



**CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, MAY 4, 2015
5:00 TO 6:00 PM**

1. Call to Order
2. Meet with Local Government Study Commission members – update on progress and discussion of ideas
3. Public Comment

**CITY COUNCIL SPECIAL MEETING
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, MAY 4, 2015
6:00 TO 7:00 PM**

INTERVIEWS FOR BOARD AND COMMITTEE VACANCIES

6:05 Jim Limbaugh – Applicant for Park Board
6:15 Jason Forrest – Applicant for Park Board
6:25 Teresa Dunn – Applicant for Park Board
6:35 Jim DeHerrera – Applicant for Park Board
Not available for interviews – Doug Wise – Applicant for Park Board

6:45 Mary Vail – Applicant for Library Board of Trustees

4. Public Comment
5. Appointments
 - a. Park Board – 3 positions, 2-year terms. Mayoral Appointments with Council approval
 - b. Library Board of Trustees – 1 position, 5-year term. Mayoral Appointment, Council Approval
 - c. Whitefish Housing Authority – Robert FitzGerald, Resident applicant. Mayoral Appointment
6. Adjournment

Whitefish Local Government Study Commission Survey

Montana is the only state in the nation that allows its cities and countries to review and update their form of government. This occurs every 10 years through a Local Government Review Commission. Whitefish has its own Charter which gives us self-governing powers. We have selected a mayor/council form of government with a paid City Administration.

This insert requests your comments on what works for Whitefish and what needs improvement. Please take a moment to fill this out. We'd like it back by June 30, 2015 to help us compile public comment.

1. Do you think our current form of government is appropriate for Whitefish? Yes___No___.
2. In the past we've had wards with councilors elected to represent specific parts of the City. Should we reconsider this? Yes___No___.
3. What works for you with the form of government? _____

4. What does not work? _____

5. Do you have suggestion that we should consider? _____

Reponses can be mailed to : City of Whitefish, P.O. Box 158, Whitefish, MT 59937

E-mailed to vwoodbeck@cityofwhitefish.org

Faxed to 863-2419

Thank you for contributing to our public process.

Your local Government Review Study Commission

PUBLIC NOTICE

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



HOUSING AUTHORITY - One position to fill the remainder of a term expiring 12-31-19. Open to city residents or residents within a 10-mile radius of the City of Whitefish.

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

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

ARCHITECTURAL REVIEW COMMITTEE – open to residents of the City or the Zoning Jurisdiction who are either employed by or is an owner of a business in the city of Whitefish, or owner of property in the city of Whitefish, Montana licensed architects or a licensed design professional. 2 Positions, 3-year terms.

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

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

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

IMPACT FEE ADVISORY COMMITTEE – 2-Year terms – Three Positions – Openings are for a person from the Development Community, a Certified Public Accountant, and a Member at Large, all who either live or work within Whitefish zoning jurisdictions. The Committee meets once a year.

Please submit a letter of interest to serve on any of the above committees to the Whitefish City Clerk's Office at 418 E. 2nd Street or mail to P.O. Box 158, Whitefish, MT 59937, by **Friday, April 24, 2015**. Interviews will be scheduled for May and June as needed. Thereafter, if vacancies still exist, letters of interest will be accepted until the positions are filled. If you have any questions please call the City Clerk's Office at 863-2400. These are also posted on the City's website: www.cityofwhitefish.org.

*******THANK YOU FOR YOUR INTEREST!*******

6:05

March 23, 2015

414 Columbia Avenue
Whitefish, MT 59937

Ms. Necile Lorang
Whitefish City Clerk
418 E. 2nd Street
Whitefish, MT 59937

Dear Ms. Lorang:

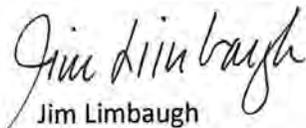
Please accept this letter as my application to be considered for one of the three vacancies on the Park Board of the City of Whitefish.

A primary reason that I moved to Whitefish approximately three years ago was the extraordinary civic pride exhibited by the community and its residents. Without exception, every individual I have met speaks in glowing terms about Whitefish, its vibrant downtown, its year-round activities, and its scenic beauty. Clearly, community residents understand that they live in a very special place, and I now count myself among that group.

Therefore, I am submitting my name for consideration for the Park Board because I believe that public parks are an integral part of the life and culture of our community, and I would like to give back to the community that has welcomed me as a resident. I have witnessed, for example, the energy generated at events held at Depot Park and at other locations throughout the city. I understand that policies governing the maintenance, use, and management of these public spaces are important to the ongoing economic and culture life of the city and that they must be considered with thoughtfulness and an eye to the future. As a former member of multiple city commissions in other communities (e.g., a regional zoning board and two historic district commissions), as well as leadership in higher education administration (culminating with a college presidency), I believe that I have a background that could serve the City of Whitefish.

Thank you for your consideration.

Sincerely,


Jim Limbaugh

6:15



Jason Forrest
620 Park Avenue
Whitefish, MT 59937
406-214-0378
jason.forrest@yahoo.com

Whitefish City Clerks Office
418 E. 2nd St
Whitefish, MT 59937

I am contacting you today because I believe that my skills and background fit ideally with Park Boards needs for a volunteer position.

I've been involved with youth recreational programs my whole life. I have a degree in Recreation Management, started a surf school out of college, was a group leader at a YMCA in San Diego, lead a youth group and I currently sit on the board of directors for the NC Foundation. (<http://natechutefoundation.org/>) Since 2011 I've been a part of a team that has transformed our annual snowboard event from a feel good snowboard event to a legitimate fundraiser that supports youth mental health programs in the Flathead Valley. In 2011 the contest raised \$400 for the foundation, last year we raised over \$7000! We did this by engaging our devoted community and specifically the devoted competitors.

I believe that I would bring incredible skill and a unique perspective to the Park Board. I've managed retail sales accounts across the southeast and now manage Whitefish Mountain Resort group business from Alberta to Texas. I know how to quickly establish and maintain important relationships. I currently work on a small sales and marketing team that develops and manages all of our products internally. I understand the need for experienced and well-rounded member of a community board and know how to meet goals. I've lived in Whitefish for 7 years and been a permanent resident of Whitefish since 2011. I'm currently raising a growing family and own a home a few blocks from the high school. I'm specifically interested in the depot park project and the reassessment of usage fees for park space.

I need and enjoy work that is worth doing. Studies show that people never regret family vacations or time spent with friends. I currently sell quality time together for family and friends and love that part of my job and would love to use these skills to enhance our park offerings in the City of Whitefish to help people spend quality time with their family and friends.

I'm excited about opportunities within the Park Board and hope to explore contributions I can make. I'd love to set up a time to talk on the phone in the next week or to arrange an interview. Please let me know when is best for you.

Thanks in advance!

Jason Forrest
406-214-0378
jason.forrest@yahoo.com

Jason Forrest

620 Park Ave Whitefish, Montana 59937 (406) 214-0378
jason.forrest@yahoo.com

Education

East Carolina University, Greenville, North Carolina

Bachelor of Science in Recreation and Leisure Studies, Summer 2001
Concentration: Management of Recreation Facilities and Services
Grade Point Average: 3.1 (of 4.0)

Professional Experience

Western Region Sales Representative, *Whitefish Mountain Resort*, Montana

Dates Employed: 4/12/11 to Present

- Awarded as a Top Ten Employee for 2012
- Attend National and Regional Trades Shows and Symposiums
- Primary focus on developing direct group business including but not limited to establishing relationships with councils, clubs, colleges, shops and corporations.
- Focused efforts on building summer tourism group segment.
- Responsible for identifying and developing sales opportunities necessary to accomplish specified targets and goals.
- Responsible for understanding and utilizing V12 lodging software, ticket POS software, Excel, Word, Outlook and actively track business in ACT opportunity software.
- Creating, invoicing and following through on contract proposals
- Knowledgeable of all resort products and services, current industry trends, including the ability to communicate this information effectively.
- PR Assistant for snowboard related marketing, resort contact for the Burton Crazy Train and Riding on Insulin

Event Production Supervisor, *Whitefish Mountain Resort*, Montana

Dates Employed 12/1/10 to 4/10/11 11/1/09 to 4/5/10
12/4/08 to 4/6/09

- Coordinate the daily work and assigns duties, schedules and oversees the event staff and volunteers
- Supervise the production of all winter special events and mountain activities, specifically, but not limited to, private races, race leagues, snowboard events, special events for visiting groups, USSA/FIS and local races/competitions and charity events.
- Responsible for the proper use, storage and maintenance of equipment, vehicles, tools and facilities

Manager, *Outer Banks Boarding Company*, North Carolina

Dates Employed: 5/17/02 to 11/10/10

Guide/Naturalist/Bike Patrol, *Whitefish Mountain Resort*, Montana

Dates Employed 5/27/08 to 9/27/08 8/15/09 to 9/30/09

Snowboard Instructor, Freestyle Coach, *Whitefish Mountain Resort*, Montana

Dates Employed 12/06/08 to 4/6/08

Southeast Sales Representative, *NHS Inc*

Dates employed: 12/15/05 to 10/12/07

- Received "Overall Kickass Promotional Support" award at International Sales Meeting
- Management of over 100 accounts covering the southeast US states
- Organization, planning and execution of surfboard and snowboard demos and clinics
- Planning and execution of skateboard tours, contests and demos with professional skaters

- Attend international sales meetings bi-annually discussing hard and soft goods product development, marketing, and distribution
- Scheduled and worked appointments at Surf Expo and ASR Trade Shows

Mid-Atlantic Sales Representative, Hoven Eyewear and West Wetsuits

Dates Employed: 8/1/05 to 10/01/07

- Development of Account Base in Mid-Atlantic Region while introducing new products and brands

Owner, Partner, Found Nation Surf School, North Carolina

Dates Employed: 5/17/02 to 8/30/03

- Conceptualize, plan, organize and execute Three and Five Day Camp
- Implemented environmental education program with NC Aquarium at Jennette's Pier

Boatman, Surf Guide, Salani Surf Resort, Samoa

Dates Employed: 12/16/02 to 4/29/03 1/6/04 to 4/29/04

- Put guest on the best waves of their lives every day by boat or van
- Maintenance, cleaning and daily operation of all resort boats
- Island Tour Guide; waterfalls, town, cliff jumps, coastal hikes

Intern, Kayak Eco Tour Manager, Kitty Hawk Sports, North Carolina

Dates Employed: 5/18/01 to 11/20/02

- Hire, train, schedule, critique and supervise kayaking guides
- Prepare an end of season Marketing Report for the kayaking division
- Maintain tour vehicles, kayaks, trailers and gear
- Coordinate with the US Fish & Wildlife Service on kayak tour organization

Trip Leader, East Carolina University Adventure Center, North Carolina

Dates Employed: 8/26/00 to 5/4/01

- Trip planning and organization (Surfing, backpacking, rock climbing, touring and white-water kayaking. Trips vary in length from one to five days)
- Facilitation of Rock Climbing Wall and Kayak Roll Clinic Head Instructor

Day Camp Unit Leader, La Jolla YMCA, California

Dates Employed: 6/10/00 to 8/11/00

- Overall management and supervision of a camp unit, staff and children
- Plan, supervise, and implement day camp program in accordance with YMCA goals

Guide, Kachemak Bay Wilderness Lodge, Alaska

Dates Employed: 6/10/95 to 8/30/95 6/10/96 to 8/30/96
6/10/97 to 8/30/97

- The Kachemak Bay Wilderness Lodge was awarded "Hideaway of the Year" by Harper's Hideaway Report for 1997, featured on the cover of Travel and Leisure Magazine as well as the Travel Channels recent show "1000 Places to See Before You Die" and known as "Alaska's Best Wilderness Lodge"

Non-Profit and Volunteer Experience:

Board Member, NC Foundation, Montana - 2011 to Present

- Responsible for multiple fundraising events surrounding the Nate Chute Snowboard event at Whitefish Mountain Resort transforming the event from a long standing snowboard event to an innovative community fundraiser to support local youth mental health programs
- Engaged the competitors in a fundraising effort that resulted in over \$7000 raised in 2014.
- Currently involved in the creation of an Executive Director position

Member, Flathead Fat Tires, Montana

Youth Group Leader, Whitefish United Methodist Church - 2009 to 2011

Founding Core Leader, Whitefish Community Garden

Founding Core Leader, Outer Banks Chapter of Christian Surfers 2006 to 2007

President (2000) and Secretary (1999) Pi Kappa Phi Fraternity, East Carolina University

Member, The Nature Conservancy

Certifications:

NAUI Scuba Diver

American Red Cross Adult, Child and Infant First-Aid/CPR/AED

Wilderness First Aid

AASI Level 1 - 2011

Accomplishments:

Raised over \$1500 for First Descents in a paddleboard race, 26 miles on Flathead Lake

My two and a half year old is still alive and seems quite happy

Contributor to the Flathead Beacon's "Inversions" – 2013

Ride my bike to work 6 miles and 1700ft twice weekly all summer

Manage a tight family budget that allows my wife to work part time for restorative youth justice

Featured writer for the Native Eyewear Locals Only project – 2012

Contributor to the Whitefish Mountain Resort Blog "Big Thoughts"

Photo featured in Thrasher Skateboard Magazine Photograffiti - 2008

Half Page Editorial Photo featured in Eastern Surf Magazine - 2005

Eastern Surf Magazine "Who Da Guy" - 2005

Writing and Photos Featured in Eastern Surf Magazine "Travel Journals" - 2005

Image used in Surfer Magazine advertisement for Salani Surf Resort - 2006

Travels:

Canada

Costa Rica

Panama

Multiple Cross-Country Drives

California

Nova Scotia

Montana

Samoa

Alaska

Baja, Mexico

The entire East Coast

El Salvador

Oregon

6:25



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

March 10, 2015

Dear Jeri:

Your term on the Park Board

expires on 5-1-15

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is Friday, April 24, 2015. Interviews with the Council will be scheduled for meetings in May and June. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Park Board

Gina Dunn
Signature

office 862-4390
Daytime Phone #
cell 270-7182

6:35



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

March 10, 2015

Dear Jim:

Your term on the Park Board

expires on 5-1-15

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is Friday, April 24, 2015. Interviews with the Council will be scheduled for meetings in May and June. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:

I am interested in serving another term on the Park Board

[Signature] 406-212-4869
Signature Daytime Phone #

Thanks Necile!

received
3-12-15



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

March 10, 2015

Dear Doug Wise
Your term on the Park Board
expires on 5-1-15

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is Friday, April 24, 2015. Interviews with the Council will be scheduled for meetings in May and June. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Necile Lorang Necile will be out of the country (Africa) month of ^{APR} May - back in Whitefish June 8th

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:
I am interested in serving another term on the Parks & Recreation Board

Doug Wise 406-407-0927
Signature Daytime Phone #

To: Mayor & City Council

From: Doug Wise

Ref: Serving another term on Park Board

My interest in serving one more term is to finish up a couple of major projects in front of the Board -

1- Ice Ring

2- Hazels Depot Park
(with help of Whitefish Rotary)

3- ^{7th St. W} Backfill Sand to City Park
(with help of Whitefish Rotary)

P.S. member of Whitefish Rotary and
act as liaison

PARK BOARD – WCC 2-2-1 - 2 YEAR TERMS – Mayoral Appointments confirmed by Council (2nd Tuesdays @ 7 pm)

			TERM DATE	
Councilor Frank Sweeney	PO Box 158	863-4848 (O)		Mayor/Designee (Richard Hildner, Alternate)
Susan Schnee	1405 E. 2 nd Street	863-9856	5/01/2016	
Ron Brunk	130 E. 4 th St	862-6466, 862-6858	5/01/2016	
Ray Boksich	223 Columbia Ave	862-3430, 212-0261	5/01/2016	
Doug Wise	1000 Birch Point Dr	862-1463, 407-0927	5/01/2015	President
Terri Dunn	6211 D Shiloh Ave	862-8276, 250-7182	5/01/2015	
Jim DeHerrera	339 Fairway Drive	407-730-2424	5/01/2015	

BOARD OF PARK COMMISSIONERS

2-2-1: BOARD CREATED; MEMBERSHIP:

The board of park commissioners must be composed of the mayor, or the mayor's designee, and six (6) other persons to be appointed by the mayor, with the approval of the city council. The seven (7) persons to be so appointed shall have the same qualifications for the office of park commissioner as are required by Montana code 7-4-4301 for the office of mayor.**

****Montana Code Annotated 2009:**

7-4-4301. Qualifications for mayor. (1) A person is not eligible for the office of mayor unless the person:

- (a) is at least 21 years old;
 - (b) has been a resident of the state for at least 3 years; and
 - (c) has been a resident for at least 2 years preceding the election to office of the city or town or an area that has been annexed by the city or town.
- (2) The office of mayor of a city or town is considered vacant if the individual elected as mayor ceases to be a resident of the city or town.**

A. Term Of Office:

1. Except as provided in subsection A2 of this section, the term of office of each park commissioner shall be two (2) years from and after May 1 of the year in which he is appointed and until his successor is appointed and qualified.
2. Three (3) of the commissioners first appointed shall hold office for the period of one year from and after May 1 and until their successors are appointed and qualified.

B. Vacancy: Any park commissioner who shall refuse or neglect to attend three (3) meetings of the board between May 1 and April 30 of the following year shall be deemed to have vacated his office, and thereupon his successor may be appointed.

C. Compensation: No park commissioner shall receive compensation for his service rendered under the provisions of this chapter, but the actual and necessary expenses incurred by any member of the board while acting under the orders of the board in the transaction of any business in its behalf may be paid upon being allowed and audited by the board.

D. Oath Of Office: Before entering upon the discharge of his duties, each park commissioner shall take and subscribe the oath provided by Montana code 2-16-211. The oath shall be filed in the office of the city clerk. (Ord. 96-15, 2-18-1997)

2-2-2: ORGANIZATION OF BOARD:

- A. On the second Tuesday in May in each year, the board of park commissioners shall meet and organize by electing one of their number president and one of their number vice president, who shall hold their offices, respectively, for the term of one year.
- B. The city clerk or the city clerk's designee shall be ex officio clerk of the board of park commissioners. (Ord. 96-15, 2-18-1997)

2-2-3: CONDUCT OF PARK BOARD BUSINESS:

- A. The board of park commissioners shall hold an annual meeting on the second Tuesday of May and a meeting at least once in each month in each year at such times as the board shall by rule prescribe. Special meetings may also be held at the call of the president or, in his absence, the vice president, upon giving to each member of the board at least twenty four (24) hours' notice in writing of the time and place of holding such meeting.
- B. A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of the board. (Ord. 96-15, 2-18-1997)

2-2-4: POWERS AND DUTIES:

A. Officers: Except as provided in Montana code 7-16-4228(2), the president, and in the president's absence the vice president, shall preside at all meetings of the board. (Ord. 96-15, 2-18-1997; amd. 2003 Code)

B. Park Board Minutes: The minutes of the meeting contained in the record book, when approved by the board, shall be prima facie evidence of the matters and things therein recited in any court of this state.

C. Park Board Powers And Duties:

1. The board of park commissioners shall have the management and control of all parks belonging to the city.

2. The board of park commissioners shall have the following powers and be charged with the following duties:

a. To lay out, establish, improve and maintain parkways, drives and walks in the parks of the city; and to determine when and what parks shall be opened to the public;

b. To plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the parks belonging to the city;

c. If directed by the city council, to plant, cultivate, maintain and improve all trees and other plants required to be planted, cultivated and maintained in the streets, avenues, boulevards and public places in the city and for that purpose to establish and maintain nurseries for the growth of trees and plants;

d. Upon receiving approval from the city council, to purchase or otherwise acquire, and sell or otherwise transfer, real property; to make plats thereof; and to file the same in the office of the city clerk;

e. To provide written comments and recommendations to the city council prior to any action by the city council to acquire or transfer land used, or to be used, for a city park;

f. To pay all obligations authorized to be incurred by the provisions of this part;

g. To exercise all other powers incident to the duties enjoined by the provisions of this part. (Ord. 96-15, 2-18-1997)

2-2-5: CONTRACTS AND EMPLOYMENT:

A. The board of park commissioners has the following powers and duties:

1. To employ and discharge workers, laborers, engineers, foresters and others, and to fix their compensation; and
 2. To make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon the board by this part; provided, however, that any contract having a term of more than five (5) years must be approved by the city council.
- B. All contracts made by the board must be in the name of the city and must be signed by the city clerk and by the president of the board or, in the president's absence, by the vice president of the board; provided, however, that any contract having a term of one year or less may be signed by the parks and recreation director.
 - C. An order or resolution authorizing the making of any contract may not be passed or adopted except by a ye and nay vote, which must be recorded in full in the minutes by the city clerk.
 - D. The board may elect to have all, or certain, personnel decisions made by the mayor, the city manager or the parks and recreation director pursuant to the policies and regulations governing other city personnel decisions. (Ord. 96-15, 2-18-1997)

6:45



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

March 10, 2015

Dear Mary:

Your term on the Library Board of Trustees
expires on 6-30-15

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is Friday, April 24, 2015. Interviews with the Council will be scheduled for meetings in May and June. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Necile Lorang

Necile Lorang, CMC
Whitefish City Clerk

To Whitefish City Council:
I am interested in serving another term on the Library Board

Mary L. Weil 406.867.3967
Signature Daytime Phone #

LIBRARY BOARD OF TRUSTEES – ORD 10-19, 5 YEAR TERMS, (Second Wednesday of the Month – 7:00 pm)

MAYORAL APPOINTMENTS

Roger Barber	1029 Park Ave	265-6594	6/30/2019	
Vice Chair: Anne Shaw Moran	PO Box 4472, WF	862-7342	6/30/2016	
Secretary: Alison Pomerantz	342 Plantation Dr, Kalispell	314-4882, 617-803-9697	6/30/2018,	In School District, out of City
Treasurer: Mary L. Vail	PO Box 515, WF	862-3562	6/30/2015	
Marge Fisher	750 W. 2 nd St. – Suite G, WF	862-1233	6/30/2017	

WHITEFISH COMMUNITY LIBRARY BOARD OF TRUSTEES

2-14-1: BOARD OF TRUSTEES ESTABLISHED:

There is hereby established a board of trustees to be called the "Whitefish Community Library board of trustees", hereinafter referred to as the board of trustees. (Ord. 10-19, 12-6-2010)

2-14-2: PURPOSE, POWERS, PROCESSES, AND DUTIES:

As provided by Montana law, the board of trustees shall have exclusive control of the expenditure of the public library fund, construction or lease of library buildings, and the operation and care of the library. The board of trustees shall have the powers and duties currently provided in Montana Code Annotated, section 22-1-309, as amended:

- A. Adopt bylaws and rules for its own transaction of business and for the government of the library, not inconsistent with law;
- B. Establish and locate a central public library and may establish branches thereof at such places as are deemed necessary;
- C. Have the power to contract, including the right to contract with regions, counties, cities, school districts, educational institutions, the state library, and other libraries, to give and receive library service, through the boards of such regions, counties, and cities and the district school boards, and to pay out or receive funds to pay costs of such contracts;
- D. Have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold real and personal property in the name of the city or county or both, as the case may be, for the use and purposes of the library and to sell, exchange or otherwise dispose of property real or personal, when no longer required by the library and to insure the real and personal property of the library;
- E. Pay necessary expenses of trustees of the library staff when on business of the library;
- F. Prepare an annual budget, indicating what support and maintenance of the public library will be required from public funds, for submission to the appropriate agency of the governing body. A separate budget request shall be submitted for new construction or for capital improvement of existing library property;
- G. Make an annual report to the governing body of the city or county on the condition and operation of the library, including a financial statement. The trustees shall also provide for the keeping of such records as shall be required by the Montana state library in its request for an annual report from the public libraries and shall submit such an annual report to the state library;
- H. Have the power to accept gifts, grants, donations, devises, or bequests of property, real or personal, from whatever source and to expend or hold, work, and improve the same for the specific purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and bequests shall be kept separate from regular library funds and are not subject to reversion at the end of the fiscal year; and
- I. Exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library. (Ord. 10-19, 12-6-2010)

2-14-3: MEMBERSHIP:

The board of trustees shall have five (5) trustees. Trustees shall be appointed by the mayor with the advice and consent of the city council. Four (4) trustees shall reside within the boundaries of the city of Whitefish and one trustee shall reside within the boundaries of the current school district 44 but outside the boundaries of the city of Whitefish. Trustees shall receive no compensation. (Ord. 10-19, 12-6-2010)

2-14-4: TERMS OF TRUSTEES:

Trustee terms shall be for five (5) years, although initially the appointments must be made for one, two (2), three (3), four (4), and five (5) year terms. Annually thereafter, trustees must be appointed before July 1 of each year, in the same manner as the original appointments for a five (5) year term, a trustee to take the place of the retiring trustee. Trustees may not serve more than two (2) full terms in succession. (Ord. 10-19, 12-6-2010)

2-14-5: VACANCY:

Any vacancy on the board of trustees shall be filled for the unexpired term in the same manner as the original appointment. (Ord. 10-19, 12-6-2010)

2-14-6: ORGANIZATION:

At its first meeting after the initial appointment of the board of trustees, and thereafter at its first meeting after July 1 of each year, the trustees shall meet and elect a presiding officer and other officers that they consider necessary for one year terms. (Ord. 10-19, 12-6-2010)

Subject: Resident board seat
From: robert fitzgerald <rob9fitz@yahoo.com>
Date: 4/27/2015 11:44 AM
To: "nlorang@cityofwhitefish.org" <nlorang@cityofwhitefish.org>

Necile,

I am emailing you concerning the vacant Whitefish Housing Authority Board seat. I am a resident at Mountain View Manor, and Laurie the manager here keeps insisting that I apply. So here I am. What do I do now?

Blessings,

Robert FitzGerald,
Theoretical Astrologer

<http://www.signsofthetimeshistory.com/> Astrological Ages and the Great Astrological End-Time Cycle

Signs of the Times: the End of the World and the Coming Golden Age. 1st World Publishing Co.

<http://we-quality.com/> Astrological Roots of Gender Roles

An Erotic Genesis. 1st World Publishing Co.

[Feminine Moon, Masculine Sun: Understanding the Cosmic Dimensions of Gender Roles in our Lives and Relationships.](#) 1st World Publishing Co.

HOUSING AUTHORITY – MCA 7-15-4431 - City Resident or Within a 10 mile radius – 5 YEAR TERMS – MAYORAL APPOINTMENTS

			TERM EXPIRATION DATE	
Ralph Ammondson	Apt 222 – Mountain View Manor (Resident) 100 E. 4 th Street	862-8160	12/31/2015	2 yr. Term
Vacancy		12/31/2014		2 yr. Term
Myrna Fleming	104 Railway Street	862-3568	12/31/2016	Chairwoman
John Middleton	6475 Hwy 93 S, Ste 17	406-862-7200	12/31/2015	
Bill Mulcahy	2 Granite Springs Trail, WF	730-2701	12/31/2018	
Vacancy			12/31/2019	
Sandra McDonald	PO Box 4722	862-9182	12/31/2017	Vice-Chair

MONTANA CODE ANNOTATED 2011

7-15-4431. Appointment of commissioners. (1) An authority consists of seven commissioners appointed by the mayor. The mayor shall designate the first presiding officer. A commissioner may not be a city official.

(2) Two of the commissioners must be directly assisted by the housing authority and are known as resident commissioners. The staff of the housing authority may not involve itself in the nomination or appointment of resident commissioners, except that the housing authority shall notify all of the households directly assisted by the housing authority when a resident commissioner position is vacant.

(3) The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner, and the certificate is conclusive evidence of the proper appointment of the commissioner.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 2, Ch. 514, L. 1989; amd. Sec. 5, Ch. 472, L. 1997; amd. Sec. 1, Ch. 197, L. 2001.

7-15-4432. Term of office. (1) Subject to subsection (2), the commissioners who are first appointed must be designated by the mayor to serve for terms of 1, 2, 3, 4, and 5 years, respectively, from the date of their appointment. After the initial appointments, the term of office is 5 years.

(2) The resident commissioners who are first appointed shall serve for terms of 1 and 2 years, respectively, from the date of their appointment. After the initial appointments, the term of office is 2 years.

(3) A commissioner shall hold office until the commissioner's successor has been appointed and qualified.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 3, Ch. 514, L. 1989; amd. Sec. 2, Ch. 197, L. 2001.

7-15-4433. Compensation of commissioners. A commissioner may not receive compensation for services, but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of authority duties.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part); amd. Sec. 621, Ch. 61, L. 2007.

7-15-4434. Vacancies. Vacancies shall be filled for the unexpired term.

History: En. Sec. 5, Ch. 140, L. 1935; re-en. Sec. 5309.5, R.C.M. 1935; R.C.M. 1947, 35-105(part).

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, May 4, 2015, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 15-06. Resolution numbers start with 15-08

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) PRESENTATION – FY14 Audit – Denning, Downey, and Associations (p. 46)
- 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 April 20, 2015 City Council executive and regular sessions (p. 107)
 - b) Consideration of approving application from Patti Beck on behalf of Lacy Lake Holdings LP for Whitefish Lake Lakeshore Permit (#WLP-15-W10) at 1840 Lacy Lane to install a shore station with no canopy subject to 10 conditions (p. 119)
 - c) Consideration of approving application from White Cloud Design on behalf of Walecka 1992 Living Trust for Whitefish Lake Lakeshore Permit (#WLP-15-W11) at 2432 Carver Bay Road for placement of 9.38 cubic yards of beach gravel subject to 14 conditions (p. 131)
 - d) Consideration of approving application from White Cloud Design on behalf of Duncan Family Trust for Whitefish Lake Lakeshore Permit (#WLP-15-W12) at 2434 Carver Bay Road for placement of 9.38 cubic yards of beach gravel subject to 14 conditions (p. 140)
 - e) Consideration of approving application from Cory Izett on behalf of The 1998 Feeny Family LLC for Whitefish Lake Lakeshore Permit (#WLP-15-W14) at 1674 West Lakeshore Drive to move an adjacent ‘I’ dock to the subject property subject to 11 conditions (p. 149)
- 7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Consideration of a request from the Iron Horse Homeowners Association for a modification to their subdivision to permit a reconfiguration of their guardhouse on the side of Iron Horse Drive to a welcome center in a median in the center of the road (p. 163)

- b) Resolution No. 15-___; A Resolution of Intention of the City Council of the City of Whitefish, Montana, indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (p. 246)
- c) Ordinance No. 15-___; An Ordinance amending Whitefish City Code Section 7-3-9, to require vendor special permits to sell any goods, wares, merchandise, food or services within the waters two hundred feet (200') from Whitefish City Beach, City designated swimming areas and City docks (First Reading) (p. 489)
- d) Ordinance No. 15-___; An Ordinance amending Zoning Regulations in Whitefish City Code Section §11-2L-1 WB-3 General Business District, Intent and Purpose, clarifying the boundaries of the Old Town Central District and Old Town Railway District to make them consistent with the Old Town Central District and Old Town Railway District boundaries of the Architectural Review Standards (First Reading) (p. 494)
- e) Resolution No. 15-___; A Resolution amending the 2009 Weed Management Plan and approving the 2015 Whitefish Weed Management Plan, Invasive Species Guide and Resource Manual (p. 506)

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Central Avenue Water Line Replacement Project (3rd Street to 6th Street) – design options and authorization to bid (p. 555)

9) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 563)
- b) Other items arising between April 29th and May 4th
- c) Ordinance No. 15-___; An Ordinance amending Ordinance No. 95-15 and Ordinance No. 11-13, the administrative ordinance governing the collection and reporting of Resort Tax revenues, providing for an increase in the Resort Tax from 2% to 3% pursuant to voter approval and revising the uses of the Resort Tax for the increased rate (First Reading) (p. 568)
- d) Resolution No. 15-___; A Resolution establishing annual goals for the City (p. 585)
- e) Consideration of approving a contract with AE2S Consulting Engineers for the Water and Wastewater rate study (p. 588)
- f) Quarterly Financial Report - 3rd Quarter FY15 (p. 596)

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Discussion and consideration of making comments on the Tongue River Railroad project Draft Environmental Impact Statement (p. 609)
- b) Appointments – consideration of any appointments not made during Special Session prior to tonight's Regular Meeting

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



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

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

Adopted by Resolution 07-09
February 20, 2007

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April 29, 2015

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

Mayor Muhlfeld and City Councilors:

Monday, May 4, 2015 City Council Agenda Report

There will be a work session on Tuesday at 5:00 p.m. for a meeting with the Local Government Study Commission followed by interviews for appointments to vacancies on Boards and Committees. 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 April 20, 2015 City Council executive and regular sessions (p. 107)
- b) Consideration of approving application from Patti Beck on behalf of Lacy Lake Holdings LP for Whitefish Lake Lakeshore Permit (#WLP-15-W10) at 1840 Lacy Lane to install a shore station with no canopy subject to 10 conditions (p. 119)
- c) Consideration of approving application from White Cloud Design on behalf of Walecka 1992 Living Trust for Whitefish Lake Lakeshore Permit (#WLP-15-W11) at 2432 Carver Bay Road for placement of 9.38 cubic yards of beach gravel subject to 14 conditions (p. 131)
- d) Consideration of approving application from White Cloud Design on behalf of Duncan Family Trust for Whitefish Lake Lakeshore Permit (#WLP-15-W12) at 2434 Carver Bay Road for placement of 9.38 cubic yards of beach gravel subject to 14 conditions (p. 140)
- e) Consideration of approving application from Cory Izett on behalf of The 1998 Feeny Family LLC for Whitefish Lake Lakeshore Permit (#WLP-15-W14) at 1674 West Lakeshore Drive to move an adjacent 'T' dock to the subject property subject to 11 conditions (p. 149)

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

Item a is an administrative matter; items b-e are quasi-judicial matters.

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

- a) Consideration of a request from the Iron Horse Homeowners Association for a modification to their subdivision to permit a reconfiguration of their guardhouse on the side of Iron Horse Drive to a welcome center in a median in the center of the road (p. 163)

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

Summary of Requested Action (Updated Plan 4/22/15): The Iron Horse Homeowners' Association is proposing to remove the existing guard house and replace it with a single story welcome center in a landscape median in the center of Iron Horse Drive. The landscape median in the center of the road with this current design is considerably larger than the previous proposal. This work will also include consolidating two roads on the south side of Iron Horse Drive into one road to the east of the welcome center, provide four parallel parking spaces within the landscape median to the east of the welcome center (two spaces on each side of the road) and provide a golf cart crossing with bulb-outs to the east of the welcome center. The location of the project is within the Iron Horse Drive right-of-way, a private road open to the public.

This packet includes updated information (narrative, letter from Traffic Engineer Bob Abelin, Email from Fire Marshal Tom Kennelly, revised site plan, perspectives – uphill and downhill and revised building elevations) and all the information from the previous Council packet.

Background Information (December 2014 Plan):

Planning & Building Department Recommendation: Staff recommended to not approve the reconfigured entrance and identified Findings of Fact to support the denial.

Public Hearing (Planning Board 1/15/15): The President of the HOA spoke at the public hearing on January 15, 2015 in support of the request and three members of the public also spoke in support of the request. One member of the public spoke not in support of the request and felt it may be construed as not welcoming the public, which was an important aspect of the project. The minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on January 15, 2015 to conduct the public hearing. Following the hearing, the Planning Board recommended to not approve the entrance modifications as recommended in the staff report and

adopted the staff report as findings of fact (4-3, Stein, Laidlaw, Ellis voting in opposition).

Public Hearing (City Council 2/17/15): The President of the HOA and his consultant spoke at the Council's public hearing on February 17, 2015 in support of the request and eleven members of the public also spoke; nine members in support, one not in support and one with questions. The minutes from the Council meeting are attached as part of this packet.

City Council Action (2/17/15): The City Council met on February 17, 2015 to conduct the public hearing. Following the hearing, the Council tabled the request until April 6, 2015 (4-2, Frandsen, Hildner voting in opposition). In making this request, the Council asked the applicant to address a number of items including: intent of the project, is it only a safety issue or are there other goals with the project, will the proposal accomplish their goals, staffing of the information center, and concerns with bicyclists riding shoulder to shoulder.

City Council Action (4/6/15): The City Council met on April 6, 2015 to continue the public hearing. At the hearing, the applicant requested additional time to refine their proposal and ensure their consultant team would be present for the Council meeting. The Council tabled the request until May 4, 2015.

Updated Plan (dated 4/22/15):

The applicant has amended their proposal in response to Council questions and concerns identified on February 17, 2015.

Parking for Users of the Welcome Center.

The Council was concerned with the location of the parking for the welcome center as it was located on the opposite side of the travel lane from the welcome center.

HOA Response. While the building continues to be located in the center of the landscaping island, the parking for the users of the building has been located in the center landscape island. This will be safer for those wishing to stop to obtain information. The previous proposal would have required pedestrians to cross the travel lane.

Traffic Calming Measures Employed. Were they adequate? Would they have the effect they were trying to achieve? How would this solve the concern with bicyclists traveling shoulder to shoulder?

The Council was not convinced the project, as proposed, would provide traffic calming, which was one of the described goals of the project.

HOA Response. The applicant hired a traffic engineer to review the traffic calming measures to be used with the project. They are incorporating neckdown/curb bulbs, narrowed travel lanes, mid-block median, chicanes and a substantially larger landscaped median. The neckdown/curb bulbs are located at the golf cart path to the

east of the median. The travel lanes have been reduced in width to 14-feet. The previous proposal had each of the travel lanes at 20-feet wide plus additional width adjacent to the welcome center for drivers to stop and vehicles to drive around. In the packet are comments from the Fire Department with their comments to ensure the 14-foot width will work for emergency services. Chicanes are designed into the landscape median. These require the driver of a vehicle to reduce speed in order to make a slight turn while driving. The view is not a straight lane which can cause drivers to increase their speed.

Architectural Design of the Building.

The Council requested additional information about the design of the building.

HOA Response. The applicant included a revised building drawing. The new drawing does not include a window for vehicles to pull up to, but a front porch.

Staff Analysis (Updated Plan – 4/22/15):

Staff appreciates the updated plan and the information from the Traffic Engineer. The plan better represents the traffic calming needed in this busy area – especially with the substantially larger landscape median and narrower travel lanes. As stated in the January 8, 2015 staff report, staff is supportive of the safety measures to calm traffic, but we continue to be concerned with the security building being located to the center of the road. As staff stated in the January staff report and reiterated to the Council in February, by placing a building in the center of the road, it gives the appearance that the roads and subdivision are not open to the public.

Council will recall the Resolution adopted in October 2014 establishing a policy on gated communities within the City limits. The policy states: “No subdivision or other residential neighborhood shall gate its streets off from public access. No features, temporary or otherwise shall give the impression to the public of a gated neighborhood.” (emphasis added) Staff is concerned the building in the center of the road ‘gives the impression’ of a gated neighborhood. As such, staff is not in support of the relocation of the building to the center of the road.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering the public testimony, Planning Board recommendation, and staff recommendation, not approve the changes to the Iron Horse entrance and adopt the Findings of Fact in staff report WPP 97-01A, as recommended by the Whitefish Planning Board.

If the Council disagrees, Planning staff has offered two suggested conditions of approval and direction to amend Finding of Fact #6. This information can be found within the January 8, 2015 staff report within the packet.

This item is a quasi-judicial matter.

- b) Resolution No. 15-___; A Resolution of Intention of the City Council of the City of Whitefish, Montana, indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (p. 246)

From Planning and Building Director Dave Taylor's staff report:

Enclosed in your latest packet is a fresh copy of the Highway 93 West Corridor Plan with the changes the council directed by the Council on April 20th. To more clearly show the focus of the requested changes, a mark-up draft of Appendix D is attached to this memo in the packet. The council also had several questions, which I will address in this memo. It should be noted that the draft zoning districts will need to come back through the Planning Board and City Council for further refinement prior to them being adopted in the zoning code.

With regard to the potential addition of the conditional use of 'Grocery stores, not to exceed 4,000 square feet' to the WI-T proposed zoning district, staff researched the footprints of both Markus Foods and Alpine Village Market. Wendy was able to contact Duane Reisch, Markus Foods owner, and former owner of Alpine Village Market. He provided this information:

Markus Foods: 12,000 sq. ft.
Alpine Village Market: 4,500 sq. ft.

We believe 4,000 square feet would work for a small market, although if there is an assisted living facility built on the Idaho Timber site, a small grocery store might also include an accessory pharmacy, which might necessitate a larger number such as 6,000 square feet. Grocery Stores are not currently listed, so a motion would be need to be made to add them to the list of conditional uses in the WI-T.

Another question that was asked was what are the typical building footprints in Area B? Staff had proposed bulk and scale standards requiring a Conditional Use Permit for buildings with footprints over 7,500 square feet, matching our downtown WB-3 requirement. The WB-2 requires CUP's for buildings over 15,000 square feet. Staff used State CAMA data to research footprint size – however these numbers do not include attached car-ports, etc., just living space. A map showing many of footprint dimensions in both Area B and Area A is attached.

In Area B, many of the existing older rental house residences in Area B are fairly small – 700 to 900 square feet. Many of those old 'dam house' type buildings are being removed and replaced by multi-family or mixed use. Newer mixed-use buildings along Area B include the following:

Mike Jensen's building (1200 sq ft)
Paul Wells (1200 sq ft)
Hurley's apartment building (2400 sq ft)

D.A. Davidson building by the bridge (1,800 sq ft)

Conversely, across the street in Area A, average buildings are typically larger, even though the lots are much smaller. We have the following buildings:

Barnes Service Station (2546 sq ft, not including gas canopy)

Office building just north of service station (1250 sq ft)

Vet clinic (2058 sq ft)

Ryan Zinke's house (2058 sq ft)

Apartments three lots south of Karrow (2760 sq ft)

There is also a five-plex in Area A at the corner of Good Avenue that exceeds 3000 square feet, but the exact footprint could not be obtained accurately.

For bulk and scale, a conditional use permit threshold should be set for buildings predominantly larger than the existing, but not force the majority of projected developments to have to go through cumbersome public hearings. The reason we might want a higher threshold than the existing building footprints is to encourage the types of uses envisioned by the corridor plan. With a new street, existing utilities, and available police and fire protection, allowing a square footage threshold within the acceptable parameters of the plan seems prudent. Therefore we recommend the threshold be set in the range of 3,000 square feet to 5,000 square feet in WT-3 for when a CUP would be required.

Finally, a question was raised with regard to lot coverage in the WT-3 district. Currently the WR-3 zoning has a 40% lot coverage maximum. 70% was the number in the draft plan, which we agree is too high. Increasing it slightly from 40% seems warranted when you consider that outbuildings for material storage may be necessary for artisan manufacturing uses. Therefore we are recommending a 50% lot coverage standard for the WT-3.

There is one other item the council could discuss. The plan calls for future rezoning of Area B and Idaho Timber to the draft transitional zones be initiated by property owners on a case by case basis. If the council feels it would be more consistent with the plan for the city to make a more comprehensive zoning change once the new zones are adopted, the plan implementation chapter could be modified to include that as a staff priority.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony, Planning Board recommendation, and staff recommendation, adopt A Resolution of Intention of the City Council of the City of Whitefish, Montana, indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy)

This item is a legislative matter.

- c) Ordinance No. 15-___; An Ordinance amending Whitefish City Code Section 7-3-9, to require vendor special permits to sell any goods, wares, merchandise, food or services within the waters two hundred feet (200') from Whitefish City Beach, City designated swimming areas and City docks (First Reading) (p. 489)

From Parks and Recreation Director Maria Butts staff report:

The Whitefish City Council held work sessions on June 16, 2014 and November 3, 2014 regarding proposed regulations of commercial activities on Whitefish Lake. Discussions during both work sessions identified concerns and potential solutions for a multitude of issues, such as launching and permitting, congestion and safety, commercial vending on water, commercial vending on and around City Beach, sign permitting, educational signage, zoning, enforcement, and parking. As well, the Parks and Recreation Director with Council representation held two work group meetings with a group of members from both the community and city staff. On April 6, 2015 Council gave direction to staff to seek a recommendation from the Park Board of Commissioners for the regulation of commercial activity on and within 200' of City Beach. During the April 14, 2015 Park Board meeting, the Park Board of Commissioners unanimously approved to amend 7-3-9 of the Whitefish City Code to include no vending in the waters within 200' of Whitefish City Beach, and the roped swimming areas and docks, to match language previously established in 7-3-5 C.4. of the Whitefish City Code.

Currently, 7-3-9 of the City Code reads, "Vendors of any kind or nature are hereby prohibited and it is declared unlawful for such vendors to hawk or sell or attempt to sell any goods, wares, merchandise, food or services within the boundaries of any of the City's public parks except by permit authorized and obtained from the director of the parks and recreation department, or in his or her absence, and individual designated by the director."

7-3-5 C.4. of the City Code reads, "The use or consumption of alcoholic beverages and the possession of an open container of an alcoholic beverage shall be lawful and permitted as follows: [...] 4. The consumption of alcoholic beverages in compliance with state law on the surface waters of Whitefish Lake, excluding the public area known as Whitefish city beach, the waters within two hundred feet (200') of Whitefish city beach, and the roped swimming areas and docks."

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony and staff recommendation, approve An Ordinance amending Whitefish City Code Section 7-3-9, to require vendor special permits to sell any goods, wares, merchandise, food or services within the waters two hundred feet (200') from Whitefish City Beach, City designated swimming areas and City docks (First Reading).

This item is a legislative matter.

- d) Ordinance No. 15-___; An Ordinance amending Zoning Regulations in Whitefish City Code Section §11-2L-1 WB-3 General Business District, Intent and Purpose, clarifying the boundaries of the Old Town Central District and Old Town Railway District to make them consistent with the Old Town Central District and Old Town Railway District boundaries of the Architectural Review Standards (First Reading) (p. 494)

From Planning and Building Director Dave Taylor's staff report:

Summary of Requested Action: This application is a request by the city of Whitefish for a zoning text amendment to amend §11-2L-1 WB-3 General Business District, Intent and Purpose, clarifying the boundaries of the Old Town Central District and Old Town Railway District to make them consistent with the Old Town Central District and Old Town Railway District boundaries of the Architectural Review Standards.

Planning Board Recommendation: The Whitefish City-County Planning Board held a public hearing on April 16, 2015. Following this hearing, the Planning Board unanimously recommended approval of the amendments.

City Staff Recommendation: Staff recommended approval of the text amendment to the Planning Board.

Public Hearing: At the public hearing, no one from the public commented on this item.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony, Planning Board recommendation, and staff recommendation, adopt an Ordinance amending Zoning Regulations in Whitefish City Code Section §11-2L-1 WB-3 General Business District, Intent and Purpose, clarifying the boundaries of the Old Town Central District and Old Town Railway District to make them consistent with the Old Town Central District and Old Town Railway District boundaries of the Architectural Review Standards (First Reading).

This item is a legislative matter.

- e) Resolution No. 15-___; A Resolution amending the 2009 Weed Management Plan and approving the 2015 Whitefish Weed Management Plan, Invasive Species Guide and Resource Manual (p. 506)

From Parks and Recreation Director Maria Butts staff report:

The City of Whitefish Parks and Recreation Department manages noxious weeds within city parks and properties. Methods for weed management have been identified

within the Weed Management Plan, adopted in 2009. During the 2014 July and August Park Board meetings, the Park Board of Commissioners discussed the weed management plan specific to challenges arising at Soroptimist Park. Both meetings offered a public comment on the topic. During the July meeting there were no public comments. During the August meeting there was public comment from Jan Metzmaker. Mrs. Metzmaker had held a neighborhood potluck to discuss weed concerns with the neighbors of Soroptimist Park. Mrs. Metzmaker stated that the majority of neighbors desired the park to be spray-free and offered suggestions of maintenance, such as more frequent mowing. During the August Park Board meeting, the Park Board moved unanimously to repeal Resolution 09-06, allowing for the Parks and Recreation Department to oversee weed management as needed. In September of 2014, the Parks and Recreation Department brought the Park Board's recommendation to repeal the 2009 Resolution adopting the Weed Management Plan to the Whitefish City Council. At that time, Council directed staff to revise the Weed Management Plan, stating that there was value to the plan as a whole and that a revision would be more effective than a repeal of the plan.

The Whitefish Weed Advisory Committee met in September to begin the initial revisions of the Weed Management Plan and generated the final revisions in April 2015. Contextual revisions include allowing the document to become a living document that may be evaluated and updated regularly by the Parks and Recreation Department with approval by the Park Board of Commissioners; a statement of intent to abide by safe practices established by the EPA and Department of Agriculture; updated parkland acreage information; replacement of information considering a competitive bid process with information identifying in-house practices; revisions identifying the name change of the Weed Advisory Committee to the Weed Educational Outreach Committee; the replacement of "Dead Eye Site" and "Experimental Mowing" practices with practices identical to all other city parks; and the addition of Whitefish City Code 4-3-1 regarding weed management within the city. After all revisions had been reviewed by the Weed Advisory Committee, the committee unanimously approved the revised plan. During the April 14, 2015 Park Board meeting, the revisions to the plan were presented to the Park Board of Commissioners and were unanimously approved. These revisions have been provided in red-line format in your packet for your review.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony and staff recommendation, adopt a Resolution amending the 2009 Weed Management Plan and approving the 2015 Whitefish Weed Management Plan, Invasive Species Guide and Resource Manual.

This item is a legislative matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Central Avenue Water Line Replacement Project (3rd Street to 6th Street) – design options and authorization to bid (p. 555)

From Interim Public Works Director Karin Hilding's staff report:

The Public Works Department and our engineering design consultant, WGM Group, are wrapping up the design phase and requesting authorization to move forward with construction bidding for the Central Avenue Water Project. This project includes the replacement of water main from 3rd Street to 6th Street on Central Avenue. Drawings showing the project overview are attached. Design of the Central Avenue Water Project was started in August of 2014.

This project includes the replacement of an old cast iron water main with lead joints that has had several leaks in the past few years. It can be difficult to access the water main for repairs since this section of Central Avenue was constructed with a concrete base, similar to the other downtown blocks. Over the past 10 years the City has been called out to fix about 8 water main leaks. In addition, about seven of the old water service lines had to be replaced due to leakage. At the south end of Central Avenue the road is slumping towards the river. TD&H Engineering has been monitoring the movement of the slump at the south end of Central Avenue over the past few years. They have recommended that the City eventually dead end Central Avenue at 6th Street. But this is a topic that we plan to discuss with the Council at another time. With the Central Avenue Water Improvements we will dead end the water line at the south end of Central Avenue to eliminate the risk of a future water break in the slump area.

This project is considered a priority by our Construction and Maintenance Supervisor, Jay Barranger, because of the history of water leakage and the presence of old lead joints. The main was probably constructed in the 1920's or 1930's.

The public works department has postponed major repairs to the road surface until the water main has been replaced. The poor condition of the block of Central between 3rd and 4th Street contrasts with the adjacent reconstructed downtown blocks. Construction is planned to take place in the fall shoulder season.

A complicating factor, that Rhonda Fitzgerald brought up at the last meeting, is that reconstruction of the block of Central Avenue between 3rd and 4th Street is a priority of the 2015 Downtown Business District Master Plan Update. In fact, I brought up the water project at meetings with Crandall and Arambula, and suggested that they include this block as a priority project. The problem is that the engineers have not designed a reconstruction of this block and the City has not yet allocated funds for reconstruction. Therefore, in order to add reconstruction of the 3rd to 4th Street block to the project, we would have to postpone the project a year and add approximately \$477,000 to the project budget (construction plus engineering).

The Council has a few options.

1. Option one would be to move forward with bidding the water project for construction this fall. This would allow the trench a year to settle prior to reconstructing the road.

We would then have the engineer move forward with design of a total reconstruction of the 300 block of Central, including a tabled intersection at 4th Street. Completing the water improvement project first would benefit and shorten the schedule for the reconstruction of the 300 block during the shoulder season. However, splitting the project would add some mobilization costs. Our design consultant believes the additional mobilization costs would be minimal.

