. Continue to explore impact fees as a mechanism for funding future public facility needs resulting from new development.

The City of Whitefish did adopt Impact Fees, which are found under Municipal Code Section 10-2-1 in August of 2007. Transportation impact fees have not yet been adopted.

2. Formulate and adopt a concurrency policy for sidewalks, parks, bike and pedestrian ways, and other related facilities that integrates with an overall master plan for such facilities.

The Parks and Recreation Department has plans to update the City's Bicycle/Pedestrian Master Plan, which will address that issue, with potential new regulations added to zoning.

Solid Waste

1. The City of Whitefish shall explore options for a community-wide recycling program, including public education a community recycling center.

The City is exploring curbside recycling, and will likely ask for input from the Council in the near future on the costs/benefits of such a program.

2. Develop construction management guidelines and incentives for reduction of construction waste through reuse, recycling, and composting.

The City could coordinate with the Flathead Building Association's Green Builder's Group to provide workshops on this subject.

3. The City of Whitefish shall support and promote recycling through the placement of recycling containers in all city facilities.

The city council chambers has recycling containers, and most city departments recycle paper.

4. The City shall formulate and adopt regulations that require refuse disposal for the unincorporated portions of the Whitefish Planning Jurisdictional Area.

5. Institute a public education program for the proper use and disposal of household chemicals.

While the city doesn't have any programs, Citizens for a Better Flathead sponsors programs for household chemical disposal at the landfill.

6. Coordinate community recycling for used electronics.

7. Promote special events and promotions to emphasize the importance of recycling and sustainability to the community.

Pacific Recycling now takes electronics waste year around.

Emergency Services

1. The City of Whitefish shall explore community policing, community resource officers, and other means to provide efficient and localized police services as the community grows.

2. The City's fire prevention program should be expanded to the unincorporated portions of the planning jurisdictional area. It should be integrated with the City's new Zoning Compliance Permit for the unincorporated areas.

3. The City must continue to work with Flathead County and the cities of Kalispell and Columbia Falls, and continue to be a leader in the implementation of E-911.

Completed. The city diligently worked with Flathead County and the other cities on a unified 911 dispatch center.

4. The City shall explore one or more emergency at-grade crossings of the BNSF rail lines in order to enhance emergency access.

Human Infrastructure

1. The City should form and ad hoc committee to review existing community services, determine any additional community service needs, and report its finding and recommendations to the City Council

Parks and Recreation

1. The City of Whitefish shall formulate and adopt a comprehensive park and recreation master plan to assess current parkland and recreational programs and facilities, and to identify and anticipate future needs, and explore funding options for new and/or upgraded facilities.

The Parks Department recently completed a new Parks and Recreation Master Plan.

Open Spaces

1. In addition to a Park and Recreation Master Plan, the City should consider an Open Space Designation and Acquisition Strategic Plan that would identify, prioritize, and set forth realistic recommendations for open spaces of all types.

It is recommended that the council consider making this a city priority project, and the plan could address the additional recommended actions with regard to open space below.

2. The City should be proactive in determining new urban forms and neighborhood types as the urbanized area grows so that important open spaces can be retained.

3. The City shall investigate mechanism to designate open spaces including transfer of development rights, purchase of development rights, scenic easements, conservation easements, and life estates.

4. The City shall investigate the formation of an Open Space Board to coordinate and investigate all aspects of open space designation, priorities, and funding.

5. The City shall seek ways to increase public access to Whitefish Lake, as well as to the Whitefish River and local streams and creeks.

6. As new development occurs, the City shall work cooperatively with land owners and developers to identify and maintain access to publicly and privately owned roads, trails, and lands.

The revised subdivision regulations include language that prohibits gated subdivisions, which helps improve access to private roads and adjacent public and private lands.

Sustainability

1. The City shall appoint a Sustainability Task Force to research and recommend educational community and neighborhood programs with the objective of making Whitefish a sustainable community.

2. The City shall calculate its municipal carbon footprint for daily operations and identify ways to reduce it. The City shall issue challenges to the North Valley Hospital, Whitefish Mountain Resort, and the local school district to do the same.

The Public Works Department could coordinate with a student intern from the FVCC's energy program to provide an energy audit. The Public Works Department could investigate the possibility of running some equipment on a percent biodiesel.

3. The City shall explore the incorporation of sustainability concepts, principles, and incentives into its land development regulations.

Some sustainable concepts were incorporated into the recently adopted Engineering Standards update.

Housing Element

1. The City of Whitefish shall partner with the Whitefish Housing Authority (WHA) to update the 2003 Housing Needs Assessment in order to provide the information and analysis necessary to:
    - Reexamine the existing voluntary program
    - Determine other needs that should be addressed through additional programs

- Assess the feasibility and potential effectiveness of a mandatory inclusionary affordable housing program
- Assess the linkage between high-end market rate housing and the need for affordable housing.

Achieved. An updated Housing Needs Assessment was completed in 2008.

2. The City shall, with the cooperation and participation of the WHA, fully investigate mandatory housing programs for both workforce housing, and a linkage program for seasonal and full-time employees in businesses related to the visitation industry.

On Hold. The Planning Department has been in dialogue with the City Council on a number of occasions on the topic of mandatory housing programs. However, with the slowdown in development that occurred in 2008 and 2009, it became less of a priority and staff reductions precluded further investigation on the topic. In the future, we can look at incorporating additional incentives for affordable housing in new code updates, while City Council needs to take the lead on any mandatory programs.

3. The City shall review its codes and ordinances for additional opportunities to support and provide for affordable housing.

Staff believes revisions to our accessory apartment code would help facilitate more affordable housing.

4. The City and the WHA shall proactively identify the prime locations for affordable housing in the community, and designate those areas on the Future Land Use Map that is contained in this Growth Policy.

5. The City shall investigate the community benefits to adopting and administering a housing code.

6. The City and WHA shall investigate the feasibility of an Affordable Whitefish Housing Foundation in order to bring additional financial resources to the affordable housing problem.

7. The City and WHA shall jointly explore a program to encourage the privately funded construction of accessory residential units and to ensure their continued affordability.

8. The City of Whitefish shall investigate and adopt special standards for residential construction in areas with high groundwater.

High groundwater standards were removed from the revised Water Quality Protection Ordinance. There is a plan to include that in the Whitefish Engineering Standards, but that has not been done yet.

Transportation Element

1. Make construction of new sidewalks and pathways a priority in areas where they do not currently exist.

The City has constructed several new bike/pedestrian paths in the past two years. The City receives money for sidewalks in lieu of constructing them and Public Works will install new ones when there is enough money in the fund for the various sections of town. A new Bicycle/Pedestrian Master Plan is essential to establishing priority projects.

2. Plan for through, continuous streets to the extent possible. When cul-de-sacs are appropriate due to ownership, topography, or other constraints, ensure that a future street extension can be made via a right-of-way dedication, or at the very least, a pedestrian connection.

The City's adopted 2009 Transportation Plan addresses this. Also, our revised Subdivision Regulations address these issues for new developments.

3. It is highly recommended that no additional land in the Monegan Road area be designated for urban or suburban development until such time as additional connections are made available.

The city should also consider limits on density east of the Wastewater Treatment Plant (WWTP) between Monegan and Voerman Road due to odors from WWTP (it will get worse in approximately 10 years when we are required to build a mechanical plant). In addition, the area has drainage limitations.

4. Through the community-wide transportation plan, explore possibilities for an additional grade separated crossing of the BNSF rail facilities.

This issue is also highlighted in the updated Transportation Plan.

5. The City shall make the provision of sidewalks, pathways, and other non-motorized transportation facilities part of a concurrency program and policy.

6. The City shall research and develop a set of alternative "neighborhood sensitive" designs for local residential streets.

Underway. This was partially addressed in the City's 2008 Engineering Standards.

7. The City shall develop a menu of traffic calming measures for use residential collector streets.

This was included in both the 2008 Engineering Standards and the 2009 Transportation Plan.

8. Through the community-wide transportation plan, the City shall assess the need and feasibility of a highway by-pass to alleviate through traffic in the downtown area.

This was investigated as part of the 2009 Transportation Plan.

9. Continue support for federal funding that will keep Amtrak passenger service operating in Montana.

10. Continue to support agreements with Eagle Transit and the Snow Bus, and encourage them or other enterprises to expand existing services to provide daily and year-round public transportation options in Whitefish.

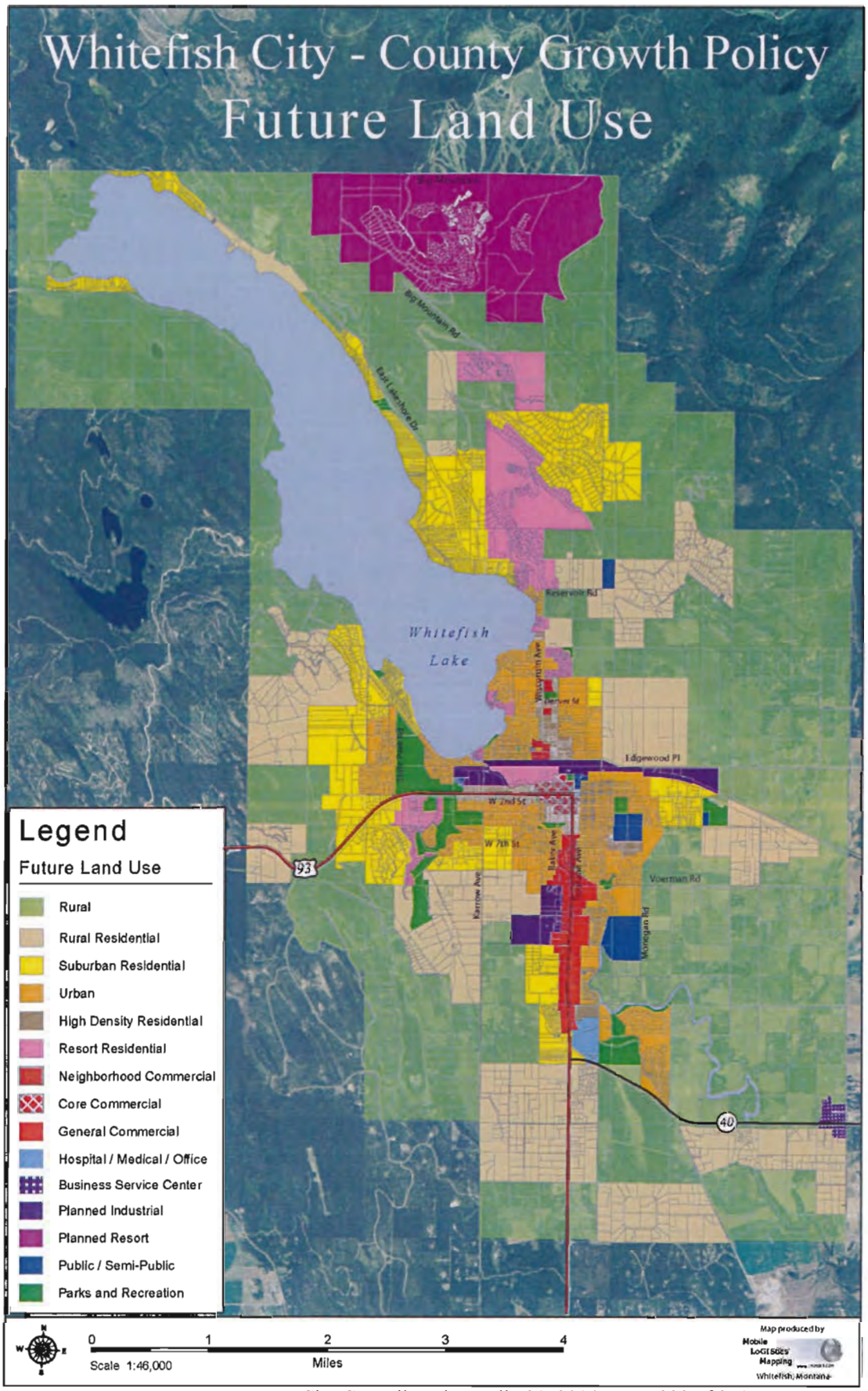
This is addressed some in the 2009 draft Transportation Plan. The City needs to further promote bus commuting by creating covered bus stops, park and ride areas, and promoting the benefits of public transportation. The snow bus program should continue to be supported and promoted by the City. Eagle Transit has recently expanded their service to year around daily service between Whitefish and Kalispell and Columbia Falls. While ridership numbers are not high, the program is continuing.