2. Option 2 would be to construct the water improvement project, patch the trenches and have our city crew pave over the driving lanes on the 3rd to 4th Street block (during the 2015 shoulder season).
3. Option 3 would be to postpone the water project, expand the engineering contract to include a total reconstruction of the 300 block, and do the entire project next year during the 2016 shoulder season.

The Public Works Department recommends that we move forward with the bidding 2015 Central Avenue Water Project. In addition to saving our crews the time and expense of addressing water leaks, it would limit the liability of water damage to commercial businesses on this block. We would recommend that the Council consider reconstruction of the 300 block of Central Avenue during the following year.

Financial Requirement

Option 1. The engineer's pre-bid construction cost estimate of \$ 408,040 includes water main replacement with trench patches on Central Avenue from 3rd to 6th Street. The remaining engineering and construction management costs of \$8,000 will bring the total project cost to about \$416,000 (the design is 95% complete). The Public Works Department would do most of the water line construction inspection in-house. The work is expected to occur in FY16. All costs will be paid out of the Water Fund, as proposed in the FY16 budget. The \$477,000 cost of the 300 Central block reconstruction would then be budgeted for the following year.

Option 2. Paving over the driving lanes of the 300 block would add about \$6,000 for about 88 tons of asphalt. Therefore, the total cost of the improvements would be \$416,000 plus \$6,000 or \$422,000.

Option 3. A combined Central Avenue Water Project (3rd to 6th Street) plus reconstruction of the 300 Block would cost about \$416,000 (water) plus \$477,000 for a total of \$893,000 (see the attached estimates). The \$416,000 cost is budgeted to come out of the water fund and \$250,000 is budgeted in the FY16 street fund for Central Avenue. Therefore, to fund the combined project the Council would need to allocate an additional \$227,000 from TIF towards the reconstruction.

RECOMMENDATION: Staff respectfully requests the City Council approve moving forward with construction bidding for the Central Avenue Water Project.

The department could then bring a proposed contract amendment to add engineering design for the reconstruction of the 300 block of Central Avenue to a future meeting.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 563)
- b) Other items arising between April 29th and May 4th
- c) Ordinance No. 15-___; An Ordinance amending Ordinance No. 95-15 and Ordinance No. 11-13, the administrative ordinance governing the collection and reporting of Resort Tax revenues, providing for an increase in the Resort Tax from 2% to 3% pursuant to voter approval and revising the uses of the Resort Tax for the increased rate (First Reading) (p. 568)

At the February 17, 2015 meeting, the City Council approved Resolution No. 15-04 which called for an election on April 28, 2015 to increase the Resort Tax from 2% to 3% in order to protect and preserve water quality and quantity, including the source drinking water supply for the municipal water system of the City of Whitefish, through the acquisition of a conservation easement or other interests in and around Haskill Basin.

We verified with the Flathead County Elections Office that the referendum to increase the Resort Tax from 2% to 3% passed at the April 28th election by a margin of 1,718 (83.72%) in favor to 334 (16.28%) opposed.

The attached Ordinance will revise the City Code in order to implement the increase of the Resort Tax from 2% to 3%.

One other aspect that I decided to try to put into the code is how we have allocated the 2% Resort Tax in the past to the various uses, because vendors withhold 5% of the 2% Resort Tax and will continue to withhold 5% of the 3% Resort Tax. Therefore, we only receive as revenues, 95% of the 2% tax currently and will receive only 95% of the future 3% tax. You can see in the ordinance how we used to allocate the revenues as follows:

Property taxes – 25% of 2% equals 26.32% of 95% of 2% collected (i.e. divide .25 by .95)

Street – 65% of 2% equals 68.42% of 95% of 2% collected

Parks – 5% of 2% equals 5.26% of 95% of 2% collected

The percentages in the draft ordinance do add up to 100% for allocation of revenues received.

Because the purpose of an SRF loan is for water quality and water supply, we can get a SRF loan for the funding of the Haskill Basin Conservation Easement. . We will

have to pledge both the Resort Tax revenues and water revenues as security for the SRF loan. If Resort Tax revenues are not enough, we will make up any deficits from water revenues and possible rate increases, but the pro forma estimates that we did two months ago show that, over the 10 year period, Resort Tax revenues should be sufficient.

RECOMMENDATION: Staff respectfully recommends that the City Council approve an Ordinance amending Ordinance no. 95-15 and Ordinance no. 11-13, the administrative ordinance governing the collection and reporting of Resort Tax revenues, providing for an increase in the Resort Tax from 2% to 3% pursuant to voter approval and revising the uses of the Resort Tax for the increased rate.

This item is a legislative matter.

- d) Resolution No. 15-___; A Resolution establishing annual goals for the City (p. 585)

Since 1999, the Mayor and City Council have met in annual retreats or work sessions with the City Manager to discuss and establish short and long term goals. These goals are important in order to prepare the annual budget and work plan for the subsequent fiscal year.

Mayor Muhlfeld and City Council members, met in a work session on April 6, 2015 with the City Manager, Assistant City Manager/Finance Director, and some Department Directors to review and set priorities among the choices for goals. In that work session, the Mayor and City Council established ten short term goals, four long term goals, eight on-going goals, and eight additional goals generated by and for the city's staff.

Until the budget is established, it is difficult to quantify the cost of resources for these goals. Most of the initial costs incurred for the goals will be city staff time to research, evaluate, and make recommendations on options for the Mayor and City Council. Ultimately, many of these projects involve capital and operating budgets to implement. As options are presented to the Mayor and City Council in the future, these options will typically have cost estimates prepared at that time.

RECOMMENDATION: Staff respectfully recommends that the City Council approve the resolution establishing short and long term goals.

This item is a legislative matter.

- e) Consideration of approving a contract with AE2S Consulting Engineers for the Water and Wastewater rate study (p. 588)

From Finance Director Dana Smith's staff report:

The City is anticipating new regulatory standards to be implemented by the Montana Department of Environmental Quality, which cannot be met with the existing City wastewater treatment plant. Therefore, a new treatment facility will be required under a mandated compliance schedule in future years. The exact timing and extent of the required improvements is unknown at this time, but are expected to be provided later this year. The water and wastewater financial plan and rate structure study was identified as an important step to determine the future funding of this and other future projects. The project also provides the City an opportunity to have the rate structure reviewed to ensure the City is charging fair and equitable rates to all users of the water and/or wastewater systems.

The City provided notice of this study to the public through a request for qualifications with a deadline of December 22, 2014. Six firms submitted qualifications by the deadline, which included:

- Springsted Incorporated
- FCS Group
- Murtagh Engineering
- HDR Engineering
- AE2S
- Carl Brown Consulting

The selection committee consisting of Councilor Jen Frandsen, John Wilson (later replaced by Sherri Baccaro), Greg Acton, and I decided to interview the three top firms including Carl Brown Consulting, HDR Engineering, and AE2S. All three interviews took place on January 23, 2015. The selection committee was able to discuss the submittals and interviews immediately following the last interview of the day and came to a unanimous decision. The selection committee unanimously decided to recommend that the City Council select AE2S as the consulting firm for the Water and Wastewater Financial Plan and Rate Study.

A contract and scope of services (included in the packet) has been negotiated between AE2S and City staff in an amount not to exceed \$69,900 that would end on January 31, 2016. The City Attorney, Mary VanBuskirk has reviewed the contract. The cost of this project will be split evenly among the Water and Wastewater Funds, which have adequate appropriations available in the current fiscal year and the proposed FY16 budget.

RECOMMENDATION: Staff respectfully recommends that the City Council select AE2S as the consulting firm for the Water and Wastewater Financial Plan and Rate Study and authorize the City Manager to sign the contract in an amount not to exceed \$69,900 for these services.

This item is a legislative matter.

- f) Quarterly Financial Report - 3rd Quarter FY15 (p. 596)

Finance Director Dana Smith has a comprehensive third quarter financial report in the packet.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Discussion and consideration of making comments on the Tongue River Railroad project Draft Environmental Impact Statement (p. 609)
- b) Appointments – consideration of any appointments not made during Special Session prior to tonight’s Regular Meeting

ADJOURNMENT

Sincerely,

A handwritten signature in blue ink that reads "Chuck".

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

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CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
Fiscal Year Ended June 30, 2014

AUDIT REPORT

Denning, Downey & Associates, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA

Fiscal Year Ended June 30, 2014

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CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA

ORGANIZATION

Fiscal Year Ended June 30, 2014

John M. Muhlfeld

Mayor

CITY COUNCIL

John Anderson
Frank Sweeney
Richard Hildner
Pam Barberis
Andy Feury
Jen Frandsen

Council Member
Council Member
Council Member
Council Member
Council Member
Council Member

CITY OFFICIALS

Chuck Stearns
Mary VanBuskirk
Bradley Johnson
Necile Lorang
William Dial
Dana Smith

City Manager
City Attorney
Municipal Judge
City Clerk, Administrative Services Director
Chief of Police
Finance Director

**CITY OF WHITEFISH
MANAGEMENT'S DISCUSSION AND ANALYSIS
FISCAL YEAR ENDED JUNE 30, 2014**

The discussion and analysis of the City of Whitefish's financial performance provides an overview of the City's financial activities for the fiscal year ended June 30, 2014. The City encourages readers to consider the information presented in conjunction with the City's financial statements and accompanying notes.

FINANCIAL HIGHLIGHTS

- The total assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at June 30, 2014 by \$79,577,473 as reported in the statement of net position.
- The total fiscal year end governmental fund balance was \$14,026,287 as reported in the balance sheet.
- The unassigned general fund balance at fiscal year-end was \$1,332,689.

EXPLANATION OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements, which are comprised of three components:

1. Government-wide financial statements
2. Fund Financial Statements
3. Notes to the Financial Statements

Other required supplementary information is also included at the end of the financial section.

The **government-wide financial statements** are designed to provide readers with a broad overview of the City's finances using the accrual basis of accounting.

The **statement of net position** presents information on all of the City's (a) assets and deferred outflows of resources and (b) liabilities and deferred inflows of resources with the difference between the two reported as net position. Over time, increases and decreases in net position may serve as a useful indicator of whether the City's financial position is improving or deteriorating.

The **statement of activities** presents information reflecting how the City's net position has changed during the fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g. delinquent taxes and earned, but unused vacation leave).

The government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government, public safety, social and economic services, public works, planning, culture and recreation, housing and economic development, and debt service. The business-type activities of the City include water, wastewater, and solid waste operations.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental Funds - Governmental funds are used to account for those same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide statements, the fund financial statements are prepared on the modified accrual basis. Under the modified accrual basis of accounting, revenues are recognized when measurable and available and expenditures are recognized when the related fund liability is incurred, with the exception of long-term debt and similar long-term items which are recorded when due. Therefore, the focus is on near-term inflows and outflows of spendable resources as well as on the balance of spendable resources available at the end of the fiscal year.

Since the focus of the governmental funds is on near-term resources, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide statements. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balance provide a reconciliation to facilitate this comparison.

Proprietary Funds - There are two types of proprietary funds: enterprise and internal service funds. The City maintains only enterprise funds, which are used to report the same functions presented as business-type activities in the government-wide statements. The City uses enterprise funds to account for its water, sewer, and solid waste operations.

Fiduciary Funds - Fiduciary funds are used to account for resources held for the benefit of parties outside the government and are not included in the government-wide financial statements as the resources of these funds are not available to support the City's own programs.

The Volunteer Fire pension trust fund is used as a clearing account for assets held by the City until the funds are disbursed to the Fire Department Relief Association. Two administrative agency funds for payroll and claims are also used as clearing accounts.

Notes to Financial Statements

The notes to the financial statements provide additional narrative and information that is essential to obtaining a complete understanding of the data provided in the government-wide and fund financial statements.

Other Required Supplementary Information

In addition to the basic financial statements and accompanying notes, certain required supplementary information concerning the City's budgetary control and schedule of funding progress of other post-employment benefits is provided.

FINANCIAL ANALYSIS OF THE CITY

Net position may serve over time as a useful indicator of a government's financial position. The total net position for the fiscal year ending June 30, 2014 was \$79,577,473, an increase of \$3,583,478.

The City's largest portion of net position reflects investment in capital assets (land, buildings, machinery and equipment, etc.) less any related debt used to acquire those assets that is still outstanding. These assets are used to provide services to citizens. Although the City's investment in its capital assets are reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities. Restricted net position represents resources that are subject to external restrictions on how they may be used. The unrestricted net position may be used to meet the City's ongoing obligations to citizens and creditors.

The following table presents consolidated information on the City's net position as of June 30, 2014 and June 30, 2013.

City of Whitefish - Net Position

	Governmental Activities			Business-type Activities		
	FY14	FY13	Change Inc (Dec)	FY14	FY13	Change Inc (Dec)
Current and other assets	\$ 17,191,182	\$ 16,593,450	\$ 597,732	\$ 5,520,768	\$ 4,269,000	\$ 1,251,768
Capital assets	55,437,021	54,444,896	992,125	23,858,413	23,690,955	167,458
Total assets	\$ 72,628,203	\$ 71,038,346	\$ 1,589,857	\$ 29,379,181	\$ 27,959,955	\$ 1,419,226
Long-term debt outstanding	\$ 14,606,766	\$ 15,195,954	\$ (589,188)	\$ 6,752,359	\$ 6,799,618	\$ (47,259)
Other liabilities	527,108	431,848	95,260	251,177	576,886	(325,709)
Total liabilities	\$ 15,133,874	\$ 15,627,802	\$ (493,928)	\$ 7,003,536	7,376,504	(372,968)
Deferred inflows of resources	\$ 0	\$ 0	\$ 0	\$ 292,501	\$ 0	\$ 292,501
Invested in capital assets, net of debt	43,440,081	41,489,842	1,950,239	17,947,648	17,617,190	330,458
Restricted	15,378,532	14,879,442	499,000	1,493,365	2,056,985	(563,620)
Unrestricted (deficit)	(1,324,284)	(958,740)	(365,544)	2,642,131	909,276	1,732,855
Total net position	\$ 57,494,329	\$ 55,410,544	\$ 2,083,785	\$ 22,083,144	\$ 20,583,451	\$ 1,499,693

The City's revenues totaled \$22,951,798 for the fiscal year ending June 30, 2014. The total cost of all programs and services for that same period was \$19,474,483. Therefore, the increase in net position was \$3,477,315. The table below presents consolidated information on the City's change in net position for the fiscal years ending June 30, 2014 and June 30, 2013.

City of Whitefish – Changes in Net Position

	Governmental Activities			Business-type Activities		
	FY14	FY13	Change Inc (Dec)	FY14	FY13	Change Inc (Dec)
Revenues						
<i>Program revenues (by major source):</i>						
Charges for services	\$ 4,916,923	\$ 4,401,363	\$ 515,560	\$ 6,329,476	\$ 5,883,386	\$ 446,090
Operating grants and contributions	393,682	428,565	(34,883)		28,000	(28,000)
Capital grants and contributions	47,822	495,387	(447,565)	100,000	372,750	(272,750)
<i>General revenues (by major source):</i>						
Property taxes for general purposes	9,100,677	8,664,032	436,645			
Licenses and permits		319,735	(319,735)			
Franchise/Utility Fees	334,539		334,539			
Miscellaneous	183,208	77,066	106,142			
Interest/investment earnings	50,242	36,369	13,873	14,235	10,704	(3,531)
State entitlement	889,678	902,680	(13,002)			
On behalf payments	591,316	606,149	(14,833)			
Total revenues	\$ 16,508,087	\$ 15,931,346	\$ 576,741	\$ 6,443,711	\$ 6,294,840	\$ 148,871
Program expenses						
General government	\$ 909,772	\$ 1,002,334	\$ (92,562)			
Public safety	6,415,354	5,574,407	840,947			
Public works	2,610,014	2,089,494	520,520			
Social and economic services	1,500	1,500				
Culture and recreation	2,151,051	2,035,725	115,326			
Housing and community development	1,824,897	2,167,449	(342,552)			
Debt service - interest	520,020	614,469	(94,449)			
Miscellaneous	51,730	37,770	13,960			
Amortization of bond premium	22,524		22,524			
Water				\$ 1,987,567	\$ 2,910,091	\$ 77,476
Sewer				2,240,867	2,262,366	(21,499)
Solid Waste				739,187	709,352	29,835
Total expenses	\$ 14,506,862	\$ 13,523,148	\$ 983,714	\$ 4,967,621	\$ 4,881,809	\$ 85,812
Increase (decrease) in net position	\$ 2,001,225	\$ 2,408,198	\$ (406,973)	\$ 1,476,090	\$ 1,413,031	\$ 63,059
Restatements	\$ 82,560		\$ 82,560	\$ 23,603		\$ 23,603
Total Increase (decrease in net position)	\$ 2,083,785	\$ 2,408,198	\$ 324,413	\$ 1,499,693	\$ 1,413,031	\$ 86,662

Governmental activities

Revenues for the fiscal year ending June 30, 2014 from governmental activities were \$16,508,087 while expenses were \$14,506,862. Thus, with the \$82,560 in restatements, net position increased \$2,083,785. Total governmental revenues increased from the prior year by \$576,741. The increase in revenues was primarily due to increased property taxes and increased charges for services. The increase in charges for services was the result of an increase in building code and planning revenues. Overall expenditures increased as well which was due to an increase in City staff wages and other anticipated costs.

Business-type activities

Revenues for the fiscal year ending June 30, 2014 from business-type activities were \$6,443,711. Expenses were \$4,967,621 and restatements totaled \$23,603, which resulted in an increase in net position of \$1,499,693. Charges for services revenue increased by \$446,090 from the previous year due primarily to an increase in water consumption and a rate increase for all utilities fees. Total expenses saw only a slight increase during fiscal year 2014.

Fund Balance – Governmental Funds Balance Sheet

The City's governmental funds reported a total fund balance of \$14,026,287 at June 30, 2014. This is a \$330,094 increase compared to the fund balance of governmental funds as of June 30, 2013. Of the fund balance at June 30, 2014, \$1,332,689 is unassigned in the General. The remaining fund balance is restricted based on the source of revenue or unassigned due to a negative fund balance.

GENERAL FUND BUDGETARY HIGHLIGHTS

The City's budget is prepared in accordance with Title 7, Chapter 6, Part 40, MCA (Local Government Budget Act).

There were no significant variances between the final revenue and expenditure budget compared to the actual amounts received and expended in fiscal year 2014.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

The City's investment in capital assets for its governmental and business-type activities as of June 30, 2014 total \$61,387,729 (net of related debt). The City's capital assets include land, buildings, improvements, machinery and equipment, infrastructure, and construction in progress. The depreciation of capital assets is reflected in the various governmental and business-type expense activities. Total depreciation expense incurred for the governmental and business-type activities during fiscal year 2014 totaled \$2,413,319 and \$1,053,658, respectively.

Major capital assets events during fiscal year 2014:

- Purchased land from BNSF (\$56,500)
- Started construction of the Skye Park Bridge (\$~800K est. total cost)
- Began construction on the E. 2nd Street/Hwy 93 W. Reconstruction and Pedestrian Trail
- Continued working on the citywide wireless communications network
- Completed construction of the 6th & Geddes reconstruction project
- Completed the construction of the Ice Den (ice rink) locker rooms (~\$52K)
- Purchased a new Ambulance (~\$170K) and Case 521F Wheel Loader (~\$93K)
- Constructed the O'Shaughnessy restrooms (~\$270K est. total cost)
- Continued constructing improvements to the Whitefish Trail
- Began design work for the Monegan Road project
- Began design work for the new City Hall and parking structure

Long-term Debt

The City's total long-term debt decreased by \$636,446 compared to prior fiscal year. Below is a summary of the outstanding long-term debt of the City as of June 30, 2014 compared to June 30, 2013.

Outstanding Long-term Debt		
Purpose/Type	June 30, 2014	June 30, 2012
Revenue Bonds:		
TIF ESC	\$ 10,715,000	\$ 12,020,000
Water	3,272,000	3,741,000
Sewer	2,638,765	2,332,764
Special Assessment Bonds:		
SID 166	795,000	865,000
Intercap Loans:		
Ice Rink	110,634	62,697
Emergency Vehicle	153,780	0
Police Vehicle	16,339	0
Fire Engine	202,453	0
Capital Leases:		
Sharp Copier	3,734	7,357
OPEB:		
Governmental	1,626,165	1,304,250
Business-type	535,657	439,500
Compensated Absences:		
Governmental	983,661	936,650
Business-type	305,937	286,353
TOTAL	\$21,359,125	\$ 21,995,571

ECONOMIC FACTORS AND FISCAL YEAR 2015 BUDGET

Property tax supported funds of the City are anticipating an increase in the property tax revenue, which is primarily due to the increase in taxable value. The total mills levied for fiscal year 2015 have increased by only 0.8 mills. The increase in levied mills was approved by the City Council for the Library Fund. In the Fiscal Year 2015 Adopted Budget, the City anticipates a 10.6% cash reserve in the property tax supported funds.

With construction activity on the increase in the City of Whitefish, the building license and permit revenue is continuing to maintain a positive trend of increased revenues that started in 2012. The increase in construction also has had a positive impact on the City's Impact Fee collections.

The spending activity by consumers in the City continues to be strong as the Resort Tax collections continue to track ahead of the previous year. At the end of the first quarter of fiscal year 2015, Resort Tax collections were up 6.6% compared to the prior year's first quarter.

Water and Wastewater charges are trending positively and expected to exceed the prior year due to a rate increase of 3.6%.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Finance Director, City of Whitefish, P.O. Box 158, Whitefish MT 59937.

DRAFT

Denning, Downey & Associates, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

1740 U.S. Hwy 93 South, P.O. Box 1957, Kalispell, MT 59903-1957

INDEPENDENT AUDITOR'S REPORT

Mayor and City Council
City of Whitefish
Flathead County
Whitefish, Montana

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of City of Whitefish, Flathead County, Montana, as of and for the year ended June 30, 2014, and the related notes to the financial statements which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Whitefish, Flathead County, Montana, as of and for the year ended June 30, 2014, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and schedule of funding for other post employment benefits other than pensions on pages 2 through 8, 49 through 53, and 54 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated May 4, 2015, on our consideration of the City of Whitefish, Flathead County, Montana's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City of Whitefish, Flathead County, Montana's internal control over financial reporting and compliance.

Denning, Downey and Associates, CPAs, P.C.

May 4, 2015

City of Whitefish, Flathead County, Montana
Statement of Net Position
June 30, 2014

	<u>Governmental</u> <u>Activities</u>	<u>Business-type</u> <u>Activities</u>	<u>Total</u>
ASSETS			
Current assets:			
Cash and investments	\$ 11,085,789	\$ 2,569,682	\$ 13,655,471
Taxes and assessments receivable, net	1,605,380	-	1,605,380
Special assessments receivable	72,392	584	72,976
Accounts receivable - net	180,301	503,366	683,667
Due from other governments	23,081	-	23,081
Other receivables	6,000	-	6,000
Unamortized bond premium and costs	110,369	-	110,369
Total current assets	<u>\$ 13,083,312</u>	<u>\$ 3,073,632</u>	<u>\$ 16,156,944</u>
Noncurrent assets			
Restricted cash and investments	\$ 3,147,855	\$ 2,426,607	\$ 5,574,462
Special Assessment receivable deferred	960,015	20,529	980,544
Capital assets - land	8,409,629	602,783	9,012,412
Capital assets - construction in progress	1,829,484	2,284,440	4,113,924
Capital assets - depreciable, net	45,197,908	20,971,190	66,169,098
Total noncurrent assets	<u>\$ 59,544,891</u>	<u>\$ 26,305,549</u>	<u>\$ 85,850,440</u>
Total assets	<u>\$ 72,628,203</u>	<u>\$ 29,379,181</u>	<u>\$ 102,007,384</u>
LIABILITIES			
Current liabilities			
Accounts payable	\$ 56,697	\$ -	\$ 56,697
Accrued payables	155,487	39,950	195,437
Current portion of long-term capital liabilities	1,500,664	322,000	1,822,664
Current portion of compensated absences payable	768,567	190,021	958,588
Contracts payable	314,924	-	314,924
Total current liabilities	<u>\$ 2,796,339</u>	<u>\$ 551,971</u>	<u>\$ 3,348,310</u>
Noncurrent liabilities			
Deposits payable	\$ -	\$ 211,023	\$ 211,023
Other credits	-	204	204
Noncurrent portion of OPEB	1,626,165	535,657	2,161,822
Noncurrent portion of long-term capital liabilities	10,496,276	5,588,765	16,085,041
Noncurrent portion of compensated absences	215,094	115,916	331,010
Total noncurrent liabilities	<u>\$ 12,337,535</u>	<u>\$ 6,451,565</u>	<u>\$ 18,789,100</u>
Total liabilities	<u>\$ 15,133,874</u>	<u>\$ 7,003,536</u>	<u>\$ 22,137,410</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred inflows of resources	\$ -	\$ 292,501	\$ 292,501
NET POSITION			
Net investment in capital assets	\$ 43,440,081	\$ 17,947,648	\$ 61,387,729
Restricted for debt service	4,356,916	1,493,365	5,850,281
Restricted for general government	2,252,750	-	2,252,750
Restricted for public safety	529,277	-	529,277
Restricted for public works	5,101,595	-	5,101,595
Restricted for culture and recreation	203,027	-	203,027
Restricted for housing and community development	2,934,967	-	2,934,967
Unrestricted	(1,324,284)	2,642,131	1,317,847
Total net position	<u>\$ 57,494,329</u>	<u>\$ 22,083,144</u>	<u>\$ 79,577,473</u>

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Statement of Activities
For the Fiscal Year Ended June 30, 2014

Functions/Programs	Expenses	Indirect Expense Allocation	Program Revenues			Net (Expenses) Revenues and Changes in Net Position		
			Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		Total
						Governmental Activities	Business-type Activities	
Primary government:								
Governmental activities:								
General government	\$ 1,269,956	\$ (180,092)	\$ 403,986	\$ -	\$ -	\$ (685,878)	\$ -	\$ (685,878)
Public safety	6,232,436	91,459	2,469,860	98,416	17,234	(3,738,385)	-	(3,738,385)
Public works	2,570,998	19,508	1,349,384	146,598	8,088	(1,086,436)	-	(1,086,436)
Social and economic services	1,500	-	-	-	-	(1,500)	-	(1,500)
Culture and recreation	2,118,705	16,173	692,748	148,668	22,500	(1,270,962)	-	(1,270,962)
Housing and community development	1,813,017	5,940	945	-	-	(1,818,012)	-	(1,818,012)
Debt service - interest	520,020	-	-	-	-	(520,020)	-	(520,020)
Miscellaneous	51,730	-	-	-	-	(51,730)	-	(51,730)
Amortization of bond premium	22,524	-	-	-	-	(22,524)	-	(22,524)
Total governmental activities	\$ 14,600,886	\$ (47,012)	\$ 4,916,923	\$ 393,682	\$ 47,822	\$ (9,195,447)	\$ -	\$ (9,195,447)
Business-type activities:								
Water	\$ 1,940,589	\$ 23,489	\$ 3,122,224	\$ -	\$ 100,000	\$ -	\$ 1,258,146	\$ 1,258,146
Wastewater	2,197,505	21,681	2,432,031	-	-	-	212,845	212,845
Solid Waste	735,503	1,842	775,221	-	-	-	37,876	37,876
Total business-type activities	\$ 4,873,597	47,012	\$ 6,329,476	\$ -	\$ 100,000	\$ -	\$ 1,508,867	\$ 1,508,867
Total primary government	\$ 19,474,483	-	\$ 11,246,399	\$ 393,682	\$ 147,822	\$ (9,195,447)	\$ 1,508,867	\$ (7,686,580)
General Revenues:								
Property taxes for general purposes						\$ 9,100,677	\$ -	\$ 9,100,677
Franchise/Utility Fees						334,539	-	334,539
Miscellaneous						183,208	-	183,208
Interest/investment earnings						50,242	14,235	64,477
State entitlement						889,678	-	889,678
On Behalf Payments						591,316	-	591,316
Total general revenues, special items and transfers						\$ 11,196,672	\$ (32,777)	\$ 11,163,895
Change in net position						\$ 2,001,225	\$ 1,476,090	\$ 3,477,315
Net position - beginning						\$ 55,410,544	\$ 20,583,451	\$ 75,993,995
Restatements						82,560	23,603	106,163
Net position - beginning - restated						\$ 55,493,104	\$ 20,607,054	\$ 76,100,158
Net position - end						\$ 57,494,329	\$ 22,083,144	\$ 79,577,473

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Balance Sheet
Governmental Funds
June 30, 2014

	<u>General</u>	<u>Resort Tax</u>	<u>Tax Increment</u>	<u>Fire and Ambulance</u>	<u>Tax Increment Revenue Bond Debt</u>	<u>SID 166 Bond Debt</u>	<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
ASSETS								
Current assets:								
Cash and investments	\$ 928,712	\$ 1,888,666	\$ 2,325,842	\$ 299,865	\$ -	\$ -	\$ 5,642,704	\$ 11,085,789
Taxes and assessments receivable, net	385,146	-	877,651	106,271	-	-	236,312	1,605,380
Special assessments receivable	2,537	-	52,932	-	-	16,923	-	72,392
Accounts receivable - net	-	-	-	180,301	-	-	-	180,301
Due from other funds	85,139	-	-	-	-	-	15,785	100,924
Due from other governments	12,916	-	-	-	-	-	10,165	23,081
Other receivables	6,000	-	-	-	-	-	-	6,000
Unamortized bond premium and costs	-	-	-	-	110,369	-	-	110,369
Total current assets	\$ 1,420,450	\$ 1,888,666	\$ 3,256,425	\$ 586,437	\$ 110,369	\$ 16,923	\$ 5,904,966	\$ 13,184,236
Noncurrent assets:								
Restricted cash and investments	\$ -	\$ -	\$ -	\$ -	\$ 3,147,855	\$ -	\$ -	\$ 3,147,855
Advances to other funds	344,516	-	-	-	-	-	48,740	393,256
Special Assessment receivable deferred	-	-	-	-	-	960,015	-	960,015
Total noncurrent assets	\$ 344,516	\$ -	\$ -	\$ -	\$ 3,147,855	\$ 960,015	\$ 48,740	\$ 4,501,126
Total assets	\$ 1,764,966	\$ 1,888,666	\$ 3,256,425	\$ 586,437	\$ 3,258,224	\$ 976,938	\$ 5,953,706	\$ 17,685,362
Current liabilities:								
Accounts payable	\$ -	\$ 27,890	\$ 6,838	\$ 2,000	\$ -	\$ -	\$ 19,969	\$ 56,697
Accrued payables	44,593	-	4,514	55,160	-	-	51,220	155,487
Due to other funds	-	-	-	-	-	15,786	85,138	100,924
Contracts payable	-	-	314,924	-	-	-	-	314,924
Total current liabilities	\$ 44,593	\$ 27,890	\$ 326,276	\$ 57,160	\$ -	\$ 15,786	\$ 156,327	\$ 628,032
Noncurrent liabilities:								
Advances payable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 48,740	\$ 344,516	\$ 393,256
Total noncurrent liabilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 48,740	\$ 344,516	\$ 393,256
Total liabilities	\$ 44,593	\$ 27,890	\$ 326,276	\$ 57,160	\$ -	\$ 64,526	\$ 500,843	\$ 1,021,288
DEFERRED INFLOWS OF RESOURCES								
Deferred inflows of resources	\$ 387,684	\$ -	\$ 930,583	\$ 106,271	\$ -	\$ 976,937	\$ 236,312	\$ 2,637,787
Total deferred inflows of resources	\$ 387,684	\$ -	\$ 930,583	\$ 106,271	\$ -	\$ 976,937	\$ 236,312	\$ 2,637,787
FUND BALANCES								
Restricted	\$ -	\$ 1,860,776	\$ 1,999,566	\$ 423,006	\$ 3,258,224	\$ -	\$ 5,684,066	\$ 13,225,638
Unassigned fund balance	1,332,689	-	-	-	-	(64,525)	(467,515)	800,649
Total fund balance	\$ 1,332,689	\$ 1,860,776	\$ 1,999,566	\$ 423,006	\$ 3,258,224	\$ (64,525)	\$ 5,216,551	\$ 14,026,287

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Reconciliation of the Governmental Funds Balance Sheet to the
Statement of Net Position
June 30, 2014

Total fund balances - governmental funds	\$	14,026,287
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.		55,437,021
Property taxes receivable will be collected this year, but are not available soon enough to pay for the current period's expenditures, and therefore are deferred in the funds.		2,637,787
Long-term liabilities are not due and payable in the current period and therefore are not reported as liabilities in the funds.		(14,606,766)
Total net position - governmental activities	\$	<u>57,494,329</u>

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Fiscal Year Ended June 30, 2014

	<u>General</u>	<u>Resort Tax</u>	<u>Tax Increment</u>	<u>Fire and Ambulance</u>	<u>Tax Increment Revenue Bond Debt</u>	<u>SID 166 Bond Debt</u>	<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
REVENUES								
Taxes and assessments	\$ 1,859,906	\$ 2,087,995	\$ 4,301,945	\$ 508,047	\$ -	\$ 100,547	\$ 1,286,059	\$ 10,144,499
Licenses and permits	62,134	-	-	108,442	-	-	830,431	1,001,007
Intergovernmental	1,114,559	-	240,365	410,748	-	-	250,559	2,016,231
Charges for services	281,942	-	-	1,266,043	-	-	1,027,654	2,575,639
Fines and forfeitures	216,265	-	-	-	-	-	6,560	222,825
Miscellaneous	91,334	-	1,826	59,632	-	-	161,980	314,772
Investment earnings	21,663	7,474	-	-	10,407	99	21,093	60,736
Total revenues	<u>\$ 3,647,803</u>	<u>\$ 2,095,469</u>	<u>\$ 4,544,136</u>	<u>\$ 2,352,912</u>	<u>\$ 10,407</u>	<u>\$ 100,646</u>	<u>\$ 3,584,336</u>	<u>\$ 16,335,709</u>
EXPENDITURES								
General government	\$ 677,647	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,560	\$ 684,207
Public safety	2,498,724	-	-	3,078,296	-	-	304,481	5,881,501
Public works	23,744	48	-	-	-	-	1,222,931	1,246,723
Social and economic services	1,500	-	-	-	-	-	-	1,500
Culture and recreation	21,475	730	-	-	-	-	1,522,261	1,544,466
Housing and community development	10,902	-	1,806,355	-	-	-	1,700	1,818,957
Debt service - principal	3,623	-	-	-	1,305,000	70,000	22,335	1,400,958
Debt service - interest	-	-	-	-	479,124	39,898	998	520,020
Miscellaneous	6,579	-	-	-	-	-	28,938	35,517
Amortization of bond premium	-	-	-	-	22,524	-	-	22,524
Capital Outlay	107,211	1,662,806	535,473	372,453	-	-	743,715	3,421,658
Total expenditures	<u>\$ 3,351,405</u>	<u>\$ 1,663,584</u>	<u>\$ 2,341,828</u>	<u>\$ 3,450,749</u>	<u>\$ 1,806,648</u>	<u>\$ 109,898</u>	<u>\$ 3,853,919</u>	<u>\$ 16,578,031</u>
Excess (deficiency) of revenues over expenditures	<u>\$ 296,398</u>	<u>\$ 431,885</u>	<u>\$ 2,202,308</u>	<u>\$ (1,097,837)</u>	<u>\$ (1,796,241)</u>	<u>\$ (9,252)</u>	<u>\$ (269,583)</u>	<u>\$ (242,322)</u>
OTHER FINANCING SOURCES (USES)								
Proceeds of general long term debt	\$ 16,399	\$ -	\$ -	\$ 356,233	\$ -	\$ -	\$ 70,212	\$ 442,844
Transfers in	2,679,436	-	-	575,000	1,805,556	-	953,247	6,013,239
Transfers out	(3,057,371)	(713,332)	(2,061,496)	(44,554)	-	-	(89,474)	(5,966,227)
Total other financing sources (uses)	<u>\$ (361,536)</u>	<u>\$ (713,332)</u>	<u>\$ (2,061,496)</u>	<u>\$ 886,679</u>	<u>\$ 1,805,556</u>	<u>\$ -</u>	<u>\$ 933,985</u>	<u>\$ 489,856</u>
Net Change in Fund Balance	<u>\$ (65,138)</u>	<u>\$ (281,447)</u>	<u>\$ 140,812</u>	<u>\$ (211,158)</u>	<u>\$ 9,315</u>	<u>\$ (9,252)</u>	<u>\$ 664,402</u>	<u>\$ 247,534</u>
Fund balances - beginning	\$ 1,397,827	\$ 2,142,223	\$ 1,858,754	\$ 634,164	\$ 3,248,909	\$ (55,273)	\$ 4,469,589	\$ 13,696,193
Restatements	-	-	-	-	-	-	82,560	82,560
Fund balances - beginning, restated	<u>\$ 1,397,827</u>	<u>\$ 2,142,223</u>	<u>\$ 1,858,754</u>	<u>\$ 634,164</u>	<u>\$ 3,248,909</u>	<u>\$ (55,273)</u>	<u>\$ 4,552,149</u>	<u>\$ 13,778,753</u>
Fund balance - ending	<u>\$ 1,332,689</u>	<u>\$ 1,860,776</u>	<u>\$ 1,999,566</u>	<u>\$ 423,006</u>	<u>\$ 3,258,224</u>	<u>\$ (64,525)</u>	<u>\$ 5,216,551</u>	<u>\$ 14,026,287</u>

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Reconciliation of the Statement of Revenues, Expenditures,
and Changes in Fund Balances of Governmental Funds
to the Statement of Activities
For the Fiscal Year Ended June 30, 2014

Amounts reported for *governmental activities* in the statement of activities are different because:

Net change in fund balances - total governmental funds \$ 247,534

Governmental funds report capital outlays as expenditures while governmental activities report depreciation expense to allocate those expenditures over the life of the assets:

- Capital assets purchased 3,421,658
- Depreciation expense (2,413,320)
- Deletions (16,213)

Revenues in the Statement of Activities that do not provide current financial resources are not reported as revenues in the funds:

- Long-term receivables (deferred revenue) 172,378

The change in compensated absences is shown as an expense in the Statement of Activities (47,011)

Repayment of debt principal is an expenditures in the governmental funds, but the repayment reduces long-term debt in the Statement of Net Position:

- Long-term debt principal payments 1,400,958

Long term debt proceeds provide current financial resources to the governmental funds, but issuing debt increases long-term liabilities in the Statement of Net Position:

- Proceeds from the sale of long-term debt (442,844)

Termination benefits are shown as an expense in the Statement of Activities and not reported on the Statement of Revenues, Expenditures and Changes in Fund Balance:

- Post-employment benefits other than retirement liability (321,915)

Change in net position - Statement of Activities \$ 2,001,225

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Statement of Net Position
Proprietary Funds
June 30, 2014

Business-Type Activities - Enterprise Funds

	<u>Water</u>	<u>Wastewater</u>	<u>Non-major Enterprise</u>	<u>Totals</u>
ASSETS				
Current assets:				
Cash and investments	\$ 1,595,318	\$ 863,843	\$ 110,521	\$ 2,569,682
Special assessments receivable	249	335	-	584
Accounts receivable - net	248,209	188,850	66,307	503,366
Total current assets	<u>\$ 1,843,776</u>	<u>\$ 1,053,028</u>	<u>\$ 176,828</u>	<u>\$ 3,073,632</u>
Noncurrent assets:				
Restricted cash and investments	\$ 1,619,654	\$ 806,953	\$ -	\$ 2,426,607
Special Assessment receivable deferred	8,745	11,784	-	20,529
Capital assets - land	335,283	267,500	-	602,783
Capital assets - construction in progress	1,208,687	1,075,753	-	2,284,440
Capital assets - depreciable, net	9,159,467	11,811,723	-	20,971,190
Total noncurrent assets	<u>\$ 12,331,836</u>	<u>\$ 13,973,713</u>	<u>\$ -</u>	<u>\$ 26,305,549</u>
Total assets	<u>\$ 14,175,612</u>	<u>\$ 15,026,741</u>	<u>\$ 176,828</u>	<u>\$ 29,379,181</u>
LIABILITIES				
Current liabilities:				
Accrued payables	\$ 19,591	\$ 18,864	\$ 1,495	\$ 39,950
Current portion of long-term capital liabilities	242,000	80,000	-	322,000
Current portion of compensated absences payable	91,493	89,591	8,937	190,021
Total current liabilities	<u>\$ 353,084</u>	<u>\$ 188,455</u>	<u>\$ 10,432</u>	<u>\$ 551,971</u>
Noncurrent liabilities:				
Deposits payable	\$ 211,023	\$ 163	\$ (163)	\$ 211,023
Noncurrent portion of OPEB	250,250	272,257	13,150	535,657
Noncurrent portion of long-term capital liabilities	3,030,000	2,558,765	-	5,588,765
Noncurrent portion of compensated absences	59,771	49,621	6,524	115,916
Total noncurrent liabilities	<u>\$ 3,551,044</u>	<u>\$ 2,880,806</u>	<u>\$ 19,715</u>	<u>\$ 6,451,565</u>
Total liabilities	<u>\$ 3,904,128</u>	<u>\$ 3,069,261</u>	<u>\$ 30,147</u>	<u>\$ 7,003,536</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred inflows of resources	<u>\$ 286,484</u>	<u>\$ 6,017</u>	<u>\$ -</u>	<u>\$ 292,501</u>
NET POSITION				
Net investment in capital assets	\$ 7,431,437	\$ 10,516,211	\$ -	\$ 17,947,648
Restricted for debt service	845,573	647,792	-	1,493,365
Unrestricted	1,707,990	787,460	146,681	2,642,131
Total net position	<u>\$ 9,985,000</u>	<u>\$ 11,951,463</u>	<u>\$ 146,681</u>	<u>\$ 22,083,144</u>
Total liabilities and net position	<u>\$ 13,889,128</u>	<u>\$ 15,020,724</u>	<u>\$ 176,828</u>	<u>\$ 29,086,680</u>

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Statement of Revenues, Expenses, and Changes in Net Position
Proprietary Funds
For the Fiscal Year Ended June 30, 2014

Business-Type Activities - Enterprise Funds

	<u>Water</u>	<u>Wastewater</u>	<u>Non-major Enterprise</u>	<u>Totals</u>
OPERATING REVENUES				
Charges for services	\$ 3,120,717	\$ 2,432,021	\$ 775,222	\$ 6,327,960
Special assessments	1,507	10	-	1,517
Total operating revenues	<u>\$ 3,122,224</u>	<u>\$ 2,432,031</u>	<u>\$ 775,222</u>	<u>\$ 6,329,477</u>
OPERATING EXPENSES				
Personal services	\$ 852,114	\$ 860,590	\$ 65,910	\$ 1,778,614
Supplies	206,528	262,782	2,739	472,049
Purchased services	231,976	197,476	665,338	1,094,790
Fixed charges	180,661	144,653	1,516	326,830
Depreciation	388,233	665,427	-	1,053,660
Other	23,489	21,681	1,842	47,012
Total operating expenses	<u>\$ 1,883,001</u>	<u>\$ 2,152,609</u>	<u>\$ 737,345</u>	<u>\$ 4,772,955</u>
Operating income (loss)	<u>\$ 1,239,223</u>	<u>\$ 279,422</u>	<u>\$ 37,877</u>	<u>\$ 1,556,522</u>
NON-OPERATING REVENUES (EXPENSES)				
Intergovernmental revenue	\$ 100,000	\$ -	\$ -	\$ 100,000
Interest revenue	8,663	5,212	359	14,234
Debt service interest expense	(74,411)	(59,910)	-	(134,321)
Grants and donations to other institutions	(6,666)	(6,667)	-	(13,333)
Total non-operating revenues (expenses)	<u>\$ 27,586</u>	<u>\$ (61,365)</u>	<u>\$ 359</u>	<u>\$ (33,420)</u>
Income (loss) before contributions and transfers	<u>\$ 1,266,809</u>	<u>\$ 218,057</u>	<u>\$ 38,236</u>	<u>\$ 1,523,102</u>
Change in net position	<u>\$ 1,243,320</u>	<u>\$ 196,376</u>	<u>\$ 36,394</u>	<u>\$ 1,476,090</u>
Net Position - Beginning of the year	\$ 8,741,680	\$ 11,731,484	\$ 110,287	\$ 20,583,451
Restatements	-	23,603	-	23,603
Net Position - Beginning of the year - Restated	<u>\$ 8,741,680</u>	<u>\$ 11,755,087</u>	<u>\$ 110,287</u>	<u>\$ 20,607,054</u>
Net Position - End of the year	<u>\$ 9,985,000</u>	<u>\$ 11,951,463</u>	<u>\$ 146,681</u>	<u>\$ 22,083,144</u>

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Combined Statement of Cash Flows
All Proprietary Fund Types
Fiscal Year Ended June 30, 2014

	Business - Type Activities			
	<u>Water</u>	<u>Wastewater</u>	<u>Solid Waste</u>	<u>Totals</u>
Cash flows from operating activities:				
Cash received from providing services	\$ 3,064,878	\$ 2,418,208	\$ 772,552	\$ 6,255,638
Cash received from miscellaneous sources	1,507	10	-	1,517
Cash payments to suppliers	(387,189)	(407,435)	(4,255)	(798,879)
Cash payments for professional services	(231,976)	(197,476)	(665,338)	(1,094,790)
Cash payments to employees	(841,915)	(848,027)	(68,063)	(1,758,005)
Net cash provided (used) by operating activities	<u>\$ 1,605,305</u>	<u>\$ 965,280</u>	<u>\$ 34,896</u>	<u>\$ 2,605,481</u>
Cash flows from capital and related financing activities:				
Acquisition and construction of capital assets	\$ (385,485)	\$ (812,029)	\$ -	\$ (1,197,514)
Principal paid on debt	(469,000)	(146,300)	-	(615,300)
Interest paid on debt	(74,411)	(59,910)	-	(134,321)
Proceeds from bonds, loans and advances	-	452,300	-	452,300
Net cash provided (used) by capital and related financing activities	<u>\$ (928,896)</u>	<u>\$ (565,939)</u>	<u>\$ -</u>	<u>\$ (1,494,835)</u>
Cash flows from non-capital financing activities:				
Intergovernmental Revenue	\$ 100,000	\$ -	\$ -	\$ 100,000
Grants and donations to other institutions	(6,666)	(6,667)	-	(13,333)
Net cash provided (used) from non-capital financing activities	<u>\$ 93,334</u>	<u>\$ (6,667)</u>	<u>\$ -</u>	<u>\$ 86,667</u>
Cash flows from investing activities:				
Interest on investments	\$ 8,663	\$ 5,212	\$ 359	\$ 14,234
Net increase (decrease) in cash and cash equivalents	<u>\$ 778,406</u>	<u>\$ 397,886</u>	<u>\$ 35,255</u>	<u>\$ 1,211,547</u>
Cash and cash equivalents at beginning	<u>2,436,567</u>	<u>1,272,910</u>	<u>75,266</u>	<u>3,784,743</u>
Cash and cash equivalents at end	<u>\$ 3,214,973</u>	<u>\$ 1,670,796</u>	<u>\$ 110,521</u>	<u>\$ 4,996,290</u>
Reconciliation of operating income (loss) to net cash provided (used) by operating activities:				
Operating income (loss)	\$ 1,215,734	\$ 257,742	\$ 36,035	\$ 1,509,511
Adjustments to reconcile operating income to net cash provided (used) by operating activities:				
Depreciation	388,233	665,426	-	1,053,659
Other post-employment benefits	45,988	50,169	-	96,157
Changes in assets and liabilities:				
Change in accounts receivable	(17,619)	(19,920)	(2,683)	(40,222)
Change in deferred inflows of resources	(60,693)	6,017	13	(54,663)
Change in deposit payables	22,473	89	-	22,562
Change in compensated absences	11,040	6,905	1,639	19,584
Change in accrued payables	149	(1,148)	(108)	(1,107)
Net cash provided (used) by operating activities	<u>\$ 1,605,305</u>	<u>\$ 965,280</u>	<u>\$ 34,896</u>	<u>\$ 2,605,481</u>

See accompanying notes to the financial statements

City of Whitefish, Flathead County, Montana
Statement of Net Position
Fiduciary Funds
June 30, 2014

	<u>Pension Trust Funds</u>	<u>Agency Funds</u>
ASSETS		
Cash and short-term investments	\$ 26,562	\$ 816,943
Taxes receivable	17,526	-
Total assets	<u>\$ 44,088</u>	<u>\$ 816,943</u>
LIABILITIES		
Warrants payable	\$ -	\$ 809,843
Due to others	43,599	7,100
Total liabilities	<u>\$ 43,599</u>	<u>\$ 816,943</u>
NET POSITION		
Assets held in trust	<u>\$ 489</u>	

See accompanying Notes to the Financial Statements

City of Whitefish, Flathead County, Montana
Statement of Changes in Net Position
Fiduciary Funds
For the Fiscal Year Ended June 30, 2014

	Pension Trust Funds	Private Purpose Trust Funds
ADDITIONS		
Contributions:		
Tax	\$ 85,025	\$ -
Contributions	89,616	-
Total contributions	\$ 174,641	\$ -
Investment earnings:		
Total additions	\$ 174,753	\$ -
DEDUCTIONS		
Distributions from investment trust fund	\$ 174,264	\$ -
Total deductions	\$ 174,264	\$ -
Change in net position	\$ 489	\$ -
Net Position - Beginning of the year	\$ 26,073	\$ 82,560
Restatements	(26,073)	(82,560)
Net Position - Beginning of the year - Restated	\$ -	\$ -
Net Position - End of the year	\$ 489	\$ -

See accompanying Notes to the Financial Statements

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2014

NOTE 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The City complies with generally accepted accounting principles (GAAP). GAAP includes all relevant Governmental Accounting Standards Board (GASB) pronouncements.

GASBS No. 65, *Items Previously Reported as Assets and Liabilities*, establishes accounting and financial reporting standards that reclassify, as deferred outflows of resources or deferred inflows of resources, certain items that were previously reported as assets and liabilities and recognizes, as outflows of resources or inflows of resources, certain items that were previously reported as assets and liabilities. This standard is effective for fiscal year ending June 30, 2014.

Financial Reporting Entity

In determining the financial reporting entity, the City complies with the provisions of GASB statement No. 14, *The Financial Reporting Entity*, as amended by GASB statement No. 61, *The Financial Reporting Entity: Omnibus*, and includes all component units of which the City appointed a voting majority of the component units' board; the City is either able to impose its' will on the unit or a financial benefit or burden relationship exists. In addition, the City complies with GASB statement No. 39 *Determining Whether Certain Organizations Are Component Units* which relates to organizations that raise and hold economic resources for the direct benefit of the City.

Primary Government

The City is a political subdivision of the State of Montana governed by an elected Mayor and Council duly elected by the registered voters of the City. The City utilizes the manager form of government. The City is considered a primary government because it is a general purpose local government. Further, it meets the following criteria: (a) It has a separately elected governing body (b) It is legally separate and (c) It is fiscally independent from the State and other local governments.

Basis of Presentation, Measurement Focus and Basis of Accounting.

Government-wide Financial Statements:

Basis of Presentation

The Government-wide Financial Statements (the Statement of Net Position and the Statement of Activities) display information about the reporting government as a whole and its component units. They include all funds of the reporting entity except fiduciary funds. The statements distinguish between governmental and business-type activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other non-exchange revenues. Business-type activities are financed in whole or in part by fees charged to external parties for goods or services. Eliminations have been made in the consolidation of business-type activities.

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2014

The Statement of Activities presents a comparison between direct expenses and program revenues for each function of the City's governmental activities. Direct expenses are those that are specifically associated with a program or function. The City charges indirect expenses to programs or functions. The types of transactions reported as program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or activity and 2) operating grants and contributions, and 3) capital grants and contributions. Revenues that are not classified as program revenues, including all property taxes, are presented as general revenues.

Certain eliminations have been made as prescribed by GASB 34 in regards to inter-fund activities, payables and receivables. All internal balances in the Statement of Net Position have been eliminated except those representing balances between the governmental activities and the business-type activities, which are presented as internal balances and eliminated in the total primary government column. In the Statement of Activities, internal service fund transactions have been eliminated; however, those transactions between governmental and business-type activities have not been eliminated.

Measurement Focus and Basis of Accounting

Government-Wide Financial Statements

On the government-wide Statement of Net Position and the Statement of Activities, both governmental and business-type activities are presented using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred regardless of the timing of the cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met. The City generally applies restricted resources to expenses incurred before using unrestricted resources when both restricted and unrestricted net assets are available.

Fund Financial Statements:

Basis of Presentation

Fund financial statements of the reporting City are organized into funds, each of which is considered to be separate accounting entities. Each fund is accounted for by providing a separate set of self-balancing accounts. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with finance-related legal and contractual provisions. The minimum number of funds is maintained consistent with legal and managerial requirements. Funds are organized into three categories: governmental, proprietary, and fiduciary. An emphasis is placed on major funds within the governmental and proprietary categories. Each major fund is displayed in a separate column in the governmental funds statements. All of the remaining funds are aggregated and reported in a single column as non-major funds. A

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2014

fund is considered major if it is the primary operating fund of the City or meets the following criteria:

- a. Total assets combined with deferred outflows of resources, liabilities combined with deferred inflows of resources, revenues, or expenditures/expenses of that individual governmental or enterprise fund are at least 10 percent of the corresponding total for all funds of that category or type; and
- b. Total assets combined with deferred outflows of resources, liabilities combined with deferred inflows of resources, revenues, or expenditures/expenses of that individual governmental or enterprise funds are at least 5 percent of the corresponding total for all governmental and enterprise funds combined.

Measurement Focus and Basis of Accounting

Governmental Funds

Modified Accrual

All governmental funds are accounted for using the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual; i.e., both measurable and available. "Measurable" means the amount of the transaction can be determined. "Available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period.

The City defined the length of time used for "available" for purposes of revenue recognition in the governmental fund financial statements to be upon receipt. Expenditures are recorded when the related fund liability is incurred, except for unmaturing interest on general long-term debt which is recognized when due, and certain compensated absences and claims and judgments which are recognized when the obligations are expected to be liquidated with expendable available financial resources. General capital asset acquisitions are reported as expenditures in governmental funds and proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, franchise fees, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other grant requirements have been met. Entitlements and shared revenues are recorded at the time of receipt or earlier if the susceptible to accrual criteria are met. All other revenue items are considered to be measurable and available only when cash is received by the government.

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2014

Major Funds:

The City reports the following major governmental funds:

General Fund – This is the City’s primary operating fund and it accounts for all financial resources of the City except those required to be accounted for in other funds.

Resort Tax Fund – A special revenue fund established in 1995 to provide budget authority to implement City Ordinance 95-15, the Resort Tax Ordinance. The ordinance imposes a 2% resort tax on a range of goods and services sold by establishments within the City. The Ordinance specifies that property tax relief should be provided to Whitefish taxpayers in an amount equal to 25% of resort tax revenues derived during the preceding fiscal year. An amount equal to 65% of these revenues shall be used for repair and improvement of existing infrastructure. An amount equal to 5% of the revenues shall be used for bicycle paths and other park improvements. Finally each collecting merchant is entitled to withhold 5% to defray costs of collecting the tax.

Tax Increment Fund – A special revenue fund that was established in 1987 is used to account for urban renewal activities within the boundaries of the Whitefish Tax Increment District. In accordance to Montana Code Annotated (MCA) 7-15-4292, tax increment districts must be terminated 15 years after their creation or at a later date necessary to pay all bond obligations, termination of the district is projected to be July 15, 2020.

Fire and Ambulance Fund – A special revenue fund established to account for the activities of the City’s fire and ambulance services.

Tax Increment Revenue Bond Debt Fund – A debt service fund that was established to account for the payment of interest and principal on long-term debt.

Special Improvement District 166 – A debt service fund created to service special assessment bonds for the JP Road Project.

Proprietary Funds:

All proprietary funds are accounted for using the accrual basis of accounting. These funds account for operations that are primarily financed by user charges. The economic resource focus concerns determining costs as a means of maintaining the capital investment and management control. Revenues are recognized when earned and expenses are recognized when incurred. Allocations of costs, such as depreciation, are recorded in proprietary funds.

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2014

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connections with a proprietary fund's principal ongoing operations. The principal operating revenues for enterprise funds are charges to customers for sales and services. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses. When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as they are needed.

Major Funds:

The City reports the following major proprietary funds:

Water Fund – An enterprise fund that accounts for the activities of the City's water distribution operations.

Wastewater Fund – An enterprise fund that accounts for the activities of the City's sewer collection and treatment operations and includes the storm sewer system.

Fiduciary Funds

Fiduciary funds presented using the economic resources measurement focus and the accrual basis of accounting (except for the recognition of certain liabilities of defined benefit pension plans and certain postemployment healthcare plans). The required financial statements are a statement of fiduciary net position and a statement of changes in fiduciary net assets. The fiduciary funds are:

Pension (and other employee benefit) Trust Funds – To report resources that are required to be held in trust for the members and beneficiaries of defined benefit pension plans, defined contribution plans, other postemployment benefit plans, or other employee benefit plans.

Agency Funds – To report resources held by the reporting government in a purely custodial capacity (assets equal liabilities). This fund primarily consist of assets held by the City as an agent for individuals, private organizations, other local governmental entities and the City's claims and payroll clearing funds

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

Cost Allocation Plan

The City allocates administrative service costs to each of the funds based on a percentage of the budgeted salary. Administrative cost allocation percentages are listed below:

General Fund	8.33%
Street and Alley	9.36%
Parks and Recreation	6.29%
Library	1.94%
Law Enforcement	19.91%
Tax Increment	2.98%
Fire and Ambulance	22.69%
Building Codes	3.98%
Light #1	0.29%
Light #4	0.29%
Water Fund	11.96%
Wastewater Fund	11.04%
Solid Waste Fund	<u>0.94%</u>
Total	<u>100%</u>

NOTE 2. CASH, CASH EQUIVALENTS, AND INVESTMENTS

Cash Composition

Composition of cash, deposits and investments at fair value on June 30, 2014, are as follows:

	<u>Primary Government</u>
<u>Cash on hand and deposits:</u>	
Petty Cash	\$ 1,225
Cash in banks:	
Demand deposits	17,506,072
Savings deposits	385,010
Time deposits	2,153,797
<u>Investments:</u>	
State Short-Term Investment Pool (STIP)	<u>27,334</u>
Total	<u>\$ 20,073,438</u>

Credit Risk

Section 7-6-202, MCA, limits investments of public money of a local government in the following eligible securities:

- (a) United States government treasury bills, notes and bonds and in the United States treasury obligations, such as state and local government series (SLGLS), separate trading of registered interest and principal of securities (STRIPS), or similar United States treasury obligations;

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2014

(b) United States treasury receipts in a form evidencing the holder's ownership of future interest or principal payments on specific United States treasury obligations that, in the absence of payment default by the United States, are held in a special custody account by an independent trust company in a certificate or book entry form with the federal reserve bank of New York; or

(c) Obligations of the following agencies of the United States, subject to the limitations in subsection 2 (not included):

- (i) federal home loan bank;
- (ii) federal national mortgage association;
- (iii) federal home mortgage corporation; and
- (iv) federal farm credit bank.

With the exception of the assets of a local government group self-insurance program, investments may not have a maturity date exceeding 5 years except when the investment is used in an escrow account to refund an outstanding bond issue in advance.

Section 7-6-205 and Section 7-6-206, MCA, state that demand deposits may be placed only in banks and Public money not necessary for immediate use by a county, city, or town that is not invested as authorize in Section 7-6-202 may be placed in time or savings deposits with a bank, savings and loan association, or credit union in the state or place in repurchase agreements as authorized in Section 7-6-213.

Section 7-6-202, MCA, as amended, now limits authorized investments in certain securities that previously were permissible investments. The amendment does not apply to and does not require the sale of securities that were legal investments before the effective date of this act. However, the investments reported as collateralized mortgage obligations above are not authorized investments at the current time.

The government has no investment policy that would further limit its investment choices.

The government has no investments that require credit risk disclosure.

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

Short Term Investment Pool (STIP) Credit Quality ratings by the S&P's rating services as of June 30, 2013:

<u>Security Investment Type</u>	<u>Amortized Cost</u>	<u>Credit Quality Rating</u>	<u>Weighted Average Maturity</u>
Asset Backed Commercial Paper	\$ 907,892,295	A1	44
Corporate Commercial Paper	150,768,775	A1	105
Corporate Variable-Rate	663,143,336	A3	41
Certificates of Deposit Fixed Rate	50,000,000	A1	222
Certificates of Deposit Variable-Rate	435,974,196	A2	35
Other Asset Backed	17,987,295	BBB-	NA
U.S. Government Agency Fixed	25,000,000	A1	3
U.S. Government Agency Variable -Rate	182,700,345	A1	17
Money Market Funds (Unrated)	168,232,935	NR	1
Money Market Funds (Rated)	15,000,000	A1+	1
Structured Investment Vehicles (SIV)	<u>29,561,449</u>	<u>NR</u>	<u>4</u>
Total Investments	<u>\$ 2,646,260,626</u>		<u>43</u>
Securities Lending Collateral Investment Pool	<u>\$ 7,182,928</u>	NR	*

“*As of June 30, 2013, the Securities Lending Quality Trust liquidity pool had an average duration of 48 days and an average weighted final maturity of 99 days for U.S. dollar collateral. The duration pool had an average duration of 36 days and an average weighted final maturity of 679 days for U.S. dollar collateral.”

Audited financial statements for the State of Montana’s Board of Investments are available at 555 Fuller Avenue in Helena, Montana.

Custodial Credit Risk

Custodial credit risk is the risk that, in the event of a bank failure, the government’s deposits may not be returned to it. The government does not have a deposit policy for custodial credit risk. All deposits are carried at cost plus accrued interest. As of June 30, 2014 \$19,957,487 of the government’s bank balance of \$20,046,104 was exposed to custodial credit risk as follows:

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

	June 30, 2014 <u>Balance</u>
<u>Depository Account</u>	
Insured	\$ 750,000
- Collateral held by the pledging bank's trust department but not in the City's name.	11,018,016
- Uninsured and undercollateralized	8,188,246
Total deposits and investments	\$ <u><u>19,956,262</u></u>

Deposit Security

Section 7-6-207, MCA, states (1) The local governing body may require security only for that portion of the deposits which is not guaranteed or insured according to law and, as to such unguaranteed or uninsured portion, to the extent of:

- (a) 50% of such deposits if the institution in which the deposit is made has a net worth of total assets ratio of 6% or more; or
- (b) 100% if the institution in which the deposit is made has a net worth of total assets ratio of less than 6%.

The amount of collateral held for City deposits at June 30, 2014, equaled or exceeded the amount required by State statutes.

Cash equivalents

For purposes of the statement of cash flows, and enterprise funds consider all funds (including restricted assets) held in the City's cash management pool to be cash equivalents.

NOTE 3. RESTRICTED CASH/INVESTMENTS

The following restricted cash/investments were held by the City as of June 30, 2014. These amounts are reported within the cash/investment account on the Statement of Net Assets.

<u>Description</u>	<u>Tax Increment Debt</u>	<u>Water</u>	<u>Wastewater</u>
Debt Service	\$ 3,147,855	\$ 545,443	\$ 230,986
Construction	-	969,833	473,940
Replacement & Depreciation	-	<u>104,378</u>	<u>102,027</u>
Total	<u>\$ 3,147,855</u>	<u>\$ 1,619,564</u>	<u>\$ 806,953</u>

NOTE 4. RECEIVABLES

An allowance for uncollectible accounts was not maintained for real and personal property taxes receivable. The direct write-off method is used for these accounts.

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

Property tax levies are set in August, after the County Assessor delivers the taxable valuation information to the County, in connection with the budget process and are based on taxable values listed as of January 1 for all property located in the Entity. Taxable values are established by the Montana Department of Revenue, and a revaluation of all property is required to be completed on a periodic basis. Taxable value is defined by Montana statute as a fixed percentage of market value.

Real property (and certain attached personal property) taxes are billed within ten days after the third Monday in October and are due in equal installments on November 30 and the following May 31. After those dates, they become delinquent (and a lien upon the property). After three years, the County may exercise the lien and take title to the property. Special assessments are either billed in one installment due November 30 or two equal installments due November 30 and the following May 31. Personal property taxes (other than those billed with real estate) are generally billed no later than the second Monday in July (normally in May or June), based on the prior November's levies. Personal property taxes, other than mobile homes, are due thirty days after billing. Mobile home taxes are billed in two halves, the first due thirty days after billing; the second due September 30. The tax billings are considered past due after the respective due dates and are subject to penalty and interest charges.

Taxes that become delinquent are charged interest at the rate of 5/6 of 1% a month plus a penalty of 2%. Real property on which taxes remain delinquent and unpaid may be sold at tax sales. In the case of personal property, the property is to be seized and sold after the taxes become delinquent.

NOTE 5. INVENTORIES

The cost of inventories are recorded as an expenditure when purchased.

NOTE 6. CAPITAL ASSETS

The City's assets are capitalized at historical cost or estimated historical cost. City policy has set the capitalization threshold as noted below. Gifts or contributions of capital assets are recorded at fair market value when received. The costs of normal maintenance and repairs are charged to operations as incurred. Improvements are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable. Depreciation is recorded on a straight-line basis over the useful lives of the assets as follows:

	<u>Useful Life</u>	<u>Capitalization Threshold</u>
Buildings	10 – 40 years	\$ 25,000
Improvements	5 – 20 years	\$ 25,000
Equipment	3 – 40 years	\$ 5,000
Infrastructure	10 – 40 years	\$ 75,000

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In June 1999, the Governmental Accounting Standards Board (GASB) issued Statement No. 34 which requires the inclusion of infrastructure capital assets in local governments' basic financial statements. In accordance with Statement No. 34, the City has included the value of all infrastructure into the 2014 Basic Financial Statements. The government has elected not to retroactively report general infrastructure assets.

A summary of changes in governmental capital assets was as follows:

Governmental activities:

	Balance <u>July 1, 2013</u>	<u>Additions</u>	<u>Deletions</u>	<u>Transfers</u>	Balance <u>June 30, 2014</u>
Capital assets not being depreciated:					
Land	\$ 8,353,129	\$ 56,500	\$ -	\$ -	\$ 8,409,629
Construction in progress	19,022,250	1,421,216	-	(18,613,982)	1,829,484
Total capital assets not being depreciated	<u>\$ 27,375,379</u>	<u>\$ 1,477,716</u>	<u>\$ -</u>	<u>\$ (18,613,982)</u>	<u>\$ 10,239,113</u>
Other capital assets:					
Buildings	\$ 13,802,774	\$ 74,564	\$ -	\$ 7,650,709	\$ 21,528,047
Improvements other than buildings	1,847,881	190,299	-	76,611	2,114,791
Machinery and equipment	5,362,738	620,055	(327,734)	830,085	6,485,144
Infrastructure	22,460,087	1,059,024	-	10,056,577	33,575,688
Total other capital assets at historical cost	\$ 43,473,480	\$ 1,943,942	\$ (327,734)	\$ 18,613,982	\$ 63,703,670
Less: accumulated depreciation	\$ (16,403,963)	\$ (2,413,320)	\$ 311,521	\$ -	\$ (18,505,762)
Total	<u>\$ 54,444,896</u>	<u>\$ 1,008,338</u>	<u>\$ (16,213)</u>	<u>\$ -</u>	<u>\$ 55,437,021</u>

Governmental activities depreciation expense was charged to functions as follows:

Governmental Activities:	
General government	\$ 36,731
Public safety	442,394
Public works	1,343,783
Culture and recreation	590,412
Total	<u>\$ 2,413,320</u>

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A summary of changes in business-type capital assets was as follows:

Business-type activities:

	Balance <u>July 1, 2013</u>	<u>Additions</u>	<u>Deletions</u>	Adjustments <u>Transfers</u>	Balance <u>June 30, 2014</u>
Capital assets not being depreciated:					
Land	\$ 602,783	\$ -	\$ -	\$ -	\$ 602,783
Construction in progress	2,385,661	946,538	-	(1,047,759)	2,284,440
Total capital assets not being depreciated	<u>\$ 2,988,444</u>	<u>\$ 946,538</u>	<u>\$ -</u>	<u>\$ (1,047,759)</u>	<u>\$ 2,887,223</u>
Other capital assets:					
Buildings	\$ 170,980	\$ -	\$ -	621,307	\$ 792,287
Machine & Equipment	134	-	-	-	134
Pumping plant	2,880,335	-	-	271,524	3,151,859
Treatment Plant	16,439,569	35,374	-	6,915	16,481,858
Transmission and distribution	14,734,650	51,865	-	148,013	14,934,528
General plant	1,426,036	163,739	(93,986)	23,601	1,519,390
Total other capital assets at historical cost	<u>\$ 35,651,704</u>	<u>\$ 250,978</u>	<u>\$ (93,986)</u>	<u>\$ 1,071,360</u>	<u>\$ 36,880,056</u>
Less: accumulated depreciation	<u>\$ (14,949,193)</u>	<u>\$ (1,053,659)</u>	<u>\$ 93,986</u>	<u>\$ -</u>	<u>\$ (15,908,866)</u>
Total	<u>\$ 23,690,955</u>	<u>\$ 143,857</u>	<u>\$ -</u>	<u>\$ 23,601</u>	<u>\$ 23,858,413</u>

NOTE 7. LONG TERM DEBT OBLIGATIONS

In the governmental-wide and proprietary financial statements, outstanding debt is reported as liabilities. Bond issuance costs, bond discounts or premiums, are amortized over the life of the bond.

The governmental fund financial statements recognize the proceeds of debt and premiums as other financing sources of the current period. Issuance costs are reported as expenditures.

Changes in Long-Term Debt Liabilities - During the year ended June 30, 2014, the following changes occurred in liabilities reported in long-term debt:

Governmental Activities:

	Balance <u>July 1, 2013</u>	<u>Additions</u>	<u>Deletions</u>	Balance <u>June 30, 2014</u>	Due Within <u>One Year</u>
TIF Revenue Bonds	\$ 12,020,000	\$ -	\$ (1,305,000)	\$ 10,715,000	\$ 1,350,000
Special assessment bond	865,000	-	(70,000)	795,000	70,000
Intercap loans	62,698	442,843	(22,335)	483,206	76,930
Capital leases	7,357	-	(3,623)	3,734	3,734
Other post-employment benefits*	1,304,250	321,915	-	1,626,165	-
Compensated absences	936,650	47,011	-	983,661	768,567
Total	<u>\$ 14,259,305</u>	<u>\$ 811,769</u>	<u>\$ (1,400,958)</u>	<u>\$ 14,606,766</u>	<u>\$ 2,269,231</u>

*See Note 8

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In prior years the general fund was used to liquidate compensated absences and claims and judgments.

Business-type Activities:

	Balance <u>July 1, 2013</u>	<u>Additions</u>	<u>Deletions</u>	Balance <u>June 30, 2014</u>	Due Within <u>One Year</u>
Revenue bonds	\$ 6,073,764	\$ 452,301	\$ (615,300)	\$ 5,910,765	\$ 322,000
Other post-employment benefits*	439,500	96,157	-	535,657	-
Compensated absences	<u>286,353</u>	<u>19,584</u>		<u>305,937</u>	<u>190,021</u>
Total	<u>\$ 6,799,617</u>	<u>\$ 568,042</u>	<u>\$ (615,300)</u>	<u>\$ 6,752,359</u>	<u>\$ 512,021</u>

*See Note 8

Revenue Bonds - The City issues Revenue bonds to provide funds for the acquisition and construction of major capital facilities. Revenue bonds are direct obligations and pledge the full faith and credit of the City. Revenue bonds outstanding as of June 30, 2014 were as follows:

<u>Purpose</u>	<u>Origination Date</u>	<u>Interest Rate</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Annual Payment</u>	<u>Balance June 30, 2014</u>
2009 Tax Increment Urban Renewal Revenue Bonds	7/14/09	3-4.625%	11 yrs	7/15/20	\$ <u>15,695,000</u>	Varies	\$ <u>10,715,000</u>

Reported in the governmental activities.

Annual requirement to amortize debt:

<u>For Fiscal Year Ended</u>	<u>Principal</u>	<u>Interest</u>
2015	\$ 1,350,000	\$ 428,986
2016	1,405,000	373,886
2017	1,460,000	316,586
2018	1,525,000	255,933
2019	1,590,000	189,898
2020	1,655,000	117,665
2021	<u>1,730,000</u>	<u>40,006</u>
Total	<u>\$ 10,715,000</u>	<u>\$ 1,722,960</u>

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Special Assessment Debt - Special assessment bonds are payable from the collection of special assessments levied against benefited property owners within defined special improvement districts. The bonds are issued with specific maturity dates, but must be called and repaid earlier, at par plus accrued interest, if the related special assessments are collected. Rural special improvement districts bonds were issued with revolving fund backing. The City is not obligated to levy and collect a general property tax on all taxable property in the Entity to provide additional funding for the debt service payments. The cash balance in the Revolving Fund must equal at least 5% of the principal amount of bonds outstanding. Special assessment bonds outstanding as of June 30, 2014 were as follows:

<u>Purpose</u>	<u>Origination Date</u>	<u>Interest Rate</u>	<u>Bond Term</u>	<u>Maturity Date</u>	<u>Bonds Amount</u>	<u>Annual Payment</u>	<u>Balance June 30, 2014</u>
SID #166 – JP Road Project	7/6/06	3.65-4.80%	20 yrs	7/1/26	\$ <u>1,360,000</u>	Varies	\$ <u>795,000</u>

Annual requirement to amortize debt:

<u>For Fiscal Year Ended</u>	<u>Principal</u>	<u>Interest</u>
2015	\$ 70,000	\$ 36,622
2016	70,000	33,577
2017	70,000	30,498
2018	70,000	27,382
2019	65,000	24,232
2020	65,000	21,274
2021	65,000	18,286
2022	65,000	15,263
2023	65,000	12,208
2024	65,000	9,120
2025	65,000	6,000
2026	60,000	2,880
Total	\$ <u>795,000</u>	\$ <u>237,342</u>

Revenue Bonds - The City also issues bonds where the City pledges income derived from the acquired or constructed assets to pay debt service. Revenue bonds outstanding at year-end were as follows:

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<u>Purpose</u>	<u>Origination Date</u>	<u>Interest Rate</u>	<u>Bond Term</u>	<u>Maturity Date</u>	<u>Bonds Amount</u>	<u>Annual Payment</u>	<u>Balance June 30, 2014</u>
DNRC – Water 1998	7/6/98	2.00%	20 yrs	7/1/18	\$ 400,000	Varies	\$ 106,000
DNRC – Water 1999	6/21/99	2.00%	20 yrs	7/1/19	5,839,000	Varies	1,880,000
Water DWSRF #06098-2007	6/15/06	2.25%	20 yrs	7/1/26	248,699	Varies	588,000
Water SRF #08110-2006	9/6/07	2.25%	20 yrs	7/1/27	900,000	Varies	608,000
Water SRF (2009B)	10/21/09	0.75%	20 yrs	7/1/29	120,100	Varies	90,000
Sewer SRF 2002 Series	7/1/02	2.00%	20 yrs	7/1/22	200,000	Varies	87,000
Sewer DNRC (2008A)	12/11/08	2.25%	20 yrs	7/1/28	500,000	Varies	328,000
Sewer DNRC (2008B)	1/16/09	2.25%	20 yrs	1/1/29	1,711,000	Varies	1,112,000
Sewer DNRC (2010B)	2/4/10	0.75%	20 yrs	1/1/30	48,211	Varies	40,000
Sewer 2011B	8/1/11	3.00%	20 yrs	7/1/31	340,000	Varies	301,000
Sewer 2011C	8/1/11	3.00%	20 yrs	7/1/31	350,000	Varies	326,764
Sewer 2014	3/6/14	3.00%	20 yrs	1/1/34	<u>452,300</u>	Varies	<u>444,000</u>
					<u>\$ 11,109,310</u>		<u>\$ 5,910,764</u>

Reported in Business-Type Activities

Revenue bond resolutions include various restrictive covenants. The more significant covenants 1) require that cash be restricted and reserved for operations, construction, debt service, and replacement and depreciation; 2) specify minimum required operating revenue; and 3) specific and timely reporting of financial information to bond holders and the registrar. The City was in compliance with applicable covenants as of June 30, 2014.

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Annual requirement to amortize debt:

<u>For Fiscal Year Ended</u>	<u>Principal</u>	<u>Interest</u>
2015	\$ 322,000	\$ 66,807
2016	644,000	123,553
2017	657,000	109,729
2018	670,000	95,664
2019	672,000	81,274
2020	478,000	66,963
2021	284,000	58,436
2022	290,000	51,757
2023	295,000	44,924
2024	294,000	38,036
2025	298,000	31,094
2026	309,000	24,011
2027	291,000	16,713
2028	77,000	11,265
2029	80,000	9,222
2030	74,000	7,099
2031	68,764	4,920
2032	50,000	2,700
2033	28,000	1,500
2034	29,000	660
Total	<u>\$ 5,910,764</u>	<u>\$ 846,327</u>

Intercap Loans

Intercap loans have variable interest rates. Interest rates are subject to change annually. Interest rates to the borrower are adjusted on February 16th of each year and are based on a spread over the interest paid on one-year term, tax-exempt bonds which are sold to fund the loans.

Intercap loans outstanding as of June 30, 2014 were as follows:

<u>Purpose</u>	<u>Origination Date</u>	<u>Interest Rate</u>	<u>Term</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Balance June 30, 2014</u>
Ice Rink	10/1/12	1.00%	5 yrs	8/15/17	\$ 140,00	\$ 110,574
Police Dept Admin Vehicle	3/14/14	1.00%	3 yrs	2/15/17	16,399	16,399
Emergency Vehicle	3/14/14	1.00%	5 yrs	2/15/19	155,597	153,780
Fire Pumper	6/20/14	1.00%	10 yrs	8/15/24	<u>485,112</u>	<u>202,453</u>
Total					<u>\$ 797,108</u>	<u>\$ 483,206</u>

Reported in the governmental activities.

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Annual requirement to amortize debt:

<u>For Fiscal Year Ended</u>	<u>Principal</u>	<u>Interest</u>
2015	\$ 76,930	\$ 4,831
2016	86,906	4,202
2017	87,797	3,308
2018	66,795	2,422
2019	51,292	1,599
2020	20,241	1,092
2021	20,444	889
2022	20,648	689
2023	20,856	490
2024	21,064	294
2025	10,233	100
Total	<u>\$ 483,206</u>	<u>\$ 19,916</u>

Capital Leases

The City has entered into a lease which meets the criteria of a capital lease as defined by Statement of Financial Accounting Standards No. 13, "Accounting for Leases," which defines a capital lease generally as one which transfers benefits and risks of ownership to the lessee when all terms of the lease agreements are met. Capital lease obligations outstanding as of June 30, 2014 were as follows:

<u>Purpose</u>	<u>Origination Date</u>	<u>Interest Rate</u>	<u>Bond Term</u>	<u>Maturity Date</u>	<u>Bonds Amount</u>	<u>Annual Payment</u>	<u>Balance June 30, 2014</u>
Sharp MX5111	4/4/12	16.07%	3 yrs	4/1/15	\$ <u>10,981</u>	\$ <u>4,248</u>	\$ <u>3,734</u>
Reported in the governmental activities.							

Annual requirement to amortize debt:

<u>For Fiscal Year Ended</u>	<u>Principal</u>	<u>Interest</u>
2015	\$ <u>3,734</u>	\$ <u>280</u>

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Compensated Absences

Compensated absences are absences for which employees will be paid for time off earned for time during employment, such as earned vacation and sick leave. It is the City's policy and state law to permit employees to accumulate a limited amount of earned but unused vacation benefits, which will be paid to employees upon separation from City service. Employees are allowed to accumulate and carry over a maximum of two times their annual accumulation of vacation, but no more than 90 days into the new calendar year. There is no restriction on the amount of sick leave that may be accumulated. Upon separation, employees are paid 100 percent of accumulated vacation and 25 percent of accumulated sick leave. The liability associated with governmental fund-type employees is reported in the governmental activities, while the liability associated with proprietary fund-type employees is recorded in the business-type activities/respective proprietary fund.

NOTE 8. POSTEMPLOYMENT HEALTHCARE PLAN

Plan Description. The healthcare plan provides for, and Montana State Law (2-18-704) requires local governments to allow employees with at least 5 years of service and who are at least age 50 along with surviving spouses and dependents to stay on the government's health care plan as long as they pay the same premium. Since retirees are usually older than the average age of the plan participants they receive a benefit of lower insurance rates. This benefit is reported as the Other Post Employment Benefits (OPEB) liability. The government has less than 100 plan members and thus qualifies to use the "Alternative Measurement Method" for calculating the liability. The above described OPEB plan does not provide a stand-alone financial report.

Funding Policy. The government pays OPEB liability costs on a pay-as-you-go basis. A trust fund for future liabilities has not been established.

Funding Status and funding Progress. The funded status of the plan as of June 30, 2013, was as follows:

Actuarial Accrued Liability (AAL)	\$	2,917,871
Actuarial value of plan assets	\$	-
Unfunded Actuarial Accrued Liability (UAAL)	\$	2,917,871
Funded ratio (actuarial value of plan assets/AAL)		0%
Covered payroll (active plan members)	\$	4,966,132
UAAL as a percentage of covered payroll		58.76%

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Annual OPEB Cost and Net OPEB Obligation. The government's annual other post employment benefit (OPEB) cost (expense) is calculated based on the annual required contribution of the employer (ARC), an amount determined in accordance with the parameter of GASB statement 45. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and amortize any unfunded actuarial liabilities (or funding excess) over a period not to exceed thirty (30) years. The following table shows the components of the government's annual OPEB cost for the year, the amount actually contributed to the plan, and changes in the government's net OPEB obligation.

Annual Required Contribution (ARC)	\$	418,072
Interest on net OPEB obligation	\$	-
Adjustment to ARC	\$	-
Annual OPEB cost (expense)	\$	418,072
Contributions made	\$	-
Increase in net OPEB obligation	\$	418,072
Net OPEB obligation - beginning of year	\$	1,743,750
Net OPEB obligation - end of year	\$	2,161,822

Actuarial Methods and Assumptions. The following actuarial methods and assumptions were used:

Actuarial cost method	Unit Credit Cost Method
Average age of retirement (based on historical data)	62
Discount rate (average anticipated rate)	2.00%
Average salary increase (Consumer Price Index)	2.8%
<u>Health care cost rate trend (Federal Office of the Actuary)</u>	

<u>Year</u>	<u>% Increase</u>
2010	3.90%
2011	5.20%
2012	5.50%
2013	6.10%
2014	6.60%
2015	6.70%
2016	7.00%
2017	6.80%
2018	6.80%
2019 and after	6.60%

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NOTE 9. INTERFUND RECEIVABLES AND PAYABLES

The composition of interfund balances as of June 30, 2014, was as follows:

Due to/from other funds:			
<u>Purpose</u>	<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
Deficit Cash Balance	General – Major Governmental	Park, Rec, and Community – Nonmajor Governmental	\$ 55,919
Deficit Cash Balance	General – Major Governmental	WF Trail Construction – Nonmajor Governmental	29,220
Deficit Cash Balance	SID Revolving – Nonmajor Governmental	SID 166 – Major Governmental	<u>15,785</u>
			<u>\$ 100,924</u>
Advances to/from other funds:			
<u>Purpose</u>	<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
Half of annual assessment of SID Cover Negative Cash	SID 166 – Major Governmental	SID Revolving – Nonmajor Governmental	\$ 48,741
Cover Negative Cash	Building Codes – Nonmajor Governmental	General – Major Governmental	171,699
Cover Negative Cash	Drug Forfeiture – Nonmajor Governmental	General – Major Governmental	<u>172,817</u>
			<u>\$ 393,257</u>

Interfund Transfers

The following is an analysis of operating transfers in and out during fiscal year 2014:

<u>Purpose</u>	<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
Tax Relief FY14	General – Major Governmental	Resort Tax – Major Governmental	\$ 693,432
Excess cash from SID 154	Street & Ally – Nonmajor Governmental	SID 154 Bond Debt – Nonmajor Governmental	2,398
Operating/Budgeted	Park, Recreating, and Community Service – Nonmajor Governmental	General – Major Governmental	603,000
Operating/Budgeted	Library – Nonmajor Governmental	General – Major Governmental	34,371
Operating/Budgeted	Fire & Ambulance – Major Governmental	General – Major Governmental	575,000
Operating/Budgeted	Park Land Acquisition & Development – Nonmajor Governmental	Resort Tax – Major Governmental	19,900
Debt Payments	Tax Increment Bond Debt – Major Governmental	Tax Increment – Major Governmental	1,805,556
Capital Projects	City Hall Project – Nonmajor Governmental	Tax Increment – Major Governmental	250,000

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ESC Construction	Emergency Service Center Construction – Nonmajor Governmental	Impact Fee – Nonmajor Governmental	43,578
Indirect Cost Allocation	General – Major Governmental	Street & Alley – Nonmajor Governmental	18,372
Indirect Cost Allocation	General – Major Governmental	Park, Rec & Community Service – Nonmajor Governmental	12,355
Indirect Cost Allocation	General – Major Governmental	Library – Nonmajor Governmental	3,818
Indirect Cost Allocation	General – Major Governmental	Public Safety – Nonmajor Governmental	39,088
Indirect Cost Allocation	General – Major Governmental	Tax Increment – Major Governmental	5,940
Indirect Cost Allocation	General – Major Governmental	Fire & Ambulance – Major Governmental	44,554
Indirect Cost Allocation	General – Major Governmental	Building Code Enforcement – Nonmajor Governmental	7,817
Indirect Cost Allocation	General – Major Governmental	Light District #1 – Nonmajor Governmental	568
Indirect Cost Allocation	General – Major Governmental	Light District #2 – Nonmajor Governmental	568
Indirect Cost Allocation	General – Major Governmental	Water – Major Proprietary	23,489
Indirect Cost Allocation	General – Major Governmental	Wastewater – Major Proprietary	21,681
Indirect Cost Allocation	General – Major Governmental	Solid Waste – Nonmajor Governmental	1,842
Indirect Cost Allocation	Public Safety – Nonmajor Governmental	General – Major Governmental	<u>1,845,000</u>
			<u>\$ 6,013,239</u>

NOTE 10. STATE-WIDE RETIREMENT PLANS

All full-time City employees are covered under one of the following retirement plans: Montana Public Employees Retirement System (PERS), Municipal Police Officers Retirement System (MPORS), Firefighters' Unified Retirement System (FURS). The plans are established by State law and administered by the State of Montana. The plans are cost-sharing multiple-employer defined benefit plans that provide retirement, disability and death benefits to plan members and beneficiaries, with amounts determined by the State. However, PERS members may have chosen the defined contribution retirement plan. Under this plan it puts the employee in control of investments options and their retirement is based upon the cash in their investment account.

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Contribution rates are required and determined by State law. The contribution rates, expressed as a percentage of covered payroll for the fiscal year ended June 30, 2014 for the defined benefit plans, were:

	<u>PERS**</u>	<u>MPORS</u>	<u>FURS</u>
Employer	8.07%	14.41%	14.36%
Employee	7.90%*	If first employed: on or before 6/30/75- 5.8% after 6/30/75 - 7% after 6/30/79 - 8.5% on & after 7/1/97 - 9% w/ GABA - 9%	9.5% w/o GABA 10.7% w/GABA Also – 1% withheld & paid to Montana State Firemen’s Association
State	0.10%	29.37%	32.61%

* For PERS members hired before 7/1/2011 that rate is 6.9%

** For the defined contribution plan all rates are the same except only 4.19% of the employer amount is added to the individuals account.

The State contribution qualifies as an on-behalf payment. The State contribution for PERS has not been recorded in the City’s financial statements and was considered immaterial.

Publicly available financial reports that include financial statements and required supplementary information may be obtained for the plans by writing or calling Montana Public Employee Retirement Administration, P.O. Box 200131, Helena, Montana 59620-0131 Phone: 1-406-444-3154.

The City's contributions for the years ended June 30, 2012, 2013, and 2014, as listed below, were equal to the required contributions for each year.

	<u>PERS</u>	<u>MPORS</u>	<u>FURS</u>
2012	\$ 218,100	\$ 108,124	\$ 138,988
2013	\$ 217,963	\$ 113,228	\$ 136,154
2014	\$ 259,311	\$ 116,475	\$ 155,261

NOTE 11. LOCAL RETIREMENT PLANS

Deferred Compensation Plan

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan available to all Entity employees permits them to defer a portion of their salary until future years. Participation in the plan is optional. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

Fire Department Relief Association Disability and Pension Fund

City volunteer firefighters are covered by the Fire Department Relief Association Disability and Pension Fund, which is established by State Law. The Association is managed by a Board of Trustees made up of members of the fire department, and is accounted for as an agency fund of the town.

A member of a volunteer fire department who has served 20 years or more is entitled to benefits regardless of age. Volunteer serving less than 20 years but more than 10 years may receive reduced benefits. The amount of the pension benefits are set by the Association's Board of Trustees.

NOTE 12. FUND BALANCE CLASSIFICATION POLICIES AND PROCEDURES

The government considers restricted amounts to have been spent first when an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available.

The government considers that committed amounts would be reduced first, followed by assigned amounts, and then unassigned amounts when expenditures are incurred for purposes for which amounts in any of those unrestricted fund balance classifications could be used.

Restricted Fund Balance

<u>Major Fund</u>	<u>Amount</u>	<u>Purpose of Restriction</u>
Resort Tax	\$ 1,860,776	Street improvements, parks improvements, tax relief
Tax Increment	1,999,566	Housing and community development
Fire and Ambulance	423,006	Public Safety
Tax Increment Revenue Bond Debt	3,258,224	Debt Service
Aggregate remaining funds:	2,252,701	General Government Capital Projects
	3,061,552	Public Works
	49	Public Safety
	178,666	Culture & Recreation
	4,818	Housing and community development
	<u>186,280</u>	Public Works Debt Service
	<u>\$ 13,225,638</u>	

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

NOTE 13. DEFICIT FUND BALANCES/NET POSITION

<u>Fund Name</u>	<u>Amount</u>	<u>Reason for Deficit</u>	<u>How Deficit will be Eliminated</u>
Parks, Recreation and Community Service	\$ 88,846	Prior year revenues exceeded revenues	Future revenues
Drug Forfeiture Building Code Enforcement	\$ 172,817	Past expenditures exceeded revenues creating a deficit fund balance	Future charges for services for drug forfeitures
SID 166 Bond Debt	\$ 176,632	Past expenditures exceeded revenues creating a deficit fund balance	Future permit fees
WF Trail Construction	\$ 64,525	Assessments did not meet debt payments	Future assessments
	\$ 29,220	Expenditures exceeded their revenues	Future revenues

NOTE 14. RESTATEMENTS

During the current fiscal year, the following adjustments relating to prior years' transactions were made to fund balance and net assets.

<u>Fund</u>	<u>Amount</u>	<u>Reason for Adjustment</u>
WF Trail Construction	\$ 82,560	Closed out Trail Improvements Agency Fund to WF Trail Construction fund 7/1/13
Wastewater	23,603	Depreciation Restatement due to formula error in FY13 schedule
	<u>\$ 106,163</u>	

NOTE 15. JOINT VENTURES

Joint ventures are independently constituted entities generally created by two or more governments for a specific purpose which are subject to joint control, in which the participating governments retain 1) an ongoing financial interest or 2) an ongoing financial responsibility.

CITY OF WHITEFISH
FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2014

Flathead County 911 Emergency Coordination Center

Flathead County along with the City of Kalispell, the City of Columbia Falls, and the City of Whitefish, participate in a County-wide enhanced 911 public safety answering point called Flathead County 911 Emergency Coordination Center (ECC) that was established by an interlocal agreement in February, 1999. The ECC was formed for the purpose of providing for police/law enforcement public safety dispatch point (PSDP) districts, fire service areas, and licensed emergency services for all fire departments, fire local and county-wide multi-agency and/or multi-jurisdictional emergencies and disaster response. The Board consists of five members; the Flathead County Sheriff, one member of the Flathead County Board of Commissioners, and one member from each of the City's operations for the ECC are accounted for in the 911 Fund and are reported in the general purpose financial states of Flathead County within the Special Revenue Fund. The salaries for the dispatch services are reported under the participating entities sheriff and police departments.

Big Mountain County Sewer District

The City permits the District to connect with the City's sanitary sewage collection system. The usage rate charged by the City to the District is \$40.00 for each customer classified as SC2/Outside.

NOTE 16. SERVICES PROVIDED TO OTHER GOVERNMENTS

County Provided Services

The City is provided various financial services by Flathead County. The County also serves as cashier and treasurer for the City for tax and assessment collections and other revenues received by the County which are subject to distribution to the various taxing jurisdictions located in the County. The collections made by the County on behalf of the City are accounted for in an agency fund in the City's name and are periodically remitted to the City by the County Treasurer. No service charges have been recorded by the City or the County.

NOTE 17. RISK MANAGEMENT

The City faces considerable number of risks of loss, including (a) damage to and loss of property and contents, (b) employee torts, (c) professional liability, i.e., errors and omissions, (d) environmental damage, (e) workers' compensation, i.e., employee injuries, and (f) medical insurance costs of employees. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three fiscal years.

Insurance Policies:

Commercial policies transferring all risks of loss, except for relatively small deductible amounts are purchased for property and content damage, employees torts, and professional liabilities. Employee medical insurance is provided for by a commercial carrier. And, given the lack of coverage available, the City has no coverage for potential losses from environmental damages.

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

Insurance Pools:

In 1986, the City joined together with other Montana cities to form the Montana Municipal Insurance Authority which established a workers' compensation plan and a tort liability plan. Both public entity risk pools currently operate as common risk management and insurance programs for the member governments. The liability limits for damages in tort action are \$750,000 per claim and \$1.5 million per occurrence with a \$3.750 deductible per occurrence. State tort law limits the City's liability to \$1.5 million. The City pays an annual premium for its employee injury insurance coverage, which is allocated to the employer funds based on total salaries and wages. The agreements for formation of the pools provide that they will be self-sustaining through member premiums.

Separate audited financial statements are available from the Montana Municipal Insurance Authority.

NOTE 19. RESORT TAX

In 1995, the citizens of the City of Whitefish approved a 2% resort tax. City Ordinance 95-15 restricted the tax proceeds as follows:

Administration fee to the business owners	5%
Parks Improvements	5%
Street Improvements	65%
Tax Relief	25%

On June 30, 2014 the Resort Tax Fund has a cash balance of \$1,888,666. This balance was restricted as follows:

Parks Improvements	\$ 467,764
Street Improvements	755,605
Tax Relief	<u>664,297</u>
	<u>\$ 1,888,666</u>

NOTE 20. WHITEFISH LAKE GOLF COURSE LEASE

In January 2011, the City leased the Whitefish Lake Golf Course to the Whitefish Lake Golf Club, Inc. The term of the lease is for 30 years beginning January 1, 2011 and ending December 31, 2040. The annual rental payments due to the City are \$22,375 per year and shall increase by the December to December change in the Consumer Price Index every five years beginning with the payment due in June 2016. In addition, the City will receive a net profits payment beginning February 2012 of 3% of the prior year's net profit for the Whitefish Lake Golf Club, Inc.

CITY OF WHITEFISH
 FLATHEAD COUNTY, MONTANA
NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2014

NOTE 21. EXTRAORDINARY ITEMS

The Drug Forfeiture and Building Code funds currently owe \$172,817 and \$171,699 respectively to the General fund which is to be paid back fiscal year 2015. The Drug Forfeiture fund is currently operating at a deficit and had net income of only \$18,345 during the year ending June 30, 2014. As such, this fund will have significant difficulty repaying the interfund loan in the time frame allotted. The Building Code fund is also operating at a deficit but had net income of \$224,278 during the fiscal year ending June 30, 2014 reducing the deficit from 401,847 in fiscal year 2013 to \$171,699 in fiscal year 2014.

NOTE 22. PENDING LITIGATION

The following is a list of litigation pending against the City and the amount of damages claimed by the Plaintiff. The City Attorney has made no evaluation as to the outcome of each case. The City has liability insurance which may cover all or part of the damages requested.

<u>Case</u>	<u>Damages Requested</u>	<u>Potential of Loss</u>
<i>T. Warren Schweitzer and Ingela Schnittger v. City of Whitefish</i>	Not Stated	Not Stated
<i>City of Whitefish and Flathead County v. Linda Babiak and Tim Babiak</i>	Not Stated	Not Stated
<i>Ella Marzean Quay v. LHC, Inc., Town of Whitefish, et al</i>	Not Stated	Not Stated
<i>Jeffrey R. Folsom v. City of Whitefish Police Department and Montana Public Employees' Association, Inc.</i>	Not Stated	Not Stated
<i>Scott Wurster v. Whitefish City Council, Dave Taylor and Virgil Bench</i>	Not Stated	Not Stated

**REQUIRED SUPPLEMENTAL
INFORMATION**

City of Whitefish, Flathead County, Montana
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2014

	General			
	BUDGETED AMOUNTS		ACTUAL AMOUNTS (BUDGETARY BASIS) See Note A	VARIANCE WITH FINAL BUDGET
	ORIGINAL	FINAL		
RESOURCES (INFLOWS):				
Taxes and assessments	\$ 1,928,548	\$ 1,928,548	\$ 1,859,906	\$ (68,642)
Licenses and permits	60,300	60,300	62,134	1,834
Intergovernmental	775,300	775,300	777,218	1,918
Charges for services	207,550	207,550	281,942	74,392
Fines and forfeitures	256,250	256,250	216,265	(39,985)
Miscellaneous	40,375	40,375	78,082	37,707
Investment earnings	20,000	20,000	21,663	1,663
Amounts available for appropriation	<u>\$ 3,288,323</u>	<u>\$ 3,288,323</u>	<u>\$ 3,297,210</u>	<u>\$ 8,887</u>
CHARGES TO APPROPRIATIONS (OUTFLOWS):				
General government	\$ 515,527	\$ 515,528	\$ 677,647	\$ (162,119)
Public safety	349,046	349,046	283,298	65,748
Public works	14,102	14,102	23,744	(9,642)
Social and economic services	1,500	1,500	1,500	-
Culture and recreation	28,500	26,100	21,475	4,625
Housing and community development	-	-	10,902	(10,902)
Debt service - principal	-	-	3,623	(3,623)
Debt service - interest	-	-	-	-
Miscellaneous	10,000	10,000	6,579	3,421
Amortization of bond premium	-	-	-	-
Capital Outlay	53,000	53,000	60,531	(7,531)
Total charges to appropriations	<u>\$ 971,675</u>	<u>\$ 969,276</u>	<u>\$ 1,089,299</u>	<u>\$ (120,023)</u>
OTHER FINANCING SOURCES (USES)				
Proceeds of general long term debt	\$ -	\$ -	\$ -	\$ -
Transfers in	693,432	693,432	834,436	141,004
Transfers out	<u>(3,057,371)</u>	<u>(3,057,371)</u>	<u>(3,057,371)</u>	<u>-</u>
Total other financing sources (uses)	<u>\$ (2,363,939)</u>	<u>\$ (2,363,939)</u>	<u>\$ (2,222,935)</u>	<u>\$ 141,004</u>
Net change in fund balance			<u>\$ (15,024)</u>	
Fund balance - beginning of the year			<u>\$ 1,330,315</u>	
Fund balance - end of the year			<u>\$ 1,315,291</u>	

City of Whitefish, Flathead County, Montana
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2014

	Resort Tax			
	BUDGETED AMOUNTS		ACTUAL AMOUNTS (BUDGETARY BASIS) See Note A	VARIANCE WITH FINAL BUDGET
	ORIGINAL	FINAL		
RESOURCES (INFLOWS):				
Taxes and assessments	\$ 1,930,000	\$ 1,930,000	\$ 2,087,995	\$ 157,995
Licenses and permits	-	-	-	-
Intergovernmental	-	-	-	-
Charges for services	-	-	-	-
Fines and forfeitures	-	-	-	-
Miscellaneous	-	-	-	-
Investment earnings	6,000	6,000	7,474	1,474
Amounts available for appropriation	<u>\$ 1,936,000</u>	<u>\$ 1,936,000</u>	<u>\$ 2,095,469</u>	<u>\$ 159,469</u>
CHARGES TO APPROPRIATIONS (OUTFLOWS):				
General government	-	-	-	-
Public safety	-	-	-	-
Public works	-	-	48	(48)
Social and economic services	-	-	-	-
Culture and recreation	-	-	730	(730)
Housing and community development	-	-	-	-
Debt service - principal	-	-	-	-
Debt service - interest	-	-	-	-
Miscellaneous	-	-	-	-
Amortization of bond premium	-	-	-	-
Capital Outlay	2,305,000	2,305,000	1,662,806	642,194
Total charges to appropriations	<u>\$ 2,305,000</u>	<u>\$ 2,305,000</u>	<u>\$ 1,663,584</u>	<u>\$ 641,416</u>
OTHER FINANCING SOURCES (USES)				
Proceeds of general long term debt	-	-	-	-
Transfers in	-	-	-	-
Transfers out	(733,232)	(733,232)	(713,332)	19,900
Total other financing sources (uses)	<u>\$ (733,232)</u>	<u>\$ (733,232)</u>	<u>\$ (713,332)</u>	<u>\$ 19,900</u>
Net change in fund balance			<u>\$ (281,447)</u>	
Fund balance - beginning of the year			<u>\$ 2,142,223</u>	
Fund balance - end of the year			<u><u>\$ 1,860,776</u></u>	

City of Whitefish, Flathead County, Montana
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2014

	Tax Increment			
	BUDGETED AMOUNTS		ACTUAL AMOUNTS (BUDGETARY BASIS) See Note A	VARIANCE WITH FINAL BUDGET
	ORIGINAL	FINAL		
RESOURCES (INFLOWS):				
Taxes and assessments	\$ 4,462,988	\$ 4,462,988	\$ 4,301,945	\$ (161,043)
Licenses and permits	-	-	-	-
Intergovernmental	498,894	148,194	240,365	92,171
Charges for services	-	-	-	-
Fines and forfeitures	-	-	-	-
Miscellaneous	-	-	1,826	1,826
Investment earnings	-	-	-	-
Amounts available for appropriation	<u>\$ 4,961,882</u>	<u>\$ 4,611,182</u>	<u>\$ 4,544,136</u>	<u>\$ (67,046)</u>
CHARGES TO APPROPRIATIONS (OUTFLOWS):				
General government	\$ -	\$ -	\$ -	\$ -
Public safety	-	-	-	-
Public works	-	-	-	-
Social and economic services	-	-	-	-
Culture and recreation	-	-	-	-
Housing and community development	1,942,650	1,942,650	1,806,355	136,295
Debt service - principal	-	-	-	-
Debt service - interest	-	-	-	-
Miscellaneous	300,000	-	-	-
Amortization of bond premium	-	-	-	-
Capital Outlay	1,522,000	1,522,000	535,473	986,527
Total charges to appropriations	<u>\$ 3,764,650</u>	<u>\$ 3,464,650</u>	<u>\$ 2,341,828</u>	<u>\$ 1,122,822</u>
OTHER FINANCING SOURCES (USES)				
Proceeds of general long term debt	\$ -	\$ -	\$ -	\$ -
Transfers in	-	-	-	-
Transfers out	(2,046,986)	(2,046,986)	(2,061,496)	(14,510)
Total other financing sources (uses)	<u>\$ (2,046,986)</u>	<u>\$ (2,046,986)</u>	<u>\$ (2,061,496)</u>	<u>\$ (14,510)</u>
Net change in fund balance			<u>\$ 140,812</u>	
Fund balance - beginning of the year			<u>\$ 1,858,754</u>	
Fund balance - end of the year			<u>\$ 1,999,566</u>	

City of Whitefish, Flathead County, Montana
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2014

Fire and Ambulance				
	BUDGETED AMOUNTS		ACTUAL	VARIANCE
	ORIGINAL	FINAL	AMOUNTS	WITH FINAL
			(BUDGETARY	BUDGET
			BASIS) See Note A	
RESOURCES (INFLOWS):				
Taxes and assessments	\$ 530,538	\$ 530,538	\$ 508,047	\$ (22,491)
Licenses and permits	60,300	60,300	108,442	48,142
Intergovernmental	413,123	413,123	410,748	(2,375)
Charges for services	1,211,000	1,211,000	1,266,043	55,043
Fines and forfeitures	-	-	-	-
Miscellaneous	2,200	2,200	59,632	57,432
Investment earnings	-	-	-	-
Amounts available for appropriation	\$ 2,217,161	\$ 2,217,161	\$ 2,352,912	\$ 135,751
CHARGES TO APPROPRIATIONS (OUTFLOWS):				
General government	\$ -	\$ -	\$ -	\$ -
Public safety	2,910,963	2,910,963	3,078,296	(167,333)
Public works	-	-	-	-
Social and economic services	-	-	-	-
Culture and recreation	-	-	-	-
Housing and community development	-	-	-	-
Debt service - principal	-	-	-	-
Debt service - interest	-	-	-	-
Miscellaneous	-	-	-	-
Amortization of bond premium	-	-	-	-
Capital Outlay	995,000	995,000	372,453	622,547
Total charges to appropriations	\$ 3,905,963	\$ 3,905,963	\$ 3,450,749	\$ 455,214
OTHER FINANCING SOURCES (USES)				
Proceeds of general long term debt	\$ 875,000	\$ 875,000	\$ 356,233	\$ (518,767)
Transfers in	575,000	575,000	575,000	-
Transfers out	-	-	(44,554)	(44,554)
Total other financing sources (uses)	\$ 1,450,000	\$ 1,450,000	\$ 886,679	\$ (563,321)
Net change in fund balance			\$ (211,158)	
Fund balance - beginning of the year			\$ 634,164	
Fund balance - end of the year			\$ 423,006	

City of Whitefish, Flathead County, Montana
Budgetary Comparison Schedule
Budget-to-GAAP Reconciliation

Note A - Explanation of differences between budgetary inflows and outflows and GAAP Revenues and Expenditures

	<u>General</u>	<u>Resort Tax</u>	<u>Tax Increment</u>	<u>Fire and Ambulance</u>
Sources/Inflows of resources				
Actual amounts (budgetary basis) "available for appropriation" from the budgetary comparison schedule	\$ 3,297,210	\$ 2,095,469	\$ 4,544,136	\$ 2,352,912
Combined funds (GASBS 54) revenues	350,593	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total revenues as reported on the statement of revenues, expenditures and changes in fund balances-governmental funds.	<u>\$ 3,647,803</u>	<u>\$ 2,095,469</u>	<u>\$ 4,544,136</u>	<u>\$ 2,352,912</u>
Uses/Outflows of resources				
Actual amounts (Budgetary basis) "total charges to appropriations" from the budgetary comparison schedule	\$ 1,089,299	\$ 1,663,584	\$ 2,341,828	\$ 3,450,749
Combined funds (GASBS 54) expenditures	2,262,106	-	-	-
	<hr/>	<hr/>	<hr/>	<hr/>
Total expenditures as reported on the statement of revenues, expenditures, and changes in fund balances - governmental funds	<u>\$ 3,351,405</u>	<u>\$ 1,663,584</u>	<u>\$ 2,341,828</u>	<u>\$ 3,450,749</u>

City of Whitefish
REQUIRED SUPPLEMENTAL INFORMATION
Schedule of Funding Progress
For the Fiscal Year Ended June 30, 2014

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) Unit Credit Cost Method (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a Percentage of Covered Payroll ((b-a)/(c))
July 1, 2009	\$ -	\$ 2,138,344	\$ 2,138,344	0%	\$ 5,340,571	40.0%
July 1, 2012	\$ -	\$ 2,917,871	\$ 2,917,871	0%	\$ 4,966,132	58.8%

Denning, Downey & Associates, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

1740 U.S. Hwy 93 South - Suite 101 Kalispell, MT 59901

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

Mayor and City Council
City of Whitefish
Flathead County
Whitefish, Montana

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of City of Whitefish, Flathead County, Montana, as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the City of Whitefish's basic financial statements and have issued our report thereon dated May 4, 2015.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered City of Whitefish, Flathead County, Montana's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of Whitefish, Flathead County, Montana's internal control. Accordingly, we do not express an opinion on the effectiveness of City of Whitefish's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. *A material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. *A significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Whitefish's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Denning, Downey and Associates, CPA's, P.C.