11. Coordinate with the Montana State Department of Transportation in developing corridor studies for state highways within the planning jurisdiction.

The Urban Corridor Study was completed in spring of 2010.

12. Explore alternative vehicular routes to the Whitefish Mountain Village.

In combination with the fire-wise program, the city is working with the resort and local land owners and developers to ensure alternative routes are considered in the future.


Whitefish City - County Growth Policy
Future Land Use
Whitefish Lake
Legend
Future Land Use
Rural
Rural Residential
Suburban Residential
Urban
High Density Residential
Resort Residential
Neighborhood Commercial
Core Commercial
General Commercial
Hospital / Medical / Office
Business Service Center
Planned Industrial
Planned Resort
Public / Semi-Public
Parks and Recreation
93
40
0
1
2
3
4
Miles
Scale 1:46,000
Map produced by
Mobile LoGIS GIS Mapping
Whitefish, Montana

EXHIBIT

Whitefish City - County Growth Policy

Future Land Use

Detail Map #1
North Section

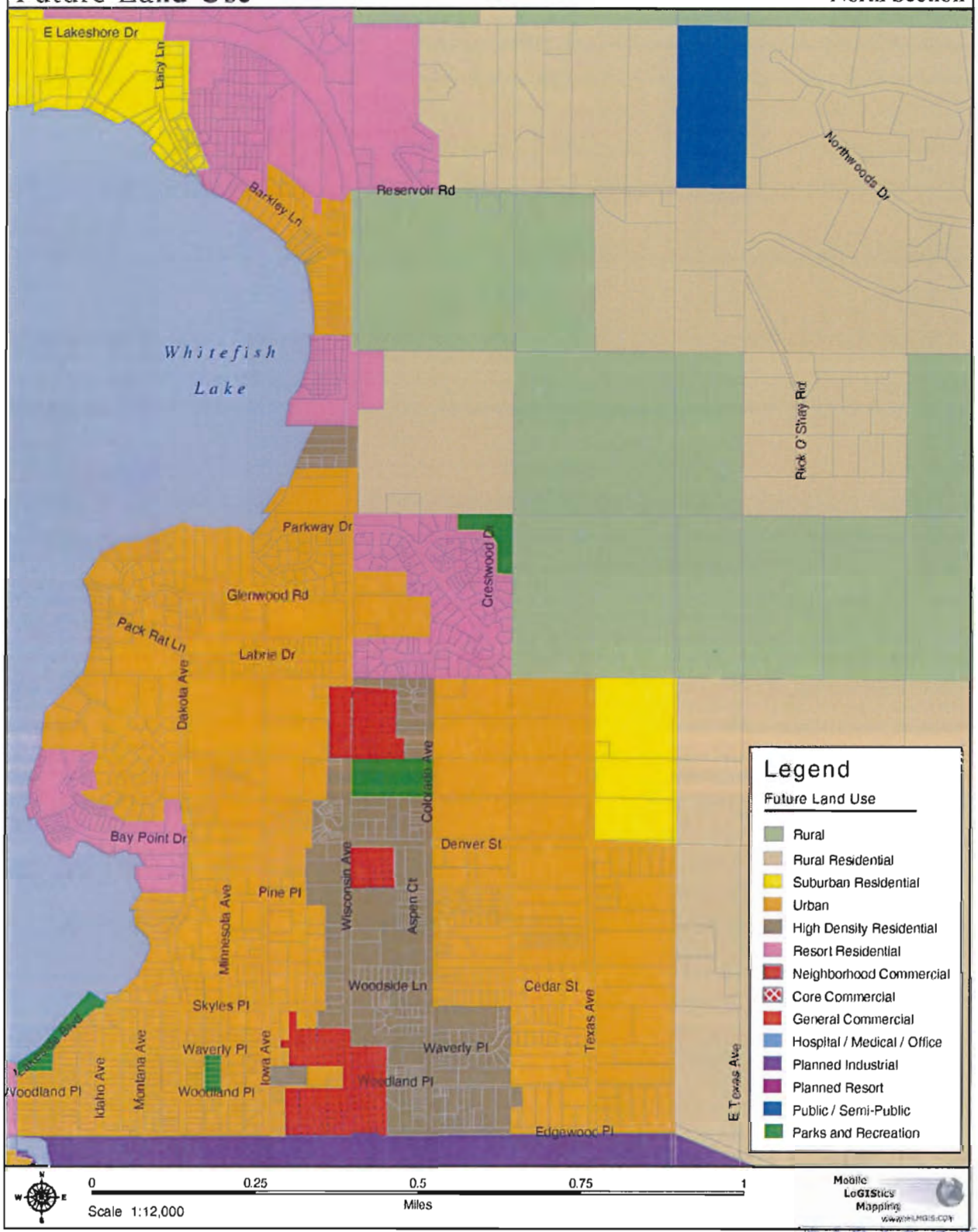


EXHIBIT 2

Whitefish City - County Growth Policy

Future Land Use

Detail Map #2
South Section

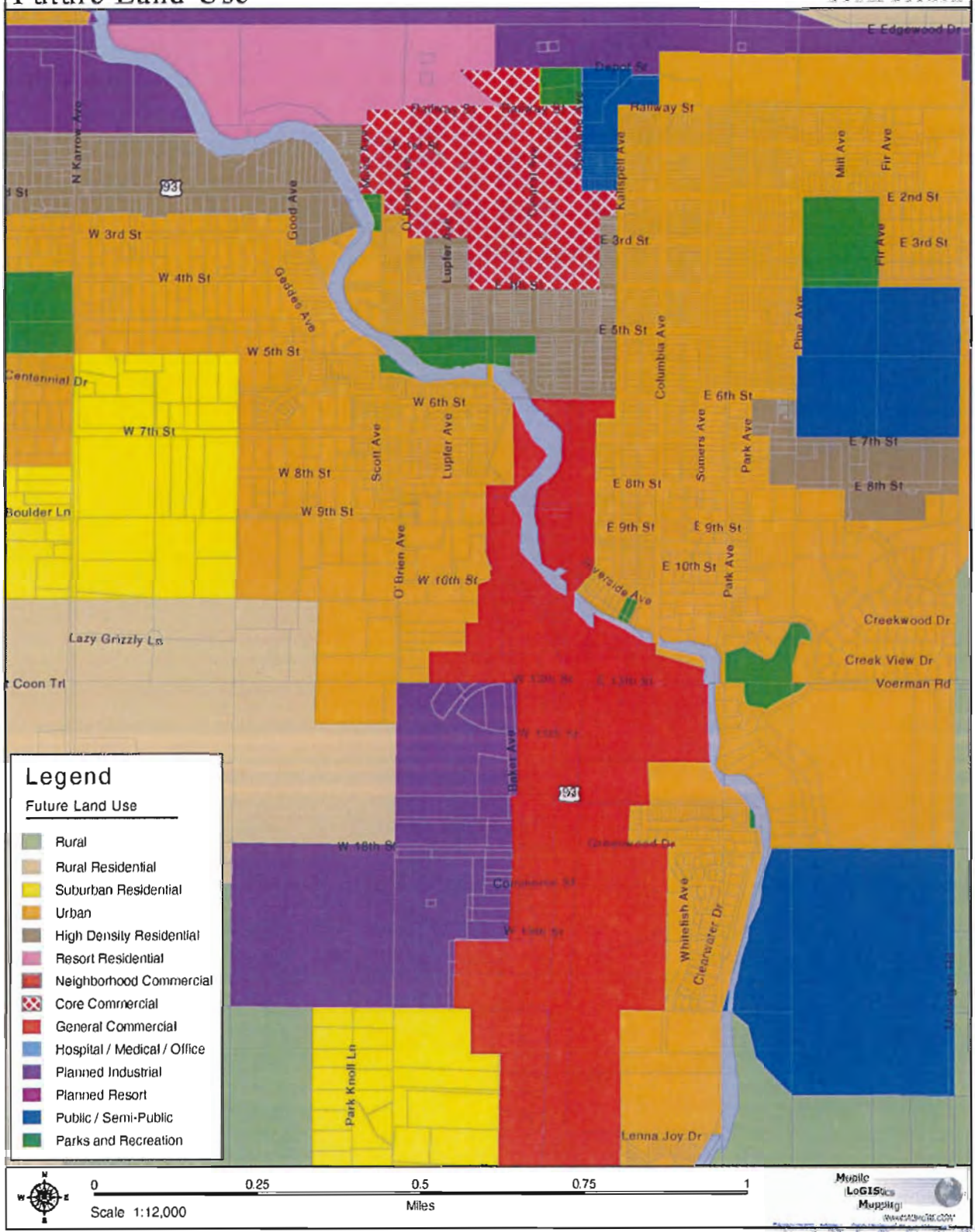
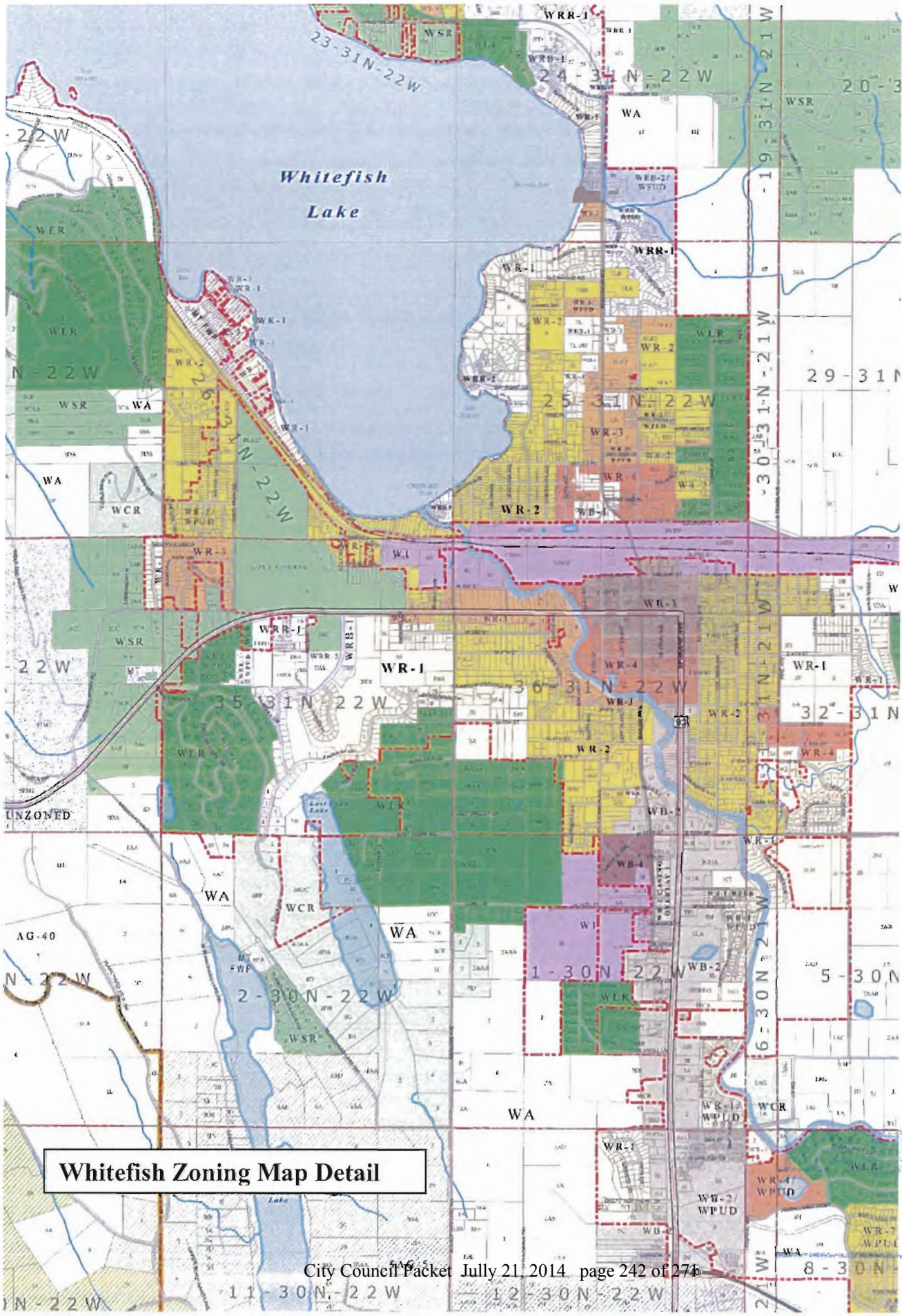
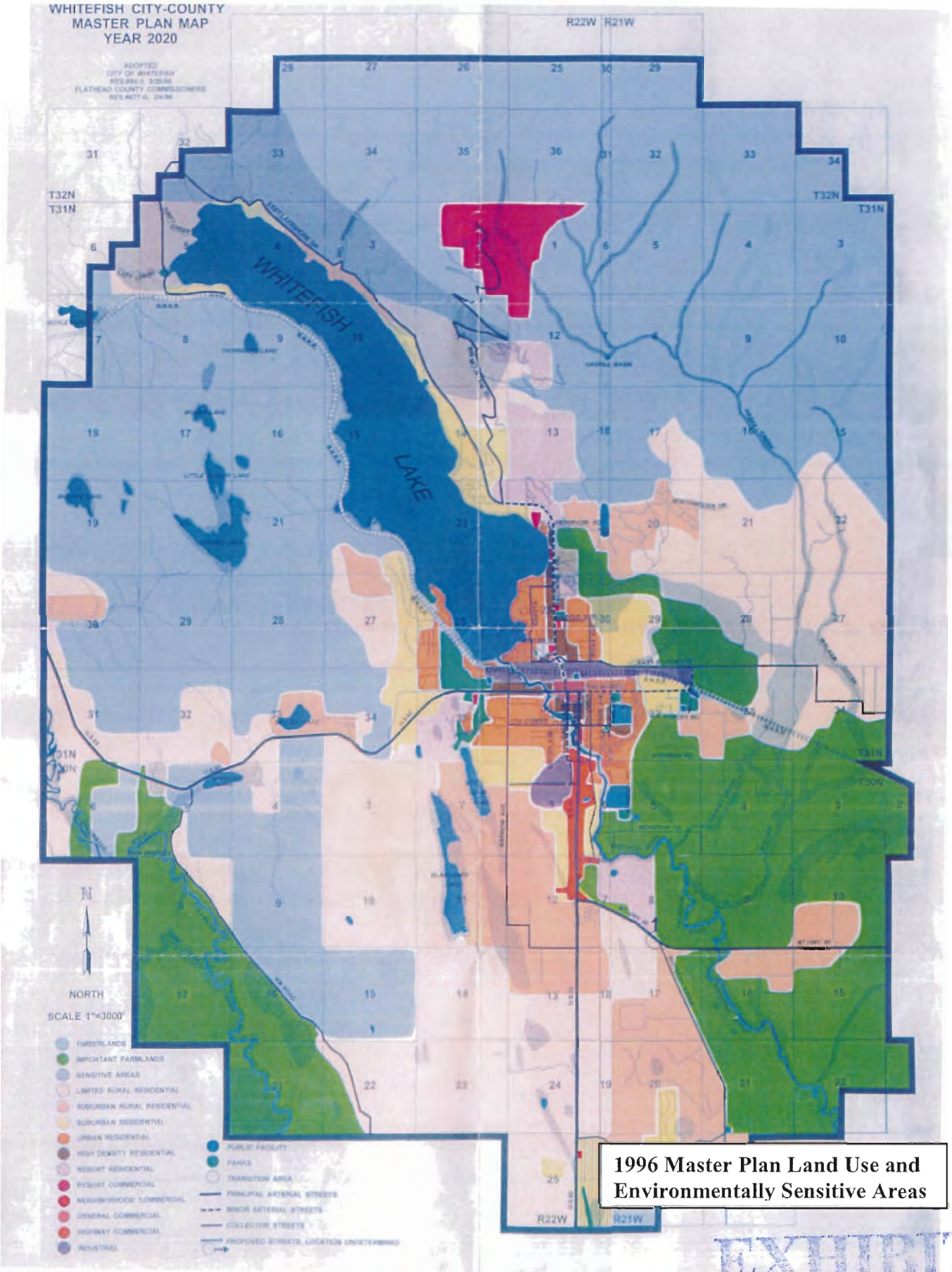