May 4, 2015

Denning, Downey & Associates, P.C.
CERTIFIED PUBLIC ACCOUNTANTS

1740 U.S. Hwy 93 South, P.O. Box 1957, Kalispell, MT 59903-1957

REPORT ON PRIOR AUDIT REPORT RECOMMENDATIONS

Mayor and City Council
City of Whitefish
Flathead County
Whitefish, Montana

The prior audit report contained no recommendations.

Denning, Downey and Associates, CPA's, P.C.

May 4, 2015

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WHITEFISH CITY COUNCIL
CLOSED EXECUTIVE SESSION

April 20, 2015

5:00 P.M. to 6:20 P.M.

Closed Session for City Attorney and City Manager annual evaluations. Present were Mayor Muhlfeld and Councilors Barberis, Frandsen, Hildner, and Sweeney, (Councilors Anderson and Feury were absent); and City Attorney VanBuskirk and City Manager Stearns, separately. Pursuant to §2-3-203(3) MCA, the presiding officer may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceeds the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

WHITEFISH CITY COUNCIL MINUTES

April 20, 2015

7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Hildner, and Sweeney. Councilors Anderson and Feury were absent. City Staff present were City Manager Stearns, City Clerk Lorang, City Attorney VanBuskirk, Finance Director Smith, Senior Planner Compton-Ring, Interim Public Works Director Hilding, Parks and Recreation Director Butts and Interim Fire Chief Page. Approximately 20 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Senator Ryan Zinke to lead the audience in the Pledge of Allegiance.

3) PRESENTATIONS

a) Update from Mike Cronquist, City's Owners Representative for City Hall/Parking Structure Project (p. 29)

Mike Cronquist, reviewed his written report from the packet and added that on April 6th the team met again to discuss mechanical and electrical systems; heating and cooling systems are still being researched and the details of the electrical system are near completion. Budget numbers and construction schedule are coming together; if offices are vacated by August 1st, demolition should begin around September 1; likewise if offices are vacated until September 1st, demolition wouldn't start until about October 1st. Drawings should be completed in September. He was onsite with the demolition team today and inspecting the premises. Reports on hazardous materials are being prepared for bid documents. Councilor Hildner asked if the expanded basement space was still under consideration and Mike said Martel is looking at that, it is still possible. Councilor Frandsen asked about a plan for recycling during demolition and Mike said yes, disposition and auction of surplus materials has been discussed; City Manager Stearns agreed and said they hope to be able to sell surplus materials – the timing is being looked at. In addition, they are working on designing to LEED Standards even though LEED Certification was dropped from the project, there is a lot left to be done in that area. The Future City Hall Ad Hoc Steering Committee has a meeting scheduled with Mosaic Architecture on Friday, April 24th, and Mike will be attending also. Mayor Muhlfeld asked about a project schedule and Mike said it would be summer before that is prepared.

b) Presentation on Hazardous Materials Incidents Preparedness and Procedures – Interim Fire Chief Joe Page (CD 12:40) (This power point presentation has also been posted on the City website on both the home page (temporarily) at <http://www.cityofwhitefish.org/> and on the Disaster Preparedness page at <http://www.cityofwhitefish.org/disaster-preparedness/disaster-preparedness.php> .

Interim Fire Chief Page said this is a downsized power point presentation from fire-fighter training regarding Railway Disaster Planning in preparedness for a spill of oil from the Bakken and other possible rail disasters. He said the oil unit trains are up to 110 cars with 30,000 gallons of oil each. Derailments have happened close to home, most recently in Olney in March 2014; fortunately those cars were empty. Incident Priorities are Life Safety, Incident Stabilization and Property Conservation and Environmental Impacts, all as are current during the incident and long term. Last year he was the Whitefish representative on the Planning Team (Team) that developed the Pre-Disaster Mitigation Plan, adopted by the Council on October 20, 2014. In that Plan the Team listed twelve hazards, by priorities, as they related to Flathead County. Of those twelve, Page identified four that he felt were especially high-risk for Whitefish. From that list they are (1) Wildfire, (3) Hazardous Material Incidents, (6) Transportation Accidents and (10) Terrorism, Violence, Civil Unrest, and he reviewed those types of incidents and related preparedness. He explained and demonstrated that at the time of the incident, they make life safety decisions and establish a Unified Command per NIMS, considering evacuation versus rescue needs. Action is determined per incident based on established practices and procedures, which grow or shrink per incident; working closely with other resources through the BNSF, FEMA, and local public safety. The ESC is the local Incident Command Post and public information center. Whitefish Firefighters and EMTs have co-training with BNSF and also attended training in Pueblo, Colorado. Following his presentation there were questions from the Mayor and Council. Interim Chief Page agreed a public information booth on these issues at the Farmer's Market is a good idea and one they have discussed. And, he said he doesn't meet regularly with the North Valley Hospital Board but had just become part of a local group (MCI) that meets regularly in Kalispell. Page also noted that having the rail yard in the center of town does keep the trains going through at a lower speed.

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)

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, displayed a flyer for an event they are co-sponsoring; an Earth Day Celebration on April 25th in Depot Park in Whitefish. She said there will be 35 booths, all family oriented with hands on activities. Flowers also noted that recycling bins in Whitefish have not yet been re-signed as agreed upon by the contractor; and she felt that was important to do to keep consistency in valley-wide recycling.

Rhonda Fitzgerald, 412 Lupfer Avenue, commented that later in the agenda the Council would be discussing the waterline replacement project at the south end of Central. She said the recently adopted Downtown Master Plan Update includes a recommendation to extend the town's streetscape in that same area and suggested coordinating those two projects so both could be done at the same time. Fitzgerald also commented on the need for employee parking for downtown businesses; she said 60 spaces were just lost with the beginning of the hotel construction on Block 46. She urged the City of Whitefish to seek more parking.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 48:10)

Councilor Hildner said he attended the last Park Board meeting and reported on the success of the new pickle ball courts, there was discussion regarding the proposed re-naming of the river boat launch to Roundhouse Landing, improvements at the ice rink are scheduled for June 14th and the 2015-

16 ice schedule is still being worked on, the parkland dedication issue is scheduled to go in front of the Planning Board and then will come to Council. Regarding infill and parkland dedication, he said they will be contacting the City of Billings where three options are available, and the Park Board will look at those options (re: Cash in Lieu).

- 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 April 6, 2015 City Council regular session (p. 32)**
 - b) Consideration of Tax Increment Development Agreement with the Carrington Company for the Mountain Mall urban renewal project (p. 40)**
 - c) Report and update on six months of experience implementing the False Alarm Ordinance – Chief Dial (p. 58)**

Councilor Hildner had two corrections to the minutes; on page 37 in the packet, first paragraph, change liable to viable, and in the next sentence add 'ground' between 'high water', so that it reads 'high ground water'.

Councilor Sweeney made a motion, second by Councilor Hildner, to approve the consent agenda as amended. The motion passed unanimously.

- 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) Resolution No. 15-___; A Resolution of Intention indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (WGPA 15-02) (p. 60) (CD 50:40)**

Senior Planner Compton-Ring reported this first came to the Council as a public hearing on February 2, 2015. Upon direction by Council it was followed by a work session held two weeks ago on April 6th, and from that work session there are now some decision points that are cited in a memo in the packet, and will be reviewed by the consultant, Nick Kaufman from the WGM Group.

Nick Kaufman introduced himself and Bruce Lutz from Sitescapes who also was in attendance tonight. Mr. Kaufman reviewed the decision points as set out in his Memorandum in the packet (page 65), and pointed out additional points for discussion as requested in an email from Hunter Homes that is in the packet on page 79. Following his presentation the Mayor and Council had some questions. Planner Compton-Ring looked up the difference between Types I and II, Community Residential Facilities; Type I is for 8 or fewer, Type II is 9 or more; and clarified typical lot coverage in current WB-1 would be similar to the commercial development on Wisconsin Avenue just on the north side of the viaduct, also by the intersection of Denver Street and Wisconsin Avenue and then further north at the Alpine Village complex.

Mayor Muhlfeld opened the public hearing.

Ryan Zinke, 415 W. 2nd Street, said he served on the Ad Hoc Corridor Committee (Corridor Committee) and his property has been in his family for 80 years. He recounted that 3 years ago he proposed a micro-brewery and a B & B for his property which was approved by the Planning Board but he pulled the project before it came before the Council because the Council decided to do a corridor

study. Since then there have been multiple meetings. At issue is the designations of Areas A and B. The current plan has Area A south of the highway for smaller lots and more restrictive uses, and Area B is north of the highway allowing more business uses where lots are deeper and some to the river, where a river trail can be incorporated into the uses. He said if his development is approved he would grant a trail easement. He said a micro-brewery license differs from a liquor license, because it limits hours of operation and limits the servings per customer. He said the current plan as presented is a combination of give and take reached during the multiple meetings and he supports it as presented tonight.

Jeff Raper, 719 Kalispell Avenue, serves on the Chamber of Commerce Board (Board), who had meetings with the Corridor Committee. The Board supports the plan as presented tonight that has been approved by the Corridor Committee, approved by the Planning Board, and recommended for approval by City Staff. The Board feels that Whitefish needs property that is available and properly zoned for commercial use and they support moving forward with adoption and implementation.

Anne Moran lives at 432 W. 3rd and owns 436 W. 3rd and served on the Corridor Committee representing residential property owners. She thanked the Council for this public hearing. She had submitted a letter at the public hearing in February and resubmitted it tonight and discussed some of the points of her letter. She said the study was initiated as a Corridor Study and grew to cover neighborhood needs and neighborhood planning. Many members of the Corridor Committee do not live in the neighborhood, and she questions whether residential interest received fair representation on the Committee. She does not think the current plan represents the bulk of the neighborhoods desires and feels the adoption of the plan will result in immediate conflicts between property owners, similar and may be stronger than the opposition of many neighbors against the micro-brewery proposed by Ryan Zinke 3 years ago. She and many in her neighborhood feel that the current WR-3 zoning allows enough flexibility for many nonresidential uses historically supported by the neighbors and is a win-win for all property owners. Most residential property owners do not support short-term rentals and are concerned with the proposed increased lot coverage and request Council review that carefully. She agreed there had been multiple meetings but felt the use districts now included in the plan were introduced late in the process, have not been fully vetted, and the current and established zoning should be retained.

Susan Prilliman, 334 W. 3rd Street, said she had talked with her neighbors on both sides of the highway and they are concerned with the transitional zoning in Area B. She said a petition was submitted in February with 50 signatures on it, 48 specifically expressed that same concern with their signatures and asked the Council not to adopt the transitional zoning as proposed for Area B. The possible result for residents of that area if transitional zoning was adopted and implemented would change reality for them, they could likely suddenly be 38' from a micro-brewery. Negative impacts of living next to a micro-brewery could include noise, dust, smells, deliveries, patrons and traffic and hours of operation disrupting normal residential activities. The current zoning allows professional offices which are not disruptive and are a better fit to neighborhood character, but does not allow manufacturing or artisan. The proposal to increase the lot coverage is also a concern, currently WR-3 allows 40%. She felt affordable housing would be a better fit to this corridor, something in short supply in Whitefish, a better fit than short-term rentals, high density housing or manufacturing. There has not been a good planning process to define neighborhood needs and she asked the Council consider the request from the petitioners; their voice should count heavily in this decision, they are the people who live there.

Gail Linne, 106 Murray Avenue, thanked the Council for this process; and thanked the committee, staff, public, and consultants for all their time and hard work. She reiterated what Susan had

just said, a petition was submitted with 50 signatures requesting the City retain existing zoning districts for this area.

Jay Wolfe, 532 W. 2nd Street, said he had applied to serve on the Corridor Committee but was not appointed to it. He spoke in support of the proposed plan and said he feels it is what Whitefish needs for this corridor. He said, as a real estate professional, when people are looking to buy residential property, they do not look at this corridor for residential property. He said he lived at the home on 2nd Street for four years and it is noisy, has high traffic counts, and is not conducive to family residential. He felt this plan as proposed will allow property owners along the corridor to pursue uses other than residential in a planned and orderly fashion. He thanked all who worked on the plan.

Hunter Homes, said he served on the Corridor Committee, he said he started serving on it midway in the process; and he is the professional representative for the new owner of the Idaho Timber property. The email he submitted at the request of that owner is in the packet on page 79. Items they would like the Council to consider as permitted uses: a commercial center the size and scope of Alpine Village Market, Assisted Living facility, and a Brewery/Distillery “school”. He said he supported the proposed plan, agreeing that the north side of the highway is not conducive for family residential. He said redevelopment of the Idaho Timber property will be an asset for the community economically by providing employment and generating tax revenue.

Ian Collins, 898 Blue Herron Drive, said he served on the Corridor Committee, and said he felt there is a great potential and opportunity in the redevelopment of the Idaho Timber property. He also felt there in great potential and opportunity for redevelopment in Area B of this plan within the confines of the existing WR-3 zoning; he said local improvements are ongoing on several pieces of property in that area. He serves on the Architectural Review Committee and many new and creative projects have been proposed that comply with current zoning. He said he agreed with Anne Moran’s comments that the new zoning districts proposed in this plan in the later part of this process have not been broadly scrutinized; and the proposed lot coverage avails sprawl. He supports the efforts of the community to plan for and expand retail within the downtown core. He said he recently read a national report on successful small towns and a sample of the “money shot” was Central Avenue, Whitefish, Montana. He does not support nightly rentals for the corridor; he said they are allowed where he owns property in the Railway District and he feels, that over the long term, nightly rentals are corrosive to a neighborhood. He thanked the Council for the opportunity to serve on this committee.

Mayor Muhlfeld expressed thanks to all of those who served on the Corridor Committee.

Mayre Flowers, Citizens for a Better Flathead (CFBF), 35 4th Street West in Kalispell, said they attended and participated in most of the Corridor Committee’s meetings, providing active and informed comment along the way. CFBF supports existing zoning and those public comments spoken tonight supporting the same. CFBF does not support short term rentals for this area and do support regulations permitting affordable housing. Flowers spoke to the process of this study, culminating in a workshop held two weeks ago attended by the consultant with staff, committee members, public, but unfortunately only 3 Councilors. She thought it a shortcoming that there are not minutes from the workshop; and for a mixture of reasons felt action on the resolution of intention should be delayed. She said during the process there was a shift in the landscape when the County took back the regulation of parts of the area; and the City has recently adopted an update to their Downtown Master Plan and issues of implementation of that update involves this corridor as well. CFBF disagrees that this plan can provide

a basis for zoning and believes there is a mixing of term that are problematic; a neighborhood plan should be implemented. The City of Whitefish has two more corridor plans on deck and CFBF does not agree that this plan is a good enough plan to become the pilot for the next two. This plan seems to be developer driven; instead city staff should be in control of the planning, adoption and implementation. CFBF recommends this plan serve as a report for a new planning process for amendments to the Growth Policy, and suggests that possibly the Idaho Timber property will needs its own separate development plan.

Rhonda Fitzgerald, 412 Lupfer Avenue, said she looks at this plan from a downtown prospective, honoring the character of a community and preventing commercial sprawl. She said this plan could be the model for the next corridor plans that should serve to protect our gateways. She said people want to do business in Whitefish and that is because of the good planning that is in place and the City is the custodians and stewards of those policies. The Downtown Master Plan and its recent update provides guidelines for orderly growth in the WB-3, where, she said, is the appropriate place for commercial growth. She doesn't think people want bars and restaurants or sandwich shops in their neighborhoods. Jewelry stores, art galleries, bars and restaurants are uses that should be in the WB-3. WR-3 allows professional offices that are more appropriate in residential neighborhoods and she believes these are supported by the neighborhoods. She said properties in Area B are disparate; some are adjacent to the river, some are adjacent to lands previously zoned industrial, but why should their location or size determine how their land can be used? She doesn't see that logic, or the logic that one side of the highway should be allowed so many different uses than across the road on the other side of the highway. She thought much of the plan was illogical and counter-productive to the Downtown Master Plan. She noted former Planning Director Horne supported the high-density residential project on Highway 93 S which changed former commercial zoning to residential zoning; because he said the town had a surplus of commercially zoned properties. She said this proposed plan does just the opposite; taking residential-zoned properties and changing them for commercial use. She supported keeping retail where retail is zoned, she said it is better for businesses; and said that is the reason for frequent turnover of businesses that are outside the core. She said in the long run a favor is being done for businesses to encourage them to operate in the business core where they can benefit from that business synergy.

Chris Hyatt, 611 Somers Avenue, said he started a ski shop on Wisconsin Avenue in 1994 because it was affordable; he could not afford a downtown location at that time. Eight years later, when he could afford it, he moved to a location on Central Avenue. He disagreed with the premise that should not be done, because sometimes, in order to do business, you might have to start somewhere other than downtown because it either is too expensive or the space is not available downtown.

Brian Wood, 899 Asher Avenue, directed the Council to the Mission Statement on page 3 of the proposed plan, the 2nd and 3rd paragraphs which he read: "The following excerpt from the City of Whitefish Growth Policy explains the basis for recommending corridor plans as follow-up amendments to the original document: 'The Land Use Element of this Growth Policy recommends that corridor plans be formulated and adopted for four specific transportation corridors with the Whitefish area. Upon adoption, these corridor plans will effectively amend this Growth Policy with goals, policies, and recommended actions specific to each corridor...'" Mr. Wood said that is what this plan is and has accomplished, he said every committee member has stated they have supported the process, and this plan is what came out of that process and should be adopted tonight.

Mayor Muhlfeld closed the public hearing and requested a recess at 9:15 p.m. The Council reconvened at 9:29 p.m.

Mayor Muhlfeld felt the Council could continue with this process by following the decision points as outlined in the WGM Memorandum dated April 14, 2015 and is in the packet starting on page 65 along with consideration of comments heard during the public hearing tonight. He noted these decision points were questions and discussions that arose during the work session that was held on April 6th.

Councilor Hildner made a motion, second by Councilor Frandsen, to remove Short Term Rentals from Area B proposed WT-3 zoning. The motion passed unanimously.

Councilor Frandsen made a motion, second by Councilor Hildner, to remove the area south of the highway from the Whitefish River to Good Avenue from Area B to become part of Area A. The motion passed unanimously.

The Mayor, Council, and Staff discussed the next bullet “Coffee Shops and Sandwich Shops: Should they be limited, should they be in WI-T and not in WT-3?” Action on this bullet was deferred at this time; there was discussion on the creation of the two new zoning districts. It was discussed that, even though language in the Corridor Plan addresses creation of and uses in two new zoning districts; adoption of the Corridor Plan does not re-zone any properties. To have a property re-zoned, it would have to go through the established zoning application and public hearing process.

Councilor Frandsen made a motion, second by Councilor Barberis, to change Manufacturing, Artisan from a permitted use to a conditional use in the proposed WI-T District. (Note: during the motion Councilor Frandsen referred to the chart on page 225 of the packet, Item J. Manufacturing, Artisan, changing the “P” to “C” in the column for Proposed WI-T District). **The motion passed unanimously.**

Councilor Hildner made a motion, second by Councilor Sweeney, to add Item CC to Uses on page 225 to be “CC. Nursing and Retirement Homes as a conditional use in the WI-T District.” The Mayor noted this item is the last bullet point on packet page 66 in the WGM Memorandum; and then he recognized consultant Nick Kaufman who advised the Council that, in addition to Nursing and Retirement Homes; Personal Care Facilities and Community Residential Facilities, Types I and II as listed in the bullet are required by State Law to be allowed in any district that allows residential. **Councilor Hildner amended his motion, Councilor Sweeney amended his second to agree, to add Nursing and Retirement Homes, Personal Care Facilities, Community Residential Facilities, Types I and II as a conditional use in the WI-T District.”** The motion passed unanimously.

Councilor Hildner made a motion, second by Councilor Sweeney, to allow Coffee Shops and Sandwich Shops in the WI-T District. Following discussion, Councilor Hildner amended the motion to add as a conditional use, Councilor Sweeney who had the second on the original motion agreed to the amendment. The motion passed with 3 aye votes and 1 no vote, Councilor Frandsen voted no. (City Manager Stearns later asked for clarification if the intent of this motion was to allow this use in the WI-T only and as a conditional use; and the use is not to be allowed in the WT-3, which Mayor Muhlfeld said was correct).

Councilor Barberis made a motion, second by Councilor Sweeney, for Artisan Manufacturing be a conditional use in WT-3. The motion passed with 3 aye votes and 1 no vote, Councilor Frandsen voted no.

Councilor Hildner made a motion to deny alcohol production in the WI-T and the WT-3 Districts. The motion died for a lack of a second.

Councilor Hildner recognized Nick Kaufman who advised micro-breweries are advancing in today's commerce and becoming a big demand for land use; if the City does not allow it within their lands, those companies will find adjacent non-city lands to start their businesses on. Council discussion followed.

Councilor Frandsen made a motion to define and allow alcohol production as a conditional use as part of the Artisan Manufacturing in the WI-T District only. Clarification was made that the definition already exists in both the WI-T and WT-3 Districts. Councilor Frandsen changed her motion, second by Councilor Hildner, to remove the definition of alcohol production in Artisan Manufacturing from the WT-3 District; making it neither a permitted or conditionally permitted use in the WT-3 District. The vote on the motion was a tie vote with Councilors Frandsen and Hildner voting in favor and Councilor Barberis and Sweeney voting in opposition. Mayor Muhlfeld voted in favor; removing alcohol production from the WT-3 District.

There was some discussion among the Councilors and the Mayor regarding this last decision and whether or not to bring it back for reconsideration, but no action at this time. Mayor Muhlfeld recognized Nick Kaufman who reminded the Council of discussions at the work session about possible sub districts for some properties, more discussion but no further action on it at this time.

Councilor Sweeney made a motion, second by Councilor Barberis, to retain Sample Zoning Districts in the appendix of the document and that the Sample Zoning District be specific to Area B and to the recommended portion of the Idaho Timber site, with a preface stating that they are samples only and not considered to be in place without going through the established zoning process. The motion passed unanimously.

Councilor Hildner made a motion, second by Councilor Sweeney, to add new language to the WT-3 District at the end of the sentence ".....areas which are transitioning from their tradition uses, add "and lots primarily border either the Whitefish River or industrial zoned property. The boundary of this district is along the north side of Highway 93 from both side of north Karrow Avenue to the Veteran's Bridge. This zoning classification is not intended for general application throughout the Whitefish area." The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Barberis, to have set clear boundaries for Area A and Area B. The motion passed unanimously.

Councilor Barberis made a motion, second by Councilor Frandsen, regarding short term occupation of the rail spurs for passenger cars to add the language: "private railway cars with living accommodations are allowed to park on rail lines." Councilor Hildner made an amendment, second by Councilor Sweeney, to add "not to exceed 30 days." Councilor Frandsen made a second amendment, second by Councilor Sweeney, to add "no short term rentals are

allowed on railcars.” The second amendment made by Councilor Frandsen regarding not short term rentals was approved unanimously. The first amendment made by Councilor Hildner regarding not to exceed 30 days was approved unanimously. The original motion regarding private railway cars, as amended, passed unanimously.

Councilor Barberis made a motion, second by Councilor Sweeney, to add “Professional Artist Studio and Gallery” to WT-3 as a conditional use. The motion passed unanimously.

Councilor Hildner made a motion, second by Councilor Barberis to change item C in Artisan Special Provisions to read: “C. Shipping and receiving shall be limited to 7am to 7pm except for rail-related shipments.” Following discussion among Council, the motion passed unanimously.

Councilor Barberis made a motion, second by Councilor Sweeney, to add language to the proposed WT-3 under Property Development Standards: “Bulk and scale: All new structures with a building footprint 7,500 square feet or greater, existing structures where an addition causes the total footprint to be 7,500 square feet or greater, and additions to structures where the footprint is already 7,500 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.” Following discussion among Council and Staff and the consultant regarding bulk and scale of a 7,500 square foot building, this motion was withdrawn by the maker and second of the motion, to give staff the opportunity to bring back more information and comparisons of other buildings in this area.

Mayor Muhlfeld requested a recess at 10:44 p.m. and the Council reconvened at 10:52 p.m.

Councilor Hildner made a motion, second by Councilor Barberis, to continue the meeting past 11:00 p.m. The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Frandsen, to reduce the proposed lot coverage provision in the WT-3 District to 50%. There was some discussion by the Council followed by a vote of 3 to 1, Councilor Hildner voting in the negative. The motion passed.

Mayor Muhlfeld said that during the recess he had contacted City Attorney VanBuskirk who advised that he could be the one to make the motion to reconsider an earlier motion that he broke the tie on – and that was the motion regarding alcohol production in the WT-3 District. **Mayor Muhlfeld made a motion, second by Councilor Barberis, to reconsider the motion that removed the definition of alcohol production in Artisan Manufacturing from the WT-3 District; making it neither a permitted or conditionally permitted use in the WT-3 District. The vote on the motion was a tie vote with Councilors Frandsen and Hildner voting in favor and Councilor Barberis and Sweeney voting in opposition. Mayor Muhlfeld voted in favor, which brought the issue back for reconsideration.** Discussion followed and part of the Council thought it would be best to reconsider this issue with a fuller Council.

Councilor Barberis made a motion to define and allow alcohol production in Artisan Manufacturing in the WT-3 District as a conditional use. The motion died because of a lack of a second.

Mayor Muhlfeld said that completed the bullet list from the WGM Memorandum; remaining are issues requested for consideration from Hunter Homes representing the owner of the Idaho Timber property.

Councilor Frandsen made a motion, second by Councilor Barberis, to add Colleges, business, and trade schools to the WI-T District as conditional uses. The motion was withdrawn as it was noted that those uses are already included in the proposed WI-T District on the list on packet page 225.

Councilor Barberis made a motion, second by Councilor Sweeney, to add Grocery stores, not exceeding 4,000 square feet to be allowed as a conditional use in the WI-T District. Discussion followed regarding bulk and scale and comparison to existing structures; i.e. Alpine Village Market and Markus Foods, and staff said they could bring back more information. The motion failed on a 1 to 3 vote, Councilor Barberis was the single vote for the motion.

Councilor Frandsen made a motion, second by Councilor Hildner, to change the permitted use of Bed and Breakfasts in the proposed WT-3 District to a conditional use to be similar with other established residential zones. The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Barberis, to approve the Resolution of Intention indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy). Discussion followed regarding the issues that are outstanding without Council action tonight because staff is coming back with more information, and also with the hopes that a fuller Council could be in attendance for the approval of this resolution. Councilor Sweeney withdrew his motion with agreement from the second.

Councilor Frandsen made a motion, second by Councilor Hildner, to continue Item 7a of tonight's agenda to the next meeting and keep the public hearing open. The motion passed unanimously.

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Central Avenue Water Line Replacement Project (3rd Street to 6th Street) – design options and authorization to bid (p. 288) (CD 3:40:43)**

Interim Public Works Director Hilding asked if, due to the lateness of the hour, the Council would like to postpone this item to the next agenda which the Mayor and Council agreed to.

9) COMMUNICATIONS FROM CITY MANAGER (CD 3:41:50)

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 294) – None.**
- b) Other items arising between April 15th and April 20th**

Manager Stearns reported he attended a WAVE Board meeting last week.

- c) Consideration of authorizing staff to proceed with sale of Tax Increment Refunding Bonds and Tax Increment Bonds for City Hall/Parking Structure (p. 301)**

Manager Stearns said his complete report in the packet is in detail, but to quickly summarize, this is regarding a five year bond and different than the typical 20-year bonds; and there are advantages to working with local banks since they are cognizant of our TIF District and our plans for construction of a new city hall with the parking structure. Two local banks, First Interstate Bank and Glacier Bank are proposing to join together in this financing and their proposal is included in the packet. Our financial advisor, Dave MacGillivray of Springsted, Inc. has reviewed and approves their proposal. Details will be forthcoming to the Council in future resolutions.

Councilor Frandsen made a motion, second by Councilor Barberis, authorizing staff to work with our financial advisor, Springsted, Inc. and Bond Counsel, Dorsey and Whitney, to proceed with a private sale of both Tax Increment Refunding Bonds and Tax Increment Bonds (New Money) for the City Hall/Parking Structure with First Interstate Bank and Glacier Bank as outlined in the proposals included in tonight's packet and as recommended by Springsted, Inc. The motion passed unanimously.

d) Consideration of delegating authority for City Hall/Parking Structure Design Development daily or weekly decisions to a sub-committee of the City Hall Steering Committee (p. 313)

Manager Stearns said page 313 has a list of 7 items that are a sample of some of the decisions coming up in the new City Hall/Parking Structure that will come up quickly from Mosaic Architecture. To coordinate a meeting time that works for all 13 of the Future City Hall ad hoc Steering Committee for these decisions as they come up has become difficult, and Ben, our architect from Mosaic, said at this time in the design phase these decisions could be made by a subcommittee that could get together on a shorter notice, maybe sometimes even by a conference call. Creating this subcommittee would not replace the larger committee who would probably continue to meet on a monthly/bimonthly basis. Manager Stearns had been thinking about the composition of this subcommittee and thought it could be about 6 members; two other staff along with himself, the Mayor and one other Councilor, and one citizen member. Manager Stearns said he thought the next decision for the Council will be approval of the design development drawings. (Continued below)

Councilor Hildner said it was 30 seconds to 11:30 and made the motion to continue the meeting to midnight, second by Councilor Frandsen, the motion passed unanimously.

Councilor Hildner requested a point of order at this time to recognize and acknowledge a boy scout (Josh Harvey) who had been in attendance for the full meeting since it started at 7:10 p.m., and was probably here to fulfill requirements towards a Merit Badge. He thanked him for coming and said since it was past 11:30 p.m. now, he thought he could be excused from the rest of the meeting so he could go home and get some sleep.

(Continuation from above) Manager Stearns said he thought decisions made by the subcommittee will be reported to the Steering Committee at their regular meetings which would also be included in reports back to the Council. The Mayor said he did not disagree with the concept and suggested perhaps the makeup of that subcommittee could be discussed by the Committee of the whole at their April 24th meeting; along with a discussion about how these decisions will go back to the Committee of the whole and the Council.

Councilor Frandsen made a motion, second by Councilor Sweeney, to delegate authority for daily/weekly decision making on the new City Hall/Parking Structure construction project to a subcommittee of the Future City Hall ad hoc Steering Committee as determined by the Future City Hall ad hoc Steering Committee; and the subcommittee have goals and guidelines for their decision making. The motion passed unanimously. Manager Stearns clarified that the ad hoc Steering Committee is authorized to determine the makeup of the committee.

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 3:55:00)

Councilor Hildner said two weeks ago Kirtiye Lohof, owner of the Whitefish Hostel at 28 Lupfer, discussed parking and snowplowing issues in front of her business and he would like to address those at some point. Secondly, he attended today's County Commissioners meeting where they heard a request for a zone change for the Shaw property at Hwy 40 and Kallner Lane in Whitefish. Only two of the three Commissioners were present; Councilor Hildner submitted verbal comments by reading the letter submitted by Whitefish Planning and Building Director Taylor. The Commissioners tabled any action to do further research.

Councilor Frandsen asked Park and Recreation Director Butts regarding the condition of the Grouse Mountain soccer fields as she had heard reports of them being very hard last year. Director Butts said that both last fall and again this spring the fields are aerated, fertilized and watered to improve their condition. The fields got hard from the lacrosse games last year and those games are going to be played on the Armory fields this year. Councilor Frandsen asked Interim Director Hilding if she had any follow-up to the complaint at the last meeting regarding the traffic signal at Edgewood and Wisconsin. Hilding said she talked to the MDT traffic engineer regarding that traffic signal; and public works will be installing the cross walk sign again in the middle of Edgewood at Colorado and restripe the lines. Any other signals for that crosswalk will be evaluated in the Bike Path Master Plan update scheduled for 2016. Councilor Frandsen reiterated the comment from Rhonda Fitzgerald earlier about downtown needing more employee parking and asked about the snow lot or other vacant lots in town that could be used at least temporarily before the parking structure is complete. Councilor Frandsen asked the Council to consider options that could be considered and bring their ideas back to discuss at another meeting.

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

Mayor Muhlfeld adjourned the meeting at 11:43 p.m. (CD 4:04:12)

Mayor John M. Muhlfeld

Attest:

Necile Lorang, Whitefish City Clerk

**LACY LAKE HOLDINGS LP
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-15-W10
MAY 4, 2014**

Property Owner: Lacy Lake Holdings LP
c/o Gil Besing
Mailing Address: 8214 Westchester Drive
Dallas, TX 75225
Applicant/Contractor: Patti Beck
Mailing Address: 1060 Cameron Lane
Whitefish, MT 59937
Telephone Number: 406.270.4041
Property Legal Description: Tract 6AB in Section 24, Township 31 North, Range 22
West
Property Address: 1840 Lacy Lane
Lake: Whitefish Lake
Lake Frontage: 99.7' per COS #19585
Project Description: Install a shore station with no canopy.

Proposal: The original application submitted was to install a shore station with a canopy within the Lake and Lakeshore Protection Zone (LPZ). The proposed shore station would be 10 feet wide by 24 feet long. It will be located on the outside of the existing dock, and will be setback from the side property line. The shore station and canopy would equal 240 square feet of constructed area.

However, due to the amount of existing constructed area already permitted within the Lake and Lakeshore Protection Zone, the applicant is not permitted to install a canopy over the proposed shore station. The existing dock was approved for 566.5 square feet per permit WLP-05-W05. The approved permit indicated there was existing constructed areas on the subject property totaling 225 square feet. The total amount of constructed area for the entire property is currently 791.5 square feet. Based on the allowed constructed area and the existing constructed area, the property only has 6.1 square feet available for new activities. Therefore, no canopy is permitted at this time.

Frontage and allowable constructed area: The subject property has 99.7 feet of lakeshore frontage per survey dated 2013, and is eligible for 797.6 square feet of constructed area.

Existing Constructed Area: There is an existing dock that was approved for 566.5 square feet per permit WLP-05-W05. Additional constructed area located within the Lakeshore Protection Zone include 2 sets of stairs totaling 40 square feet, a portion of an existing boathouse at 92 square feet, and a retaining wall at 93 square feet. The existing constructed area totals 791.5 square feet.

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

Recommendation: Staff recommends that the Whitefish City Council approve the requested lakeshore construction permit subject to the following conditions:

Recommended Conditions of Approval:

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

Shore Station

6. The shore station shall not be located farther into the lake than the permitted dock length.
7. The shore station shall be located no closer than twenty-five (25) feet from the side riparian boundary line.
8. The highest point of the shore station shall not exceed ten (10) feet in height above the current water elevation of the lake.
9. The shore station shall be located along the outside of the dock, as depicted on the submitted site plan.
10. Due to the amount of constructed area permitted for the subject property, the shore station is *not permitted* to include a canopy at this time. If the property owner wished to install a canopy in the future, an amended permit must be granted which includes the entire surface of the canopy in the constructed area calculation.

Report by: Bailey Minnich

Bailey Minnich

From: Patti Beck <pattibeck22@gmail.com>
Sent: Friday, April 24, 2015 1:24 PM
To: Bailey Minnich
Subject: Re: Besing - Existing Constructed Area

Please process the check and application for the shore station. They want one! They may move the existing canopy over to the shore station. Is that ok?

Thanks!
Patti

Sent from my iPhone

On Apr 22, 2015, at 12:50 PM, Bailey Minnich <bminnich@cityofwhitefish.org> wrote:

Hi Patti,

So here are the site plans from the previous lakeshore permit in 2005 which documents how much existing constructed area is located on the subject property. Based on these numbers, the owner wouldn't be able to have a canopy over the proposed shore station. Here is the breakdown of the calculations:

- Per 2013 survey, property has 99.7 feet of shoreline
 - Amount of permitted constructed area (ratio 8 sq. ft.: 1 ft. shoreline) = **797.6 sq. ft.**
- Per 2005 permit, existing constructed area = **791.5 sq. ft.**
 - Includes: Dock @ 566.5 sq. ft.
 - 2 sets of stairs @ 40 sq. ft.
 - Portion of boat house @ 92 sq. ft.
 - Retaining wall @ 93 sq. ft.

Therefore, based on the amount of existing constructed area, there is only 6.1 sq. ft. left available for a new canopy. As I mentioned on the phone this morning, the owner could still have a permit for a 2nd shore station, but it would be conditioned that they cannot have a canopy over it. Let me know what the owner decides to do. I would need to know for sure by the morning of April 28th in order to make the May 4th Council meeting.

Bailey

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

<Previous Site Plans.pdf>



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

File #: WLP-15-W10
 Date: 4/9/15
 Intake Staff: BM
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT APPLICATION

WHITEFISH, BLANCHARD, LOST COON LAKE

FEE ATTACHED \$ 255.00

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,144.80' msl (NAVD 1988) for Blanchard Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

INSTRUCTIONS:

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the Lakeshore Protection Committee meeting at which this application will be heard.
- The regularly scheduled meeting of the Lakeshore Protection Committee is the second Wednesday of each month at 6:00PM in the Planning & Building Department Meeting Room.
- After the Lakeshore Protection Committee meeting, the application is forwarded with the Committee's recommendation to the next available City Council meeting for final action, unless it is a committee approved permit.
- All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

A. LEGAL DESCRIPTION OF PROPERTY:

Street Address 1840 Lacy Lane
 How many feet of the lake frontage do you own? 99.7
 Assessor's Tract No.(s) _____ Lot No(s) _____
 Block # _____ Subdivision Name _____
 1/4 Sec _____ Section _____ Township _____ Range _____

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

Patti Beck _____ Date 4.9.15
 Owner's Signature¹ _____
Patti Beck
 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

Pu Beck
Applicant's Signature

4.9.15
Date

Patti Beck
Print Name

Representative's Signature

Date

Print Name

APPLICATION CONTENTS:

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

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

B. OWNER(S) OF RECORD:

Name: Gil Basing Phone: _____
 Mailing Address: 8214 Westchester Dr
 City, State, Zip: Dallas, TX 75225
 Email: _____

APPLICANT (if different than above):

Name: Patti Beck Phone: 270-4041
 Mailing Address: 1060 Cameron Lane
 City, State, Zip: WF, MT 59937
 Email: patti.beck22@gmail.com

CONTRACTOR:

Name: N/A Phone: _____
 Mailing Address: _____
 City, State, Zip: _____
 Email: _____

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

Shore station with canopy
-proposed 10' x 24' = 240 sq ft

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

N/A

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

N/A

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

N/A

GIL J. BESING
8214 WESTCHESTER DRIVE
9TH FLOOR
DALLAS, TEXAS 75225
214-696-3600

April 6, 2015

RE: 1840 Lacy Lane – Proposed Dock Extension

To Whom It May Concern:

Please let this letter serve as confirmation that Patti Beck with Grizzly Property Services, LLC is hereby authorized to pursue and apply for an application with the Whitefish Planning Department for a dock extension for the property located at 1840 Lacy Lane, Whitefish, MT owned by Lacy Lake Holdings, L.P.

Sincerely,

Lacy Lake Holdings, L.P.
By: Lacy Lake Investors, LLC, general partner

By: _____
Gil Besing, as Manager

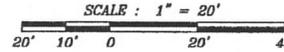
By: SANDS SURVEYING, Inc.
2 Village Loop
Kalispell, MT 59901
(406) 755-6481

CERTIFICATE OF SURVEY



in GOV'T LOT 2 SEC. 24, T.31N., R.22W., P.M.M., FLATHEAD COUNTY, MONTANA

JOB NO: 405401
DRAWING DATE: AUGUST 30, 2013
COMPLETED DATE: / /
FOR: GIL BESING
OWNER: THE JOHN R. KAHLE AND HELEN P. KAHLE TRUST



PURPOSE: RETRACEMENT

DESCRIPTION:

A TRACT OF LAND, SITUATED, LYING AND BEING IN GOVERNMENT LOT 2 OF SECTION 24, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING at the north corner of Tract 6AB of Certificate of Survey No. 6236 (records of Flathead County, Montana), which is a found pipe on the southerly R/W of Lacy Lane; Thence along said R/W S20°53'34"E 111.63 feet to a found iron pin; Thence leaving said R/W S41°34'52"W 218.36 feet, more or less, to the low water mark of Whitefish Lake; Thence along said low water mark the following two (2) courses: N50°01'03"W 70.59 feet; N49°25'40"W 28.70 feet; Thence leaving said low water mark N41°38'15"E 272.42 feet to the point of beginning and containing 0.559 ACRES, more or less; Subject to and together with a 12 foot right of way easement as shown hereon; Subject to and together with all appurtenant easements of record.

LEGEND:

- ⊕ Section corner (as noted)
- ⊙ 1/4 Corner (as noted)
- ⊙ Center section (as noted)
- ⊙ 1/16 Corner (as noted)
- Set 1/2"x24" Rebar & Cap (79755)
- Found 1/2" Pipe
- Found 5/8" Rebar & Cap (2516S)
- Found 2" Pipe
- (R1) Record Information Per C.O.S. 6236
- (R2) Record Information Per C.O.S. 7649

CERTIFICATE OF SURVEY

Thomas E. Sands
THOMAS E. SANDS 79755

APPROVED: 9/20, 2013

Jan H. But
EXAMINING LAND SURVEYOR
REG. No. 5428S

STATE OF MONTANA
COUNTY OF FLATHEAD) SS
FILED ON THE 25TH DAY OF September 2013
AT 11:02 AM, PAID FEE \$5.50

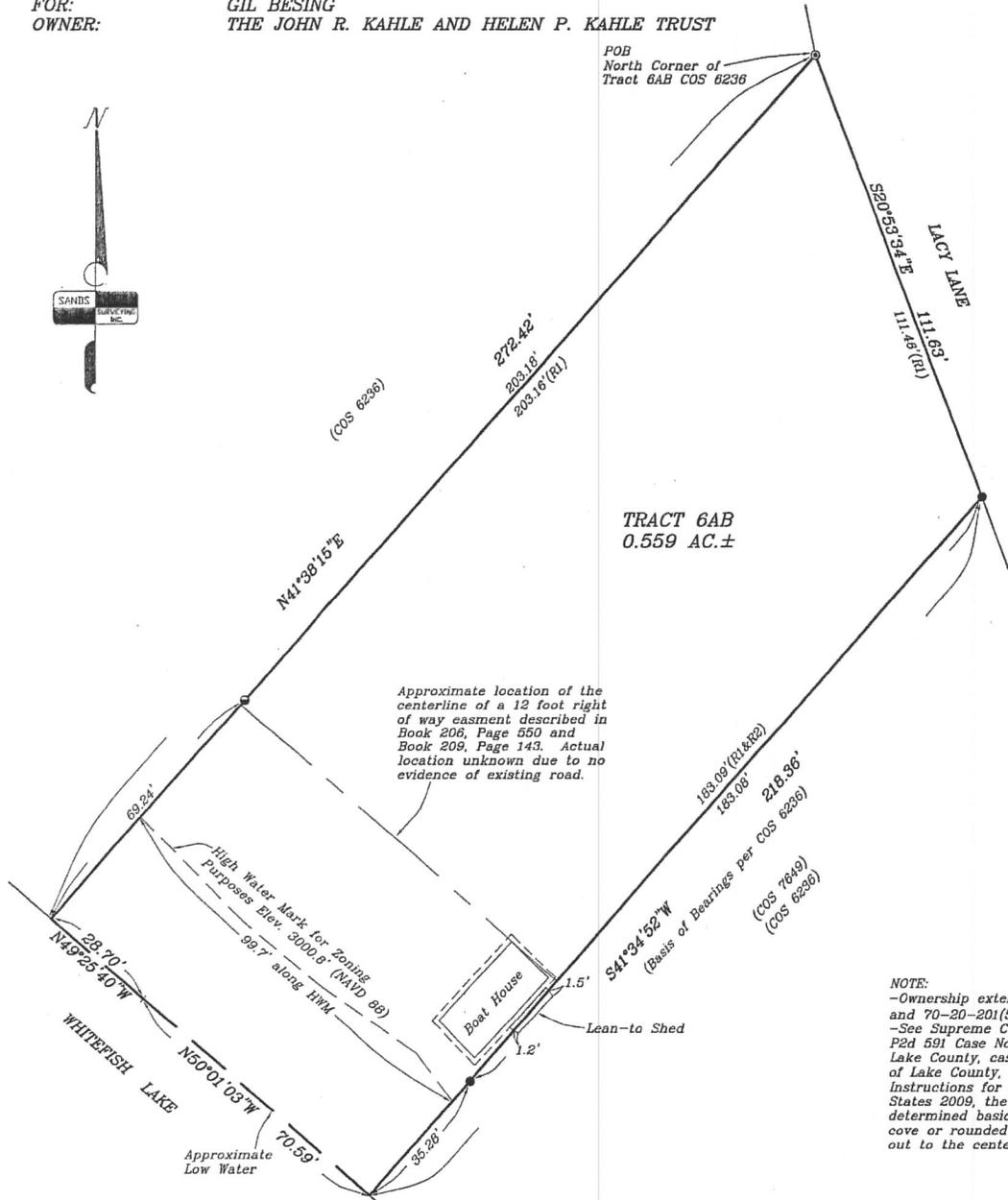
Paula Rolman
CLERK & RECORDER

BY *P. Maten*
DEPUTY

INSTRUMENT REC. No. 201300024734

SHEET 1 OF 1 SHEETS

CERTIFICATE OF SURVEY No. 19585



Approximate location of the centerline of a 12 foot right of way easement described in Book 206, Page 550 and Book 209, Page 143. Actual location unknown due to no evidence of existing road.

NOTE:
-Ownership extends to low water per 70-16-201 and 70-20-201(5), Montana Code Annotated.
-See Supreme Court of Montana, Stidman v. City of Whitefish, 748 P2d 591 Case No. 87-14, and Fourth Judicial District Court for Lake County, case No. 8,327, as filed in microfile 250554, records of Lake County, Montana, and Sections 8-132 to 8-157 Manual of Instructions for the Survey of the Public Lands of the United States 2009, the land between the high and low water marks is determined basically at right angles to the shore line, or in a cove or rounded section of a lake the lines should be extended out to the center point of the cove.

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

JOB NO: 405401
 DATE: AUGUST 26, 2013
 REVISED: SEPTEMBER 27, 2013
 FOR: GIL BESING
 OWNER: JOHN R & HELEN P KAHLE TRUST

Notes:

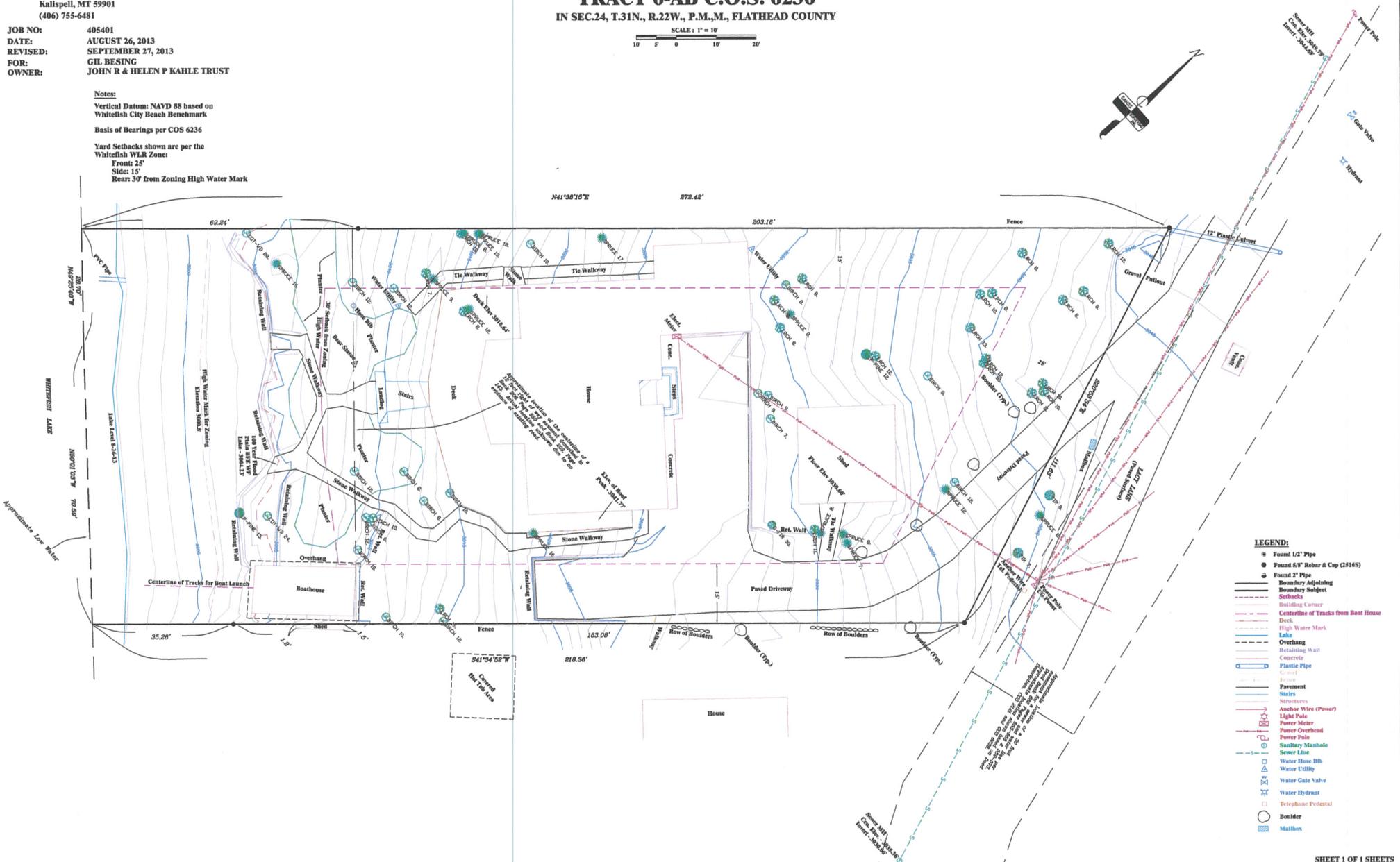
Vertical Datum: NAVD 88 based on
 Whitefish City Bench Benchmark

Basis of Bearings per COS 6236

Yard Setbacks shown are per the
 Whitefish WLR Zone:

- Front: 25'
- Side: 15'
- Rear: 30' from Zoning High Water Mark

Topography of:
TRACT 6-AB C.O.S. 6236
 IN SEC.24, T.31N., R.22W., P.M.,M., FLATHEAD COUNTY

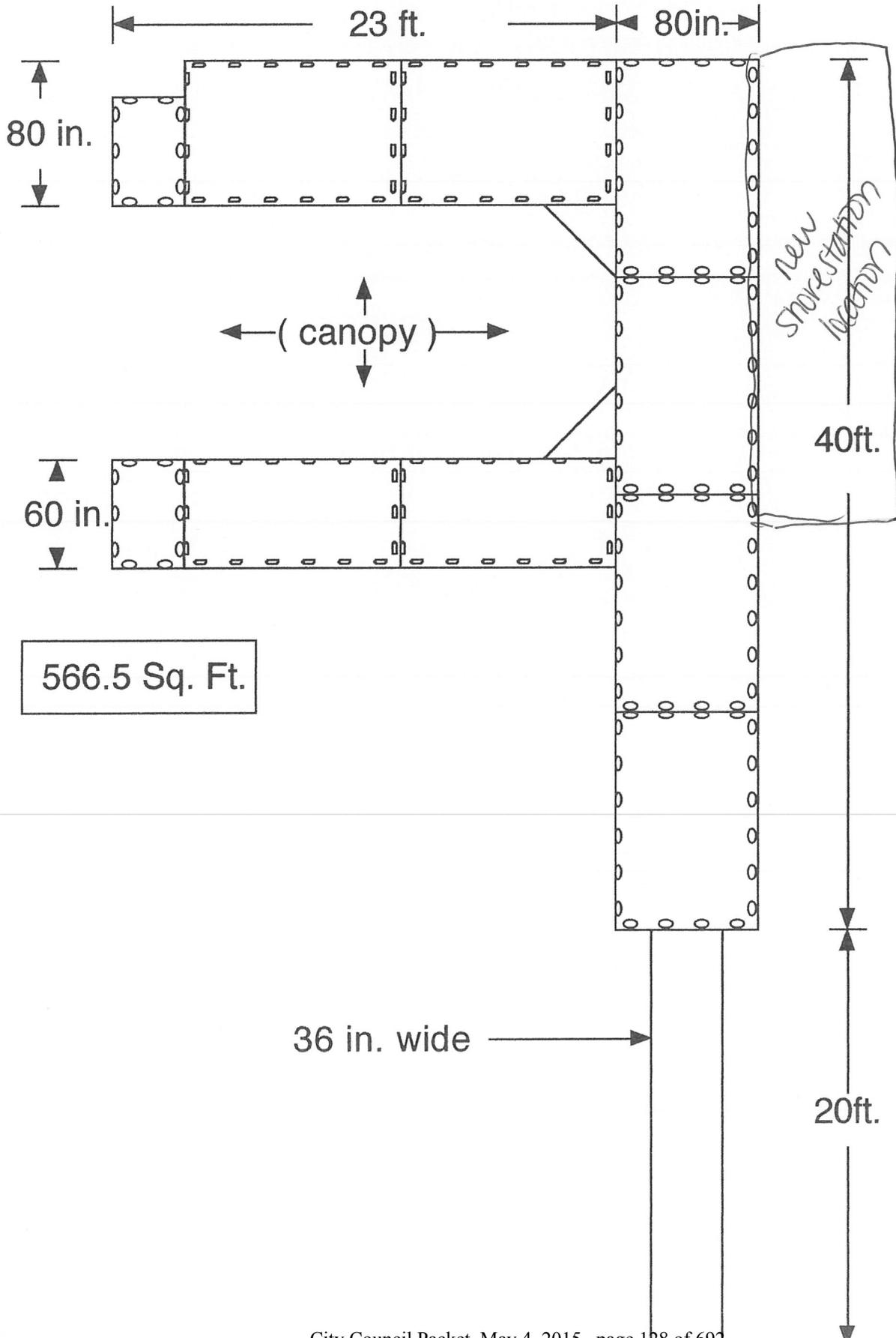


LEGEND:

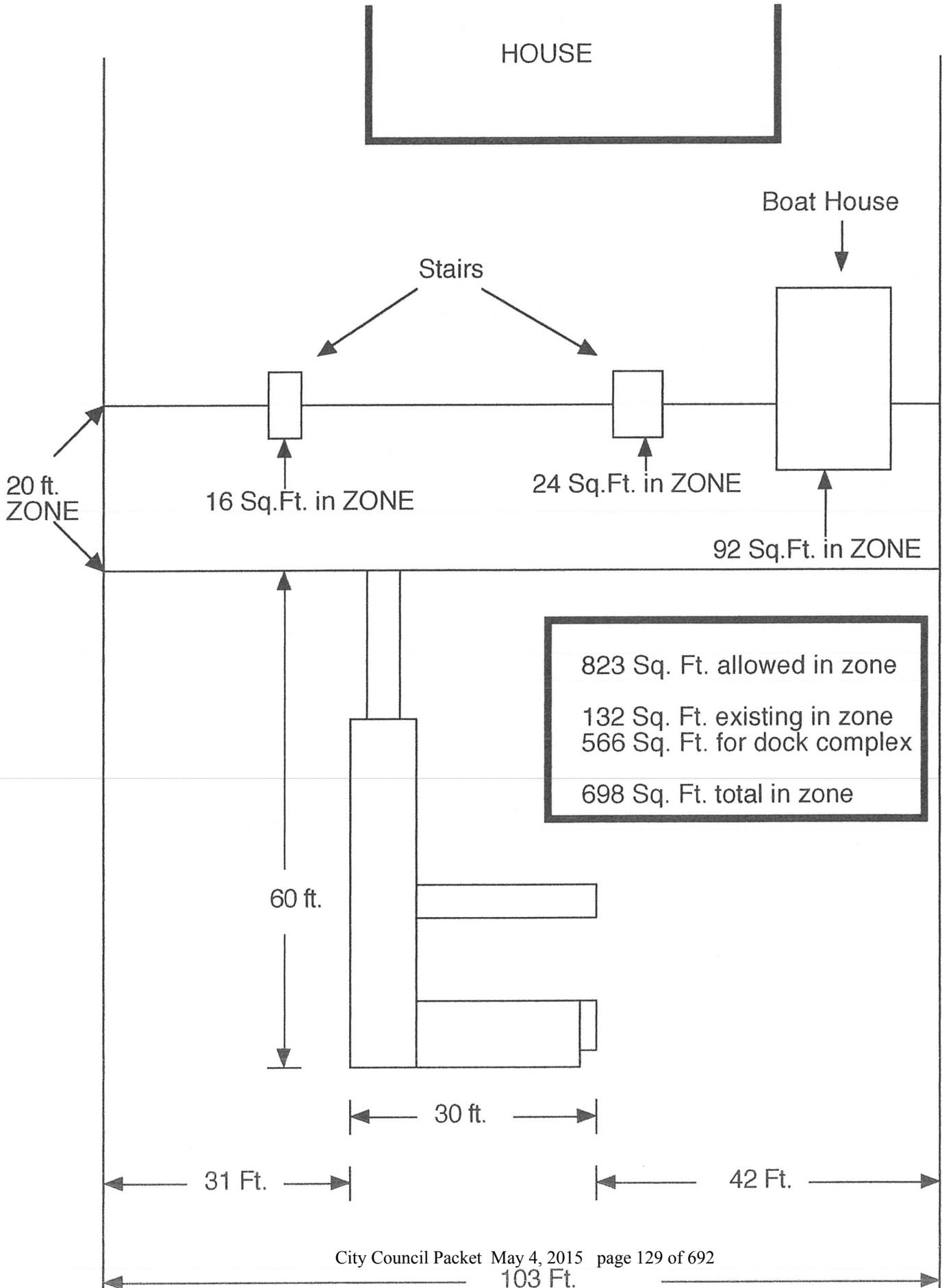
- Found 1/2" Pipe
- Found 5/8" Rebar & Cap (25165)
- Found 2" Pipe
- Boundary Adjoining
- Boundary Subject
- - - - - Setbacks
- - - - - Building Corner
- - - - - Centerline of Tracks from Boat House
- - - - - Deck
- - - - - High Water Mark
- - - - - Lake
- - - - - Overhang
- - - - - Retaining Wall
- - - - - Concrete
- Plastic Pipe
- Sewer
- Fence
- Pavement
- Stairs
- Structures
- Anchor Wire (Power)
- Light Pole
- Power Meter
- Power Overhead
- Power Pole
- Concrete
- Sanitary Manhole
- Sewer Line
- Water Hose Bib
- Water Utility
- Water Gate Valve
- Water Hydrant
- Telephone Vertical
- Boulder
- Mailbox

E Z Dock Drawing For : Kahle

3/11/05



SITE PLAN FOR : KAHLE





**WALECKA 1992 LIVING TRUST
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-15-W11
MAY 4, 2014**

Owner: Walecka 1992 Living Trust
Mailing Address: 74 Alejandra Avenue
Atherton, CA 94027-4107

Applicant: White Cloud Design
Mailing Address: 150 Railway Street
Whitefish, MT 59937

Telephone Number: 406.863.2828

Contractor: Valley Earthscapes
Mailing Address: P.O. Box 4447
Whitefish, MT 59937

Telephone Number: 406.261.2564

Property Legal Description: Lot 5 of WFSH Lake Summer Homes in Section 14,
Township 31N, Range 22W

Property Address: 2432 Carver Bay Road
Lake: Whitefish Lake
Lake Frontage: 75' per plat
Project Description: Placement of 9.38 cubic yards of beach gravel.

Proposal: The applicant is proposing the addition of 9.38 cubic yards of gravel to the existing gravel beach. The gravel material will be a minimum ¾ inch and a maximum 1 ½ inch diameter, and will be washed free from fines. The lakeshore regulations state that the application of gravel shall be permitted one time only to supplement a stable gravel beach.

Frontage and allowable volume: The lakeshore regulations specify the volume of fill shall not exceed one cubic yard per 8 linear feet of lakeshore frontage. The property has 75 feet of lake frontage and is eligible for 9.375 cubic yards of gravel.

Previous Lakeshore Permits: Staff located multiple lakeshore permits for the subject property back to 2000. None of the previously issued permits included the application of beach gravel. The approved permits include the dock, shore station, buoy and waterline.

Conclusion: The proposed work complies with Section 13-3-1 General Construction Standards of the Whitefish Lake and Lakeshore Protection Regulations.

Recommendation: The Whitefish Planning Department staff recommends the Whitefish City Council approve the requested lakeshore construction permit subject to the following conditions:

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lake bed, and all land within 20 horizontal feet of the average high water line at 3,000.79'.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by the conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. All work shall be done when the lake is at low pool and the construction site is dry.
7. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.

Beach Gravel Application

8. Application of gravel shall be permitted one time only to supplement a stable gravel beach. Reapplication of gravel where it washed away, silted in or re-vegetated over time is prohibited.
9. Application of gravel is allowed only where the predominant existing surface is gravel.
10. All fill shall be clean, washed gravel of three-fourths inch ($\frac{3}{4}$ "") to one and one-half ($1\frac{1}{2}$ "") diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore.
11. Maximum fill depth is four inches (4"") to six inches (6"").
12. The volume of fill shall not exceed one (1) cubic yard per eight (8) linear feet of lake frontage.
13. Placement of gravel directly into the lake is prohibited.
14. Any fill/gravel material over the approved amount shall be completely removed from the lakeshore protection zone.

Report by: Bailey Minnich



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

File #: WLP-15-W11
 Date: 4/10/15
 Intake Staff: BM
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT APPLICATION

WHITEFISH, BLANCHARD, LOST COON LAKE

FEE ATTACHED \$ _____

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

INSTRUCTIONS:

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the City Council meeting at which this application will be heard.
- The application will be forwarded along with Staff's recommendation to the next available City Council meeting for final action.
- All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

A. LEGAL DESCRIPTION OF PROPERTY:

Street Address 2432 Carver Bay Rd., Whitefish, MT 59937

How many feet of the lake frontage do you own? 75 ft.

Assessor's Tract No.(s) 0000502070 Lot No(s) 5

Block # _____ Subdivision Name Whitefish Lake Summer Homes

1/4 Sec _____ Section 14 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.

[Signature]
 Owner's Signature¹

4/8/2015
 Date

John Naledka
 Print Name

[Signature]
 Applicant's Signature

4-8-15
 Date

Johnny McDonald, White Cloud Design, Inc.

Print Name
Johnny McDonald

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

Representative's Signature

Date

Print Name

APPLICATION CONTENTS:

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

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

B. OWNER(S) OF RECORD:

Name: Walecka 1992 Living Trust Phone: _____

Mailing Address: 74 Alejandra Ave

City, State, Zip: Atherton, CA 94027-4107

Email: _____

APPLICANT (if different than above):

Name: White Cloud Design Phone: 406-863-2828

Mailing Address: 150 Railway Street

City, State, Zip: Whitefish, MT, 59937

Email: johnny@whiteclouddesign.com

CONTRACTOR:

Name: Valley Earthscapes Phone: 406-261-2564

Mailing Address: PO Box 4447

City, State, Zip: Whitefish, MT, 59937

Email: valleyearth@montanasky.us

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

This application intends to seek approval for a 9.38 cubic yard proposed gravel beach of a 6 inch depth composed of .75-1.5 inch drain rock.

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

None

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

Existing dock.

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

N/A



INDEX OF SHEETS

- 1 Site Plan
- 2 Lakeshore Section
- 3 Existing Site Photos



LAKESHORE PERMITTING

03, 26, 2015

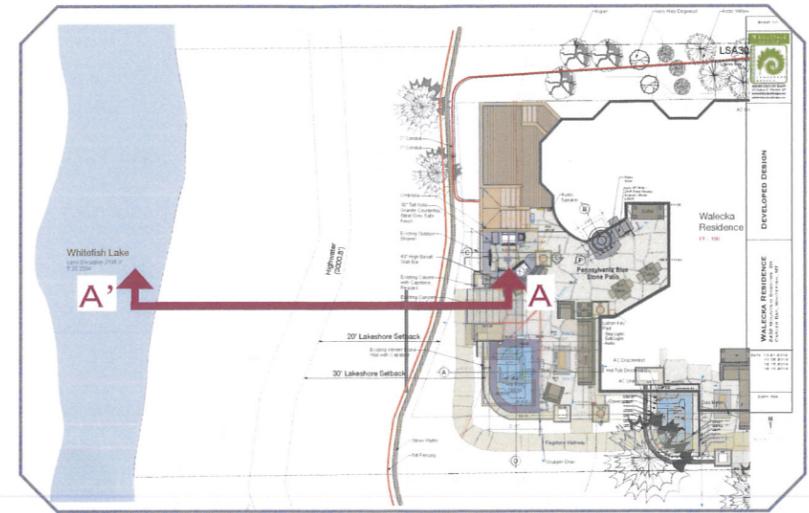
WALECKA RESIDENCE

2432 MOUNTAIN SHADOWS DR.

WHITEFISH, MT



LAKESHORE PROTECTION | SECTION

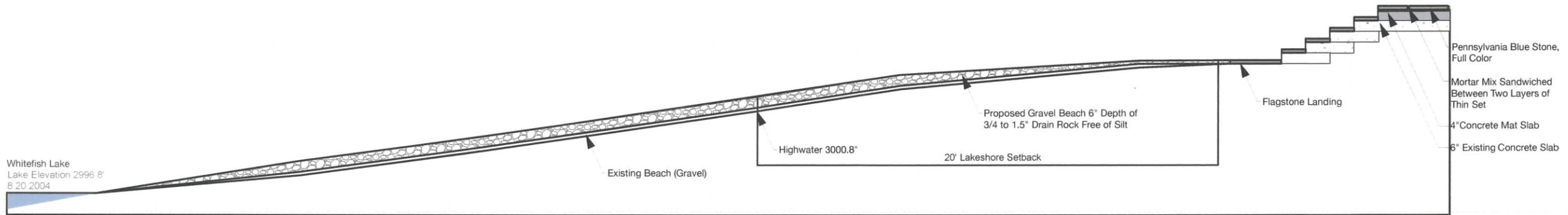


SECTION CUT A TO A'



WALECKA RESIDENCE
WHITEFISH, MT
2015

JOHNNY MCDONALD
P.O. Box 67 | 1150 RAILWAY ST
WHITEFISH, MT 59937
OFFICE: 406.863.2828
CELL: 406.863.2827



LAKESHORE SECTION | WEST TO EAST

SCALE: 3/16" = 1'-0"

SECTION



LAKESHORE PROTECTION |
EXISTING SITE PHOTOS



LOOKING SOUTH ON THE SHORE



LOOKING SOUTH ON THE SHORE



THE DOCK AND SHORE STATION



LOOKING NORTH ON THE SHORE



WALECKA RESIDENCE
WHITEFISH, MT
2015

JOHNNY McDONALD
P.O. Box 67 | 150 RAILWAY ST
WHITEFISH, MT 59937
OFFICE: 406.863.2828
CELL: 406.863.2827



EXISTING SITE
PHOTOS



**DUNCAN FAMILY TRUST
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-15-W12
MAY 4, 2014**

Owner: Duncan Family Trust
Mailing Address: 704C E. 13th Street, #116
Whitefish, MT 59937
Applicant: White Cloud Design
Mailing Address: 150 Railway Street
Whitefish, MT 59937
Telephone Number: 406.863.2828
Contractor: Valley Earthscapes
Mailing Address: P.O. Box 4447
Whitefish, MT 59937
Telephone Number: 406.261.2564
Property Legal Description: Lot 4 of WFSH Lake Summer Homes in Section 14,
Township 31N, Range 22W
Property Address: 2434 Carver Bay Road
Lake: Whitefish Lake
Lake Frontage: 75' per plat
Project Description: Placement of 9.38 cubic yards of beach gravel.

Proposal: The applicant is proposing the addition of 9.38 cubic yards of gravel to the existing gravel beach. The gravel material will be a minimum ¾ inch and a maximum 1 ½ inch diameter, and will be washed free from fines. The lakeshore regulations state that the application of gravel shall be permitted one time only to supplement a stable gravel beach.

Frontage and allowable volume: The lakeshore regulations specify the volume of fill shall not exceed one cubic yard per 8 linear feet of lakeshore frontage. The property has 75 feet of lake frontage and is eligible for 9.375 cubic yards of gravel.

Previous Lakeshore Permits: Staff located two previously issued lakeshore permits for the subject property from 2014 and 2001. None of the previously issued permits included the application of beach gravel. The approved permits include the dock and waterline.

Conclusion: The proposed work complies with Section 13-3-1 General Construction Standards of the Whitefish Lake and Lakeshore Protection Regulations.

Recommendation: The Whitefish Planning Department staff recommends the Whitefish City Council approve the requested lakeshore construction permit subject to the following conditions:

Recommended Conditions of Approval:

1. This permit is valid for a period of one year from the date of issuance. Upon completion of the work, please contact the Planning Department at 406-863-2410 for final inspection.
2. The Lakeshore Protection Zone shall be defined as the lake, lake bed, and all land within 20 horizontal feet of the average high water line at 3,000.79'.
3. The proposed project dimensions specified on the application project drawing shall not be exceeded unless modified by the conditions of the approved permit. Changes or modifications to increase any dimension or change configuration must be approved through a permit amendment.
4. Temporary storage of vehicles, trailers, equipment, or construction materials in the lakeshore protection zone is prohibited.
5. The natural protective armament of the lakeshore and lakebed must be preserved whenever possible. Following installation, the lakeshore and lakebed shall be returned to its condition prior to construction.
6. All work shall be done when the lake is at low pool and the construction site is dry.
7. Any existing or disturbed areas inside the lakeshore zone may be revegetated. New plants shall be native to the Flathead Valley or cultivars whose form, color, texture, and character approximates that of natives. A resource file on native plants is available at the City of Whitefish Planning Department. Application of fertilizer is permitted only in minimal amounts to establish new plantings.

Beach Gravel Application

8. Application of gravel shall be permitted one time only to supplement a stable gravel beach. Reapplication of gravel where it washed away, silted in or re-vegetated over time is prohibited.
9. Application of gravel is allowed only where the predominant existing surface is gravel.
10. All fill shall be clean, washed gravel of three-fourths inch ($\frac{3}{4}$ "") to one and one-half ($1\frac{1}{2}$ "") diameter, free of silts, sands and fine materials. Gravel type and color shall approximate that existing on the adjacent lakeshore.
11. Maximum fill depth is four inches (4"") to six inches (6"").
12. The volume of fill shall not exceed one (1) cubic yard per eight (8) linear feet of lake frontage.
13. Placement of gravel directly into the lake is prohibited.
14. Any fill/gravel material over the approved amount shall be completely removed from the lakeshore protection zone.

Report by: Bailey Minnich



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

File #: WLP-15-W12
 Date: 4/10/15
 Intake Staff: BM
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT APPLICATION

WHITEFISH, BLANCHARD, LOST COON LAKE

FEE ATTACHED \$ _____

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

INSTRUCTIONS:

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the City Council meeting at which this application will be heard.
- The application will be forwarded along with Staff's recommendation to the next available City Council meeting for final action.
- All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

A. LEGAL DESCRIPTION OF PROPERTY:

Street Address 2434 Carver Bay Rd., Whitefish, MT 59937

How many feet of the lake frontage do you own? 75 ft.

Assessor's Tract No.(s) 0000314252 Lot No(s) 4

Block # _____ Subdivision Name Whitefish Lake Summer Homes

1/4 Sec _____ Section 14 Township 31 Range 22

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

Owner's Signature¹ _____

Date 04.08.2015

Print Name ROBERT DUNEAN

Applicant's Signature _____

Date _____

Print Name Johnny McDonald, White Cloud Design, Inc.

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

Representative's Signature

Date

Print Name

APPLICATION CONTENTS:

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

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

B. OWNER(S) OF RECORD:

Name: Duncan Family Trust Phone: _____

Mailing Address: 704C E 13th St. #116

City, State, Zip: Whitefish, MT 59937-2981

Email: _____

APPLICANT (if different than above):

Name: White Cloud Design Phone: 406-863-2828

Mailing Address: 150 Railway Street

City, State, Zip: Whitefish, MT, 59937

Email: johnny@whiteclouddesign.com

CONTRACTOR:

Name: Valley Earthscapes Phone: 406-261-2564

Mailing Address: PO Box 4447

City, State, Zip: Whitefish, MT, 59937

Email: valleyearth@montanasky.us

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

This application intends to seek approval for a 9.38 cubic yard proposed gravel beach of a 6 inch depth composed of .75-1.5 inch drain rock.

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

None

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

Existing dock.

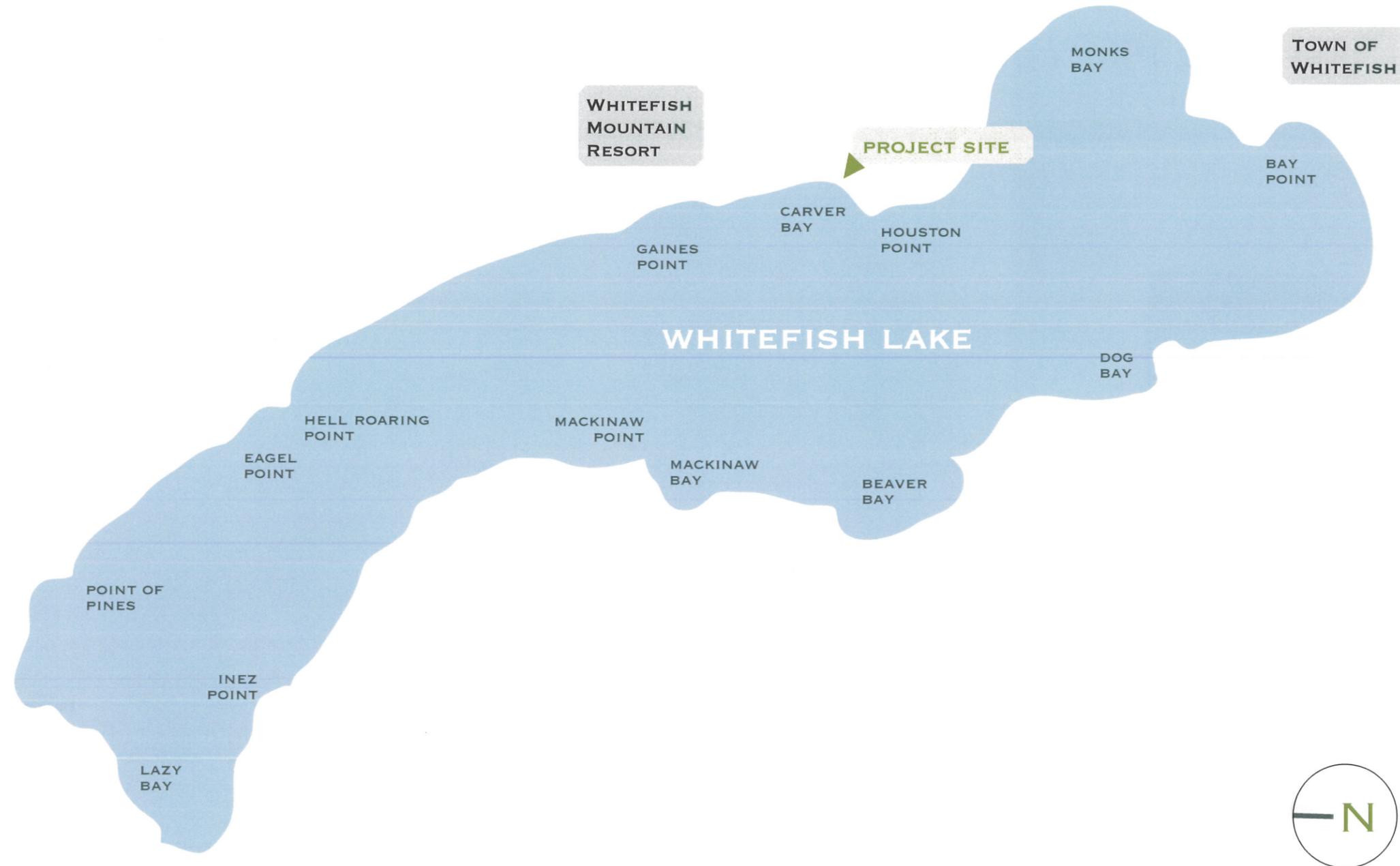
- F. If a variance is requested in addition to this permit, specify the reasons or conditions which require or warrant the variance on a separate variance form. An additional fee is required for a variance request. What is the variance proposal?

N/A



INDEX OF SHEETS

- 1 Site Plan
- 2 Lakeshore Section
- 3 Existing Site Photos



LAKESHORE PERMITTING

03, 26, 2015

DUNCAN RESIDENCE

2434 CARVER BAY RD.

WHITEFISH, MT

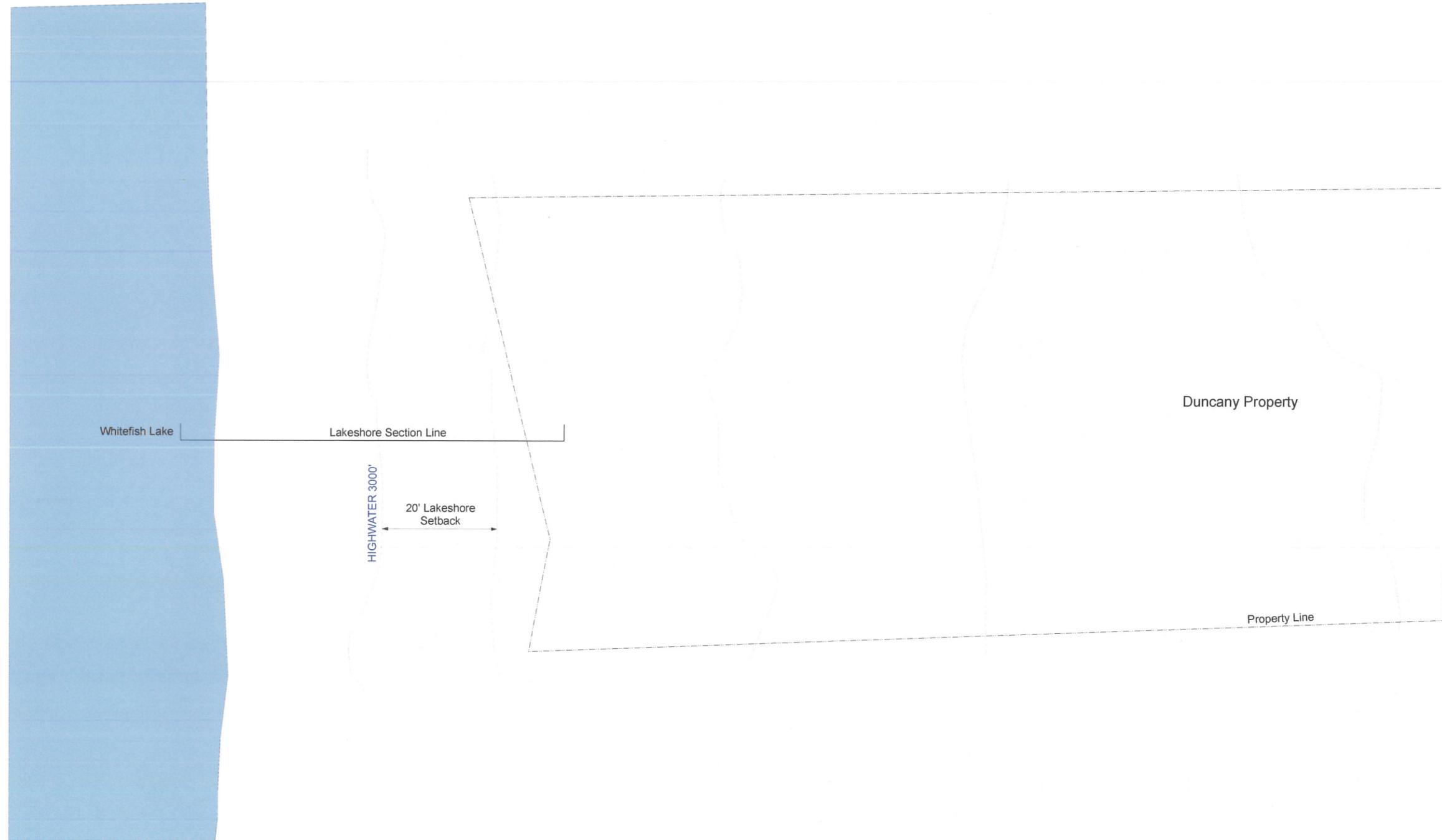


LAKESHORE PROTECTION | SITE PLAN

SCALE: 1/8"=1'



DUNCAN RESIDENCE
WHITEFISH, MT
2015



JOHNNY McDONALD
P.O. Box 67 | 150 RAILWAY ST
WHITEFISH, MT 59937
OFFICE: 406.863.2828
CELL: 406.863.2827

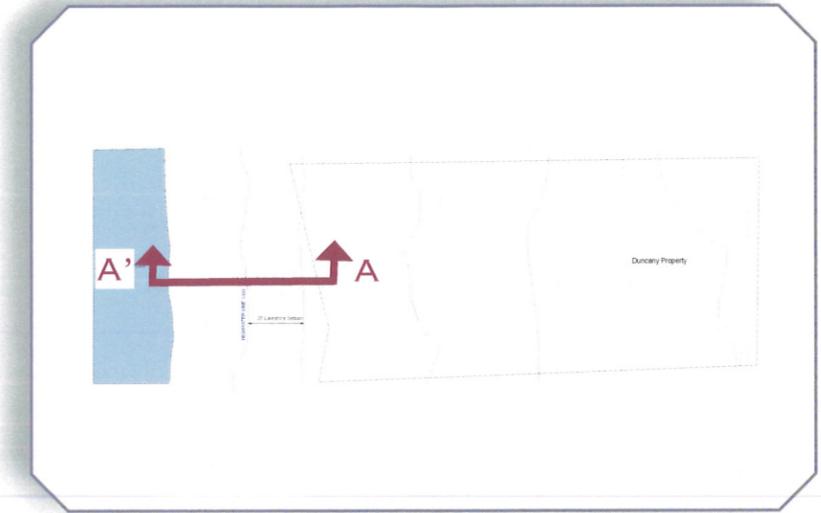


SITE PLAN

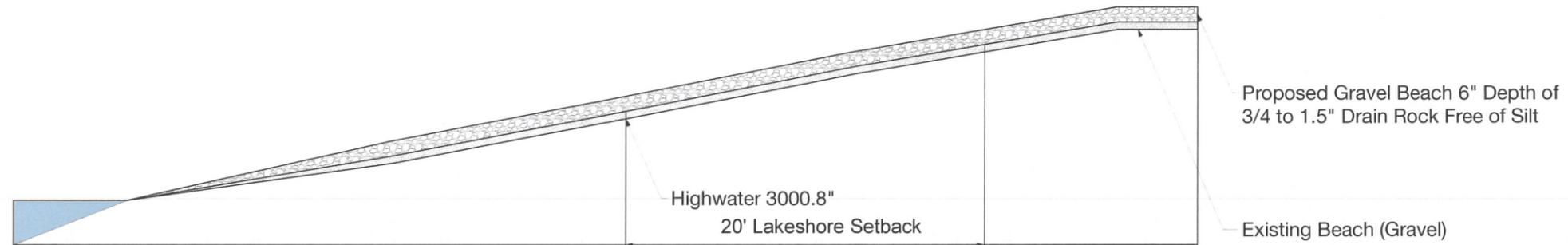




LAKESHORE PROTECTION | SECTION



SECTION CUT A' TO A'



LAKESHORE SECTION

SCALE: 3/4" = 1'-0"



DUNCAN RESIDENCE
WHITEFISH, MT
2015

JOHNNY MCDONALD
P.O. Box 67 | 150 RAILWAY ST
WHITEFISH, MT 59937
OFFICE: 406.863.2828
CELL: 406.863.2827



SECTION



LAKESHORE PROTECTION |
EXISTING SITE PHOTOS



LOOKING SOUTH



LOOKING EAST TOWARDS RESIDENCE



LOOKING EAST TOWARDS RESIDENCE



LOOKING NORTHEAST ON THE SHORE



DUNCAN RESIDENCE
WHITEFISH, MT
2015

JOHNNY McDONALD
P.O. Box 67 | 150 RAILWAY ST
WHITEFISH, MT 59937
OFFICE: 406.863.2828
CELL: 406.863.2827



SITE PHOTOS



**THE 1998 FEENY FAMILY LLC
WHITEFISH LAKE LAKESHORE PERMIT
STAFF REPORT #WLP-15-W14
MAY 4, 2015**

Property Owner: The 1998 Feeny Family LLC
Mailing Address: 3000 Sand Hill Road
Menlo Park, CA 94025-7113

Applicant: Cory Izett
Mailing Address: 14 Scullers Way
Whitefish, MT 59937

Telephone Number: 406.862.7332

Contractor: Whitefish Lake Services
Mailing Address: P.O. Box 5521
Whitefish, MT 59937

Telephone Number: 406.471.5723

Property Legal Description: Lot 1 in Block 2 of Lake Park Addition Subdivision in
Section 26, Township 31 North, Range 22 West

Property Address: 1674 W. Lakeshore Drive

Lake: Whitefish Lake

Lake Frontage: 53' per CAMA data

Project Description: Move an adjacent 'I' dock to the subject property.

Proposal: The applicant is proposing to move an existing dock from an adjacent property to the subject property. The existing dock was originally approved under WLP-08-W43 for an 'E' shaped dock, but the actual dock put in was only an 'I' shaped dock. The 'new' dock will be 35 feet long by 7 feet wide, with a 10 feet long by 3.5 feet wide attached gangway. The dock would extend 45 feet into the lake. The dock will be placed in the middle of the subject property. The entire dock and gangway will equal 280 square feet of constructed area.

The proposed constructed area for the dock is 280 square feet. Existing constructed area currently located with the Lakeshore Protection Zone totals 90 square feet. Although the subject property is located within the jurisdiction of the Flathead County Planning Office, staff must calculate the total constructed area of the subject property to ensure compliance of the dock with the City's lakeshore regulations. The total amount of constructed area proposed for the subject property would be 370 square feet.

Frontage and allowable constructed area: The subject property has 53 feet of lakeshore frontage, and is eligible for 424 square feet of constructed area.

Existing Constructed Area: No other lakeshore permits are on file for the subject property. However, there is currently an existing set of stairs approximately 36 square feet and an existing deck approximately 54 square feet. This existing constructed area totals 90 square feet.

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

Recommendation: Staff recommends that the Whitefish City Council approve the requested lakeshore construction permit subject to the following conditions:

Recommended Conditions of Approval:

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

Dock

6. Only one dock is permitted per property ownership.
7. The dock shall be placed in the middle of the subject property as outlined on the submitted site plan.
8. Any wood used in construction of the new dock shall be untreated and left in its natural state. Use of a wood polymer composite (i.e. TREX) is strongly encouraged. Use of painted material, plywood, particle board or other glued composite board is not allowed.
9. If foam logs or similar easily damaged flotation systems are incorporated into the dock design, said material shall be completely encased in solid wood or a suitable impervious, non-corrosive material such as a synthetic, aluminum or galvanized sheet metal to avoid the breakup or scattering of materials. Boards may be spaced up to one-half inch (1/2") apart on the bottom or drain holes may be incorporated into other materials to aid in drainage. All foam encased floating docks shall be maintained according to these standards or else be immediately and completely removed from the Lakeshore Protection Zone. All foam shall be extruded closed-cell polystyrene (blue or pink logs) unless encased in synthetic "rotomolded" floats.
10. The dock shall be constructed outside of the Lakeshore Protection Zone. Upon completion the components may be brought to the lakeshore area and launched.
11. The floating dock shall be suitably anchored to the lake bottom to avoid drift. Anchoring methods for the dock are limited to cable; galvanized chain or nylon or polypropylene rope attached to a suitable clean weight such as solid clean concrete, rock or steel blocks.

Report by: Bailey Minnich



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

File #: WLP-15-WH
 Date: 4/23/15
 Intake Staff: BM
 Date Complete: _____

LAKESHORE CONSTRUCTION PERMIT APPLICATION

WHITEFISH, BLANCHARD, LOST COON LAKE

FEE ATTACHED \$ _____

A permit is required for any work, construction, demolition, dock/shorestation/buoy installation, and landscaping or shoreline modification in the lake and lakeshore protection zone – an area extending 20 horizontal feet landward from mean high water of:

- 3,000.79' msl (NAVD 1988) for Whitefish Lake
- 3,144.80' msl (NAVD 1988) for Blanchard Lake
- 3,104' msl (NAVD 1988) for Lost Coon Lake

INSTRUCTIONS:

- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **three (3) weeks prior** to the Lakeshore Protection Committee meeting at which this application will be heard.
- The regularly scheduled meeting of the Lakeshore Protection Committee is the second Wednesday of each month at 6:00PM in the Planning & Building Department Meeting Room.
- After the Lakeshore Protection Committee meeting, the application is forwarded with the Committee's recommendation to the next available City Council meeting for final action, unless it is a committee approved permit.
- All work will be inspected for conformity with permit. Permits are valid for one year from date of approval and can be renewed by the governing body upon request.

A. LEGAL DESCRIPTION OF PROPERTY:

Street Address 1674 W Lakeshore

How many feet of the lake frontage do you own? 53

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

Block # _____ Subdivision Name _____

1/4 Sec _____ Section _____ Township _____ Range _____

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

Owner's Signature¹ _____

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

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

install Super Deck deck

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

✓

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

deck, 90 sq feet of wood stairs &

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

✓

Cory Izzett
Applicant's Signature

4-22-15
Date

Cory Izzett
Print Name

Representative's Signature

Date

Print Name

APPLICATION CONTENTS:

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

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

B. OWNER(S) OF RECORD:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

APPLICANT (if different than above):

Name: Cory Izzett Phone: 862-7332

Mailing Address: 14 Scullers Way

City, State, Zip: Whitefish MI. 59937

Email: cizett@hotmail.com

CONTRACTOR:

Name: Whitefish Lake Services Phone: 471-5723

Mailing Address: Box 5521

City, State, Zip: Whitefish MI. 59937

Email: claw@whitefishlakeservices.com

Property Record Card

Tax Year

[Print](#)

Summary

Primary Information

Property Category: RP

Subcategory: Real Property

Geocode: 07-4292-26-2-09-05-0000

Assessment Code: 0000777520

Primary Owner:

PropertyAddress: 1674 W LAKESHORE DR

FEENY FAMILY LLC, THE 1998

WHITEFISH, MT 59937

3000 SAND HILL RD

COS Parcel:

MENLO PARK, CA 94025-7113

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: LAKE PARK ADD

Legal Description:

LAKE PARK ADD, S26, T31 N, R22 W, BLOCK 002, Lot 011

Last Modified: 3/14/2015 5:00:52 AM

General Property Information

Neighborhood: 210.0

Property Type: RR - Residential Rural

Living Units: 1

Levy District: 07-133408-44 - L

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

Property Factors

Topography: 1

Fronting: 4 - Residential Street

Utilities: 3, 8, 9

Parking Type:

Access: 1

Parking Quantity:

Location: 0 - Rural Land

Parking Proximity:

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.000	00.00

Owners

Property Record Card

Tax Year

[Print](#)

Summary

Owners

Appraisals

Market Land Info

Market Land Item #1

Method: [Frontage and Depth](#)

Width: 53

Square Feet: 00

Valuation

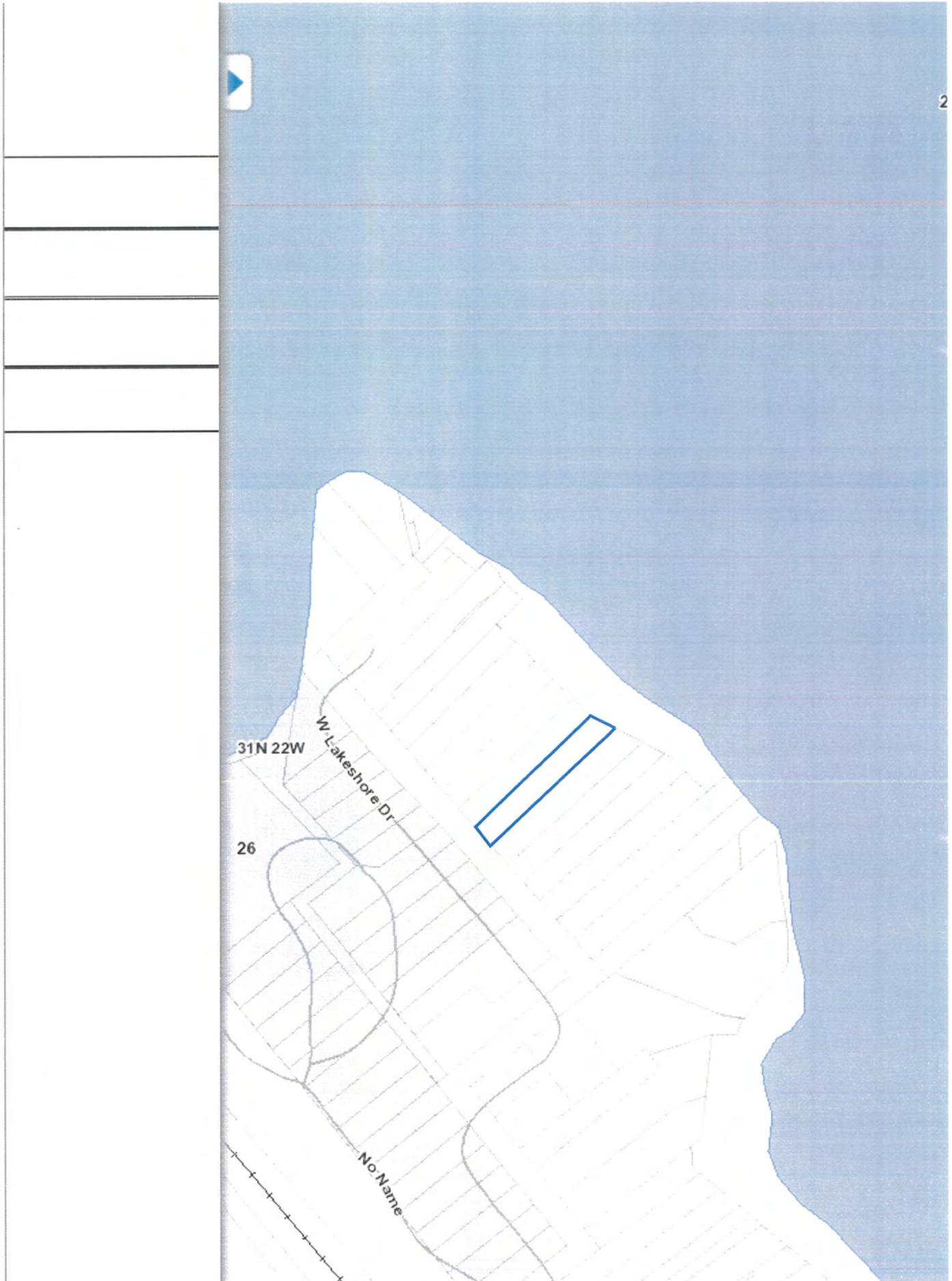
Class Code: [2101](#)

Type: [FR1 - Fronting Category 1](#)

Depth: 238

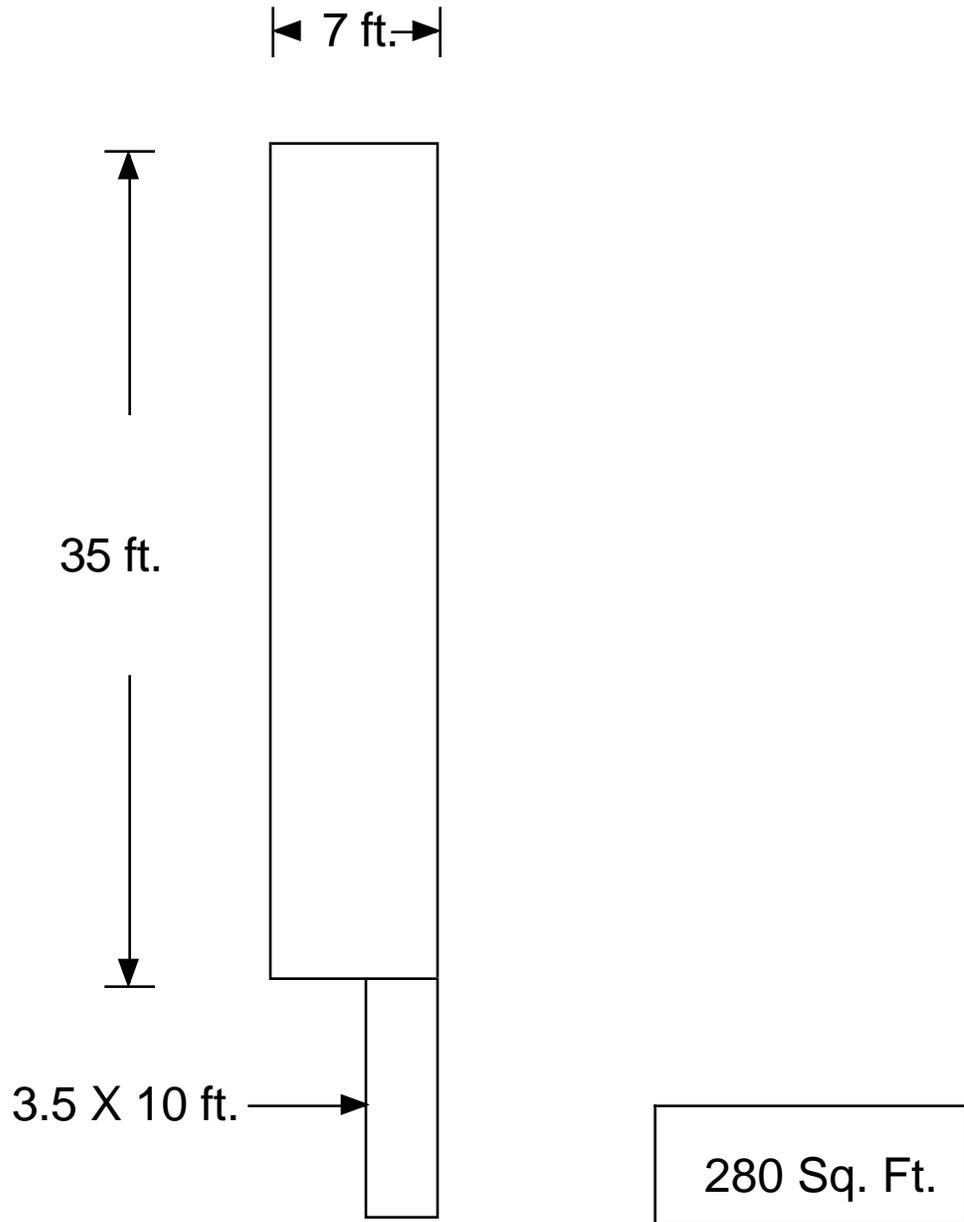
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Value:

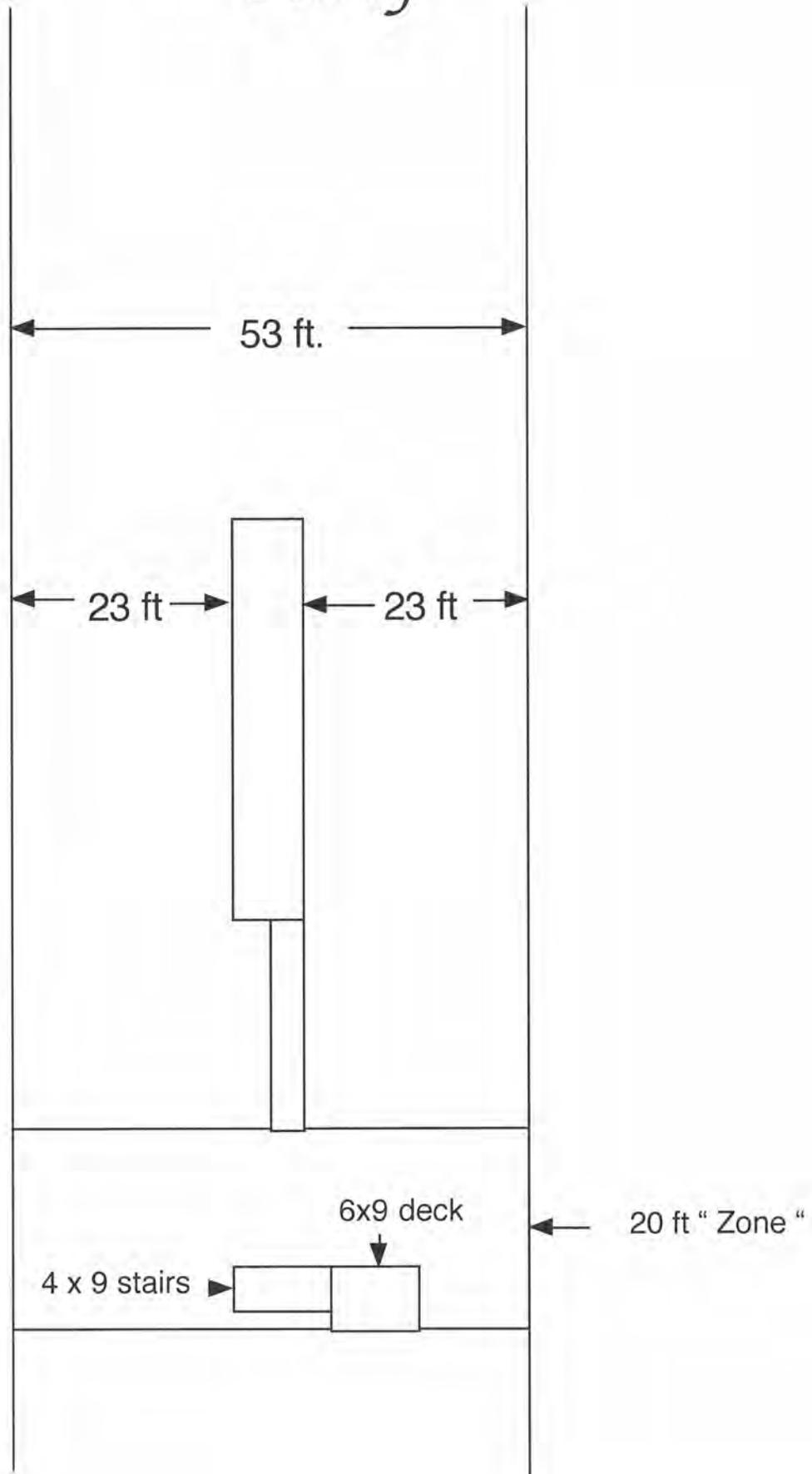


2

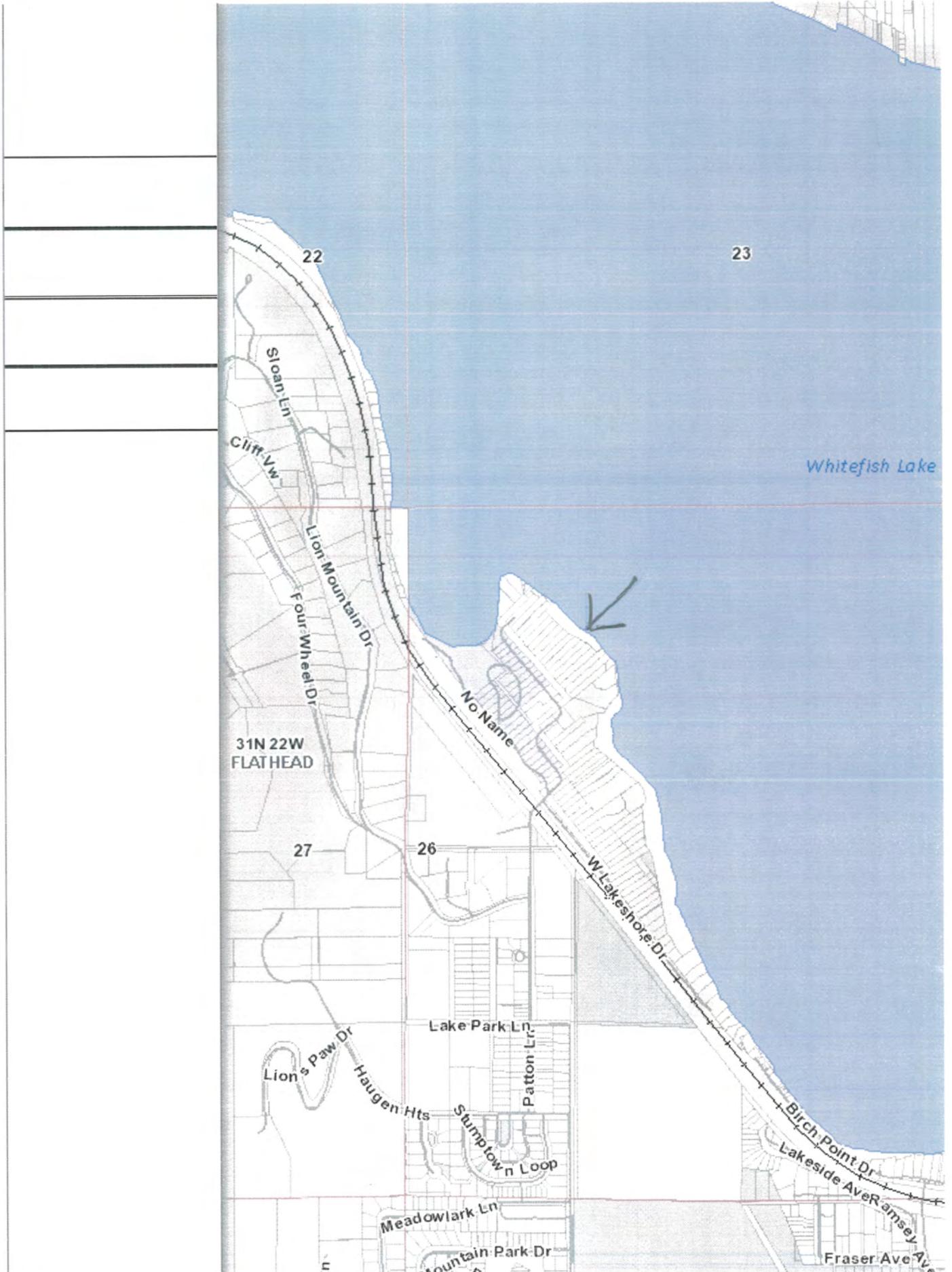
Super Deck Design For: Feeney



Site Plan For :
Feeney







From: Curtis Feeny <feeny@voyagercapital.com>
Subject: **RE: Walapai dock**
Date: April 20, 2015 3:11:45 PM MDT
To: Bob Boyd <cantandwill@yahoo.com>
Cc: "cnizett@hotmail.com" <cnizett@hotmail.com>, Heidi Schley <HeidiJSchley@gmail.com>, "Christina Feeny (christina@feenys.net)" <christina@feenys.net>

Bob,

Let this letter evidence approval to proceed on the permitting and docks for Walapai and 1656/1660 West LakeShore Drive in Whitefish. We'll go w/ Option 2, the 580 sq.ft. dock for our beach front. Also, both owners approve and agree to share this dock on their combined 100 feet of lakefront.

i.e. all of the below permits and dock moves are approved.

Sincerely,
Curtis and Christina Feeny and Heidi Jacobsen Schley

From: Bob Boyd [mailto:cantandwill@yahoo.com]
Sent: Saturday, April 18, 2015 8:03 AM
To: Curtis Feeny
Subject: Walapai dock

Curtis,

Here's a general update on the dock situation.

I met wit Cory Izett about the new dock at your house a couple weeks ago. Couple things I learned.

1) The city requires a permit to move your old dock to Walapai. Earliest that a permit can be obtained is May 16. Whitefish lake Services won't move the dock without the permit. Can't blame them. They have to work with the authorities all the time.

2) The Lakeshore rules require 200' of combined frontage to share a dock. They like people to share docks, but their own rules make it so almost nobody on the lake can do it. Brilliant. However....

Cory said he met with the City and said they had decided to let you share a dock. So far so good.

SPECIFICALLY – THIS PARAGRAPH BELOW IS APPROVED: (Heidi Schley, and Curtis and Christina Feeny)

To get it done Cory will need: A) An email from you and Heidi stating both that you are going to share the dock and that you are authorizing him to act as your agent in getting the permit. He charges an extra \$100 to get the permit, but having been through the process, I think that's pretty reasonable. Plus, the committee sees Cory all the time and won't give him a hassle.

B) Additional authorization from you for him to get the permit to move your old dock to Walapai (from 1656 to 1676 West Lakeshore Drive). His email address is cnizett@hotmail.com

Bob.

(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



April 28, 2015

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

RE: Iron Horse Entrance Modification; (WPP 97-01A)

Honorable Mayor and Council:

Summary of Requested Action (Updated Plan 4/22/15): The Iron Horse Homeowners' Association is proposing to remove the existing guard house and replace it with a single story welcome center in a landscape median in the center of Iron Horse Drive. The landscape median in the center of the road with this current design is considerably larger than the previous proposal. This work will also include consolidating two roads on the south side of Iron Horse Drive into one road to the east of the welcome center, provide four parallel parking spaces within the landscape median to the east of the welcome center (two spaces on each side of the road) and provide a golf cart crossing with bulb-outs to the east of the welcome center. The location of the project is within the Iron Horse Drive right-of-way, a private road open to the public.

This packet includes updated information (narrative, letter from Traffic Engineer Bob Abelin, Email from Fire Marshal Tom Kennelly, revised site plan, perspectives – uphill and downhill and revised building elevations) and all the information from the previous Council packet.

Background Information (December 2014 Plan):

Planning & Building Department Recommendation: Staff recommended to not approve the reconfigured entrance and identified Findings of Fact to support the denial.

Public Hearing (Planning Board 1/15/15): The President of the HOA spoke at the public hearing on January 15, 2015 in support of the request and three members of the public also spoke in support of the request. One member of the public spoke not in support of the request and felt it may be construed as not welcoming the public, which was an important aspect of the project. The minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on January 15, 2015 to conduct the public hearing. Following the hearing, the Planning Board recommended to

not approve the entrance modifications as recommended in the staff report and adopted the staff report as findings of fact (4-3, Stein, Laidlaw, Ellis voting in opposition).

Public Hearing (City Council 2/17/15): The President of the HOA and his consultant spoke at the Council's public hearing on February 17, 2015 in support of the request and eleven members of the public also spoke; nine members in support, one not in support and one with questions. The minutes from the Council meeting are attached as part of this packet.

City Council Action (2/17/15): The City Council met on February 17, 2015 to conduct the public hearing. Following the hearing, the Council tabled the request until April 6, 2015 (4-2, Frandsen, Hildner voting in opposition). In making this request, the Council asked the applicant to address a number of items including: intent of the project, is it only a safety issue or are there other goals with the project, will the proposal accomplish their goals, staffing of the information center, and concerns with bicyclists riding shoulder to shoulder.

City Council Action (4/6/15): The City Council met on April 6, 2015 to continue the public hearing. At the hearing, the applicant requested additional time to refine their proposal and ensure their consultant team would be present for the Council meeting. The Council tabled the request until May 4, 2015.

Updated Plan (dated 4/22/15):

The applicant has amended their proposal in response to Council questions and concerns identified on February 17, 2015.

Parking for Users of the Welcome Center.

The Council was concerned with the location of the parking for the welcome center as it was located on the opposite side of the travel lane from the welcome center.

HOA Response. While the building continues to be located in the center of the landscaping island, the parking for the users of the building has been located in the center landscape island. This will be safer for those wishing to stop to obtain information. The previous proposal would have required pedestrians to cross the travel lane.

Traffic Calming Measures Employed. Were they adequate? Would they have the effect they were trying to achieve? How would this solve the concern with bicyclists traveling shoulder to shoulder?

The Council was not convinced the project, as proposed, would provide traffic calming, which was one of the described goals of the project.

HOA Response. The applicant hired a traffic engineer to review the traffic calming measures to be used with the project. They are incorporating neckdown/curb bulbs, narrowed travel lanes, mid-block median, chicanes and a substantially larger landscaped median. The neckdown/curb bulbs are located at

the golf cart path to the east of the median. The travel lanes have been reduced in width to 14-feet. The previous proposal had each of the travel lanes at 20-feet wide plus additional width adjacent to the welcome center for drivers to stop and vehicles to drive around. In the packet are comments from the Fire Department with their comments to ensure the 14-foot width will work for emergency services. Chicanes are designed into the landscape median. These require the driver of a vehicle to reduce speed in order to make a slight turn while driving. The view is not a straight lane which can cause drivers to increase their speed.

Architectural Design of the Building.

The Council requested additional information about the design of the building.

HOA Response. The applicant included a revised building drawing. The new drawing does not include a window for vehicles to pull up to, but a front porch.

Staff Analysis (Updated Plan – 4/22/15):

Staff appreciates the updated plan and the information from the Traffic Engineer. The plan better represents the traffic calming needed in this busy area – especially with the substantially larger landscape median and narrower travel lanes. As stated in the January 8, 2015 staff report, staff is supportive of the safety measures to calm traffic, but we continue to be concerned with the security building being located to the center of the road. As staff stated in the January staff report and reiterated to the Council in February, by placing a building in the center of the road, it gives the appearance that the roads and subdivision are not open to the public.

Council will recall the Resolution adopted in October 2014 establishing a policy on gated communities within the City limits. The policy states: “No subdivision or other residential neighborhood shall gate its streets off from public access. No features, temporary or otherwise shall give the impression to the public of a gated neighborhood.” (emphasis added) Staff is concerned the building in the center of the road ‘gives the impression’ of a gated neighborhood. As such, staff is not in support of the relocation of the building to the center of the road.

Proposed Motion:

- I move to not approve the changes to the Iron Horse entrance and adopt the Findings of Fact in staff report WPP 97-01A, as recommended by the Whitefish Planning Board.

If the Council disagrees, staff has offered two suggested conditions of approval and direction to amend Finding of Fact #6. This information can be found within the January 8, 2015 staff report within this packet.

This item has been placed on the agenda for your regularly scheduled meeting on May 4, 2015. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Wendy Compton-Ring, AICP
Senior Planner

Att: Minutes, City Council, 2-17-15
Minutes, Planning Board, 1-15-15
Resolution 14-48, Policy on Gated Communities, 10-6-14

Revised/Updated Drawings And Information:

Letter and Drawings, MT Creative on behalf of Iron Horse HOA, 4-22-15

Exhibits From 1-15-15 Staff Packet

1. Staff Report – WPP 97-01A, 1-8-15
2. Neighborhood Plan, Transportation Chapter, 9-16-1996
3. Conditions of Approval, 7-21-1997
4. Plat Maps, Phase 2-4 & 6
5. City Council Minutes, 6-5-00
6. Letter, Former City Manager Gary Marks, 10-5-04
7. Letter, Former City Attorney John Phelps, 8-29-07
8. Adjacent Landowner Notice, 12-18-14
9. Advisory Agency Notice, 12-23-14
10. Email, Warning, 12-23-14
11. Letter, Aronson, 12-29-14
12. Email, Hannon, 12-30-14
13. Email, Parker, 1-2-15
14. Email, Hoadley, 1-3-15
15. Email, Horn, 1-3-15
16. Email, Mayo, 1-4-15
17. Email, Shennan, 1-4-15
18. Email, Kelton, 1-5-15
19. Email, Burke, 1-5-15
20. Email, Wessels, 1-5-15
21. Email, Miller, 1-5-15
22. Email, Fuller, 1-5-15
23. Email, Moshier, 1-5-15
24. Email, Baur, 1-5-15
25. Email, Grant, 1-5-15
26. Email, Hetzer, 1-5-15
27. Email, Voyles, 1-5-15
28. Email, Yerger, 1-5-15

- 29. Email, Rhemann, 1-5-15
- 30. Email, Warrick, 1-5-15
- 31. Email, Bayer, 1-5-15
- 32. Email, Neuman, 1-7-15

The Following Were Submitted By The Applicant:

- 33. Letter and Drawings, Iron Horse Homeowners' Association, 12-31-14

Additional Public Comment Received After Planning Board Packets Were Mailed:

- 34. Email, Witt, 1-9-15

Council Transmittal Letters:

- 35. Letter, Planning Department, 2-10-15
- 36. Letter, Planning Department, 3-27-15

c: w/att Necile Lorang, City Clerk

c: w/o att Michele Ireland, Iron Horse HOA 2150 Iron Horse Dr Whitefish, MT 59937
Andrew Moshier, President, Iron Horse HOA 2150 Iron Horse Dr
Whitefish, MT 59937

Councilor Sweeney made a motion, second by Councilor Anderson, to approve the consent agenda as presented. The motion passed unanimously.

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

- a) Consideration of a request from the Iron Horse Homeowners Association for a modification to their subdivision to permit a reconfiguration of their guardhouse on the side of Iron Horse Drive to a welcome center in a median in the center of the road (WPP 97-01A) (p. 83) (CD 48:16)**

Senior Planner Compton-Ring gave the staff report for the application from the Iron Horse Homeowners Association's proposal to remove the existing guard house and replace it with a single story welcome center in a landscape median in the center of Iron Horse Drive. The entrance to the subdivision is not gated, it will remain open to the public. They proposed it as a traffic calming measure in an area that is congested with auto traffic, pedestrians, bicyclists and golf carts; and will be a more attractive entrance to their subdivision. This is coming to the Council because it is called for in the subdivision regulations when there is a significant and material change proposed. Staff's review of the request and history of the Iron Horse project is in the staff report along with the staff's recommendation to deny the request. Among other findings, Finding 4 states "Concern over the years has been raised by the public and Council over the guard house and its use to deter public access to the roads". Staff is concerned that by placing a staffed building in the center of the road it could be construed as limiting access or be used for that purpose and may cause more congestion if it appears to drivers that traffic should stop. Finding 6 states "A staffed structure in the center of the road gives the appearance that the roads are not open to the public and is a deterrent to public use.....in conflict with the neighborhood plan and the preliminary plat approval condition #20." Staff is supportive of safety measures to calm speeding traffic. The Planning Board held a Public Hearing on January 15, 2015; and following the public hearing the Board passed a motion to not approve the entrance modifications, adopting the staff's report and findings.

Mayor Muhlfeld opened the Public Hearing.

Ken Wessels, 300 Sugarbowl Circle, said he was a full time resident in that subdivision. He said this is being proposed for safety reasons. This is a busy intersection, and busier with construction traffic now that since 2009 about 10 to 12 new homes have been constructed each year. The reconfiguration will improve the sight lines. He said he was aware of earlier conflicts that the developer caused with public access to their private roads, but said he thinks those conflicts haven't existed since the development is overseen by the Homeowners Association. They do not stop public traffic on their private roads, and if required they will sign the area welcoming the public; they do not want a gated community he said. He said their plans are safety oriented.

Applicant Andy Moshier, President of the Homeowners Association (HOA), said the change is proposed to manage a traffic situation safely. There are 314 lots in the subdivision and it is 50% built out; all those are accessed by this one entrance. As has been mentioned before, this intersection is a confluence of vehicular traffic, pedestrians, bicyclists, and golf carts, and golf course construction equipment; and it is worse in the summertime. It is not their intent to intimidate or restrict non-resident traffic. They hired professional planners and engineers who have come up with this plan to mitigate the

circumstances. He said they buy in to the 100% non-gated subdivision, 100% public access, and 100% with the Planning Staff's recommendation for signage. He said having the building in the middle of the road is part of the traffic calming process; and they don't want traffic to stop, they want it to move on up or down the hill in a calm and safe manner. He said specifically, the building should be a traffic calming for the downhill traffic; uphill traffic usually flows at a calm speed, downhill traffic travels sometimes at increased speeds. A person in that building can see the downhill traffic coming and if they are speeding, the live person can lean their head out or stand out, catch the eye of the driver – and give them a “slow-down” wave. He noted to the Council that their private roads are completely open to the public, the only restrictions are that there is no parking on any of the roads; and the public is restricted from private property. He said public means you can drive, walk, bike, anywhere anytime, on the road, on the path, and they are 100% behind it. He said he had a supplemental letter he sent after the Planning Board public hearing (packet page 141), wherein he discussed the difference in how the HOA's management practices differ from those of the original developer; and the HOA is in complete support of the spirit of the Iron Horse conditions of (their) approval with the City of Whitefish; a gate-free and obstacle-free subdivision. The HOA strives to be a good and respectful neighbor and provide safe roads for all.

Linda Engh-Grady, 785 Northwoods Drive, spoke in support of the building in the center of the road. She said as a community member she is on those roads often, for public and Iron Horse-related events and she has always felt very welcome on the roads. She also bikes up there and has always felt welcome; and she said it is fun to bike up there because the roads are so well maintained. She said the residents of Iron Horse are getting involved in community events, are good stewards of the community, and are good neighbors. She feels it is their intention to make the road safer, it is a congested area, and not that they are trying to close their community.

Carol Atkinson, 404 Dakota Avenue, spoke in support of the HOA's proposal, and agreed they are trying to address a congested area. She said she has been part of the Iron Horse community for fifteen years, and sees them, as Linda just said, good stewards of the community; and she doesn't believe that moving the shack to the middle of the road will change any of that.

Rebecca Norton, 530 Scott Avenue. She was on the Planning Board at the time of the public hearing on this application and decided to follow up with more research so she walked up in Iron Horse last weekend, and stopped at the guard (or security) shack and talked to the person inside who was wearing guard clothing. She said he was very nice and answered her questions. They video and make notes on all incoming traffic and follow traffic that is suspicious and stop them to inquire what they are doing. She agreed the roads are well maintained, they are beautiful. She understood the guard to tell her the public needed to stay on the main roads painted with the yellow centerline but later found out from Michele Ireland, from the Iron Horse staff, that the yellow line is a no-passing line. She spoke against moving the shack to the center of the road and then to be possibly followed as well; she thinks it intimidates public traffic. She suggested the City take over those private roads and provide parking for those who want to access trails into the Haskill Creek Area. She handed a printout of an article to the Council entitled “Know Your Rights: Street Harassment and the Law” (appended to the packet).

Turner Askew, 3 Ridgcrest Court, said he is a next door neighbor to Iron Horse. He said he is on the Homeowners Association for Suncrest and they work closely with the Iron Horse HOA, they have been great to work with. He spoke in support of the HOA's proposal. He said he attended the Planning Board's public hearing on this issue and many comments made during that hearing were just not true. To clarify – the No Parking and Do No Enter signs that are posted are at the boundary line

between Iron Horse and Stoltze Lands. The current HOA is comprised of local people now who are trying to do what is best for their community and the city; they need to solve a speeding problem.

Tom Cowan, 153 Ridgeview Drive in Kalispell, and is the Civil Engineer and Consultant for Iron Horse on this project. He agrees with others who have previously spoken in support of this project, it is a safety issue. He said he has been involved with this development from its beginning, it was first called Kinnikinnik, and he said that intersection should have been better designed from the beginning but the current impact was unknown at that time. They have considered the options, they need to control speeds down to 20-25 mph. The placement of the proposed median and shack best fits the topography, road line and sight distances and traffic controls.

Ken Stein, 44 Fairway View, spoke in support of the project. He travels that road often and has never been stopped by anyone. He asked the Council to approve it.

Nan Askew, 3 Ridgecrest Court, spoke in favor of the HOA's proposal. She said walking on the paths in Iron Horse is a privilege not to be taken for granted, and those who walk them can appreciate spectacular views. There is parking at the base of the trails on Wisconsin Avenue. The information center is staffed with greeters, one of them is Laura who greets walkers and their dogs by name, and warns them if there is bear in the area. The HOA's proposal is to address their safety concerns, which she thanks them for. She said she goes up there all the time and has never been followed.

Laurie DeShazer, said she lives in Columbia Falls and has been the guard at Iron Horse for 15 years. She said they greet visitors and moving the guard house will make it safer for everyone.

Paul McCann, 340 Somers Avenue, asked for clarification about whether there was any parking on the roads. Andy Moshier said no one, not even the residents, can park on the roads.

Scott Elden, Montana Creative, spoke in support of the proposal, and said the phrase "closing to public access" does not appear to be the intent here. If it is a concern of the Council's that the appearance of a building might be intimidating or give the public the perception that they are closing to public access – leave it up to Architectural Review to make sure that doesn't happen.

Jeff Bayer, 157 S. Shooting Star Circle, and on the Board of Directors of the HOA. The Board's direction to Laurie on a regular basis is - do not hassle people, do not follow them, the information shack is just that – it is there to give out information. Currently there are 15 houses under construction within the development and that means hundreds of contractors, and building supplies, and along with residents and visitors – there is a speed problem and this proposal is their solution to maintain safety. The building on the side and the standards placed in the middle have helped a little but not enough. He asked for Council's support on this proposal.

Mayor Muhlfeld closed the Public Hearing and turned the matter over to the Council for their consideration.

The Council and the Mayor had several questions for Tom Cowan and Andy Moshier regarding options, travel lanes, passing lanes, parking, architectural design, rerouting golf carts, traffic calming devices, staffing of the information center, intent of the project – is it really just a safety issue, traffic management? Will the proposal accomplish their goals? What about bicyclists riding downhill at high speeds riding shoulder to shoulder?

Councilor Hildner made a motion to not approve the changes to the Iron Horse entrance and adopt the Findings of Fact in staff report WPP 97-01A, as recommended by the Whitefish Planning Board. The motion died for a lack of a second.

Councilor Anderson made a motion, second by Councilor Barberis, to postpone and table to the first meeting in April, 2015. The motion passed on a vote of 4 to 2; Councilors Frandsen and Hildner voting in opposition.

Mayor Muhlfeld called for a recess from 9:05 p.m. to 9:20 p.m.

- b) Resolution No. 15-04; A Resolution submitting to the qualified electors of the City of Whitefish, Montana, the question of whether, To protect and preserve water quality and quantity, including the source drinking water supply for the municipal water system of the City of Whitefish, through the acquisition of a conservation easement or other interests in and around Haskill Basin, shall the existing Resort Tax rate be amended from 2% to 3% effective July 1, 2015 and ending on January 31, 2025, with Resort Tax revenues resulting from the 1% rate increase to be used as follows: (i) 25% for property tax relief that is in addition to the existing property tax relief; (ii) 70% to secure and be pledged to the repayment of a loan or a bond to finance a portion of the costs of, or to otherwise pay for, the acquisition of the conservation easement or other interests, except that if such portion of Resort Tax revenues received in a fiscal year is more than is needed in that fiscal year for such loan or bond, the excess will be applied to additional property tax relief in the next fiscal year; and (iii) 5% for merchants' costs of administration. (p. 144) (CD 1:48:56)**

Mayor Muhlfeld read the proposed resolution. City Manager Stearns gave an overview of his staff report that included background and history of this project. City officials have had discussions back to at least 2009, and likely before then, with the F.H. Stoltze Land and Lumber Company (FHSLLC) regarding ways to preserve their timberlands in the Haskill Basin watershed for our water supply and for their timber management purposes. The outcome was a proposed conservation easement from FHSLLC; but the cost for the city to purchase an easement on as much as 3,024 acres of land was large, seemingly unattainable. The Trust for Public Land (TPL) became interested in this project in 2013 as they had recent success in efforts at protecting timberlands in the Swan/Blackfoot area and in Lincoln County. The proposed resolution is a culmination of the process of TPL negotiating with FHSLLC for the public purchase of a conservation easement; followed by TPL administering a feasibility study for amassing funds to complete the transaction. TPL negotiated an option for the purchase of a Conservation Easement for a net estimated cost of \$17,000,000.00 for 3,024 acres. Through cooperative efforts TPL and the Montana Department of Fish, Wildlife, and Parks, \$9 million in grants have been secured; leaving an estimated \$8 million of the total \$17 million cost remaining to be funded in the local area of Whitefish. TPL presented their findings for local funding options at the September 15, 2014 City Council Meeting. A copy of their report is included in tonight's Council Packet. The option expires December 31, 2015. There have been several workshops and public meetings on this subject. The Council and TPL again met in a work session on February 2nd, regarding funding options, and at the end of the February 2, 2015 regular City Council meeting the Council directed staff to bring forward a resolution calling for a special election on April 28th to ask the voters to increase the Resort Tax by one percentage point to help with the funding of this Conservation Easement to preserve water quality and water supply in the Haskill Basin watershed, for their consideration. Other

WHITEFISH CITY COUNCIL MINUTES

April 6, 2015

7:10 P.M.

1. CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Barberis, Frandsen, Hildner, Feury. Absent were Anderson and Sweeney. City Staff present were City Manager Stearns, Assistant City Clerk Woodbeck, City Attorney VanBuskirk, Finance Director Smith, Planning and Building Director Taylor, Interim Public Works Director Hilding, Parks and Recreation Director Butts, Interim Fire Chief Page, Police Chief Dial, Senior Planner Compton-Ring and Planner II Minnich. Approximately 25 people were in the audience.

2. PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Hunter Homes to lead the audience in the Pledge of Allegiance.

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

Judy Hesslund, W. 7th Street, said with the 7th Street project she would like the bike path smaller and less street lights if they have to have them. Judy said in the current Growth Policy it says to try and keep the character of the neighborhood. Judy said from Geddes west the parcels are from ½ to 3 acres in size and she would like for them to tone it down a bit to keep the character.

Doug Hegland, 459 S. Karrow Estate, said he lives directly behind the property at 447 Karrow Avenue. He said he is against any zone change. He feels with the 1.18 acre lot they could put in a duplex so why add 4 additional houses as it is too much density. There is also a lot of drainage from the golf course that goes through the property on where they want to put a house.

Brian Schott, 708 Lupfer Avenue, said on the 7th Street project he is against the one-way off of 7th Street to O'Brien Ave. He feels this would create other hazards in the neighborhood with the traffic being rerouted.

Rebecca Norton, 530 Scott Avenue, said she wanted to make a correction in the minutes when she spoke on the Iron Horse Gate. It said that she was in favor of making all the roads public but she wanted to clarify that it came from the conditions that were approved by the planning board.

Matt Lawrence, 504 W 4th Street, said he is here to speak on the 447 Karrow project for a subdivision. This development does meet the zoning however the density does not fit this area. He believes it is a zoning issue that needs to be addressed. He feels they are doing the minimal impact but still not right for this area. With the river running through the property the high water line is really high and does not permit building on the lot. Matt said he would not recommend this subdivision in this area because of the fabric of the neighborhood and the surrounding homes. He would recommend that the developer take the notes from the planning department and consult experts on the water issue on Lot 4. They offered the developer on making this an open space lot to be shared by the other 4 homes.

Jim called for the question. In favor of the motion to deny the project (2-5) (Richard, Ken S., Melissa, Jim and Ken M voting in opposition).

BOARD DISCUSSION

Ken S. made a motion to approve WCUP 14-11 along with Findings of Fact and the 20 Conditions as presented. Melissa seconded. Ken S. made an amendment to Condition No. 11 that City staff and the applicant work together to review the landscaping to retain the proposed 15 spaces on the west side of the parking lot and include 5' landscaping areas within the parking lot. John E. seconded. Ken S. reminded the Board that they are an advisory board and thinks it's appropriate to pass baton to other groups who have more expertise. Unanimous vote in favor of amendment.

Richard said when this goes to the ARC, some of the historic elements will receive a great deal of scrutiny and the franchising issue, and exactly what will be located inside and who it will be controlled or operated by, will be major concerns that will be well addressed by the Council. Melissa suggested adding a Condition about residential permits, but Wendy said only group who can restrict parking is Council, but that could be added to her staff report, and Ken M. would also like the Council to look at the rooftop patio issue as he has heard people complain about the noise from Casey's.

VOTE

Ken M. called for question on motion. The motion passed with five voting in favor (Richard, Ken S. Melissa, Jim and Ken M.), and two opposed (Rebecca and John). The matter is scheduled to go before the Council on February 2, 2015.

**PUBLIC HEARING 1:
IRON HORSE
HOMEOWNERS'
ASSOCIATION
REQUEST TO
RECONFIGURE THE
ENTRYWAY
STAFF REPORT
WPP-97-01A
(Compton-Ring)**

A request by the Iron Horse Homeowners' Association to reconfigure the entryway by installing a center landscape median that will include a single story welcome center. The project will be located on Iron Horse Drive in the vicinity of the existing guard house which will be removed.

Senior Planner Compton-Ring reviewed her staff report and findings. They are asking to reconfigure the entryway, not gate it, so it does meet the requirements of the Engineering Standards and Subdivision regulations that prohibit gating. The Neighborhood Plan, approved in 1996, and the PUD of Phase II, say the roads will be privately owned and maintained but will be open to the public with the same rights of usage as owners and residents.

Staff recommended the Planning Board recommend to the Council to **not approve** the request to develop a welcome center in the center of Iron Horse Drive. If the Planning Board or Council disagrees, Findings of Fact No. 6 will need to be changed within staff report WPP-97-01A.

**BOARD QUESTIONS
OF STAFF**

Richard asked whether the proposed spot for the welcome center is level and Wendy said yes, it is the flattest spot.

Melissa asked how many letters Wendy said she sent out and Wendy said all residents and within 300' of the subdivision, so about 450 notices.

Jim asked if it will it be staffed and Wendy said that would be a good question for HOA/applicant. Melissa asked about year-round occupancy versus vacation homes and Wendy again said good question for the HOA/applicant.

**APPLICANT /
AGENCIES**

Andrew Moshier, 132 Woodlandstar Circle, President of Iron Horse HOA said the Iron Horse Golf Club was turned over to the residents in 2008 and the HOA wasn't turned over until 2011. At that time the HOA talked to the security staff and told them the roads were open for public access, and to be nice and friendly to everyone. They don't want a gate and they don't feel they could even handle a gate. Iron Horse has 314 homes and all the residents go in and out of one road. They want to reconfigure this area to minimize the traffic problems and maximize the safety issue. There are 15 homes under construction, and there is a lot of traffic with golf equipment crossing, cyclers, hikers, walkers with dogs, etc. They are trying to slow people down and improve line of sight. They want to have signage at the entrance that's welcoming, but reminds people to drive slowly.

John asked if the golf cart path would still go across the road and Andrew said yes, but would be moved further uphill for a better line of sight. Rebecca said she thought Iron Horse was the only subdivision that has a guard and asked why. Andrew said it started during construction and the "guard" spends about half their time in the guard station and half the time driving around, or helping with questions or emergencies. Residents rely on that person for many different situations.

Richard asked about the proposed location of the golf cart crossing and Andrew showed the difference between the current and proposed. Richard asked if the welcome center would have non-reflective glass, and Andrew said it wouldn't be mirrored. Richard liked the island to address getting traffic to slow down,

but thought the golf cart crossing should go through island, and Andrews said that was considered, but they felt it was better where proposed for better line of site.

Melissa asked percentage of folks who live there fulltime and Michele Irelan from Iron Horse said there are 23 full-time residents. Melissa asked about the security person maybe having an office somewhere else instead of a welcome center. Andrew answered the area is flat and there are utilities there.

PUBLIC COMMENT

Nan Askew, 3 Ridgecrest Court, Suncrest Subdivision, said Iron Horse is the best neighbors you could ever have, and she feels the Board should help them out.

Turner Askew, 3 Ridgecrest Court, thought the welcome center would be fine in the middle of the road, and feels Iron Horse is a wonderful neighbor.

Judah Gersh, 166 South Shooting Star Circle, felt this should be viewed as an information booth, rather than a security station. The security staff act more like a neighborhood assistant, even jump starting cars. He estimated there are probably ten houses under construction at any time so an information/direction giving person is needed for contractors and subcontractors. No "For Sale" signs are allowed in Iron Horse so information person helps with issues like that, and GPS doesn't work well in Iron Horse. He feels staff is being overly sensitive.

Rhonda Fitzgerald, 412 Lupfer Avenue, spoke and said she was involved at the time, and that the development was very controversial in the community and a lot of negotiation was required. She feels guard shack could have gone away following the initial, major construction, should have gone away and that it is perceived as meant to deter public use. She thinks the road should be rebuilt but doesn't feel a building needs to be included as a welcome center.

Ken M. said he went up there last summer to hike and tried to access Haskill, and found signs that say your vehicle will be towed away if you park there. The group he was with felt the signs were made to make people feel unwelcome, and they also felt that way when they talked to the security staff.

MOTION

Rebecca made a motion to adopt staff report WPP-97-01A which would deny Iron Horse their request to develop a welcome center in the center of Iron Horse Drive; Melissa seconded.

BOARD DISCUSSION

Rebecca understands that people who live up there have beautiful houses and want a lot of privacy, and feels this is a great place to walk. She felt if the true intention of the applicants is to do traffic management, they could have a reception area or front office, but not a guard house/welcome center. Melissa felt this is a really big change versus some of the issues the board has addressed. Ken S. said not very many subdivisions would be able to staff an information center or welcome center, and was against the motion as presented. He asked if the HOA can they come back with another plan, and Wendy said yes.

VOTE

The motion passed by a vote of four (Richard, Melissa, Rebecca, Ken M.) to three (Ken S., Jim and John). The matter is scheduled to go before the Council on February 17, 2015.

**PUBLIC HEARING 2
(on agenda but moved to
3 at meeting): REVIEW
OF DOWNTOWN
MASTER PLAN**

A request by the City of Whitefish for review of the updated Downtown Master Plan. The Downtown Plan is a portion of the Whitefish City-County Growth Policy.

Jim wanted to know why the Board is reviewing this Plan as he went to the meeting last night and doesn't feel this Plan is finished, but rather still a work in progress. Wendy said the Planning Board passed the Downtown Master Plan in the fall of 2013, but because there are a lot of new Board members, this was really a courtesy review before the Plan goes to the Council on February 17th. John suggested the audience be polled to see how many are here for the Downtown Master Plan and how many for the Highway 93 Corridor Plan. No one was here for the Downtown Master Plan, so Richard made a motion that we consider the 93 West Corridor Plan ahead of the Downtown Master Plan on the agenda. John seconded, and the vote was unanimous.

**PUBLIC HEARING 3
(on agenda but moved to
2 at meeting): REVIEW
OF THE HIGHWAY 93
WEST CORRIDOR
PLAN**

A request by the City of Whitefish to review the Highway 93 West Corridor Plan as a new neighborhood plan for the Whitefish City-County Growth Policy.

**STAFF REPORT
WGPA 15-02
(Taylor)**

Staff recommended adoption of the findings of fact within staff report WGPA 15-02 and for **approval** to the Whitefish City Council.

**APPLICANT /
AGENCIES**

Bruce Lutz, Sitescape Associates, introduced Nick Kaufman, land use planner with WGM Group and Kate Dinsmore, who helped with landscape and mapping portion. There was also a Steering Committee chaired by Doug Reed, which included three of the

RESOLUTION NO. 14-48

A Resolution of the City Council of the City of Whitefish, Montana, to establish City policy on gated communities within the City limits and amending the City of Whitefish Engineering Standards to address City policy on gated communities.

WHEREAS, the City of Whitefish is a charter city with self-government powers under Article XI, Montana Constitution, authorizing the City to exercise any power not expressly prohibited by the constitution, law or charter; and

WHEREAS, by MCA §7-1-4123, the Whitefish City Council has the legislative authority to enact resolutions required to secure and promote the general public health, safety and welfare, and;

WHEREAS, in the interests of identifying community goals and objectives and securing the public health, safety and welfare, the Whitefish City Council initiated the City's efforts in an extensive public process to develop the community's growth policy; and

WHEREAS, in their development of the 2007 Whitefish City-County Growth Policy ("Growth Policy"), community members participated in over 32 public work sessions, 16 public visioning format sessions, and additional hearings before the Planning Board and City Council, and identified key themes that the citizens of Whitefish value and will strive to maintain the community's scale, character, and small town feel, traditional neighborhoods, and the social and economic diversity of the community; and

WHEREAS, during the 2007 public outreach and visioning to create the Growth Policy, Whitefish citizens expressed their sentiments that there be no gated communities in Whitefish and identified gated communities and subdivisions a problem and a threat to Whitefish's small town feel and neighborhood character; and

WHEREAS, the 2007 Whitefish City-County Growth Policy was adopted by the City Council by Resolution No. 07-57; and

WHEREAS, following the Whitefish citizens' expression of community goals and objectives and their desire for the continuation of the small town feel and neighborhood character of Whitefish through land use and transportation planning in the continuity of streets and traditional grid street pattern, the City of Whitefish Engineering Standards, Whitefish Transportation Plan, and City Subdivision regulations were developed to strongly encourage the continuity of streets and use of traditional grid street patterns, discourage dead-end streets, and restrict cul-de-sacs to extraordinary circumstances. Whitefish City Code §12-4-14(E) expressly prohibits the use of gates to subdivisions or other residential neighborhoods, as well as features that give the impression to the public of a gated neighborhood; and

WHEREAS, at the September 2, 2014 public work session, the City Council discussed the City's current policy to prohibit gated communities and gated

development within the City, public policy issues created by segregating neighborhoods from the community of Whitefish, public safety issues for emergency services in response to fire and emergency evacuation, access, turning radius for dead-end roads, half streets, and cul-de-sacs, and the temporary gates permitted to be installed by the City for a limited time due to Highway 93 West construction; and

WHEREAS, the City may address by Resolution public policy concerns of the Whitefish community and enact the City policy to prohibit gated communities and developments within the City limits as follows:

Gates. No subdivision or other residential neighborhood shall gate its streets off from public access. No features, temporary or otherwise shall give the impression to the public of a gated neighborhood.

; and

WHEREAS, an amendment to the Whitefish Engineering Standards has been proposed to address City policy on gated communities because the City Engineering Standards establish the minimum requirements for construction and/or upgrading of facilities both in the private right-of-way and private development. The City's policy on gated communities has been identified as an amendment to the City Engineering Standards as follows:

Gates. No subdivision or other residential neighborhood shall gate its streets off from public access. No features, temporary or otherwise shall give the impression to the public of a gated neighborhood.

; and

WHEREAS, at a lawfully noticed public hearing on October 6, 2014, the Whitefish City Council reviewed the staff report and received an oral report from City staff, invited public comment and determined the City policy prohibiting gated communities and the amendment to City Engineering Standards as reasonable; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt the City policy prohibiting gated communities within the City of Whitefish and the proposed amendment to Section 8.1 of the City Engineering Standards consistent with City subdivision regulations.

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 of Whitefish establishes as City policy that there will be no gated community and no new permanent gate is permitted within City limits as follows:

No subdivision or other residential neighborhood shall gate its streets off

from public access. No features, temporary or otherwise shall give the impression to the public of a gated neighborhood.

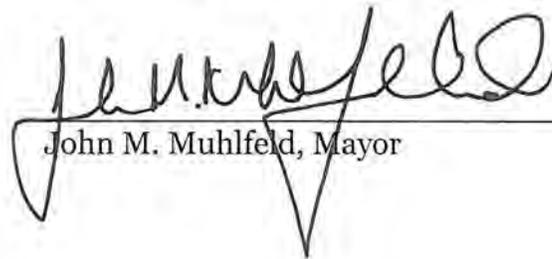
Section 3: Section 8.1, Roadways and Walkways, of the City of Whitefish Engineering Standards is amended to add the City's prohibition of the use of gates to create a gated community or development within the City, as follows:

Gates. No subdivision or other residential neighborhood shall gate its streets off from public access. No features, temporary or otherwise shall give the impression to the public of a gated neighborhood.

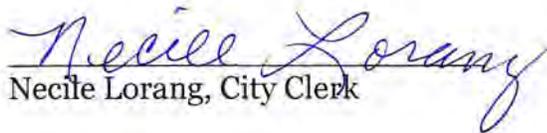
Section 4: This Resolution shall not be construed to have a retroactive effect on existing permanent gates installed prior to the effective date of this Resolution.

Section 5: 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 6TH DAY OF OCTOBER, 2014.


John M. Muhlfeld, Mayor

ATTEST:


Necile Lorang, City Clerk

28 April, 2015

Honorable Mayor and City Council of Whitefish

Thank you for taking the time during the February 17th City Council meeting to review our proposal for the Iron Horse Community. We laid out the many safety concerns we have with our intersection improvement and traffic calming project at Iron Horse Drive and Silverberry Lane and we believe you understand them. We also heard your concerns and have worked hard with Montana Creative and the City Planning Staff to address them. We believe the modified design that we present to you this evening does so. In particular;

1. You were concerned that placing the Welcome Station in the median might 'give the impression to the public of a gated community.' We do not want this impression either, and have since developed a comprehensive design including an extended heavily landscaped median that hides and de-emphasizes the building for incoming traffic. This plan removes the current security building and parking. The new Welcome Station set back from the roadway will be signed – 'Welcome, and Community Assistance' and will be situated and designed to be inviting and hospitable.

2. You felt that pedestrian cross traffic to a visitor parking area on the right hand side presented a safety hazard. We have narrowed the incoming roads to single lane, widened the median, and moved the visitor parking area to directly behind and next to the Welcome Station. The cart trail, pedestrian crossing and road intersections are now organized into a safer and more cohesive, orderly design.

3. We have improved upon and included several standardly recognized traffic calming measures into the overall design and into the roadway details.

The quality of construction materials and landscaping in the Iron Horse Community is of the highest quality, and the new Welcome Station and median will enjoy the same. They will clearly be an aesthetic improvement over the current structure, and will emphasize a non-gated entryway.

We hope you concur with us that this revised plan addresses your concerns. We ask for your approval of this revised plan to allow us to proceed with Architectural Review.

Best Regards ----

Andrew Moshier, President, Iron Horse Homeowners Association



Whitefish Planning Department,
Wendy Compton- Ring and David Taylor,

Please review these design and support materials for consideration to the ongoing Iron Horse traffic calming project and PUD amendment proposal before the Whitefish City Council.

The Iron Horse Home Owners Association has tasked Montana Creative Architecture and Design to provide an effective, code compliant and cost efficient design solution to:

- Provide a variety of traffic calming measures to resolve safety and speed issues at this location,
- Consolidate the intersections at Iron Horse Drive, cart path, and Silverberry Road,
- Remove the original construction security building and parking and instead provide an inviting, integrated Welcome Station.

A traffic engineer was engaged and new design iterations were generated. Ideas were shared in meetings with the city planning staff, engineering staff, fire marshal and Home Owners Association to develop the highest and best solution.

You will see in the attached schematic site plan a comprehensive design that:

- Uses a new center island narrowing and division to divide the road way to two single lanes and one way traffic while meeting fire department requirements.
- Places roadway over the previous disturbed construction security building and parking area,
- Builds a new Iron Horse Welcome Station.
- Maintains existing road grade for fire and public access,
- Consolidates 4 access and crossing points to one organized intersection.
- Utilizes standardized and generally accepted traffic calming methods.
- Preserves large existing trees and features.

Outgoing downhill speed tends to be the issue of concern for the neighborhood. Traffic calming methods employed in this design include:

- Realigned & Consolidated Intersection

- Center Island Road Way Narrowing to single lane & one way
- Bulb-out and Spillway at cart path
- Intersection Neck Down
- Chicane in both lanes
- Organized Roadway Signage (see site plan for key)

Schematic Design and Support Materials include:

Schematic Site Plan

Welcome Station elevation and perspectives

Abelin Traffic engineering Services letter

City of Whitefish Fire Department letter.

Exerpt from city of Whitefish Resolutions regarding Gated Communities.

General notes:

Compliant to Whitefish City Code 12-4-14 (E), there is no gate in this design. Furthermore, please understand a previous design relied heavily on the building and staff to provide the traffic calming requested.

This design provides abundant trees and inviting landscape on an extended island dividing the roadway. The Welcome Station building is set back from both sides of the road edge, and has a porch, chairs and convenient paralleled parking for residents and guests alike. The line of site from the Welcome Station Building and staff office to on coming down hill vehicle and cyclist traffic is maintained to further insure driver awareness of people and activities in this area.

This new design resolves the many issues and calms traffic in many ways as outlined. The design now truly evokes an impression of welcome and order improving upon the current conditions, the previous design, and avoids any impression to the public of a gated neighborhood as also outlined in code 12-4-14 (E).

Fire Department Compliance:

As shown in the design, the Fire Department would accept a minimum road width of 14 feet on each segment of the one-way as shown. The allowable grade of the lanes in this segment cannot exceed 9%. These lanes will have to be maintained year around to the full width. The design provides that snow banks have room to form off asphalt and not on the shoulder. Plowed snow will not be allowed to narrow the road to less than 14 feet. In addition, both sides of each one-way segment are to be signed, *No Parking Fire Lane*, in accordance with IFC, 2012, Edition, D103.6 (sign type “D” to be used with the addition verbiage or symbol stating “ tow away zone”). A fire hydrant is located within 50 feet of the Welcome Center & Parking Area.

Wendy and David, Please endorse this new plan for approval to the amendment to the PUD under City Council consideration.

With approval these schematics will be developed into completed civil, architectural, and landscape construction documents for typical submittal to the City for compliance and permitting.

Thank you for your consideration.

Scott Elden,

Montana Creative Architecture and Design, 158 Railway, 406 862 8152, and on behalf of, the Iron Horse Home Owners Association.



April 21, 2015

Scott Elden
Montana Creative Architecture + Design
158 Railway Street
Whitefish, MT 59937

RE: Iron Horse Traffic Calming Review

Dear Scott,

Thank you for providing your proposed traffic calming plan for the Iron Horse entry intersection. It is my understanding that you are trying to provide modifications to this section of Iron Horse Road to improve the intersection and surrounding road crossings while also providing a variety of traffic calming techniques to slow vehicle traffic through this area. Based on the designs you provided I believe that you have developed an improvement to the intersection configuration which should accomplish added traffic calming on this portion of the roadway. The specific traffic calming measures employed in your proposed design are as follows:

- Entryway Treatment – Entry treatment that communicates a sense of neighborhood identity and a change of traffic conditions.
- Neckdown/Curb Bulbs – Physical curb reduction of road width at an intersection.
- Mid-Block Median – Island or barrier in the center of a street that narrows lanes and segregates traffic.
- Chicanes – Offset curb extensions and roadway curves that cause deviation in the path of travel.

More specific information about these traffic calming techniques can be found in the *Kalispell Area Transportation Plan*.

Along with these specific traffic calming measures, the design also includes features which physically narrow the view corridor with landscape trees, on-street parking, and a welcome station. While these measures alone are not considered specific traffic calming techniques, when used in conjunction with medians, chicanes, and entry treatments, they have the ability to enhance the effectiveness of other traffic calming devices.

It is my belief that the design as proposed should function as intended and should effectively bring down vehicle speeds along this section of Iron Horse Road. It should be noted that even the best traffic calming devices may not have significant influences outside of the area in which they are located but do have the ability to address concerns at specific locations. If you have any other questions or concerns please contact me at 406-459-1443.