EXHIBIT 3



Whitefish Zoning Map Detail

EXHIBIT 4



1996 Master Plan Land Use and Environmentally Sensitive Areas

EXHIBIT

5

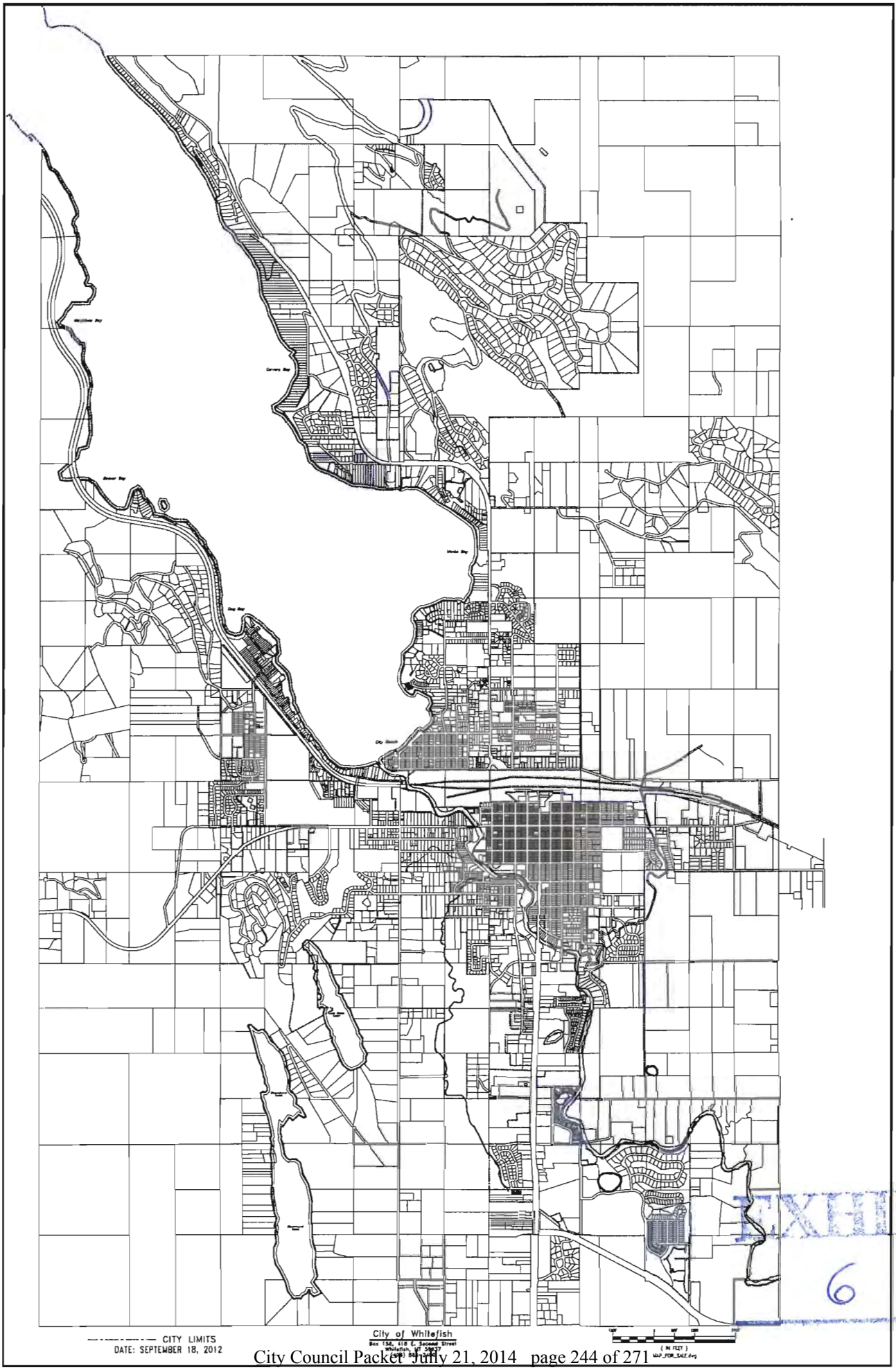

CITY LIMITS
DATE: SEPTEMBER 18, 2012
City of Whitefish
Box 158, 418 E. Second Street
Whitefish, MT 59937
(406) 863-2410
(IN FEET)
MAP_FOR_SALE.dwg

EXHIBIT 6

Exhibit A: Vacant Newly Subdivided Lot Totals Update

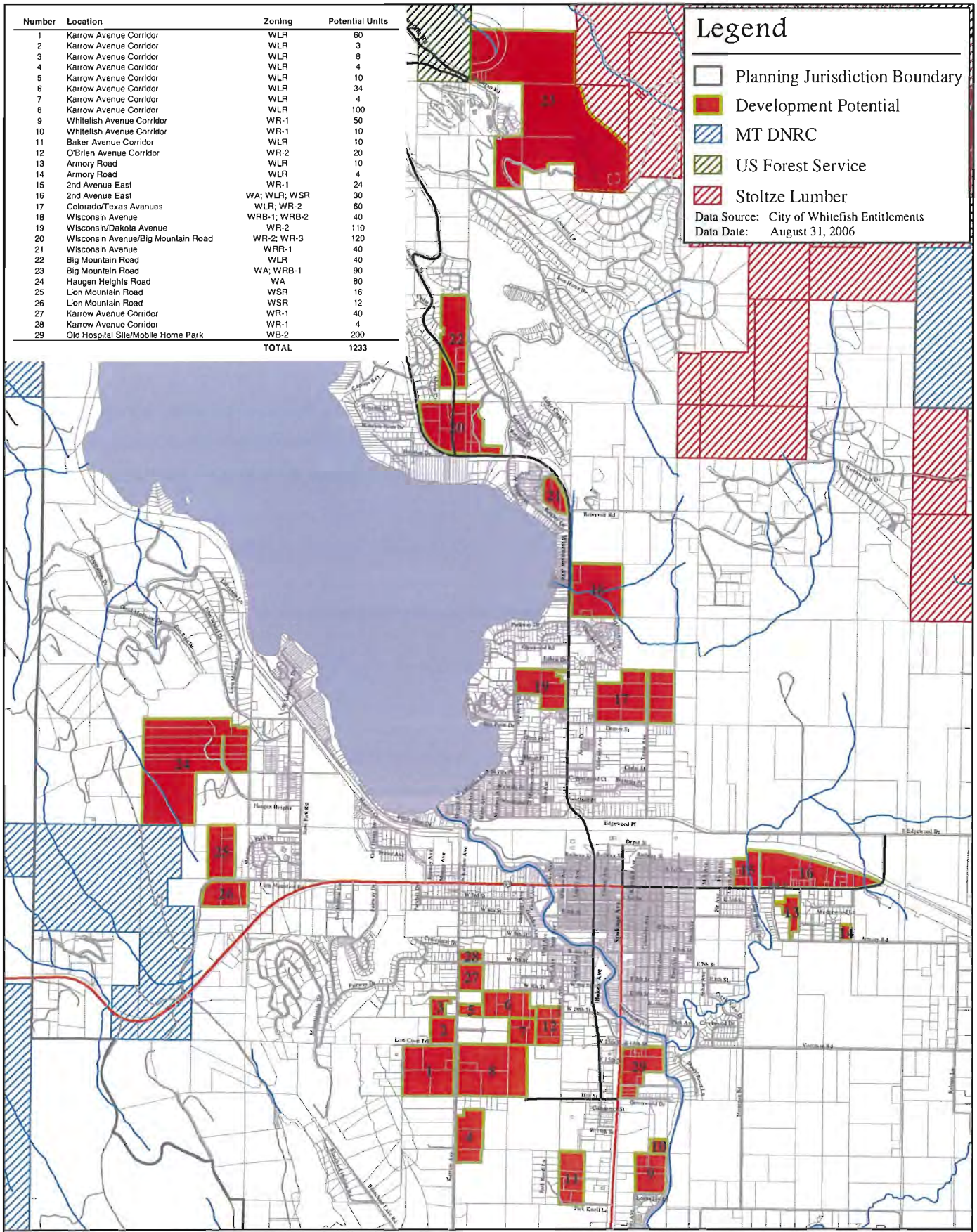
Name of Subdivision	Total Lots Approved	Number Units Remaining: 11/2007	Number Units Remaining: 10/2009	Number Units Remaining: 10/2011	Number Units Remaining: 12/2013
1. 93 llc - Expires: 11/2015 (amended project)	29	69	69	52	52
2. Aspen Grove	22	24	21	19	15
3. Baker Heights - Expired	1	32	32		
4. Bear Paw - Expired	6	6	6	6	
5. Beers-Withington	4	3	3	3	3
6. Birch Glade	8	15	13	13	13
7. Bridgewater Trails – Expired	82	82			
8. Coldwater Basin – Expired	50	50	50	50	
9. Coons Cap - (removed, in the Rural Designation)	2	2			
10. Dakota Meadows	11	10	10	10	10
11. Eagle Lake - Expired	7	32	32		
12. Fallen Leaf - Expired	5	5			
13. Geddes Avenue (now known as River Crossing)	4	20	16	16	16
14. Granite Ridge - Expired	20	20	20		
15. Great Northern Heights	73	77	67	60	48
16. Heitz - Expired	2	1			
17. Hidden Meadow	20	20	20	20	20
18. Iron Horse	264	176	190	185	172
19. Karrow Glen - Expired	10	10			
20. Lee Pines - Expired	3	2	2	2	
21. Lion Cub - Expired	5	5			
22. Lone Pine Meadow	8	6	6	4	4
23. Lookout Ridge - Expires: 6/2015	60	119	119	119	119
24. Lystne	2	0	0	0	0
25. Meadowlark Estates	11	19	9	9	
26. McKaul - Expired	2	1	1		
27. McMurdo – Expired	3	3			
28. Mountain Pines (phases I & II)	36	36	31	25	25
29. Monda	2	4	2	2	2
30. Monterra (phase I)	1	20	4	4	4
31. Monterra (phase II) - Expired	1	46			
32. Murray Homes – Expired	5	10			
33. Murray Homes – Expired	3	6			
34. O'Brien Bluff	38	38	38	36	21
35. O'Brien View	3	1	0	0	0
36. Old Town	64	74	69	60	46
37. Operation Righteous Nest - Expired	2	1	1		
38. Painted Hills - (removed, in the Rural	4	4			

EXHIBIT 7

Name of Subdivision	Total Lots Approved	Number Units Remaining: 11/2007	Number Units Remaining: 10/2009	Number Units Remaining: 10/2011	Number Units Remaining: 12/2013
Designation)					
39. Pero – 1	2	2	2	2	2
40. Pero – 2	2	2	2	2	2
41. Ramsey Lakeview	4	4	4	4	4
42. Reeb	2	1	0	0	0
43. Rivers Edge	49	42	38	33	13
44. Riverwood Park (ph I & III)	36	60	30	30	30
45. Rosetti	2	2	2	1	0
46. Suncrest (Collins)	2	0	0	0	0
47. Swift Creek Cabins - (removed, will function as a hotel)	1	28			
48. The Lakes (Cottages)	66	66	62	62	58
49. The Lakes (Riverside)	60	53	49	45	39
50. The Lakes (Village)	75	50	34	30	26
51. The Views (now known as Deer Creek)	1	168	139	139	139
52. Timber Ridge- Expired	18	36			
53. Viking Creek	20	20	20	19	18
54. Webster - Expired	2	1	1		
55. Woodside Meadow	18	22	14	5	0
TOTAL:	1233	**1607: Nov '07 plan** (50% build-out was 804) **1369: Nov '09** revised (50% build-out was 685) **1281: Nov '11** revised (50% build-out was 641) **1223: Dec '13** revised (50% build-out would be 612)	1228 (50% build-out was 685)	1065 (50% build-out was 641)	901 (50% build-out is 612)

Expired Projects Removed from the 2007 Plan Total

Number	Location	Zoning	Potential Units
1	Karrow Avenue Corridor	WLR	60
2	Karrow Avenue Corridor	WLR	3
3	Karrow Avenue Corridor	WLR	8
4	Karrow Avenue Corridor	WLR	4
5	Karrow Avenue Corridor	WLR	10
6	Karrow Avenue Corridor	WLR	34
7	Karrow Avenue Corridor	WLR	4
8	Karrow Avenue Corridor	WLR	100
9	Whitefish Avenue Corridor	WR-1	50
10	Whitefish Avenue Corridor	WR-1	10
11	Baker Avenue Corridor	WLR	10
12	O'Brien Avenue Corridor	WR-2	20
13	Armory Road	WLR	10
14	Armory Road	WLR	4
15	2nd Avenue East	WR-1	24
16	2nd Avenue East	WA; WLR; WSR	30
17	Colorado/Texas Avanues	WLR; WR-2	60
18	Wisconsin Avenue	WRB-1; WRB-2	40
19	Wisconsin/Dakota Avenue	WR-2	110
20	Wisconsin Avenue/Big Mountain Road	WR-2; WR-3	120
21	Wisconsin Avenue	WRR-1	40
22	Big Mountain Road	WLR	40
23	Big Mountain Road	WA; WRB-1	90
24	Haugen Heights Road	WA	80
25	Lion Mountain Road	WSR	16
26	Lion Mountain Road	WSR	12
27	Karrow Avenue Corridor	WR-1	40
28	Karrow Avenue Corridor	WR-1	4
29	Old Hospital Site/Mobile Home Park	WB-2	200
		TOTAL	1233



Development Potential Map

0 0.5 1 2 Miles

EXHIBIT

Mobile LoGIStics Mapping
WWW.MLMGIS.COM

PO Box 771 ● 35 4th Street West
citizens@flatheadcitizens.org

Kalispell, Montana 59903
T: 406.756.8993 ● F: 406.756.8991

www.flatheadcitizens.org

To: Whitefish City-County Planning Board

Re: Proposed updates to the 2007 Whitefish Growth Policy as part of a reoccurring two-year review process.