Sincerely,

Bob Abelin, P.E. PTOE
Abelin Traffic Services

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

Subject: Iron Horse traffic calming V-2
Date: Wednesday, April 22, 2015 9:15:06 AM MT
From: Tom Kennelly
To: 'Scott Elden'
CC: 'Joe Page', 'Wendy', 'Karin Hilding'

Scott,

As we discussed with regards to Iron Horse's proposed traffic calming purposed project, the Fire Department would accept a minimum road width of 14 feet on each segment of the one-way as should on V-2 . The allowable grade of the lanes in this segment cannot exceed 9%. These lanes will have to be maintained year around to the full width. The design should be such that snow banks have room to form off asphalt and not on the shoulder. Plowed snow cannot be allowed to narrow the road to less than 14 feet. In addition, both sides of each one-way segment are to be signed, *No Parking Fire Lane*, in accordance with IFC, 2012, Edition, D103.6 (sign type "D" to be used with the addition verbiage or symbol stating " tow away zone"). We will also require a fire hydrant to be located within 50 feet of the "welcome Center/Parking Area".

Tom Kennelly

Fire Marshal
City of Whitefish Fire Department
Office 406-863-2481
Fax 406-863-2499
tkennelly@cityofwhitefish.org

Iron Horse Intersection & Traffic Calming Project Schematic

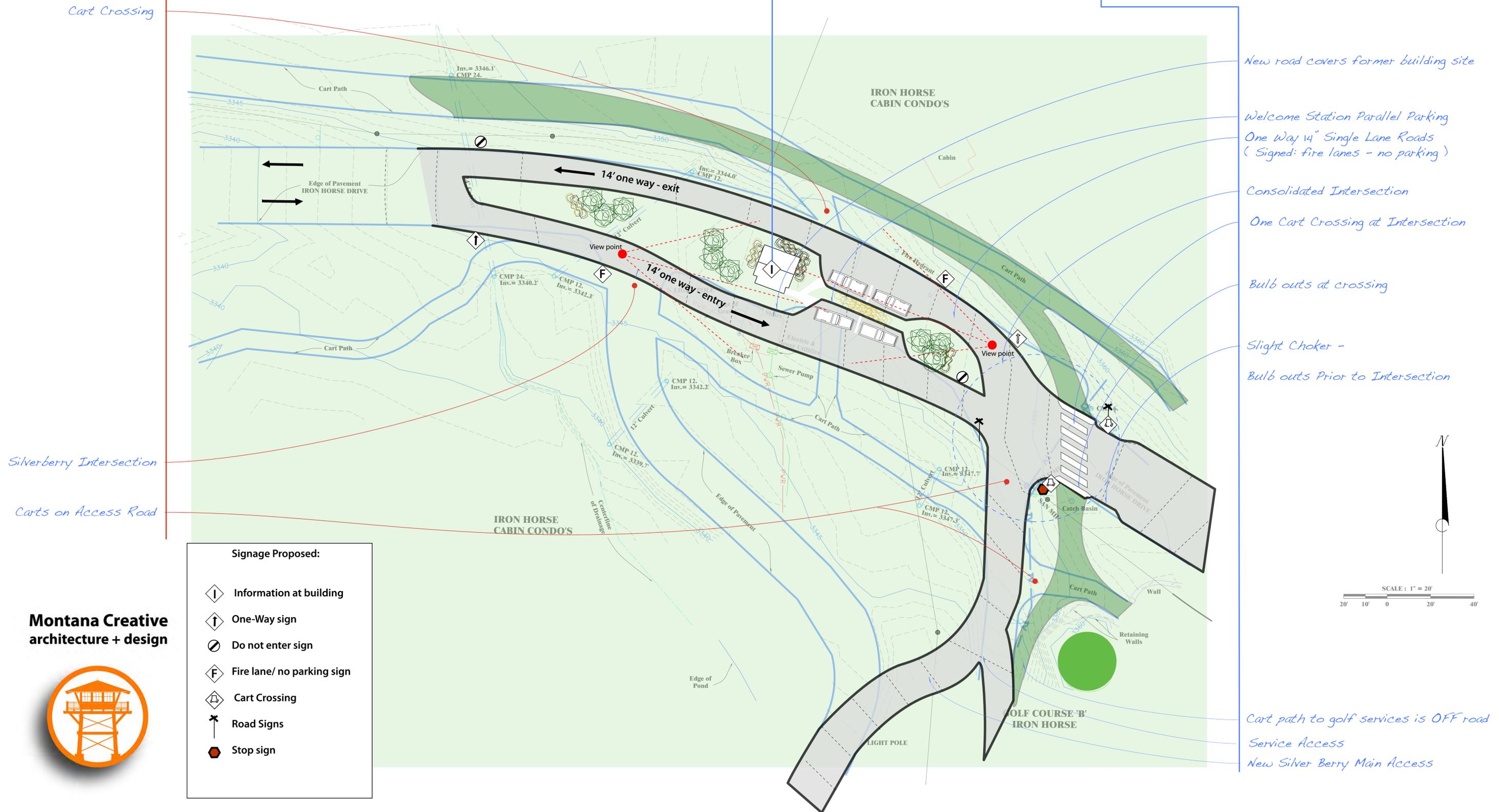
Multiple Intersections are Removed

This Plan:

- Uses a new center island narrowing Land Division to narrow entry to single lanes and one way traffic.
- Places roadway over the previous disturbed parking and building site.
- Builds a new Iron Horse Welcome Station.
- Maintains existing road grade.

Traffic Calming Measures:

- Intersection is Realigned & Consolidated
- Center Island Narrowing - single lane & one way
- Bulb out - Spillway at cart path
- Intersection Neckdown
- Chicane in both lanes

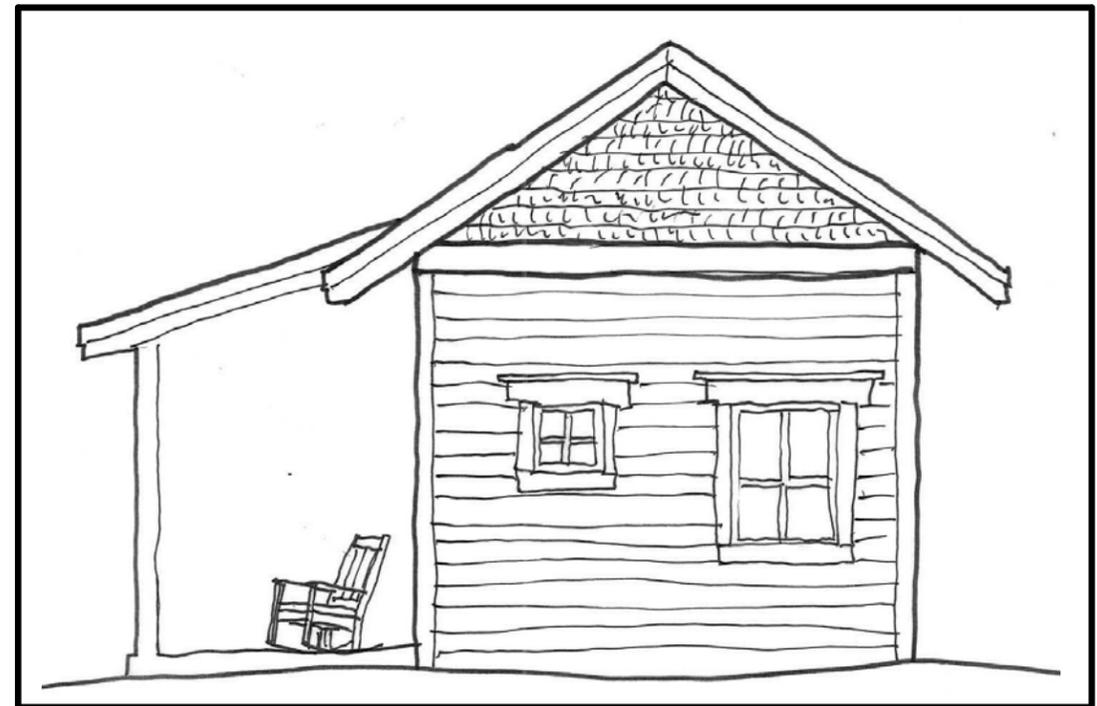
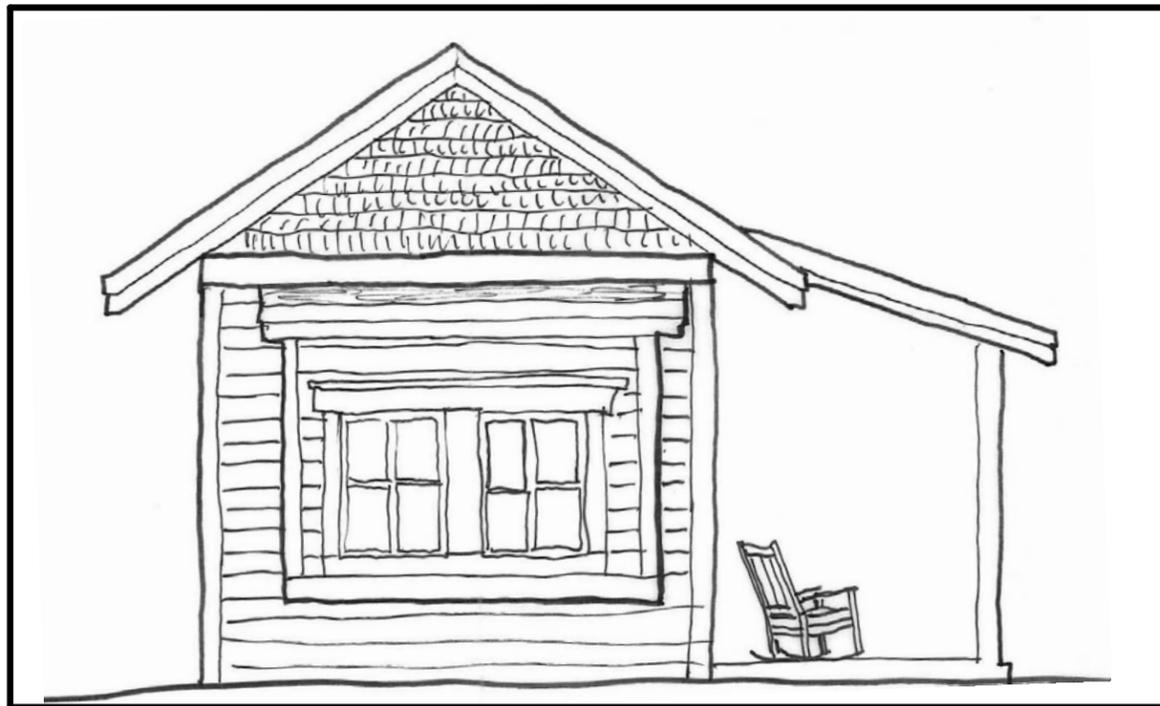




UPHILL VIEW



DOWNHILL VIEW



IRON HORSE INFORMATION BUILDING

PERSPECTIVES AND ELEVATIONS



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



Date: January 8, 2014
To: Honorable Mayor and Council
C: Whitefish Planning Board; Iron Horse HOA
From: Wendy Compton-Ring, AICP, Senior Planner
Subject: Iron Horse Entrance Changes; WPP 97-01A

Request:

The Iron Horse Homeowners' Association (HOA) would like to remove their guardhouse, located along the south side of Iron Horse Drive, and replace it with a welcome center in a center of the road landscaped median in Iron Horse Drive near the current guardhouse. As part of this project, the HOA will consolidate two roads on the south side of Iron Horse Drive into one road uphill and east of the welcome center, provide three parallel parking spaces along the south side of Iron Horse Drive and complete some utility work associated with the new structure.



The landscaped median will be approximately 19-foot wide and approximately 80-feet long. The median will have 20-foot paved clearance on each side of the structure for emergency services access. The structure itself will be a 400 square foot single story building with a design that compliments the structures within the neighborhood.



According to the letter from the HOA, the purpose of the request is to:

- 1) Provide traffic calming in an area with a number of activities occurring including vehicles, pedestrians, bicyclists and golf carts; and
- 2) Complete the entrance into the neighborhood in an aesthetically pleasing manner.

Applicable Whitefish Regulations:

§12-3-13B of the Whitefish Subdivision regulations identify when a subdivision needs to be re-reviewed through the public hearing process. Subsection (3) identifies 'significant and material changes' as one of the thresholds. The subdivision administrator determined the proposed change to the entrance of Iron Horse is a 'significant and material change' warranting public review through the public hearing process.

The HOA is not currently proposing to gate the subdivision, but will continue to maintain the roads as open to the public; therefore, this request is in compliance with the no gating standards found in the subdivision regulations (§12-4-14E) and the engineering standards (§1.3 and 1.5, adopted by Resolution 14-46).

Background – planning and permitting:

There was considerable planning and public review of the Iron Horse neighborhood – mostly in the late-1990s. The project was a complicated series of neighborhood plans (and amendments), rezones, annexations, planned unit development permits and preliminary plats. After review of the boxes of files, the following is a summary of the applicable approvals related to the roads and access:

Iron Horse Neighborhood Plan.

Iron Horse Neighborhood Plan (file #91-1B) was approved by the Whitefish City Council by Resolution 96-34 on September 16, 1996¹. The Transportation Chapter (§IV.B.5.) states that the roads will be privately owned and maintained but 'open to public use.'

Iron Horse Preliminary Plat/Planned Unit Development – Phase II.

This preliminary plat/planned unit development approval (WPP 97-01) included all the residential components of the Iron Horse neighborhood, with the exception of the condominium/cabins in the golf course area which has its own approval. Phase II was approved by the Whitefish City Council on July 21, 1997 subject to a number of conditions of approval, including the following pertinent condition:

Condition #20 states: "All streets in the project will be built by the developer to City of Whitefish standards with a 60-foot right-of-way, and will be private, and will be open to public use. Public use means that the general public will have the same rights of usage as owners and residents of the project. The HOA shall be responsible for providing maintenance, repairs and depreciation for the streets, and for snow removal. The city of

¹ Interestingly, this neighborhood plan and the preliminary plat were also approved by Flathead County, as portion of the subdivision was located in the County. The City and County coordinated review by using the City-County Planning Board and each governing body approved the project.

Whitefish shall have the right to convert the streets to public streets at its discretion and at no cost to the City.” (emphasis added.)

Iron Horse Final Plats – notes.

There are notes on all residential phases of the final plats indicating the roads are open to the public. The note states: “Use of (list of streets within the phase) shall be open to the public in accordance with the Planned Unit Development and subsequent agreements with the City Council.”

Background – guard house:

A guard house was not part of the original neighborhood plan nor was it contemplated during the various phases of the approval. The larger concern during the entire review process was to ensure the roads were open to the public and were not gated off from public use. In review of the files, there was interest originally to have this subdivision be a gated community.

Over the years the guard house has been a source of concern for both the public and the City. According to letters found within the files, the structure has been located in the center of the road and on the side of the road, where it currently is located². It appears the guard house was originally installed to direct contractors to job sites and discourage the public from entering locations with active roadway construction. In fact, in 2000, the Iron Horse developers were before the Council to review a subdivision matter (minutes attached) and the applicant stated the guard house was temporary and would only be in place while the roads and utilities were under construction. There was concern on behalf of the Council that it might be in place for 20 years or more.

However, over the years the guard house has remained and the role of the security staff has evolved into monitoring the coming and going of visitors and providing information to the public. Both the public and the City have encountered security staff stopping vehicles, inquiring as to the driver’s purpose at Iron Horse and, on occasion, being persuaded to leave. There are letters from the City to Iron Horse identifying the staffed guard house as limiting access to the subdivision and causing the roads to not be truly ‘open to the public’. These letters direct Iron Horse to not impede the flow of traffic or discourage the public from entering the subdivision. (These letters are attached.)

Staff has not heard of any recent incidences of people being discouraged from entering the subdivision.

In 2008, prior to the HOA ownership, the developers approached the City to request the guard house be moved to the center of the road. At that time, we discouraged them from pursuing this request as there were some site plan challenges at the selected location that included utilities constraints and the grade of road. Staff made it clear that the change was significant enough to warrant re-review by the Council and public

² It’s unclear from the correspondence whether the City compelled Iron Horse to move the structure to the side of the road or if they moved it on their own.

through the public hearing process. The Iron Horse developer did not pursue this further.

Staff Analysis:

Staff is supportive of the safety measures to calm speeding traffic through the installation of a center landscaped median and the consolidation of roads for safer access to Iron Horse Drive. There is a lot happening in this one area with golf paths, cars, pedestrians, bicyclists and vehicles.

However, staff is concerned with moving the security building to the center of the road. By placing a staffed building in the center of the road, it could be construed as limiting access or be used for that purpose.

The community has a long history of supporting open access to all neighborhoods. Closing off subdivisions by gates or otherwise preventing access is not the kind of community Whitefish has historically wanted.

As currently configured, staff is not in support of this request.

If there was no structure or if the structure itself was located off to the side, near the proposed parallel parking spaces, staff would be less concerned with the proposal, as the public would not feel the need to stop. In addition, the building would be closer to the parallel parking spaces designated for those wishing to obtain more information. By placing the building in the center of the road, it gives the appearance that the roads and the subdivision are not open to the building.

At a minimum, if the location of the building is non-negotiable, the site needs to be well signed welcoming the public and directing them to proceed with caution – no stopping necessary.

Public Comment:

A notice was mailed to adjacent land owners within 300-feet of the Iron Horse subdivision and within the subdivision on December 18, 2014. A notice of the public hearing was published in the *Whitefish Pilot* on December 31, 2014 and notice was sent to Advisory Agencies on December 23, 2014. As of the writing of this report, we received 22 letters – 21 in support and one wondering how the request aligns with the approval for the subdivision.

Recommendation:

Staff recommends the Planning Board recommend to the Council to **not approve** the request to develop a welcome center in the center of Iron Horse Drive:

Staff makes this recommendation based on the following findings of fact:

Finding 1: The preliminary plat/planned unit development was approved by the Council on July 21, 1997. Final plat of the various phases took place over the next four years.

Finding 2: A legal notice was placed in the *Whitefish Pilot* on December 31, 2014, public notice was mailed to property owners within 300-feet of the subdivision and within the subdivision on December 18, 2014 and advisory agencies were noticed on December 23, 2014. As of the writing of this report, 22 letters have been received.

Finding 3: This request does not materially change the approval granted in 2007; therefore, all findings of fact and conditions from the approval will remain in place and unchanged.

Finding 4: Concern over the years has been raised by the public and Council over the guard house and its use to deter public access to the roads.

Finding 5: During the 2006-07 public outreach and visioning to create the Growth Policy, Whitefish citizens expressed their sentiments that there be no gated communities in Whitefish and identified gated communities and subdivisions as a threat to Whitefish's small town feel and neighborhood character.

Finding 6: A staffed structure in the center of the road gives the appearance that the roads are not open to the public and is a deterrent to public use. This is in conflict with the neighborhood plan and the preliminary plat approval condition #20.

However, if Planning Board or Council disagrees with staff, Findings of Fact #6 will need to be changed. In addition, there are other options the Planning Board and Council could consider:

1. *Location of the Building.* If the building itself was located to the side of the road, perhaps near the three parallel parking spaces and not in the center of the road the welcome center would not have the effect of requiring people to stop at the building. As indicated by the applicant, the purpose of the parking spaces is to have a place for one to park and walk over to the welcome center to obtain information. If the parking spaces were next to the information building, people would not have to cross a lane of traffic in order to get to the welcome center.
2. *Signage.* The applicant has indicated they do not want people stopping in the road and causing traffic problems, perhaps if the landscaped median was well signed to direct traffic through this may help with the appearance that the neighborhood is closed to the public.

With either of these design options, staff would recommend the following condition of approval:

1. The applicant shall obtain Architectural Review approval prior to obtaining a building permit. (§11-3-3)

2. Prior to the start of any road work, the applicant shall submit engineering plans to the Public Works Department for review and approval. (Whitefish Engineering Standards, 2009)

Sincerely,

A handwritten signature in black ink that reads "Wendy Compton-Ring". The signature is written in a cursive, flowing style.

Wendy Compton-Ring, AICP
Senior Planner

RESOLUTION NO. 96- 34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ADOPTING AN AMENDMENT TO THE WHITEFISH CITY-COUNTY MASTER PLAN, RELATING TO THE IRON HORSE (KINNIKINNIK) NEIGHBORHOOD PLAN.

WHEREAS, pursuant to Resolution No. 96-3, the City Council of the City of Whitefish adopted a Plan update to the Whitefish City-County Master Plan, known as the Whitefish City-County Master Plan Year 2020; and

WHEREAS, included within the Whitefish City-County Master Plan Year 2020 is the Kinnikinnik Resort Neighborhood Plan; and

WHEREAS, the developer of Kinnikinnik has renamed its proposed development "Iron Horse" and it shall hereafter be referred to as Iron Horse; and

WHEREAS, the developer of Iron Horse has proposed amendments to the Iron Horse Resort Neighborhood Plan; and

WHEREAS, the City-County Planning Board held a public hearing, pursuant to law, on the proposed amendments, and made a recommendation to the Whitefish City Council; and

WHEREAS, the City Council of the City of Whitefish held a public hearing on the proposed amendments; and

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

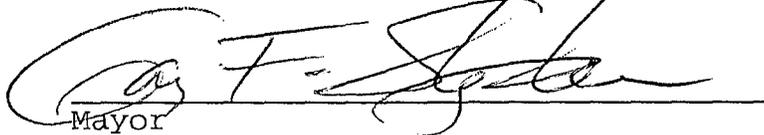
Section 1: That the City Council hereby adopts the Iron Horse Resort Neighborhood Plan No. 91-1B, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2: That with respect to the Iron Horse Resort Neighborhood Plan No. 91-1B, the City Council hereby amends the Whitefish City-County Master Plan Year 2020 Map to designate the area as the Iron Horse Neighborhood Plan.

Section 3: That the City Council hereby adopts findings that an extraordinary change in circumstances warrants the Map amendment; that the Map amendment would substantially conform with the Master Plan overall, that the Map amendment would encourage the most appropriate use of land throughout the planning jurisdiction; and that the amendment would not benefit one or a few property owners to the significant disadvantage of other property owners in the planning jurisdiction. The facts supporting these findings are as follows: circumstances that warrant approval of the proposed Neighborhood Plan and amendments to the Master Plan Map are the reduction of project density, reduced impact on municipal surfaces, a better relationship of the development to site conditions, and

the provision of a significant public-access trail system.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
WHITEFISH, MONTANA, ON THIS 16th DAY OF September, 1996.



Mayor

ATTEST:



City Clerk

4. A third primary access point is encouraged and should be developed in cooperation with adjoining properties located to the north and/or east of the project site.



5. All streets in the project will be built by the developer to City of Whitefish standards with a 60 foot right-of-way and will be private, maintained by the homeowners association, and would be open to public use. The city shall have the right to convert the streets to public streets at its discretion and at no cost to the city. Council policy 96-4 concerning sparsely developed subdivision infrastructure costs shall apply to future road maintenance rate decisions.

6. Murdock Lane to the clubhouse site will be built to a 28 foot paved width with thickened shoulders to inhibit breakup. In addition, two foot wide gravel shoulders shall be constructed on each side.

7. All other streets shall, at a minimum, be constructed to meet City standards.

8. Murdock Lane serves as a Collector Street and the road shall be constructed to not exceed 8% slope.

9. All other local roads shall be designed not to exceed 9% slope.

10. Secondary access right-of-way to serve Ridge Crest Drive shall be provided. A 60' easement is in place for Suncrest First Addition. No additional easements are contemplated.

11. Murdock Lane, as it accesses onto East Lakeshore Drive, shall be designed with three lanes to incorporate left and right turns for traffic exiting Kinnikinnik and one lane for entering traffic. This shall be the responsibility of the developer.

12. The developer shall incorporate into East Lakeshore Drive deceleration lanes onto Murdock Lane as required by the Montana Department of Transportation.

13. As school bus services are not provided within a three mile radius of the schools, a bus stop may not be required on East Lakeshore Drive. However, if bus service is provided, an area well off the paved travel lanes and shoulders of East Lakeshore Drive shall be provided for school age children to wait for school busses.

14. All local roads shall intersect into Murdock Lane as close to a right angle as possible.

15. Every sub-phase of development will be fully and adequately serviced by underground electricity, telephone, CATV, and natural gas utilities. All utility companies have been apprised of the scope of development, and each extension will factor in the long-range development of the entire project.
16. All disturbed areas shall be re-vegetated in accordance with a plan approved by the City of Whitefish. Said plan shall conform to the submitted statement of landscape philosophy. The natural landscape shall be disturbed as little as possible, and where disturbance is necessary, such areas shall be re-vegetated with suitable types of vegetation common to the Flathead and Montana.
17. Fire hydrants shall be installed as approved by the City of Whitefish. Prior to the construction of any residential structures, streets adequate to accommodate fire trucks and hydrants shall be installed.
18. All cul-de-sacs shall be designed with a 110 foot diameter right-of-way with 50 foot radius of improvement. Permanent cul-de-sacs shall be paved improvements, temporary cul-de-sacs shall be gravel all weather surfaces and maintained the same as secondary access roads. The design of temporary cul-de-sacs shall be approved by the City of Whitefish.
19. Annexation of each sub-phase of development shall occur at or prior to filing of Final Plat.
- * 20. All streets in the project will be built by the developer to City of Whitefish standards with a 60 foot right-of-way, and will be private, and will be open to public use. Public use means that the general public will have the same rights of usage as owners and residents of the project. The Homeowners Association shall be responsible for providing maintenance, repairs, and depreciation for the streets, and for snow removal. The City of Whitefish shall have the right to convert the streets to public streets at its discretion and at no cost to the City.
21. Access to the individual phases would be required to be installed in accordance with the Whitefish Subdivision Regulations and provide temporary cul-de-sac turn around areas at the end of the paved roads. Each sub-phase of development shall provide a primary and a secondary or emergency ingress/egress from that phase or sub-phase.
22. The primary access and all internal streets serving a phase or sub-phase shall be paved.
23. The secondary access street serving a phase or sub-phase may be gravel surface, unless it transects or adjoins a previously developed sub-phase, in which case it will be paved.

EXHIBIT

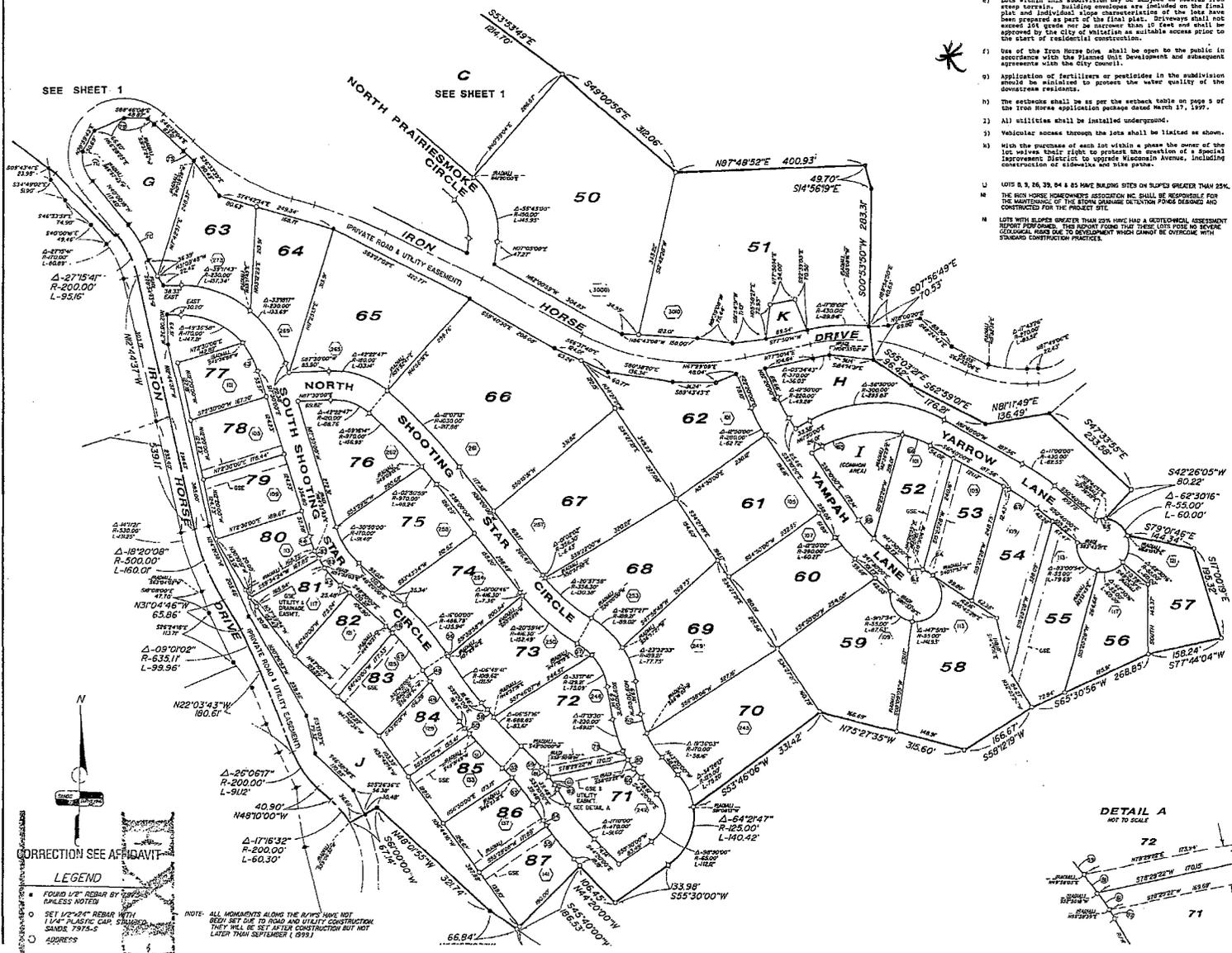
DIV: DANLO SURVEYING, INC.
 1995 THIRD AVENUE EAST
 KALISPELL, MT 59901
 PH: (406) 755-6461

JOB NO: 16872
 DWG NO: 81801
 JOB FILE: 13923

FOR: PAT DONOVAN
 OWNERS: IRON HORSE AT WHITEFISH, LLC

PLAT OF
IRON HORSE, PHASE 2
 A SUBDIVISION
 IN SEC. 13, T.31N., R.22W., PM.,M., FLATHEAD COUNTY,
 MONTANA

SCALE: 1" = 100'
 0' 50' 100'



- According to the preliminary plat conditions of approval, the following statements are to appear on this final plat:
- 1) All house numbers shall be visible from the road, either on the building or at the driveway entrance.
 - 2) Construction shall utilize only Class A or B fire resistant roofing material, as stated by the National Fire Protection Association.
 - 3) Defensible Space fire breaks shall be provided and maintained around each structure, as indicated in Multitask Subdivision Regulations.
 - 4) Cut-in-cases shall be kept unobstructed at all times.
 - 5) Lots within this subdivision may be subject to demands from steep terrain. Building envelopes are indicated on the final plat and individual slope characteristics of the lots have been prepared as part of the final plat. Driveways shall not exceed 30% grade nor 50' maximum runs. Driveways shall be approved by the City of Whitefish at a suitable access prior to the start of residential construction.
 - 6) Use of the Iron Horse drive shall be open to the public in accordance with the Planned Unit Development and subsequent agreements with the City Council.
 - 7) Application of fertilizers or pesticides in the subdivision should be minimized to protect the water quality of the downstream residents.
 - 8) The catchbasin shall be as per the setback table on page 3 of the Iron Horse application package dated March 17, 1997.
 - 9) All utilities shall be installed underground.
 - 10) Vehicular access through the lots shall be limited as shown.
 - 11) With the purchase of each lot within a phase the owner of the lot waives their right to protest the location of a Special Improvement District to upgrade Wisconsin Avenue, including construction of sidewalks and site plans.
 - 12) LOTS 5, 16, 39, 44 & 85 HAVE BUILDING SITES ON SLOPES GREATER THAN 25%.
 - 13) THE HOME OWNERS ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORM DRAINAGE DETENTION POND DESIGNED AND CONSTRUCTED FOR THE PROJECT SITE.
 - 14) LOTS WITH SLOPES GREATER THAN 20% HAVE HAD A GEOTECHNICAL ASSESSMENT REPORT PROVIDED. THIS REPORT FORMS THE BASIS FOR NO SOFT-CLAY, LOGICAL ROAD LAYOUT TO DEVELOPMENT WHICH CANNOT BE OBTAINED WITH STANDARD CONSTRUCTION PRACTICES.

LOT NO.	SIZE (ACRES)	GROSS (ACRES)
1	0.459	0.4513
2	0.616	1.0082
3	0.554	0.3960
4	0.629	1.0012
5	0.824	1.2516
6	0.708	1.1003
7	0.458	0.4580
8	0.512	0.5040
9	0.500	0.6982
10	0.512	0.5120
11	0.620	0.9223
12	0.536	0.5360
13	0.493	0.8852
14	0.556	0.8455
15	0.556	0.9482
16	0.628	1.0204
17	0.568	0.9613
18	0.556	0.9482
19	1.210	1.6824
20	1.621	2.0234
21	1.724	1.7240
22	1.321	1.7238
23	1.100	1.4924
24	1.484	1.8754
25	0.840	1.3224
26	0.516	0.9280
27	0.489	0.7488
28	1.080	1.4824
29	0.489	0.8813
30	0.640	1.0224
31	0.602	0.5943
32	0.374	0.7660
33	0.232	0.7282
34	0.232	0.7282
35	0.240	0.7123
36	0.423	0.8243
37	0.553	0.9453
38	0.484	0.8743
39	0.482	0.8733
40	0.902	1.2954
41	0.423	0.8243
42	0.393	0.7853
43	0.441	0.7793
44	0.441	0.8133
45	0.967	1.3594
46	1.121	1.7124
47	1.045	1.4374
48	1.089	1.4814
49	1.171	2.5624
50	2.401	2.7934
51	0.521	1.0224
52	0.600	1.0224
53	0.722	1.2244
54	0.872	1.2514
55	0.669	1.0214
56	0.702	1.0244
57	1.415	1.8074
58	1.256	1.6584
59	0.984	1.3784
60	1.042	1.4344
61	1.217	1.6074
62	0.855	1.2474
63	0.794	1.1864
64	1.617	2.0094
65	2.510	2.9024
66	1.501	1.8934
67	1.239	1.6274
68	1.318	1.7204
69	1.287	1.6594
70	0.788	1.0580
71	0.917	1.2094
72	0.868	1.2603
73	0.785	1.1773
74	0.930	1.3223
75	0.925	1.2553
76	0.495	0.8873
77	0.525	0.9172
78	0.480	0.8722
79	0.501	0.8953
80	0.484	0.8763
81	0.482	0.8843
82	0.464	0.8563
83	0.498	0.8903
84	0.494	0.8863
TOTAL	72.826	106.959

Common Area A	0.599
Common Area B	1.778
Common Area C	6.180
Common Area D	0.121
Common Area E	0.300
Common Area F	0.914
Common Area G	0.849
Common Area H	1.537
Common Area I	0.201
Common Area J	1.712
Common Area K (wall site)	0.114
	14.921
Private Roads	19.612
	106.959 AC.
TOTAL	106.958 AC.

NOTE: GROSS ACRES FOR TAX PURPOSES: add 1/878th of 34-113 Common Areas and Private Roads acreage per lot. (0.3932 +/- AC per lot)

CORRECTION SEE AFFIDAVIT

PLAT OF IRON HORSE, PHASE 3 A SUBDIVISION IN GOV'T. LOT 3, SEC. 18, T.31N, R.21W, P.M.M., & IN SEC. 13, T.31N, R.22W, P.M.M., FLATHEAD COUNTY, MONTANA

CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY CERTIFY THAT WE HAVE AGREED TO BE BOUND BY ALL THE FOLLOWING DISCRETIONARY PROVISIONS AS DESCRIBED IN THE CERTIFICATE OF DEDICATION, AND ALONG BY THE ABOVE PLAT OF MAP AND INSTRUMENT OF PLATIFICATION, COUNTY, MONTANA:

A TRACT OF LAND, SITUATED, LYING, AND BEING TO GOVERNMENT LOT 3 OF SECTION 18, TOWNSHIP 31 NORTH, RANGE 21 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Commencing at the northeast corner of Section 13, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana, which is a found iron pin; thence along the north boundary of said Section 13, S81°11'42" E 211.43 feet to a found iron pin and the true point of beginning of the tract of LAND HEREIN DESCRIBED; thence southeasterly along said Section 13, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana, to a found iron pin and the northeast corner of the Northeast Quarter of Section 18, Township 31 North, Range 21 West, P.M.M., Flathead County, Montana, S44°04'48" E 542.93 feet to a set iron pin; thence S24°22'12" E 120.74 feet to a set iron pin; thence S64°01'04" W 114.18 feet to a set iron pin; thence S91°25'18" E 100.00 feet to a set iron pin; thence S73°38'08" E 277.88 feet to a set iron pin; thence S68°15'18" E 266.03 feet to a set iron pin; thence N76°20'52" E 475.01 feet to a set iron pin on a 105.00 foot radius curve, concave southeasterly, (radial bearing 70°29'04") thence southeasterly along said curve through a central angle of 47°32'18" to a set iron pin and the P.C. of a 125.00 foot radius curve, concave southeasterly, having a central angle of 49°27'54" thence along an arc length of 176.36 feet to a set iron pin; thence S79°21'50" E 15.33 feet to a set iron pin and the P.C. of a 92.81 foot radius curve, concave southeasterly, having a central angle of 89°18'02" to a set iron pin and the P.C. of a 125.00 foot radius curve, concave southeasterly, having a central angle of 49°27'54" thence southeasterly along said curve through a central angle of 72°14'17" to a set iron pin and the P.C. of a 470.00 foot radius curve, concave southeasterly, having a central angle of 11°49'11" thence along an arc length of 17.00 feet to a set iron pin and the P.C. of a 200.00 foot radius curve, concave southeasterly, (radial bearing 23°14'58") and known to be the beginning (whose name) is as subscribed to the accompanying instrument of platification to be filed in the office of the County Clerk of Flathead County, Montana, on this 14th day of March, 1999.

CERTIFICATE OF PRIVATE ROADWAYS

THE ROADWAYS SHOWN ON THIS PLAT AS BEING INTENDED TO BE PRIVATE AND RESERVING THEM ARE HEREBY EMPLOYED FOR THE USE OF THE OWNERS (AND THEIR SUCCESSORS IN INTEREST) OF THE LOTS DESCRIBED IN THIS PLAT AND ALL PORTIONS OF IRON HORSE SUBDIVISIONS. THE OWNERS (AND THEIR SUCCESSORS IN INTEREST) OF THE LOTS DESCRIBED IN THIS PLAT WILL PROVIDE FOR THE AS-BUILT MAINTENANCE OF THE PRIVATE ROADWAYS BY THE CREATOR OF A CORPORATION OR MEMBERSHIP ASSOCIATION TO MAINTAIN AND FUND THE MAINTENANCE. IT IS UNDERSTOOD AND AGREED THAT THE VALUE OF SAID LOTS DESCRIBED ON THIS PLAT IS ENHANCED BY THE PRIVATE, MUTUAL USE OF SAID ROADWAYS. HEREINBY AND RESERVING THE RIGHT TO USE ALL SAID PRIVATE ROADS BY THE OWNERS OF THE LOTS AND ALL PORTIONS OF IRON HORSE SUBDIVISIONS. BY ORDER OF THE CITY COUNCIL, THESE ROADS ARE OPEN TO THE PUBLIC.

UTILITY EASEMENT CERTIFICATE

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, cablegram, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under and across each area delineated on this plat as "UTILITY EASEMENT" to have and to hold forever.

In witness whereof, we have caused our hands to be set this 14th day of March, 1999.

[Signature]
PATRICK E. DONOVAN
MANAGING DIRECTOR
IRON HORSE AT WHITEFISH, LLC
ATTORNEY IN FACT

STATE OF MONTANA
COUNTY OF FLATHEAD

On this 14th day of March, 1999, before me a Notary Public for the State of Montana, personally appeared _____, known to me to be the person(s) whose name(s) is/are subscribed to the accompanying instrument of platification to be filed in the office of the County Clerk of Flathead County, Montana, on this 14th day of March, 1999.

CERTIFICATE OF CITY COUNCIL

We, the City Council of the City of Whitefish, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Council of the City of Whitefish at its regular meeting held on the 14th day of March, 1999.

[Signature]
Mayor of Whitefish, Montana
City Clerk of Whitefish, Montana

CERTIFICATE OF CITY ENGINEER

I, *[Signature]*, City Engineer for the City of Whitefish, Montana, do hereby certify that the accompanying plat conforms to the adjoining additions of plats in the City of Whitefish, Montana, which are already placed, as near as circumstances will permit.

CERTIFICATE OF CITY ATTORNEY

I, *[Signature]*, City Attorney for the City of Whitefish, Montana, do hereby certify that I have examined the certificate of this by a licensed title company on the land shown in the Certificate of Dedication on the annexed Plat of IRON HORSE, Phase 3 and find that

are the owners in fee simple of the land so platted. Dated this 14th day of March, 1999.

[Signature]
City Attorney for the City of Whitefish

- According to the preliminary plat conditions of approval, the following statements are to appear on this final plat:
a) All house numbers shall be visible from the road, either on the building or at the driveway entrance.
b) Detention basins shall utilize only Class A or a fire resistant roofing material, as rated by the National Fire Protection Association.
c) Defensible Space fire breaks shall be provided and maintained around each structure, as indicated in Flathead Subdivision Regulations.
d) Call-to-saves shall be kept unobstructed at all times.
e) Lots with this subdivision may be subject to hazards from steep slopes. Retention easements are shown with the final plat and individual slope characteristics of the lots have been prepared on parts of the final plat. All slopes shall not exceed 10% grade nor be narrower than 10 feet and shall be approved by the City of Whitefish as suitable access prior to the start of residential construction.
f) The site plan for the Iron Horse subdivision, including the location of the site plan shall be open to the public in accordance with the Planned Unit Development and subsequent agreements with the City Council.
g) Application of fertilizers or pesticides in the subdivision should be minimized to protect the water quality of the downstream residents.
h) The setbacks shall be as per the setback table of page 5 of the Iron Horse application package dated March 17, 1999.
i) All utilities shall be installed underground.
j) Vehicular access through the lots shall be limited as shown.
k) With the purchase of each lot within a phase the owner of the lot agrees to contribute to the creation of a Special Improvement District to upgrade Wisconsin Ave. East/Lambert Dr. including construction of sidewalks, bike paths, as well as streetlights.
l) The Iron Horse Homeowners' Association, Inc. shall be responsible for the maintenance of the storm drainage detention ponds designed and constructed for the project site.
m) Lots with slopes greater than 25% have had a geotechnical assessment report performed. This report found that these lots pose no adverse geological risks due to development which cannot be overcome with standard construction practices.
n) Hazard drainage notes were not prepared. However, if they are prepared, they shall be provided to the City of Whitefish.

NOTE: A PORTION OF THESE LOTS ARE LOTS OWNED BY P.E. SPOLITE LAND AND LOGGING. INCIDENTAL FORESTRY ACTIVITIES MAY OCCASIONALLY OCCUR ON THOSE PLOTS WHICH MAY PRODUCE TRUCK TRAFFIC, DUMP, WASTE, SMOKE AND OTHER IMPACTS THAT MAY BE PERCEIVED AS INCONGRUOUS WITH TYPICAL RESIDENTIAL USE.

SETBACK TABLE

Per Page 5 of March 14, 1999 application

AREA	FRONT	REAR	SIDE	REAR	REAR	REAR	REAR
FRONT	10	10	10	10	10	10	10
REAR	10	10	10	10	10	10	10
SIDE	10	10	10	10	10	10	10
REAR	10	10	10	10	10	10	10

NOTE: ALL DIMENSIONS HAVE NOT BEEN SET OUT ON THE ROAD AND UTILITY CONSTRUCTION PER THE ABOVE TABLE.

LOT NO.	AREA (ACRES)	SIZE (SQUARE FEET)
88	0.816	1,110
89	0.249	3,420
90	0.662	9,120
91	0.629	8,620
92	0.629	8,620
93	0.629	8,620
94	0.776	1,068
95	0.408	5,568
96	0.516	7,056
97	0.613	8,376
98	0.552	7,560
99	0.654	8,988
100	0.584	8,032
101	0.609	8,328
102	0.709	9,720
103	0.862	11,832
104	0.672	9,168
105	0.867	11,916
106	0.682	9,324
107	1.170	1,610
108	1.212	1,650
109	1.469	2,016
110	1.582	2,154
111	1.258	1,728
112	1.468	2,024
113	2.050	2,820
114	2.050	2,820
115	2.000	2,760
116	2.468	3,372
117	1.826	2,516
118	2.172	2,976
119	1.982	2,744
120	1.498	2,068
121	1.002	1,368
122	2.712	3,680
123	1.002	1,368
124	0.843	1,152
125	1.108	1,512
126	1.272	1,728
127	1.829	2,508
128	1.829	2,508
129	1.829	2,508
130	1.829	2,508
131	1.829	2,508
132	1.829	2,508
133	1.829	2,508
134	1.829	2,508
135	1.829	2,508
136	1.829	2,508
137	1.829	2,508
138	1.829	2,508
139	1.829	2,508
140	1.829	2,508
141	1.829	2,508
142	1.829	2,508
143	1.829	2,508
144	1.829	2,508
145	1.829	2,508
146	1.829	2,508
147	1.829	2,508
148	1.829	2,508
149	1.829	2,508
150	1.829	2,508
151	1.829	2,508
152	1.829	2,508
153	1.829	2,508
154	1.829	2,508
155	1.829	2,508
156	1.829	2,508
157	1.829	2,508
158	1.829	2,508
159	1.829	2,508
160	1.829	2,508
161	1.829	2,508
162	1.829	2,508
163	1.829	2,508
164	1.829	2,508
165	1.829	2,508
166	1.829	2,508
167	1.829	2,508
168	1.829	2,508
TOTAL	114.672	160,759

Private Roads 22.012

TOTAL 146,771 AC.

NOTE: GROSS ACREAGE FOR TAX PURPOSES: 146,771 AC. Common Areas and Private Roads acreage per lot: (0.568 +/- AC per lot)

CERTIFICATE OF SURVEY
[Signature]
THOMAS E. SANDS
LAND SURVEYOR

APPROVED: *[Signature]* 1999

Examining Land Surveyor 542-8

STATE OF MONTANA ss #49.50

COUNTY OF FLATHEAD)

Filed for record this 7 day of

Flathead County Clerk and Recorder

By: *[Signature]*
Instrument Record No. 20000711640

SHEET 1 OF 4 SHEETS



JOB NO. 168788
DATE FILED 12/23/23
DATE MARCH 13, 2000

FOR FAT DONOHAN
OWNER IRON HORSE AT
WHITEFISH LLC

NO.	DATE	DESCRIPTION	AMOUNT
100	1/20/00	1,200.00	1,200.00
101	1/20/00	1,200.00	1,200.00
102	1/20/00	1,200.00	1,200.00
103	1/20/00	1,200.00	1,200.00
104	1/20/00	1,200.00	1,200.00
105	1/20/00	1,200.00	1,200.00
106	1/20/00	1,200.00	1,200.00
107	1/20/00	1,200.00	1,200.00
108	1/20/00	1,200.00	1,200.00
109	1/20/00	1,200.00	1,200.00
110	1/20/00	1,200.00	1,200.00
111	1/20/00	1,200.00	1,200.00
112	1/20/00	1,200.00	1,200.00
113	1/20/00	1,200.00	1,200.00
114	1/20/00	1,200.00	1,200.00
115	1/20/00	1,200.00	1,200.00
116	1/20/00	1,200.00	1,200.00
117	1/20/00	1,200.00	1,200.00
118	1/20/00	1,200.00	1,200.00
119	1/20/00	1,200.00	1,200.00
120	1/20/00	1,200.00	1,200.00
121	1/20/00	1,200.00	1,200.00
122	1/20/00	1,200.00	1,200.00
123	1/20/00	1,200.00	1,200.00
124	1/20/00	1,200.00	1,200.00
125	1/20/00	1,200.00	1,200.00
126	1/20/00	1,200.00	1,200.00
127	1/20/00	1,200.00	1,200.00
128	1/20/00	1,200.00	1,200.00
129	1/20/00	1,200.00	1,200.00
130	1/20/00	1,200.00	1,200.00
131	1/20/00	1,200.00	1,200.00
132	1/20/00	1,200.00	1,200.00
133	1/20/00	1,200.00	1,200.00
134	1/20/00	1,200.00	1,200.00
135	1/20/00	1,200.00	1,200.00
136	1/20/00	1,200.00	1,200.00
137	1/20/00	1,200.00	1,200.00
138	1/20/00	1,200.00	1,200.00
139	1/20/00	1,200.00	1,200.00
140	1/20/00	1,200.00	1,200.00
141	1/20/00	1,200.00	1,200.00
142	1/20/00	1,200.00	1,200.00
143	1/20/00	1,200.00	1,200.00
144	1/20/00	1,200.00	1,200.00
145	1/20/00	1,200.00	1,200.00
146	1/20/00	1,200.00	1,200.00
147	1/20/00	1,200.00	1,200.00
148	1/20/00	1,200.00	1,200.00
149	1/20/00	1,200.00	1,200.00
150	1/20/00	1,200.00	1,200.00
151	1/20/00	1,200.00	1,200.00
152	1/20/00	1,200.00	1,200.00
153	1/20/00	1,200.00	1,200.00
154	1/20/00	1,200.00	1,200.00
155	1/20/00	1,200.00	1,200.00
156	1/20/00	1,200.00	1,200.00
157	1/20/00	1,200.00	1,200.00
158	1/20/00	1,200.00	1,200.00
159	1/20/00	1,200.00	1,200.00
160	1/20/00	1,200.00	1,200.00
161	1/20/00	1,200.00	1,200.00
162	1/20/00	1,200.00	1,200.00
163	1/20/00	1,200.00	1,200.00
164	1/20/00	1,200.00	1,200.00
165	1/20/00	1,200.00	1,200.00
166	1/20/00	1,200.00	1,200.00
167	1/20/00	1,200.00	1,200.00
168	1/20/00	1,200.00	1,200.00
169	1/20/00	1,200.00	1,200.00
170	1/20/00	1,200.00	1,200.00
171	1/20/00	1,200.00	1,200.00
172	1/20/00	1,200.00	1,200.00
173	1/20/00	1,200.00	1,200.00
174	1/20/00	1,200.00	1,200.00
175	1/20/00	1,200.00	1,200.00
176	1/20/00	1,200.00	1,200.00
177	1/20/00	1,200.00	1,200.00
178	1/20/00	1,200.00	1,200.00
179	1/20/00	1,200.00	1,200.00
180	1/20/00	1,200.00	1,200.00
181	1/20/00	1,200.00	1,200.00
182	1/20/00	1,200.00	1,200.00
183	1/20/00	1,200.00	1,200.00
184	1/20/00	1,200.00	1,200.00
185	1/20/00	1,200.00	1,200.00
186	1/20/00	1,200.00	1,200.00
187	1/20/00	1,200.00	1,200.00
188	1/20/00	1,200.00	1,200.00
189	1/20/00	1,200.00	1,200.00
190	1/20/00	1,200.00	1,200.00
191	1/20/00	1,200.00	1,200.00
192	1/20/00	1,200.00	1,200.00
193	1/20/00	1,200.00	1,200.00
194	1/20/00	1,200.00	1,200.00
195	1/20/00	1,200.00	1,200.00
196	1/20/00	1,200.00	1,200.00
197	1/20/00	1,200.00	1,200.00
198	1/20/00	1,200.00	1,200.00
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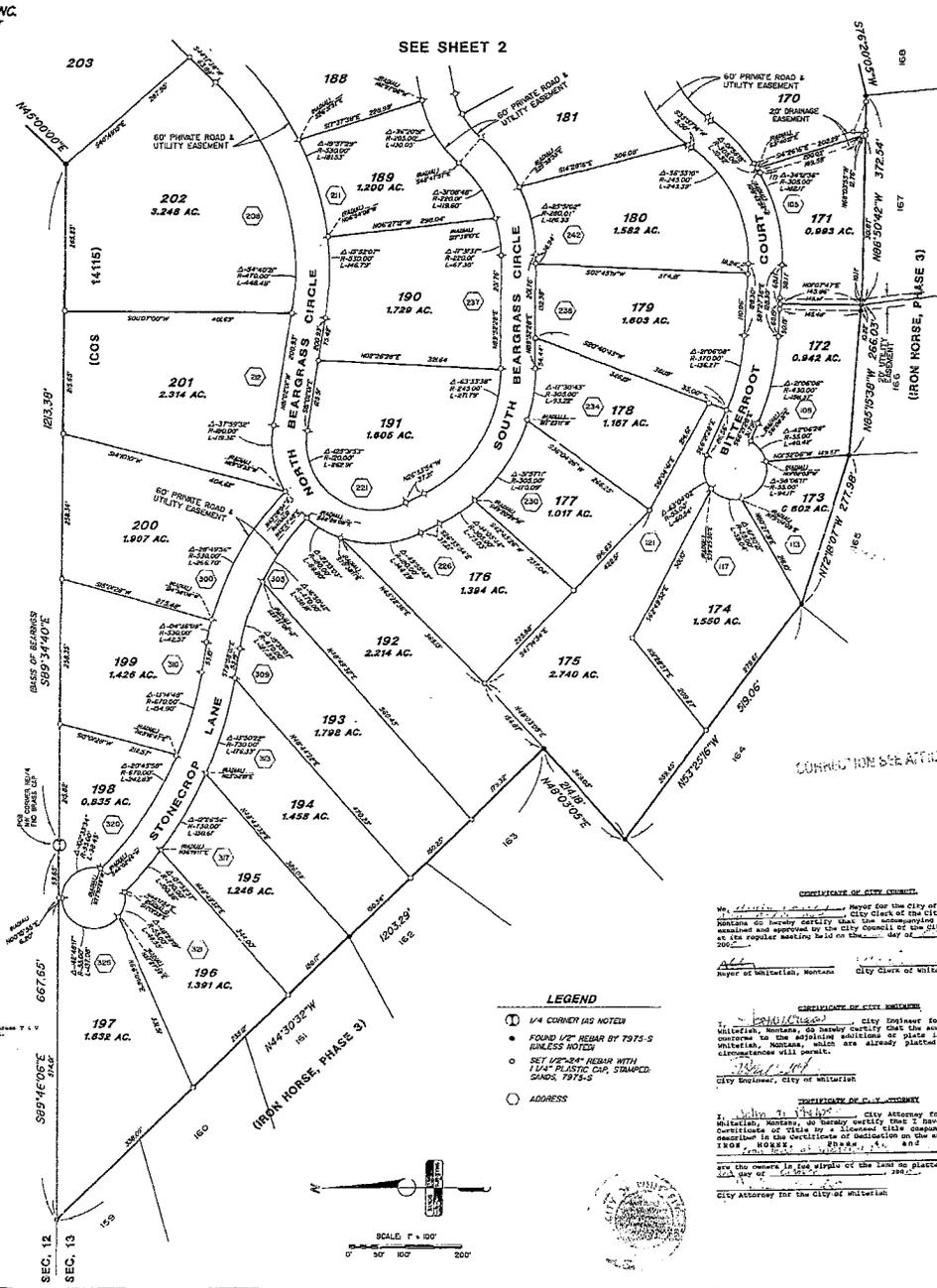
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PLAT OF IRON HORSE, PHASE 4

A SUBDIVISION

IN SECTIONS 12 & 13, T.31N, R.22W, and IN SECTIONS 7, 17 & 18, T.31N, R.21W, P.M.M., FLATHEAD CO, MONTANA

CERTIFICATE OF INDICATION

WE, THE UNDERSIGNED PROFESSIONAL ENGINEER, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED THE IRON HORSE AND THE FOLLOWING DESCRIBED PROPERTY AS DESCRIBED IN THE CERTIFICATE OF INDICATION, AND KNOW BY THE ABOVE PLAT AND MAP AND SURVEYED IN PLAIN AND OPEN, MONTANA:

TRACT OF LAND, SURVAYED, LINED, AND BEING IN SECTIONS 7, 17 AND 18, TOWNSHIP 31 NORTH, RANGE 21 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIB

passage that the homeowners and guests also enjoyed up there. There is a gate and a guard there, so the Mayor wanted to make sure we're all very clear on that issue. Jerry Hanson said the streets are private and maintained by the Homeowners Association and based on the approvals for each phase of development the streets are open to the public. There is a guard shack on the street right now during construction. He reminded the Council that there had been some problems during earlier construction so it seems prudent to monitor who goes in and out. Below that guard shack a gate is constructed but it is bolted open and cannot be closed and there is no intention to close and lock that gate or make Iron Horse a gated community. The pedestrian pathway will also be open to the public.