Date: June 18, 2014

Citizens for a Better Flathead appreciates this opportunity to comment on the proposed updates to the 2007 Whitefish Growth Policy before you tonight. Our organization was founded in 1992 and we represent some 1500 supporters throughout the county including Whitefish residents. We have participated in the public process of drafting of the 2007 Growth Policy and in past reviews of this document. Our mission is to foster informed and active citizen participation in the decisions shaping the Flathead's future, and to champion the democratic principles, sustainable solutions, and shared vision necessary to keep the Flathead *Special Forever*. We believe that thoughtfully planned growth can and should occur without diminishing the very special characteristics of the Flathead Valley that play such an important role in attracting and retaining investments that grow the Flathead's economy.

We ask that you give consideration to the following comments (note the page numbers sited unless otherwise stated refer to the staff report):

Trends and projections from the Resource Analysis

- **Page 2 of the staff report states** that "Whitefish is the 18th most populated city in the state of Montana with a population of 6,460. This is a 1.6% increase since the 2010 census when the city had a population of 6,357, with a rate of increase behind only the cities of Kalispell, Bozeman, Belgrade, and Columbia Falls." The accompanying chart however indicates that Whitefish grew more than Columbia Falls. The text and chart should agree.
- **Page 3 of the staff report notes** that "Whitefish is also one of the leading communities in the state in the second house market, meaning many new property owners do not count toward the census as they primarily officially reside elsewhere, skewing the numbers." It would be helpful to provide numbers or percentages of homes in the planning area that are second homes if this information is available. Such trends can inform the city's understanding of issues such as neighborhood and corridor planning, trends in affordable housing, or the potential unique needs or concerns of these non-resident homeowners.

1. The Future Land Map and categories and recommended updates where there may be some inconsistencies with current zoning.

Page 6 of the staff report concludes "The Commercial Core doesn't have any major issues at this time. However, the Future Land Use Map will need to be updated to reflect any changes to the Commercial Core boundaries that the latest Downtown Business District Master Plan update calls for. That plan is still in process with the consultants, Crandall and Arambula." We support this recommendation.

Page 6 of the staff report discusses possible changes to the General/Highway Commercial designations of future land use map and recommends these would be best addressed in the Highway 93 South corridor plan revision process and not in this growth policy update. We support this recommendation.

Page 7 of the staff report says "Neighborhood Commercial is currently found along Wisconsin Avenue between the Viaduct and Labrie Drive. It is shown as red with white dots on the Future Land Use Map. The text does not state what zoning types are consistent with it, but it should be WB-1, Limited Business, as well as a possible companion neighborhood commercial district that might be appropriate on a portion of Spokane Avenue where the zoning is currently WB-2 but the lots are too small to fit the intent of the WB-2. One map inconsistency appears to be where the McGarry's business is located in a WR-3/PUD zoning (would be consistent with WB-1), but the Future Land Use is shown as Urban Residential instead of Neighborhood Commercial (blue circle). The Future Land Use Map could be amended to accommodate that lot with a Neighborhood Commercial future land use."

We do not support and feel it is not appropriate to amend the Future Land Use map at this time. Changing McGarry's business to Neighborhood Commercial now would allow numerous different future uses at this location that may not be desirable in that neighborhood corridor and as a stand alone change is a form of spot planning for the benefit of a single business that is not appropriate. The staff report fails to provide a history of the land use approval process for the McGarry property and this should be provided for the board's and public's consideration/review and development of findings if you should decide to recommend any such change to the Future Land use map. Any such change should be delayed and instead considered within the comprehensive corridor plan update for this area that the City Council has recently discussed moving forward with.

Page 9 of the staff report. We agree with the staff recommendation that it is not necessary to write and adopt a new the Hospital/Medical/Office designation.

Page 9 and 21 of the staff report. "High Density Residential: Multi-family residential, mostly in the form of apartments, condominiums, and townhomes, are accounted for by this designation. Limited light commercial such as professional offices and art galleries are allowed conditionally along major arterials. Areas designated for High Density Residential development are mostly near the downtown and along major transportation routes. All multi-family structures are now subject to architectural review, and the City will be looking for a higher quality of site planning, architecture,

and overall development high-density projects have exhibited in the past. The applicable zones are WR-3 and WR-4, but WR-2 with a PUD option also allows for high densities."

We do not support adding "Limited light commercial such as professional offices and art galleries are allowed conditionally along major arterials." The blanket addition of these uses along major arterials at this time is not justified and should be appropriately identified and defined during the five highway corridor planning processes that have been established. No definition exists for "light commercial."

Staff Report page 11-12 and page 23 calls for adding a new land use designation for "**Resort Commercial**: This designation is defined by medium to high density resort uses such as hotels, motels, conference centers, and recreation areas, including residential development of all types and densities (in accordance with specific zoning) including rental cabins, vacation cottages, condominiums, and town homes. Hotels and resorts are also allowed, including limited associated commercial uses such as restaurants, bars, and tourist and recreation associated retail. Zoning is generally WRB-1 and WRB-2."

We do not support the addition of Resort Commercial. The City Council has already rejected an almost identical district for Planned Resort based on concerns it opened the door for small resorts and possible satellite cities."[1]

Staff Report page 12 suggests that the areas previously identified as Environmentally Sensitive Areas (ESA) be added back to the Future Land Use map as the changes to the Water Quality Protection (WQP) ordinance no longer address features that should be considered.

We support adding the ESA Overlay to the Future Land Use map to further protect sensitive areas.

Staff Report Page 21 "Rural Residential: The rural residential designation is intended primarily for areas that are already divided into lots of 2 ½ to 10 acres in size. Its intent

---

[1] **"Planned Resort:** This designation is for a master planned, dense, mixed and multi-use destination resort complex. The Planned Resort center is highly walkable and is pedestrian and bicycle oriented. Architecture and streetscapes are of very high quality. Parking is generally in on-site structures or lots that do not interfere with trails, paths, and walkways. Land uses include accommodations of all kinds, resort retail, eating and drinking establishments, and spas and fitness centers. Residential uses are generally medium to high density and are clustered around open space and other resort amenities. Zoning is generally WPR (Whitefish Planned Resort).

Staff brought an ordinance before the City Council to adopt a Planned Resort zoning district per the Growth Policy directive above, but the council unanimously denied its adoption based on concerns it opened the door for small resorts and possible satellite cities."

is to preserve rural character while allowing existing large-lot residential areas to continue without becoming non-conforming as to minimum lot size. Applicable zoning districts include WCR and WA-10. Rural residential is not seen as a desirable future development option, and caution should be exercised before this Growth Policy ~~does not advocate this Growth Policy does not advocate~~ designating additional areas for rural residential beyond what is already depicted on the Future Land Use Map."

We do not support this proposed text change. The change is proposed to benefit a small number of landowners whose issues should be addressed using other tools available to them. No findings have been developed to support this change. The extend that this is an issue has not been presented for meaningful review.

2. The WF Growth Policy Infill Policy.

Staff Report page 16.
We support the staff recommendation to retain the infill policy as is.

3. The WF Growth Policy Implementation Strategy.

Staff report on page 18 and else where refers to the need to revise zoning and subdivision standards to add "**'character based' standards for zoning and subdivision.**" Before this concept is given priority and implemented or rejected it needs to be more clearly defined for the public and the city council. Workshops and visual examples are needed to inform the public and the council about the nature of such standards. On page 19 the staff seems to recommend that Character Based Standards should be replaced with **"Blended zoning."** Again this is a concept that has not been well defined and having participated in the West Corridor Planning where it is suppose to have been applied, I have little to no understanding of what is meant by this term. Page 23 recommends, "Add 'character' based standards such as Floor Area Ratio (FAR), Landscape Ratio (LSR), and impervious coverage maximums to zoning Regulations." Again it is not clear what else wound be included under the term character based as standards and what the scope of this term includes.

4. Recommended Actions of the Growth Policy in Appendix A.

Staff report page 27 states "The City is exploring curbside recycling, and will likely ask for input from the Council in the near future on the costs/benefits of such a program."

Note that the City of Whitefish currently has a contract with a service provider who provides the option of curbside recycling in the city for a small additional fee.

Staff report on page 37 states "5. Institute a public education program for the proper use and disposal of household chemicals. While the city doesn't have any programs, Citizens for a Better Flathead sponsors programs for household chemical disposal at the landfill."

Note. The City of Whitefish holds a city appointed seat on the Flathead County Solid

Waste District (FCSWD). The FCSWD provides free drop off for household HHW every third Saturday of the month and once annually for a reasonable fee for county businesses.

Staff report on page 37 states "6. Coordinate community recycling for used electronics."

Note. Year around opportunities for electronic recycling are available at a number of businesses in Kalispell including Pacific Steel and Recycling.

Note. Whitefish at its police station offer free and easy drop off services for unwanted or unused pharmaceutical medicines. These items should not be poured down the drain or thrown in with residential trash.

(This page left blank intentionally to separate printed sections)

P.O. Box 158 • Whitefish, MT 59937 • (406) 863-2400 • Fax: (406) 863-2419

July 14, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Approve an Engineering Contract for the East Third Street Sewer Project

Introduction/History

The Public Works Department has negotiated a Phase I engineering contract with Robert Peccia and Associates for the East Third Street Sewer Project. The proposed new sewer main would intercept the flow at manhole 24-103 in the alley east of Kalispell Avenue, as shown on the attached drawing.

The flow would be redirected south to a new sewer main in East Third Street and west to connect with the existing sewer on the far side of Spokane Avenue. A section of sewer main in the alley east of Central Avenue may require improvements, as well. The existing sewer main running under the Four Square Church on Kalispell Avenue and beneath Block 46 would then be abandoned.

These improvements will correct the current problem with the sewer main under the church and enable development of Block 46.

Current Report

Although the developers of Block 46 hope to start their project this fall, our timeline for engineering design, State approval and construction bidding will not allow us to start construction of these sewer improvements until next spring. The Public Works Department does not see any problem if the hotel construction moves forward and the sewer main beneath the building site is abandoned next year. If work in the alley east of Central Avenue should be necessary, it would be completed before June 1st in close coordination with adjacent businesses.

Phase I consultant services would include field surveys, engineering design, preparation of construction documents, and assistance with public involvement. Phase II services would be negotiated as the design nears completion and the scope of work for bidding and construction management is better defined.

Financial Requirement

The Public Works Department has negotiated these Phase I consultant services for a fee not to exceed $34,300, which would be paid out of the Tax Increment Fund.

Recommendation

We respectfully recommend the City Council approve a Phase I engineering contract for the East Third Street Sewer Project with Robert Peccia and Associates in an amount not to exceed $34,300.

Sincerely,

John C. Wilson
Public Works Director

East Third Street Sewer Improvements Project
Spokane Ave
E 2nd St
Kalispell Ave
Columbia Ave
Existing MH 24-101
Existing 12" SS
Existing MH 24-102
Existing 12" SS
Existing MH 24-103
Existing 12" SS
Proposed 12" SS
Proposed 12" SS
Existing Sewer Mains
Proposed New Sewer Mains
Existing MH 24-1021
Existing MH 24-1031
© 2013 Goog
Imagery Date: 8/17/2012 48°24'36.45" N 114°20'03.93" W elev 3032 ft

P.O. Box 158 • Whitefish, MT 59937 • (406) 863-2400 • Fax: (406) 863-2419

July 14, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Award an Engineering Contract for the West 7th Street Reconstruction Project

Introduction/History
The City Council, on February 18th, designated West 7th Street as the City's next street reconstruction project and authorized staff to proceed with the consultant selection process. The project area is shown on the attached drawing.

The Public Works Department advertised a Request for Statements of Qualifications from interested engineering consultants and interviewed the three top ranked firms in mid-April. The highest ranked firm following the interviews was Robert Peccia and Associates (RPA). We chose to delay contract negotiations because of heavy workloads and returned to that task over the past few weeks.

This memo is to recommend the City Council award a Phase I engineering consultant contract for the West 7th Street Reconstruction Project to RPA in an amount not to exceed $78,600.

Current Report
Several recent large projects have depleted the Street portion of the Resort Tax Fund, leaving a projected ending cash balance of only $200,129 for FY 2015. This means the schedule for design and construction of the West 7th Street project will be drawn out over a longer period than has been typical in the past. We hope to reconstruct the roadway in 2016, but will develop an overall project schedule during preliminary design.

Given the limited budget for street reconstruction in FY 2015, the proposed consultant agreement is intended to proceed in several phases. The first phase will involve field surveys, preliminary engineering and substantial public involvement to work through the

many concerns expressed at City Council meetings back in February. Subsequent phases will provide for engineering design, preparation of construction documents, easements and temporary construction permits, coordination for the relocation of private utilities, bidding services and construction management.

The Public Works Department has negotiated a Phase I scope of services to include:

- Project administration;
- Detailed field surveys, documentation of existing monuments, and preparation of base maps;
- Preliminary engineering for consideration of typical sections, alignment and profiles for the roadway, sidewalks and bicycle/pedestrian path;
- Preparation of drawings and exhibits to help the City and land owners understand the impacts of various alternatives and see how the work would affect their property;
- Assistance with preliminary public outreach to gather information, provide design concepts and obtain property owners' comments and reactions. We foresee an iterative process of design, public presentation, discussion and redesign to find a workable solution. The scope of work calls for three newsletters and two public meetings in this phase.

Phase I is scheduled to be completed by November 2014, when we will return to the Council with an addendum for Phase II services, including final design for the street reconstruction and coordination for relocation of private utilities. Depending on the availability of funds, we hope to relocate private utilities next summer and begin street reconstruction in the spring of 2016.

Financial Requirement

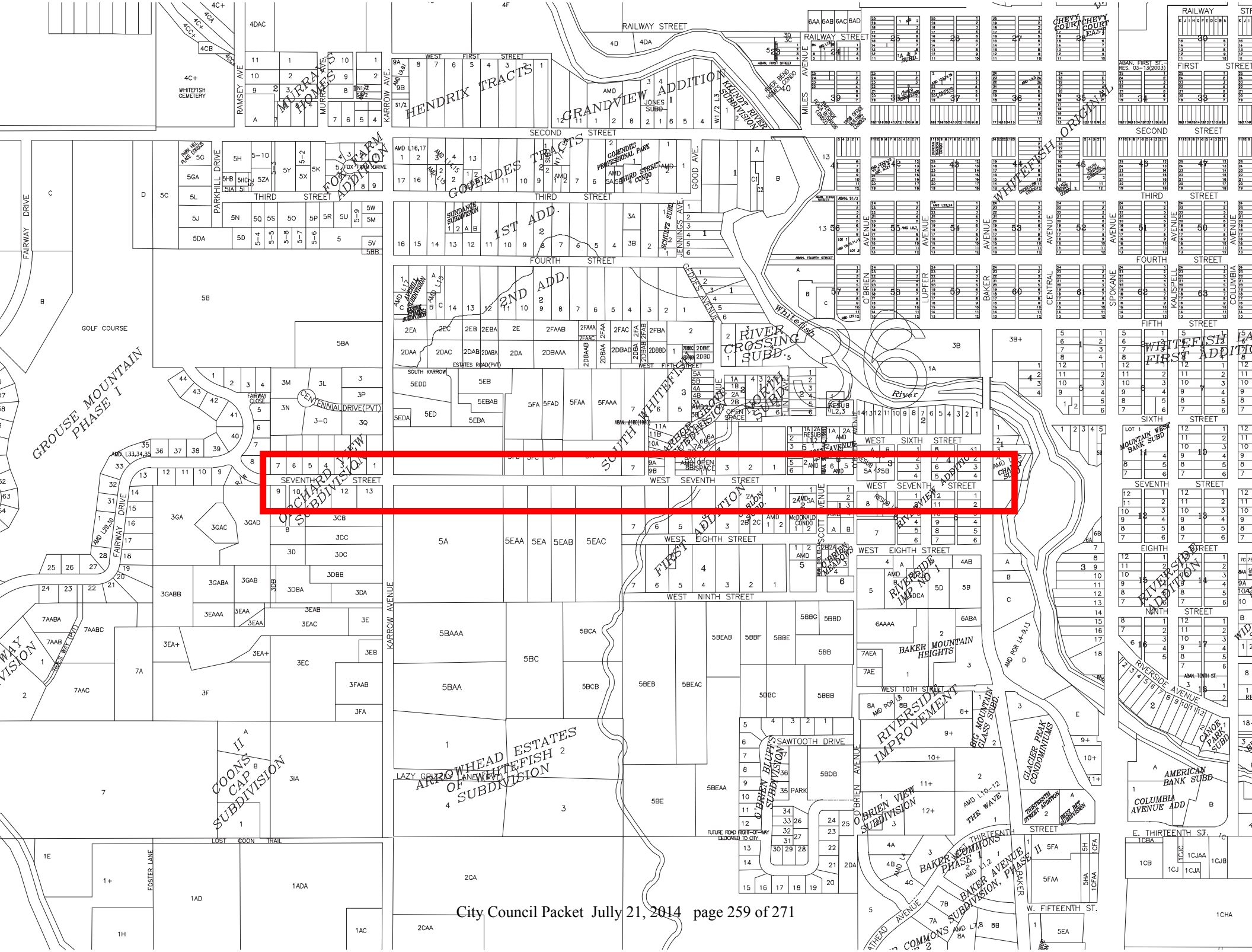
The Public Works Department has negotiated this Phase I scope of services for a fee not to exceed $78,600, which would be paid out of the Resort Tax Fund.

Recommendation

We respectfully recommend the City Council approve a Phase I engineering consultant contract for the West 7th Street Reconstruction Project with Robert Peccia and Associates, as described above, in an amount not to exceed $78,600.

Sincerely,

John C. Wilson
Public Works Director


RAILWAY STREET
WEST FIRST STREET
SECOND STREET
THIRD STREET
FOURTH STREET
FIFTH STREET
SIXTH STREET
SEVENTH STREET
EIGHTH STREET
NINTH STREET
WEST 10TH STREET
THIRTEENTH STREET
W. FIFTEENTH ST.
E. THIRTEENTH ST.
RAMSEY AVE
KARROW AVE.
MILES AVENUE
GOOD AVE.
JENNINGS AVE.
GEDDES AVENUE
O'BRIEN AVENUE
LUPFER AVENUE
BAKER AVENUE
CENTRAL AVENUE
SPOKANE AVENUE
KALISPELL
COLUMBIA
RIVERSIDE AVENUE
PARKHILL DRIVE
FAIRWAY DRIVE
FOX FARM DRIVE
CENTENNIAL DRIVE(PVT)
SAWTOOTH DRIVE
LOST COON TRAIL
FOSTER LANE
WHITEFISH CEMETERY
GOLF COURSE
MURRAY HOMESITES
HENDRIX TRACTS
GRANDVIEW ADDITION
KUNDIT RIVER SUBDIVISION
GOENDES TRACTS
GOENDES PROFESSIONAL PARK
WHITEFISH ORIGINAL
FOX FARM ADDITION
1ST ADD.
2ND ADD.
RIVER CROSSING SUBD.
SOUTH WHITEFISH
GROUSE MOUNTAIN PHASE I
ORCHARD VIEW SUBDIVISION
FIRST ADDITION
WHITEFISH FIRST ADDITION
RIVERSIDE IMPROVEMENT NO 1
RIVERSIDE ADDITION
BAKER MOUNTAIN HEIGHTS
BAKER MOUNTAIN GLASS SUBD.
GLACIER PEAK CONDOMINIUMS
THE WAVE
BAKER AVENUE, SUBDIVISION, PHASE II
BAKER AVENUE COMMONS PHASE I
O'BRIEN VIEW SUBDIVISION
O'BRIEN BLUFFS SUBDIVISION
ARROWHEAD ESTATES OF WHITEFISH SUBDIVISION
COONS CAP SUBDIVISION
CANOE PARK SUBD
AMERICAN BANK SUBD
COLUMBIA AVENUE ADD
MOUNTAIN WEST BANK SUBD
River
Whitefish

P.O. Box 158 • Whitefish, MT 59937 • (406) 863-2400 • Fax: (406) 863-2419

July 15, 2014

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Approve an Engineering Contract Amendment for Construction Management Services on the Whitefish West - Highway 93 Water and Sewer Improvements Project

Introduction/History
Phase II of the State's Whitefish West – Highway 93 Reconstruction Project is starting up, along with the City's improvements for water and sewer infrastructure between Karrow Avenue and Mountainside Drive. The City has an ongoing contract with WGM Engineers for engineering design and construction management services. This memo is to recommend the City Council approve a contract amendment providing for Phase II construction management services.

Current Report
The scope of services for this contract amendment include:

- Phase I Construction Closeout – this item provides for additional hours required last fall for the bridge water main crossing, preparation of Phase I record drawings and post-construction documents.
- Phase II Construction Services
    - General administrative services - attend construction meetings, review contractor submittals, monitor construction schedules and coordinate communications between City staff, MDT and contractors
    - Half-time construction inspection for the scheduled period of 120 working days
    - Sampling and coordination for soils tests
    - Construction surveys as necessary to verify contractor's construction staking and provide information for record drawings
    - Preparation of Phase II record drawings and post-construction documents for DEQ.

Financial Requirement

The Public Works Department has negotiated these Phase II construction management services for a fee not to exceed $100,465, which would be paid in equal shares from the Water and Wastewater budgets.

Public Works overlooked the need for this contract amendment as we prepared the Water and Wastewater budgets for FY 2015. Given that the project must move forward, we propose to make funds available by postponing other capital projects until FY 2016.

Recommendation

We respectfully recommend the City Council approve an engineering contract amendment with WGM Engineers for Phase II construction management on the Whitefish West - Highway 93 Water and Sewer Improvements Project in an amount not to exceed $100,465.

Sincerely,

John C. Wilson
Public Works Director

(This page left blank intentionally to separate printed sections)

MANAGER REPORT

July 16, 2014

MONTANA FISH AND WILDLIFE COMMISSION – EXTENDED COMMENT PERIOD AND REVISED DRAFT ADMINISTRATIVE RULE ON WHITEFISH RIVER SEASONAL LIMITATIONS FOR MANUAL POWERED CRAFT AND ELECTRIC MOTORS

Last week we received the Montana Fish and Wildlife Commission's notice for extended comments and proposed revisions for a seasonal limitation of the Whitefish River for manually powered craft and electric motors, to be limited in time from July 5th through September 30th of each year. A copy of the Notice and proposed, revised language is attached in the packet. As stated in the notice and copied below, comments are due by August 8, 2014.

> "Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Department of Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, 59901; fax MAR Notice No. 12-406 13-7/10/14 -1461- (406) 257-0349; or e-mail cjust@mt.gov, and must be received no later than August 8, 2014."

The FWP website with information and to make comments via the website is located at http://fwp.mt.gov/news/publicNotices/armRules/pn_0179.html

LIGHTNING DAMAGE TO WATER TREATMENT PLANT ON JULY 3RD

Whitefish experienced a very dangerous lightning storm on July 3rd with lightning strikes hitting trees by the train depot and on Columbia Avenue. There was also a strike near our Water Treatment Plant on Reservoir Road that did some extensive damage to the electronic controls at our Water Treatment Plant. While the main building was well grounded and sufficiently protected, two outer buildings at the plant weren't as well protected and they had wiring going from them into the main control panels in the Water Treatment Plant. An electrical surge from the lightning travelled through the wiring from those two out-buildings and came into the Treatment Plant via the telephone wires and other wiring. Once in the main wiring and control room at the Treatment Plant, the electrical surge damaged other wiring and control panels in the control room. Public Works staff and electronic control vendors are making repairs and we are filing a property insurance claim with MMIA, our property insurance provider. We have a $2,500.00 insurance policy deductible and the costs of repair will greatly exceed that level. Public Works staff is planning to install wireless communications between the out-buildings and the Water Treatment Plant building to prevent a future reoccurrence.

HWY 93 NORTH (WHITEFISH WEST) CONSTRUCTION PROJECT (Karrow to Mountainside)

The second phase of the U.S. Hwy 93 North construction project from Karrow Avenue to Mountainside Drive at the west end of Whitefish commenced on Monday, July 14th. The project website is located at http://www.mdt.mt.gov/pubinvolve/karrow/ . The general contractor is Schellinger Construction and John Wilson, Karin Hilding, and I attended a pre-construction meeting last week.

Concurrent with the commencement of the project, the president of the Grouse Mountain Estates subdivisions contacted me on Monday, July 14th and said he has closed their temporary gates to prevent traffic from using their private roads and trying to detour around the Hwy 93 construction. They are also planning to install permanent gates on the private roads into their subdivision in the future in order to prevent other public traffic from using their roads.

EAST 2ND STREET CONSTRUCTION PROJECT UPDATE

From the project engineer's latest report:

Knife River is 31 days into an estimated 112 day operation which equates to the project being about 28% complete. When looking at job costs to date (for items installed or billable to), the project is projected at 19% complete.

Last Week - Crews completed the installation of nearly 700 linear feet of new 12" water main just east of Armory Road (Neumann Construction). Crews also continued to make progress on the critical roadway embankment area north of the railroad tracks (Knife River) as it is now mostly at subgrade elevation.

This Week - Crews are expected to continue water main installation just east of Armory (Neumann Construction). Crews are expected to continue with critical embankment activities on the south side of the railroad tracks with roadway base gravels being placed on the north side of the railroad tracks (Knife River). Crews are expected to start roadway sub-excavation activities between Birch Drive and Dodger Lane (Knife River).

Construction Problems - Crews hit a gas service on July 9, 2014 to 1515 East Second Street. Northwestern Energy completed the repairs within 2 hours of the hit. Construction dust continued to be a problem. Knife River has submitted a dust control plan that calls for roadway watering three times a day when crews are working and two times a day when they are not working.

RESORT TAX COLLECTIONS

May, 2014 Resort Tax Collections were up by 6.65% or $10,065. For the year-to-date, eleven months through May, Resort Tax collections are up by 5.44% or $97,297. A copy of a chart and graph showing recent monthly collections is attached to this report in the packet.

AMTRAK TO ADD IMPROVED DINER, SLEEPER AND LUGGAGE CARS INCLUDING BIKE RACKS

I was notified last week that Amtrak is going to deploy new diner, sleeper, and baggage cars in 2016 and that they are testing some of those cars on certain routes this year. Included with the baggage car improvements is a change whereby bicycles can just be rolled onto baggage cars and they no longer need to be in boxes for travel on Amtrak. This service has been in existence on some west coast routes for several years, but not on our route, the Empire Builder. This change could dramatically increase the fledgling bicycle tourism trade in and out of Whitefish as we are already an intersection of two national bicycle routes – the Northern Tier route from Maine to Seattle (Anacortes) and the Ride the Divide Route from Banff to the New Mexico-Mexican border. A copy of the announcement is included in the packet with this report.

MEETINGS

MDT Pre-construction meeting for Whitefish West Phase 2 (Hwy 93 North) (7/08) – John Wilson, Karin Hilding, and I attended the pre-construction meeting between MDT officials, the contractor Schellinger Construction, sub-contractors, and others.

Whitefish Face Meeting Group (7/9) – This group of diverse natural resource and recreation interests is meeting on a regular basis to see if a consensus project for a forest thinning project is possible on the USFS land on the south and east face of the Whitefish Range around Whitefish. The committee is a subset of some participants from the USFS Whitefish Range Partnership process along with some new people. Some thinning is probably needed on the "Whitefish Face" in order to lessen fire danger and protect our municipal water supply. The committee members discussed process at the last meeting and may start looking at geographic areas within the Whitefish Face in the future.

Resort Tax Monitoring Committee (7/16) – The committee is going to do a tour of some future Resort Tax street projects to determine if the priority order is appropriate or if they want to recommend reordering some of the priority areas.

UPCOMING SPECIAL EVENTS

REMINDERS

Budget work session on Friday, August 1st at 11:00 a.m.

Respectfully submitted,

Chuck Stearns, City Manager

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF EXTENSION OF
ARM 12.11.645 pertaining to	)	COMMENT PERIOD ON
Whitefish River	)	PROPOSED AMENDMENT

TO: All Concerned Persons

1. On March 13, 2014, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-406 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 434 of the 2014 Montana Administrative Register, Issue Number 5.

2. A public hearing was held on April 10, 2014, to consider the proposed amendments. The commission is proposing an alternative to be considered in conjunction with the original proposed amendments. An extension of the comment period is necessary to address the alternative language. The rule as proposed provides as follows, new matter underlined, deleted matter interlined:

12.11.645 WHITEFISH RIVER (1) Whitefish River is located in Flathead County.

(2) Whitefish River is limited to a controlled no wake speed, or minimum operating speed necessary to progress upstream, as defined in ARM 12.11.101(1), ~~in the following areas:~~ from its confluence with Whitefish Lake to the bridge on JP Road.

~~(a) Whitefish River from its confluence with Whitefish Lake to the bridge on the JP Road.~~

(3) Whitefish River is limited to manually and electric powered watercraft from the railroad trestle south of Whitefish Lake outlet to the bridge on JP Road from July 5 through September 30.

AUTH: 23-1-106, 87-1-303, MCA
IMP: 23-1-106, 87-1-303, MCA

3. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on July 25, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Department of Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, 59901; fax

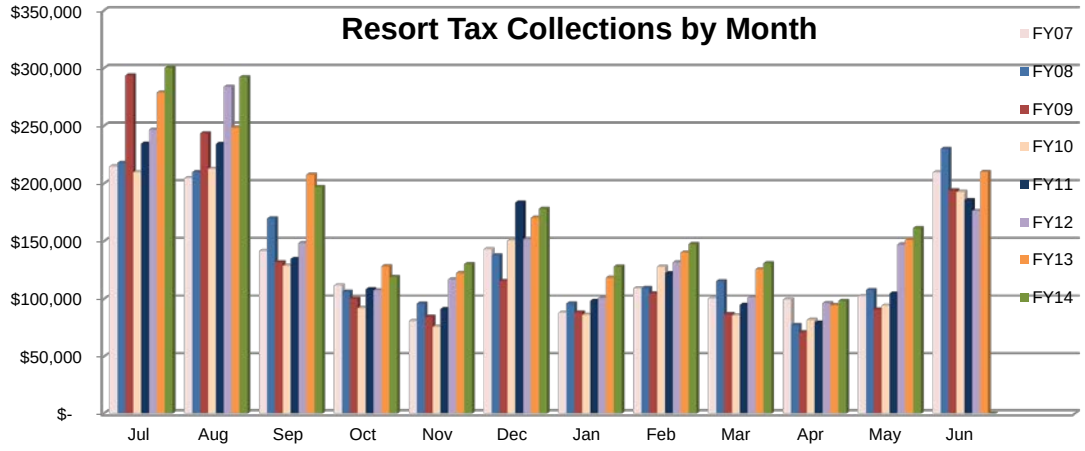
(406) 257-0349; or e-mail cjust@mt.gov, and must be received no later than August 8, 2014.

/s/ Dan Vermillion	/s/ Zach Zipfel
Chairman	Zach Zipfel
Fish and Wildlife Commission	Rule Reviewer

Certified to the Secretary of State June 30, 2014.

Resort Tax Report
Reported in the Month Businesses Paid Tax

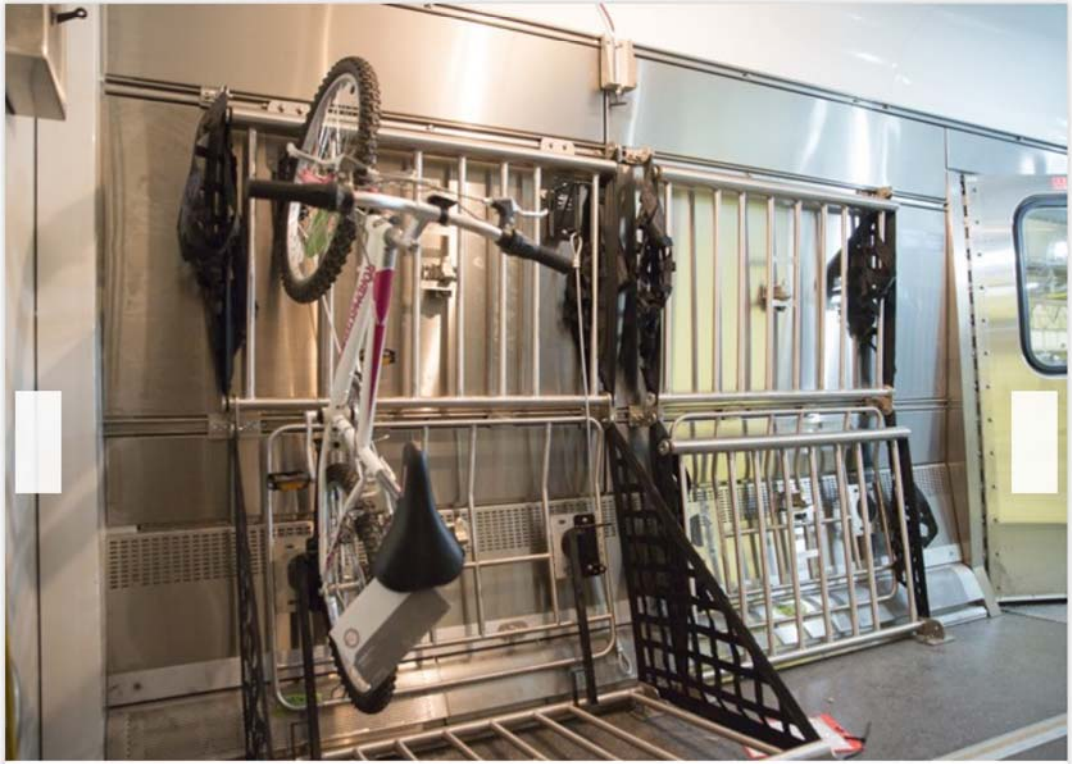
Month/Year	Lodging	Bars & Restaurants	Retail	Collected	% Chng Mnth to Pr Yr Mnth	% Chng Quarter to Pr Yr Quarter	Interest	Total
					Compared to Prv Yr			
Total FY11	**$ 274,688**	**$ 651,321**	**$ 747,615**	**$ 1,673,624**	or	**8.72%**	**$ 38,004**	**$ 1,711,629**
FY10 vs FY11	12.0%	15.5%	2.4%	8.7%		**$ 134,262**	TaxableSalesFY11	$ 88,085,492
Jul-11	56,106	90,212	100,325	246,642	5%		$ 979	$ 247,621
Aug-11	85,621	91,408	106,860	283,889	21%		7,833	291,722
Sep-11	28,154	58,830	61,535	148,519	10%	12.4%	593	149,112
Oct-11	17,944	45,919	43,610	107,473	-1%		496	107,969
Nov-11	14,351	39,054	63,758	117,162	28%		479	117,641
Dec-11	16,531	51,195	84,000	151,726	-17%	-1.9%	526	152,252
Jan-12	10,032	44,089	46,905	101,026	3%		515	101,541
Feb-12	14,585	56,427	60,780	131,793	8%		578	132,371
Mar-12	11,008	42,952	47,682	101,643	7%	5.9%	557	102,200
Apr-12	9,353	39,367	47,657	96,377	21%		610	96,987
May-12	15,461	51,207	80,526	147,194	40%		6,993	154,187
Jun-12	35,584	68,403	72,472	176,460	-5%	13.44%	625	177,085
					Compared to Prv Yr			
Total FY12	**$ 314,731**	**$ 679,063**	**$ 816,110**	**$ 1,809,903**	or	**8.1%**	**$ 20,785**	**$ 1,830,688**
FY11 vs FY12	15%	4%	9%	8%		**$ 136,279**	TaxableSalesFY12	$ 95,258,076
Jul-12	69,418	94,341	115,149	278,908	13%		$ 643	$ 279,551
Aug-12	53,361	92,463	102,812	248,636	-12%		444	249,080
Sep-12	57,000	77,503	73,232	207,734	40%	8.3%	533	208,267
Oct-12	24,519	54,631	49,137	128,288	19%		434	128,722
Nov-12	8,099	40,326	74,122	122,547	5%		393	122,941
Dec-12	15,490	66,046	88,956	170,492	12%	11.9%	363	170,855
Jan-13	13,152	51,930	53,396	118,478	17%		413	118,891
Feb-13	18,023	55,180	66,995	140,198	6%		405	140,603
Mar-13	16,171	56,231	53,318	125,720	24%	14.9%	465	126,185
Apr-13	10,105	42,230	42,325	94,660	-2%		427	95,087
May-13	19,009	52,303	80,090	151,402	3%			
Jun-13	41,222	74,833	94,085	210,140	19%	8.6%		
					Compared to Prv Yr			
Total FY13	**$ 345,570**	**$ 758,018**	**$ 893,617**	**$ 1,997,205**	or	**10.35%**	**$ 4,520**	**$ 1,640,183**
FY12 vs FY13	10%	12%	9%	10%		**$ 187,301**	TaxableSalesFY13	$ 105,116,040
Jul-13	81,828	98,642	120,028	300,497	8%		488	300,986
Aug-13	77,809	108,131	106,422	292,362	18%		496	292,858
Sep-13	50,377	77,416	69,328	197,120	-5%	7.4%	434	197,555
Oct-13	16,851	48,015	54,271	119,137	-7%		434	119,571
Nov-13	6,831	47,701	75,780	130,312	6%		434	130,746
Dec-13	21,782	64,884	91,585	178,251	5%	1.5%	25,945	204,196
Jan-14	16,848	54,481	56,839	128,169	8%		0	128,169
Feb-14	22,323	58,758	66,487	147,568	5%		1,213	148,781
Mar-14	15,770	64,178	51,114	131,061	4.25%	5.8%		
Apr-14	10,065	41,894	46,458	98,417	3.97%			
May-14	18,993	58,791	83,683	161,467	6.65%			
Jun-14	-	-	-	-				
Total FY14	**$ 339,477**	**$ 722,892**	**$ 821,994**	**$ 1,884,363**	**YTD Compared to Last Year**		**$ 29,445**	**$ 1,522,862**
YTD vs Last Year	11.5%	5.8%	2.8%	5.4%		**5.44%**		
FY14 % of Collections	18%	38%	44%			**$ 97,297**	TaxableSalesFY14	$ 99,176,979
Grand Total	**$ 4,649,533**	**$ 9,846,622**	**$ 11,867,049**	**$ 26,363,204**			**$ 772,413**	**$ 19,510,104**
% of Total Collections	18%	37%	45%				2.9%	Average *i* since '96



Total Taxable Sales Since 1996	$ 1,387,537,037
Total Collected	$ 27,750,741
5% Admin	$ 1,387,537
Public Portion	$ 26,363,204

NEW BAGGAGE CARS COMING SOON

by Amtrak Jun 17, 2014



Our new baggage cars allow for roll on bike storage. No more bike boxes!

First we gave you a sneak peek at our **new long distance** equipment and now it's

SUBSCRIBE AND SAVE

POPULAR POSTS CATEGORIES

Google Helps Us Help You Track Trains

A Quiet, Calm Adventure Is Just What This Artist Ordered

#Amtrakgram: Enter to Win!

Breathtaking Views Ahead, Scout's Honor

How to Apply for the

time to talk testing! Today, we're happy to announce that our new baggage cars begin the **testing phase** of their new equipment journey to the rails.

During field testing, the baggage cars will travel to **Chicago**, **New Orleans**, **Miami** and along the Northeast Corridor to undergo testing for speed, stability, braking and baggage handling.

Amtrak riders like you, enjoy the convenience of seamless intercity travel and we get that. Our investment in new long distance equipment is in response to those exact needs. By the end of 2016, our long distance routes will see the addition of new **diner, sleeper and bag-dorm** cars, making for a more **modernized travel** experience for our riders.

"It's clear that Americans want a national system of intercity passenger rail and Amtrak is moving ahead to build new equipment to meet customer demand," said Amtrak President and CEO, Joe Boardman.

The new baggage cars will be used on all 15 long-distance routes, which means the benefits of **improved reliability** and an enhanced climate-control environment for baggage will be available to our long distance customers by the end of 2014 . Also, the new cars will be equipped with built-in luggage racks that will be able to secure unboxed bicycles (hooray!).

We're excited for this next phase of the new equipment journey into revenue service and hope you are too. Check back this summer for more news, photos and information on our new long distance equipment.

What will the addition of the new equipment mean to your Amtrak journey? Let us know in the comment section below.

Amtrak Residency for Writers

BUY TICKETS

Buy Tickets
Passengers with a Disability

One-Way

Round-Trip

Multi-City >

From

Find a Station

To

Find a Station

Departs

Time

Anytime

Returns

Time