* Councilor Gwiazdon made a motion, seconded by Councilor Askew, to approve the revised preliminary for Iron Horse Condominiums Phase 1.

Councilor Hope did have some discussion. He noted to the Mayor that he was going to ask the same question the Mayor did about Iron Horse being a gated community. He said he has seen it in print more than once that it is a gated community. The perception of the general public has is that it is a gated community. But Councilor Hope remembered as well as the Mayor did that during the approval process of each phase of Iron Horse that the roads and pedestrian paths would be accessible to the public. Councilor Hope tried to drive through last night to inspect the condominium site for tonight's meeting and was prevented from entering by the guard at the shack. Then he sought out the pedestrian path and found a sign that said "Pedestrian Access Closed Due to Logging Activity". Jerry Hanson asked if he could address that and Councilor Hope recognized him. Jerry Hanson said it is an 800-acre construction site. He said only a couple homes are completed and being lived in - the rest is under active construction. When the construction is completed you'll find the guard will be gone. By contacting the main office or the guard shack earlier in the day, Councilor Hope would have probably been allowed to enter. Councilor Hope said he was concerned that with the number of phases that will be built will the guard and shack have to be there for the next twenty years; keeping the public accesses closed for twenty years? Jerry Hanson said probably by the end of next summer if not sooner the guard shack will be relocated further up into the development when the road construction and water and sewer construction is completed in the lower part. He said it is not a permanent condition by any means. He said timewise, the upper portion is Phase 4 and it does cover a lot of acres; but he thinks that the active construction in the phase will also be completed by the end of next summer. He said by then all the roads will be paved and all the water and sewer will be in place and the whole nature of the development will be changed. He said the developers of Iron Horse have every intention of living up to all conditions of approval of the development including public access.

Councilor Gwiazdon said he has been up there during the day and he agreed that it would be a hazardous situation to have bicyclists and pedestrians going through there with the amount of construction going on. He has had conversations with Pat Donovan about the same subject and Pat has always assured Councilor Gwiazdon the same that has been said tonight.

EXHIBIT

Mayor Feury said he didn't mean to steer the Council off on a tangent unrelated to this approval but felt the air needed to be cleared. He did encourage Iron Horse to move the shack and guard up as soon as possible when construction allows. He thought it would be in Iron Horse's best interest to do so. The Mayor said if there is no further discussion he would call for a vote on the motion on the floor.

The vote on the motion to approve the Revised Preliminary Plat for Iron Horse Condominiums Phase 1 was unanimous.

- c) Request for approval of final plat for Colorado Mountain Tracts; Bill Hileman

Eric Mulcahy, FRDO gave the staff report. He said the preliminary plat of the Colorado Mountain Tracts was approved with 10 conditions, all of them except #2 have been address to the satisfaction of the Planning Staff. Condition #2 covers construction of infrastructure and the developer has provided the City with a subdivision improvement agreement with a bond for \$19,625.00. Regulations require the bond to be held should be for 125% of anticipated costs. Eric Mulcahy said he notified the City Attorney of the shortfall and the City Attorney met with the developer and the developer has said the remainder of the required bond will be forthcoming. He advised the Council could make the approval contingent upon receiving the additional bond. Eric Mulcahy also noted Condition #9 referred to the Colorado/Texas SID and John Wilson, Public Works Director, stated that he preferred to secure the SID fee at the building permit phase when the proposed use is finalized; so essentially Condition #9 is being allowed to not be met at this time.

Councilor Askew made a motion, seconded by Councilor Gwiazdon, to approve the Final Plat for Colorado Mountain Tracts subject to the Conditions of Approval attached within the letter of transmittal from the City County Planning Board and FRDO Staff Report WF/99/Wfp 00-2. The motion passed unanimously.

- d) Lakeshore Construction Permit WLP-00-W7; Scott
- e) Lakeshore Construction Permit WLP-00-W8; Hinman
- f) Lakeshore Construction Permit WLP-00-W9; McHvane
- g) Lakeshore Construction Permit WLP-00-W11; Lacosta and Hileman

Councilor Hope made a motion, seconded by Councilor Gwiazdon, to approve Lakeshore Construction Permits WLP-00-W7, WLP-00-W8, and WLP-00-W11, with the Conditions of Approval as recommended by the Whitefish Lake and Lakeshore Protection Committee.

Councilor Hope complimented the Lake and Lakeshore Protection Committee on the tremendous amount of work they do for each application. They deserve a lot of credit.

October 5, 2004

Jim Campbell, General Manager
Iron Horse
2150 Iron Horse Drive
Whitefish, MT 59937-8178

RE: Request for City Enforcement of Traffic Laws

Dear Mr. Campbell:

I am writing in response to your request, conveyed to Police Chief Dial and our City Attorneys, that the City take over enforcement of traffic laws within the Iron Horse Subdivision. The City Attorney has informed me that the City could lawfully do so, although it would require action by the Whitefish City Council. Before I can take this issue to the City Council, however, several matters must first be cleared up. I will discuss them below.

As you know, the streets within Iron Horse are privately owned and maintained, but based on a requirement imposed by the City Council at the time of subdivision approval, all of the Iron Horse streets are open to the public. For various reasons, however, over the years Iron Horse has imposed restrictions on the public's use of its streets. These restrictions have sometimes taken the following forms:

1. Iron Horse has sometimes used a kiosk at the entrance to the subdivision to stop vehicles and inquire concerning the driver's purpose in entering Iron Horse. At times this kiosk has been manned and set in the center of Iron Horse Drive, forcing drivers to stop. At other times the kiosk has been moved to the side, where drivers, if sufficiently bold, could ignore it. I do not know the current state of the kiosk, but it would have to be permanently eliminated in order for the City to enforce traffic laws. A street is not truly "open to the public" if drivers are compelled to stop and explain themselves before traveling on.
2. Depending on the particular security company involved, drivers on Iron Horse streets have been stopped and asked to explain their purpose within Iron Horse. I have personally been stopped when I was driving my family and visitors through Iron Horse, and the experience was unpleasant. Again, streets are not truly "open to the public" if travelers may be stopped at any time and asked to explain what they are doing. Before the City could undertake traffic enforcement, such treatment of motorists would have to permanently cease.

EXHIBIT

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Jim Campbell, General Manager
Iron Horse
October 5, 2004
Page 2

3. Not only are the Iron Horse streets open to the public, but the pedestrian path is also open to the public. Over the years many Whitefish residents, including several City employees, have been stopped from using the pedestrian path. Such interference with the public's right to use the pedestrian path would have to permanently cease in order for the City to consider taking over traffic enforcement.

4. In order for Whitefish residents to enjoy the pedestrian path, or to walk or bicycle on the streets that are open to the public, there must be some convenient parking available for them. However, it appears that Iron Horse has prohibited parking on its streets. Recently a resident of Whitefish, who parked on an Iron Horse street, was given the enclosed notice, indicating that her vehicle would be towed. Streets are commonly used not only for travel but for parking, and there is certainly sufficient right-of-way on many of Iron Horse's street to accommodate parking. In order for the City to consider traffic enforcement, Iron Horse would have to permanently cease preventing all parking on its streets. The City has no objection to limiting parking at specific points where streets are too narrow or where other factors create hazards. The City's Public Works staff could work with Iron Horse in order to identify such areas.

* * * * *

In addition to the issues discussed above, the stop signs and other traffic signs in Iron Horse do not all comply with State law and City traffic regulations. Before the City could begin actual traffic enforcement, some new signage would need to be installed at Iron Horse's expense. Our Public Works department could work with Iron Horse to identify the specific signs that need to be enlarged or altered.

I would be happy to meet with you concerning your request that the City enforce traffic laws within the Iron Horse Subdivision. It may be some of the problems discussed above are entirely in the past. If not, however, these matters need to be corrected whether or not the City undertakes traffic enforcement on Iron Horse's streets. It is important to the City that public access to Iron Horse's streets, which past City Councils required, becomes a reality.

I look forward to hearing from you.

Very truly yours,

Gary B. Marks
City Manager

Enclosure

August 29, 2007

Rick Tramontin, General Manager
Iron Horse
2150 Iron Horse Drive
Whitefish, MT 59937-8178

RE: Public Access to Iron Horse

Dear Mr. Tramontin:

In years past the City has received occasional complaints from members of the public who were stopped at the entrance to Iron Horse and discouraged from entering the subdivision. The City has previously notified Iron Horse of its objection to this, and it has been several years since I received a complaint from a member of the public. However, this past week the City was informed that several members of the public were stopped in their vehicle at the entrance to Iron Horse, questioned regarding their business at Iron Horse, and then persuaded to leave. I do not know the actual content of the conversation, but it is clear that their access to Iron Horse was impeded.

I know that you are aware that Iron Horse streets are open to the public, and the City construes that to prohibit any interference with the right of citizens to walk or drive freely within Iron Horse. Certainly questioning members of the public as to their business is an interference with their access. The public cannot be required to justify their presence on Iron Horse streets.

I believe that the management at Iron Horse understands the City's position, and I expect that this recent incident arises from overzealousness on the part of the Iron Horse security personnel. Could you please make sure that the security personnel understand that they may not question citizens as to their business in Iron Horse, or otherwise interfere with their access? Certainly if someone behaves in a suspicious manner, an inquiry from security personnel might be appropriate. But otherwise our citizens have a right to travel freely on Iron Horse streets.

Thank you for your attention to this matter.

Very truly yours,

John M. Phelps

JMP/klh

cc: Gary B. Marks, Manager

EXHIBIT

7



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that the Iron Horse Homeowners' Association is proposing to develop a single story welcoming station located in a center landscape median on Iron Horse Drive in the vicinity of the existing guard shack which will be removed.

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

**Thursday, January 15, 2015
6:00 p.m.
Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937**

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on Tuesday, February 17, 2015 at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at wcompton-ring@cityofwhitefish.org. Comments received by the close of business on Monday, January 5, 2015, 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.

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



Date: January 1, 2015
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, January 15, 2015 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 3-5 on Monday, February 2, 2015 and items 1-2 on Tuesday, February 17, 2015. 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. A request by the Iron Horse Homeowners' Association to reconfigure the entryway by installing a center landscape median that will include a single story welcome center. The project will be located on Iron Horse Drive in the vicinity of the existing guard shack which will be removed. WPP-97-01A (Compton-Ring)
2. A request by the city of Whitefish for review of the updated Downtown Master Plan. The Downtown Plan is a portion of the Whitefish City-County Growth Policy. WGPA 15-01 (Compton-Ring)
3. A request by the city of Whitefish to review the Highway 93 West Corridor Plan as a new neighborhood plan for the Whitefish City-County Growth Policy. WGPA 15-02 (Taylor)
4. A request by the City of Whitefish for an amendment to Section 11-2S, WPUD, Planned Unit Development District, to clarify the blending of uses and density where a PUD overlays multiple underlying zones. WZTA 15-01 (Taylor)
5. Continuation of a request by Whitefish Hotel Group LLC for a Conditional Use Permit to construct a hotel that exceeds 7,500 square foot per §11-2L-4 of the WB-3 zoning district. The property is located at 204 Spokane Avenue and can be legally described as Lots 1-11 and 19-25 in Block 46 of Whitefish Original Townsite in S36-T31N-R22W. WCUP 14-11 (Compton-Ring)

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.

Wendy Compton-Ring

From: MIKE WARNING <mike_warning@msn.com>
Sent: Tuesday, December 23, 2014 4:22 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Welcome Station

To: Whitefish Planning Board

Subject: Proposed Welcoming Station on Iron Horse Drive

My wife and I would like to offer our support for the proposed improvement. We feel the change will help manage the speed on Iron Horse Drive making it safer for walkers, cyclists, strollers, pets and golfers without burdening the city with financial costs. The new Welcoming Station and its landscaping would enhance the appearance while maintaining open and free access for all. Seems like a very positive improvement for all concerned. We think approval by the Planning Board and the Whitefish City Council is in the best interest of safety for all the residents.

Thank you.

Leslie & Mike Warning
Whitefish, MT

EXHIBIT

10

December 29, 2014

Planning and Building Department
P.O. Box 158
Whitefish, Montana 59937

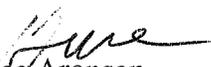
12-31-2014 P03:40

RE: Iron Horse Welcoming Station

Dear Planning and Building Department:

Iron Horse wishes to construct a “welcoming station” on Iron Horse Drive near the current guard shack, which would be eliminated. What purpose is served by the new structure that isn’t being accomplished now? Given the recent publicity about gated subdivisions in Whitefish, how does this proposal compare and what related conditions were attached to Iron Horse when initially approved by the city that may now be modified?

Sincerely,


Bruce Aronson
6 Ridge Crest Court
Whitefish
Telephone: 863-9794

EXHIBIT

11

Wendy Compton-Ring

From: Murph Hannon <murphhannon@gmail.com>
Sent: Tuesday, December 30, 2014 9:25 AM
To: wcompton-ring@cityofwhitefish.org
Cc: Michele Ireland
Subject: Welcome Station Iron Horse

Hi Wendy

I am writing this email in support of the proposal submitted by Iron Horse Association to create a Welcome Center at the current Security Guard location on Iron Horse Drive As a resident of Iron Horse I would confirm that there is a definite safety issue that exists at that location.

The proposed location of the center would enable control of the speed of the vehicle traffic traveling through that area which would help balance the golf cart, bicycle and pedestrian traffic In addition given the amount of construction traffic and resident guests looking for addresses within Iron Horse a Welcome Center located in a center median would help address the current deficiency of helping with directions I also feel that the center is a welcome addition to the overall feel and quality of Iron Horse without resorting to a gated feel which this is not intended to be nor would I support I would appreciate it if you would add my support as part of your recommendation to Planning Board and City Council meeting

Murph Hannon
Murcon Development Inc

Sent from my iPhone

EXHIBIT

12

Wendy Compton-Ring

From: William Parker <rett.parker@icloud.com>
Sent: Friday, January 02, 2015 1:29 PM
To: wcompton-ring@cityofwhitefish.org
Subject: IH Welcome Center

Hello Wendy:

Please accept this email as my notice of support for the proposed Iron Horse Welcome Center. I have been a permanent resident of this neighborhood for 10 years and have witnessed a dramatic increase in traffic.

The proposed project will have a positive influence on the neighborhood and improve safety by;

1. Reducing vehicle speed through the area.
2. Separate motorized and non-motorized traffic (I have seen numerous traffic conflicts here).
3. Minimize the safety concerns of a blind curve by improving the vertical alignment of the existing travel way.

I fully support the proposed roadway improvement project and welcome station. Further, I request both the planning board and city council to support/approve the project.

Thank you,

William M. (Rett) Parker
192 Woodland Star Circle
Whitefish, MT 59937

Sent from my iPhone

EXHIBIT

13

Wendy Compton-Ring

From: BHoadley12@comcast.net
Sent: Saturday, January 03, 2015 1:52 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse welcoming center

As an Iron Horse resident, I fully support this project. The present arrangement presents a traffic congestion problem with limited sight distances. With ever increasing traffic into and out of Iron Horse, there is an ever increasing chance for collisions with bicycles, golf carts, passenger cars, construction vehicles, hikers, etc. By widening and straightening the line of sight from the welcome center, as well as for those on the paths and roadways, the new arrangement will greatly reduce the chances for injuries. In addition to the visual enhancement, it will (importantly) slow traffic through that area.

Please support this safety enhancement project.

Thank you,
Bill Hoadley & DJ Wilson

EXHIBIT

14

Wendy Compton-Ring

From: Jerry Horn <jerryhorn2@gmail.com>
Sent: Saturday, January 03, 2015 5:52 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse welcome station

I, as a resident of Iron Horse, am in favor of this plan, as I think it will cause a slow down in traffic, therefore be safer. It will also be helpful to guests finding the residence they are looking for. Thank you. Jerry Horn, 104 Lookout Lane, Whitefish, Mt

EXHIBIT

15

Wendy Compton-Ring

From: Jan Mayo <nhamayo@gmail.com>
Sent: Sunday, January 04, 2015 6:49 PM
To: wcompton-ring@cityofwhitefish.org
Cc: Andrew Moshier
Subject: Welcome Center, Iron Horse Dr.

As a resident living on Silverberry Lane I, without reservation, approve the plan to build the Welcome Center on Iron Horse Drive. Turning left onto Iron Horse Dr. from Silverberry Lane can be most difficult as we are crossing traffic coming uphill and around a blind corner.

Slowing down traffic slightly to go around the guard shack while separating the golf carts, maintenance vehicles, and cars will greatly enhance the safety of that congested area.

Thank you for your consideration.

Janet Mayo
2067 Silverberry Lane, Whitefish

EXHIBIT

16

Wendy Compton-Ring

From: Jamie Shennan <Jamie@trinityventures.com>
Sent: Sunday, January 04, 2015 1:15 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Welcoming Station

My wife and I are Montana residents who live full time in the Iron Horse community. Over the past 8+ years, we have seen the speeds with which cars, trucks and bicyclists travel our streets increase dramatically. Frankly, we are clearly multiple accidents waiting to happen. We fully support the construction of a Welcome Station near the entrance to Iron Horse. Our belief is that the station will have an important impact on the safety of our streets. As it is right now, our employees in the current security shack have no chance of helping out, as they cannot see speeding vehicles or bicyclists approaching.
Cordially, Janna and Jamie Shennan

EXHIBIT

17

Wendy Compton-Ring

From: Kelton, David J. <david.kelton@credit-suisse.com>
Sent: Monday, January 05, 2015 1:39 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Welcome Center

As an owner in Iron Horse I'm in favor of the new plans for the Welcome Center. I live in the cabins just off the side from the proposed site, and I believe that the new building will enhance the entrance to the community by making it more welcoming to everyone.

Most of all, I believe the safety of all who travel on the road – drivers, golf carts, bicyclists and pedestrians - will be improved by rerouting some of the walkways and paths.

My family and I just returned from two weeks in town over the Christmas break. We love the community in Whitefish and look forward to being there for many years to come.

Thanks,
David

David J Kelton
CREDIT SUISSE
CREDIT SUISSE | PB NorthAm Dallas, SAEL 2
200 Crescent Court | 75201 Dallas | Americas
Phone +1 214 979 4061
david.kelton@credit-suisse.com | www.credit-suisse.com

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Wendy Compton-Ring

From: Ryan Burke <Ryan.Burke@ey.com>
Sent: Monday, January 05, 2015 1:43 PM
To: wcompton-ring@cityofwhitefish.org
Cc: mirelan@ironhorsemt.com
Subject: Iron Horse Welcome Center

To whom it may concern:

I am writing as a cabin and homeowner in Iron Horse (2104 Iron Horse Drive). My family and I have had this residence for 6 years. We have two small boys, ages 9 and 11. We also happen to likely be one of the closest homes/cabins next to the current shack and the proposed Welcome Center. As such, I hope our comments are welcomed by the planning committee.

The current configuration and confluence of roads near the shack is both dangerous and not helpful for traffic flow. Cars typically drive extremely fast on that up hill and down hill portion. Given the intersections of golf carts, children playing, the Silverberry street and the maintenance, there is no natural way for cars to slow down and notice the "activity" in that particular spot as they round either the up hill or down hill portion of this street. The proposed welcome center appears to be a dramatic improvement to the safety and chaos of the current structure.

My two boys, who play outdoors in summer and winter non-stop are now of the age that they are comfortable within a 100-200 yard radius of our home with the clear exception of the Iron Horse Drive area under consideration given the cars, speeding and golf cart traffic. I really believe that the proposed Welcome Center will allow for a natural slow down and ability for oversight of the congestion that occurs on busy and non-busy days alike. Our big fear are the large trucks coming up and down the hill that can not see children playing and walking across the street.

I hope this helps. While I am currently out of the country, I wish I could be at the meeting in person. In any event, I would be happy to speak live or clarify any comments if needed.

Thank you

Ryan Burke
Ernst & Young Partner
ryan.burke@ey.com
2104 Iron Horse Drive
Whitefish, MT 59937

EXHIBIT
19

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Wendy Compton-Ring

From: kenneth wessels <kjwessels@mac.com>
Sent: Monday, January 05, 2015 1:53 PM
To: wcompton-ring@cityofwhitefish.org
Cc: Ken Wessels
Subject: Iron Horse HOA Submissiion

Thank you for allowing me to comment on the Iron Horse HOA proposal. I am a resident of Whitefish, MT and reside in the Iron Horse community.

I am in full support of the HOA proposal. Presently the area addressed is subject to various safety issues.

Slower, safer traffic flow and much improved sight lines are an important improvements to this area.

The porposal will reduce interaction between cars golf carts, walkers, bikers and others and will substantially improve the safety for all concerned. This improvement will welcome all to this community.

Thank you.

Ken Wessels

EXHIBIT

20

Wendy Compton-Ring

From: Richard Miller <rmiller@transtar.com>
Sent: Monday, January 05, 2015 2:18 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Welcome Center Iron Horse

Planning Committee,

We are the owners of 173 S. Shooting Star at Iron Horse. We are very excited about the proposed Welcome Center for a number of reasons. The main reason we are excited is about safety. We like to ride bikes and also play golf. The merging of the golf cart path (crossing the street) and the variety of vehicles at that location make both bike riding and driving a challenge. The other reason we are in favor of it is that many people get lost up at Iron Horse. Having someone to assist people would add to the friendly feeling that characterizes Whitefish. Our current location looks like a guard house rather than a place to help people.

Thank you for considering a change that will make us safer and will upgrade our security spot to one of Welcome!

Dick Miller

Richard A. Miller

949-760-4010 (direct)
rmiller@transtar.com
www.transtar.com

EXHIBIT

21

Wendy Compton-Ring

From: Daniel Fuller <dfuller@theretailconnection.net>
Sent: Monday, January 05, 2015 2:23 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Proposed Welcome Station @ Iron Horse Drive, Whitefish, MT

To Whom it May Concern,

I support the proposed Welcome Station on Iron Horse Drive.

The area in question can be quite confusing at peak times of use, with pedestrians, cyclists, and golf carts competing with vehicular traffic for right-of-way.

If approved, I believe the new Welcome Station will provide an important safety measure to what is currently an unsafe condition, and enhance the appearance of Iron Horse Drive for all who use it.

Thank you for considering my input.

Respectfully,

Daniel A. Fuller, Jr.
Executive Vice President
Connected Development Services



2525 McKinnon Street
Suite 700
Dallas, TX 75201

214-572-8442 | direct
214-572-0009 | fax
dfuller@theretailconnection.net
www.theretailconnection.net

EXHIBIT

22

Wendy Compton-Ring

From: Andrew Moshier <amoshier@gmail.com>
Sent: Monday, January 05, 2015 2:24 PM
To: Wendy Compton-Ring
Subject: Iron Horse Welcome Center Proposal

City of WF Planning Committee --

I am a full time resident of the Iron Horse community, having had a home here for 10 years.

I have seen firsthand the dramatic increase in traffic on the road, as homes are completed and construction traffic has increased. This community needs some natural traffic calming to help prevent what will certainly be a major accident in the near future. Safety should be first and foremost for our roads and our community. As our roads are private, the burden is on our community to provide safety improvements, and I urge you to support this proposal.

The proposed design, with a median in the middle of Iron Horse Drive, provides the same safety features as the new median on US-93 in front of the WF Lake Golf Course (built by the State of MT) and the bulbouts in downtown WF (built for the City of WF). A simple, clean, naturally safe traffic calming measure, meant to be simultaneously welcoming to the overall WF community.

Regards --

Andrew Moshier
132 Woodland Star Circle

EXHIBIT

23

Wendy Compton-Ring

From: Tee Baur <etbaur@baurproperties.net>
Sent: Monday, January 05, 2015 2:25 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Welcome Center

Wendy,

Please include my following comments in the upcoming hearing on the proposed Iron Horse Welcome Center:

1. The proposed landscaping for the project and the attractive building will make an enhanced 'sense of arrival' for all members and guests.
2. The inviting nature of the Center will help visitors get proper directions.
3. The complex will slow both incoming & outgoing traffic.
4. The new plan will simplify a very busy area with normal vehicular traffic, golf course service vehicles, golf carts & pedestrians.

I applaud the Iron Horse HOA for developing and submitting this project to the City for approval, and I hope that the City will expedite it through the normal approval process.

Respectfully submitted,

Tee Baur
305 Kings Town Dr.
Naples, Fl. 34102
Home: 239-434-6584
Mobile: 314-706-9008

EXHIBIT

24

Wendy Compton-Ring

From: Peter Grant <peter.grant@anchormarck.com>
Sent: Monday, January 05, 2015 2:31 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Proposed Welcome Center

As a property owner in the Iron Horse community for 15 years, and as a homeowner for 10 of those 15 years, I would like to express my support for the proposal from the IHHOA that you are evaluating. Over the years of our residency we have always harbored some concern over the possibility of an accident occurring in the immediate vicinity of the proposed siting. The confluence of drive-through, recreational, maintenance, and construction vehicles has created a set of conditions that are well-addressed in this proposal. This proposal, if approved, will contribute to a safer community approach, where there is a visual cue for traffic to slow and take account of the adjacent roadways. I am personally encouraged by the possibility of a safer approach and welcome area to Iron Horse, that maintains the open feel of the community. I fully support the proposal.

--
Peter M. Grant II
Anchormarck, LLC
310 4th Street N.E.
Suite 102
Charlottesville, VA 22902
Office: (434)995-5835
Mobile: (612)991-5130

EXHIBIT
25

Wendy Compton-Ring

From: gregory.hetzer@wellsfargoadvisors.com
Sent: Monday, January 05, 2015 2:31 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Re Welcome Center in Iron Horse

Regarding the Welcome Center. As a new home owner in the Whitefish community we were very impressed with the design and concept of the welcome center. We are all concerned with our public safety. This is a very well thought out plan to slow down motorist coming down Iron House as it is a pretty steep decline. It also will be an information facility assisting all motorists. To us this is a Win Win for the Whitefish community.

Best Regards

Gregory J. Hetzer
Senior Vice President - Investments
Senior PIM Portfolio Manager
CA Insurance License #0A72594

Wells Fargo Advisors, LLC
501 Deep Valley Drive, 4th Floor
Rolling Hills Estates, CA 90274
Telephone: 310-265-5417
Fax: 310-377-7872

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EXHIBIT

26

Wendy Compton-Ring

From: Robb Voyles <robbvoy@sbcglobal.net>
Sent: Monday, January 05, 2015 2:31 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Proposed Welcome Center at Iron Horse

We own a home at 2063 Silverberry in Whitefish. We strongly support the proposed Welcome Center and encourage its prompt approval. Since we purchased our home in 2007, we have been concerned about the safety of the left turn from Silverberry Road onto Iron Horse Drive. The visibility is very limited, especially given the amount of construction traffic and the speed at which vehicles drive up and down Iron Horse Road. There have been several near misses over the years. The welcome center, coupled with the widening of the road and the relocation of Silverberry Road, will alleviate this concern. It will also increase safety for those walkers and golf carts crossing the roads and the numerous bikers that travers Iron Horse Drive for recreation. Generally, the Welcome Center will provide a slower, more organized and safer traffic flow for all. Please approve the proposal.

Robb and Lori Voyles

EXHIBIT

27

Wendy Compton-Ring

From: Linda Yerger <linda@cavalierngrp.com>
Sent: Monday, January 05, 2015 3:35 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Welcome Center at Iron Horse

Dear Sirs:

As a homeowner in Iron Horse, I would be so pleased if the City Council would approve the proposed Welcome Center. The traffic flow in this highly congested area would be divided, and some diverted, to provide a much safer area for all types of traffic...pedestrian, cyclist, golf and car traffic. Thank you for your attention to this matter. We all want the safety of others to be uppermost in this neighborhood!

Sincerely,

Linda Yerger

150 South Prairiesmoke Circle

Whitefish, MT. 59937

Sent from my iPhone

EXHIBIT

28

Wendy Compton-Ring

From: Joe Rhemann <joe@rhemann.com>
Sent: Monday, January 05, 2015 3:56 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Welcome Center

Sensitivity: Confidential

Dear Whitefish Planning Committee,

Thank you for your service to the people of Whitefish. We appreciate the time and energy you dedicate on our behalf. Time spent serving on boards, committees, and other such activities teaches us to appreciate how much time is given so generously by so many.

Please register my support for the planned Iron Horse welcome center. It will provide prudent enhancements to traffic safety and a welcome aesthetic improvement.

According to the concept and drawings, it will be tastefully in line with the desire of the Iron Horse community to maintain a thoughtfully understated, rustically beautiful, high-quality persona that adds to the good value of Whitefish overall.

Affected homeowners have been waiting patiently for the Iron Horse Home Owners Association to address expected functional and aesthetic improvements to welcome areas. As the community association is now far enough along in its maturity, and as the amount of traffic on Iron Horse roads has increased dramatically over the last several years (and will remain on a general increasing trend), this seems like the right time to address these improvements. Delaying improvements will allow a growing traffic safety issue to exacerbate and result in increased time, cost, and inconvenience for the community.

Thank you all again for your time and thoughtfulness, and happy new year.

Joe

Joe Rhemann

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EXHIBIT

29

Wendy Compton-Ring

From: Alan Warrick <afwarrick@gmail.com>
Sent: Monday, January 05, 2015 3:44 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Proposed Welcome Center Ironhorse

To: Planning committee
Fr: Alan Warrick

Respectfully as a Ironhorse home owner and member of the Ironhorse HOA I would like to submit a few comments regarding the proposed Welcome Center.

1. The most important point to make is Safety, Safety , Safety
2. Our children and grandchildren are the prime concern for all of us in the community
3. Reducing the speeds of all vehicles will greatly help protect walkers, bikers, golf carts ect
4. The general flow of traffic will be greatly enhanced with traffic spread out and line of sight much improved

And of course a very welcome feeling for all that enter Ironhorse and enjoy the area.

I greatly appreciate your consideration of the project.

Respectfully submitted
Alan Warrick
113 Huckleberry Ln
Whitefish, MT 59937

--

Alan F Warrick
1921 Country Club LN
Little Rock, Ark. 72207
501-664-0777
Cell 501-258-5649
afwarrick@gmail.com

EXHIBIT

30

Wendy Compton-Ring

From: Jeff Bayer <jbayer@cdc-usa.com>
Sent: Monday, January 05, 2015 3:46 PM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Welcome Center

Dear City of Whitefish Planning Committee,

My wife Chris and I were recently made aware of the proposed Welcome Center on Iron Horse Drive. We saw drawings of the proposed roadway and new building and believe this would contribute greatly towards overall safety in this area. Specifically in the summer months when there is significant pedestrian, bicycle, golf cart and vehicular traffic all converging within this particular zone. We are very much in favor of this proposal and support it fully.

Please include our preference at the upcoming Planning Committee meeting.

Thank you and best regards,

Jeff and Chris Bayer
214 926 3579

EXHIBIT

31

Wendy Compton-Ring

From: Valery Neuman <valeryneuman@yahoo.com>
Sent: Wednesday, January 07, 2015 9:01 AM
To: wcompton-ring@cityofwhitefish.org
Subject: Ironhorse Welcome Center

Dear Whitefish Planning Department,

This letter is in regards to the proposed Welcome Center for Ironhorse Golf Club. My wife and I are in favor of the proposal for a myriad of reasons, primarily safety comes to mind. The current guard building is in a blind area and we have consistently observed trucks and cars racing through at high speeds. The area is a traffic area for children, golfers, bicyclists, pedestrians, etc.

It would be a more professional entrance and would be a friendly way to "slow things down" and welcome people into the area...

We thank you for your service in the beautiful town of Whitefish, Montana.

Respectfully,

Don and Valery Neuman
350 Sugarbowl Circle
Whitefish, Montana,
59937

Cell 760.861.1176

EXHIBIT

32



IRON HORSE

HOMEOWNERS ASSOCIATION

Date: December 31, 2014

To: City of Whitefish Planning Committee

From: Andrew Moshier, President, Iron Horse Home Owners Association

Re: Completion of Entryway to the Iron Horse Community

Whitefish Planning Committee,

This application is a request to approve a one-story Welcome Center building, along with the required sewer and other utility permits, to complete the entryway into the Iron Horse community.

The purpose of this project is twofold;

1. Provide for traffic calming in a road area that is incomplete and poorly designed, leaving it prone to a dense collections of vehicles, golf carts, and pedestrians
2. Complete an aesthetically pleasing look at this entryway site, left incomplete at turnover from the developer.

Background. The Iron Horse HOA was turned over from declarant control to an independently elected Board of Directors in 2011. Completing the entryway was the top request of property owners. However, given insufficient reserves and other service requirements, the HOA opted to defer this effort to a future date. The summer of 2014 saw vastly increased traffic and an improvement in HOA financials, bringing this project back to the top of priority list.

EXHIBIT

Iron Horse Entryway Project

Currently a basic guardhouse is located to the side of a cross traffic nightmare. In the summertime, traffic includes regular vehicle flow, ingress/egress to Silverberry Lane, heavy home construction equipment (including dump trucks), golf carts, golf course construction equipment, cyclists, and some foot traffic. Uphill and downhill speeds compound the flow rate challenge through a narrow roadway.

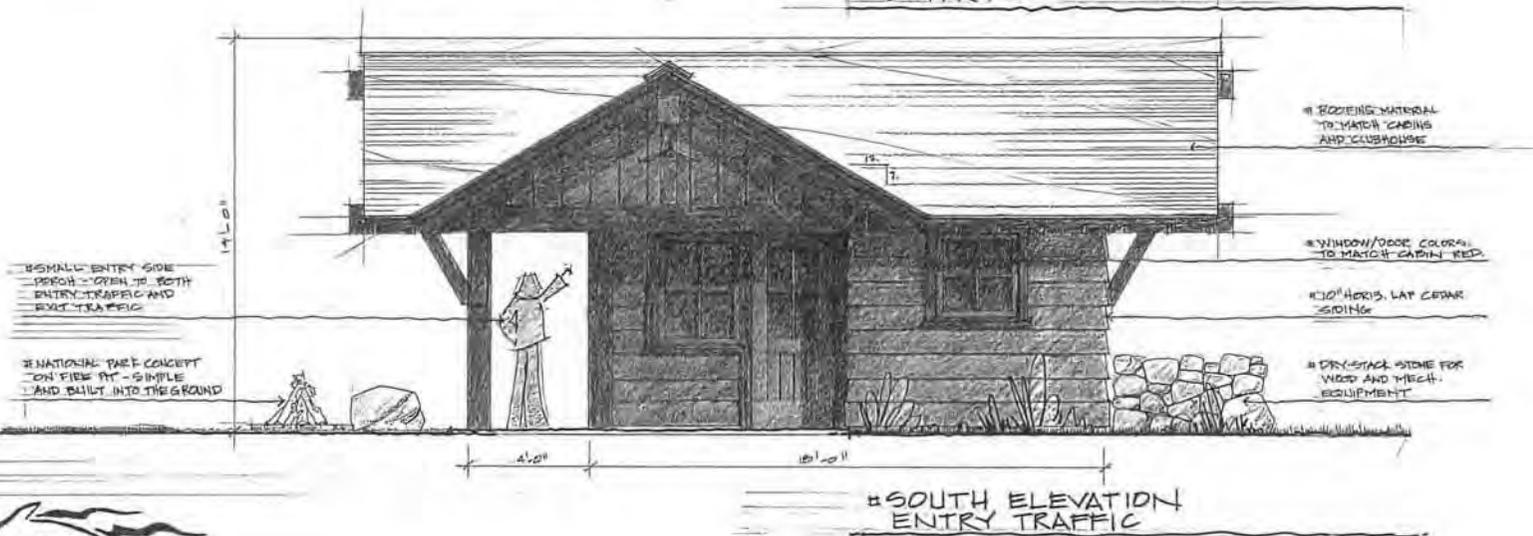
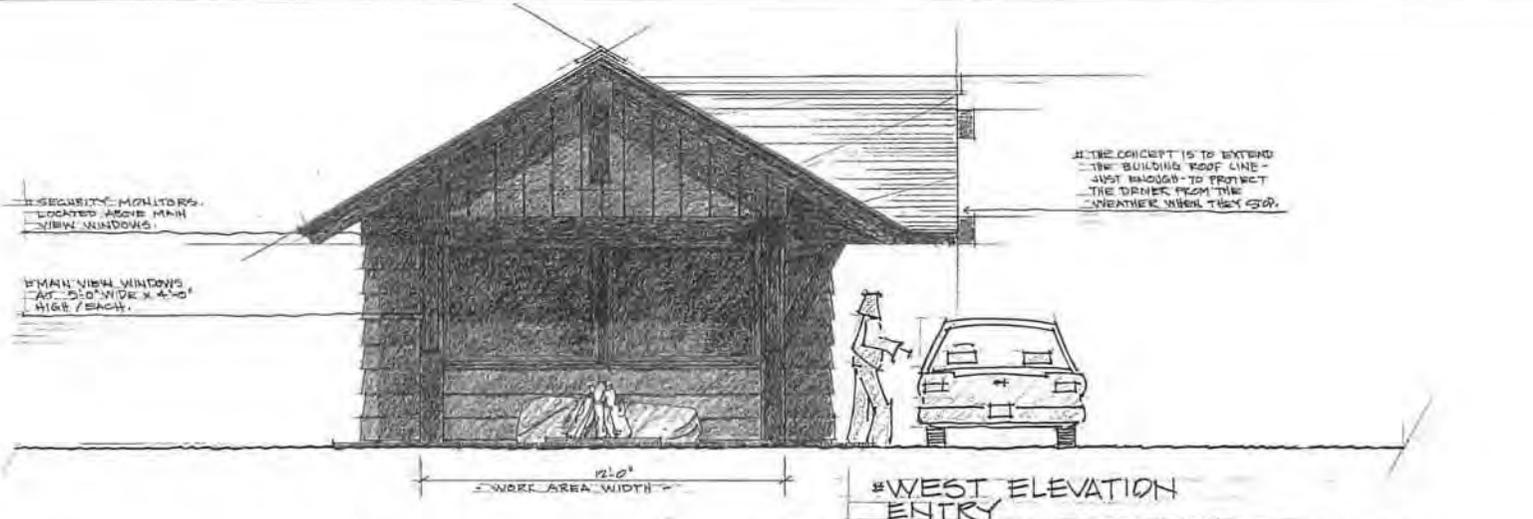
Completion of the entryway design will accomplish several safety goals;

- Split the uphill and downhill roadway with a median section and widen each main lane to 20'. Curve the uphill roadway for natural traffic calming
- Consolidate Silverberry Lane with the golf course maintenance road, physically separate from golf cart ingress/egress points (exact re-routing being discussed with affected homeowners)
- Slow traffic to 15 mph, but encourage continuous traffic flow
- Build a new Welcoming Station in the median to create natural awareness of the entryway, 'fill in' the expanded roadway, and allow clear viewing of road crossing golf carts
- Add a separate pull over lane on the uphill portion for vehicles needing assistance

A secondary aesthetic goal is to create a pleasing, GNP-themed entryway color scheme that promotes a relaxing and welcoming feel to residents, their guests, and other visitors. This would tie in to a concurrent project to replace all Iron Horse road signs with similar GNP-themed versions (the current WF street signs are the basis for the style and materials to be used).

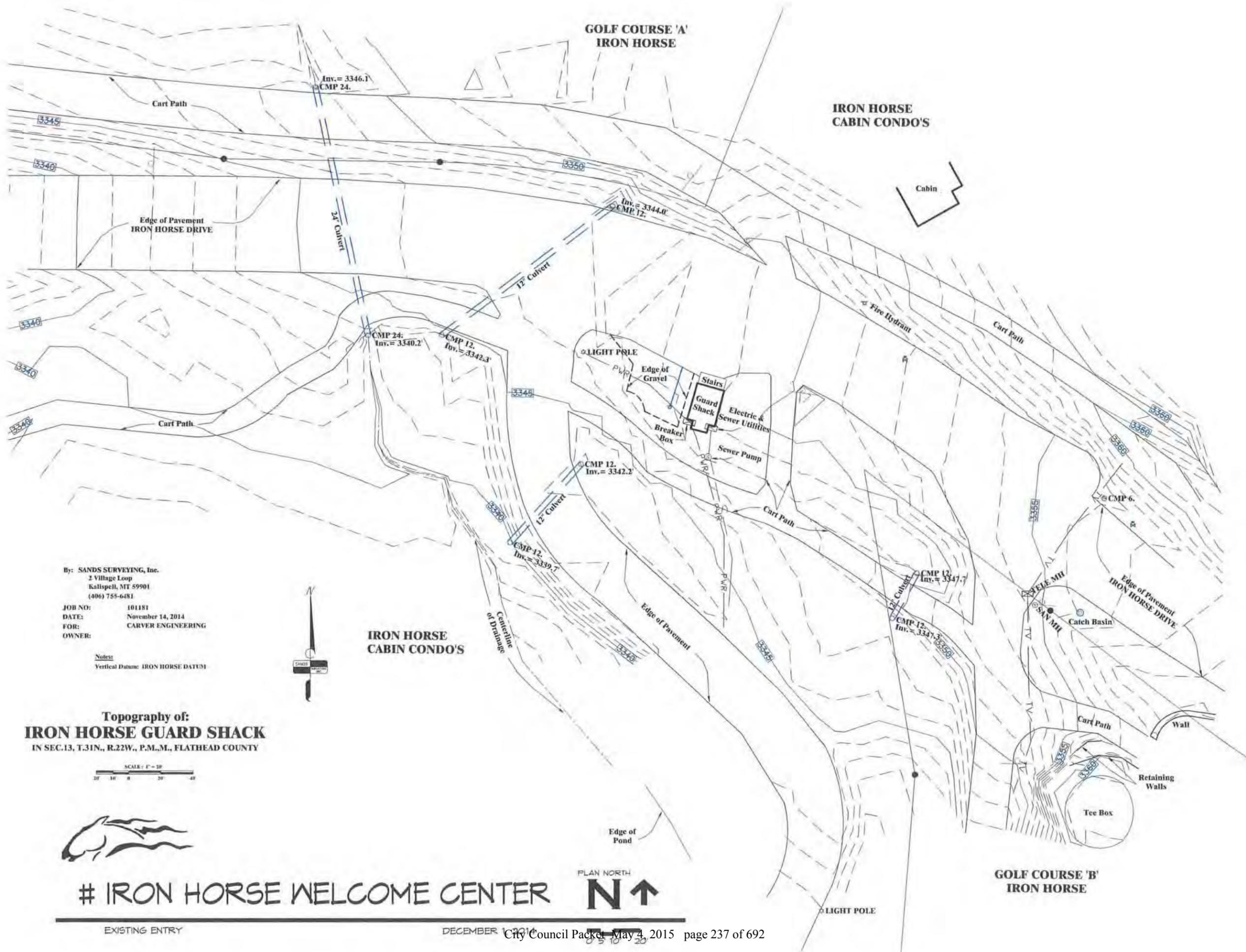
Project timing: Move forward with professional design and City of WF planning requirements ASAP. Start construction late March, 2015,

12/1/14 v4



IRON HORSE WELCOME CENTER

DECEMBER 20, 2014



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

JOB NO: 101181
 DATE: November 14, 2014
 FOR: CARVER ENGINEERING
 OWNER:

Notes:
 Vertical Datum: IRON HORSE DATUM



**Topography of:
 IRON HORSE GUARD SHACK**
 IN SEC.13, T.31N., R.22W., P.M.M., FLATHEAD COUNTY



IRON HORSE WELCOME CENTER



EXISTING ENTRY

Wendy Compton-Ring

From: John Witt <john@wittcogroup.com>
Sent: Friday, January 09, 2015 6:57 AM
To: wcompton-ring@cityofwhitefish.org
Subject: Iron Horse Welcome Center

To City of Whitefish Staff,

I am aware of plans to relocate and modify the Iron Horse guard station to create a divided entrance with a welcome center/guard building near the cart path crossing area on Iron Horse drive. As a year round resident in the development, I am very much for this modification. This is a somewhat curvy area that has a significant amount of cart crossing traffic, course maintenance traffic, construction traffic, and, in the summer, children walking or riding bikes. The center's location would reduce traffic speeds to a safe level without causing people to stop as they enter this dangerous area. I believe it would achieve the goal of increasing safety in the area without overly impeding the flow of traffic. Thanks for your consideration.

John Witt
143 Berry Ln

Sent from my iPhone

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



February 10, 2015

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

RE: Iron Horse Entrance Modification; (WPP 97-01A)

Honorable Mayor and Council:

Summary of Requested Action: The Iron Horse Homeowners' Association is proposing to construct remove the existing guard house and replace it with a single story welcome center in a landscape median in the center of Iron Horse Drive. This work will also include consolidating two roads on the south side of Iron Horse Drive into one road uphill and to the east of the welcome center, provide three parallel parking spaces along the south side of Iron Horse Drive and complete some utility work associated with the welcome center. The location of the project is the Iron Horse Drive right-of-way, a private road open to the public.

Planning & Building Department Recommendation: Staff recommended to not approve the reconfigured entrance and identified Findings of Fact to support the denial.

Public Hearing: The President of the HOA spoke at the public hearing on January 15, 2015 in support of the request and three members of the public also spoke in support of the request. One member of the public spoke not in support of the request and felt it may be construed as not welcoming the public, which was an important aspect of the project. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on January 15, 2015 to conduct the public hearing. Following the hearing, the Planning Board recommend to not approve the entrance modifications as recommended in the staff report and adopted the staff report as findings of fact (4-3, Stein, Laidlaw, Ellis voting in opposition).

Proposed Motion:

- I move to not approve the changes to the Iron Horse entrance and adopt the Findings of Fact in staff report WPP 97-01A, as recommended by the Whitefish Planning Board.

This item has been placed on the agenda for your regularly scheduled meeting on February 17, 2015. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Wendy Compton-Ring, AICP
Senior Planner

Att: Draft Minutes, Planning Board, 1-15-15

Exhibits from 1-15-15 Staff Packet

1. Staff Report – WPP 97-01A, 1-8-15
2. Neighborhood Plan, Transportation Chapter, 9-16-1996
3. Conditions of Approval, 7-21-1997
4. Plat Maps, Phase 2-4 & 6
5. City Council Minutes, 6-5-00
6. Letter, Former City Manager Gary Marks, 10-5-04
7. Letter, Former City Attorney John Phelps, 8-29-07
8. Adjacent Landowner Notice, 12-18-14
9. Advisory Agency Notice, 12-23-14
10. Email, Warning, 12-23-14
11. Letter, Aronson, 12-29-14
12. Email, Hannon, 12-30-14
13. Email, Parker, 1-2-15
14. Email, Hoadley, 1-3-15
15. Email, Horn, 1-3-15
16. Email, Mayo, 1-4-15
17. Email, Shennan, 1-4-15
18. Email, Kelton, 1-5-15
19. Email, Burke, 1-5-15
20. Email, Wessels, 1-5-15
21. Email, Miller, 1-5-15
22. Email, Fuller, 1-5-15
23. Email, Moshier, 1-5-15
24. Email, Baur, 1-5-15
25. Email, Grant, 1-5-15
26. Email, Hetzer, 1-5-15
27. Email, Voyles, 1-5-15
28. Email, Yerger, 1-5-15
29. Email, Rhemann, 1-5-15
30. Email, Warrick, 1-5-15
31. Email, Bayer, 1-5-15
32. Email, Neuman, 1-7-15

The following were submitted by the applicant:

33. Letter and Drawings, Iron Horse Homeowners' Association, 12-31-14

Additional Public Comment Received After Planning Board Packets Were Mailed:

34. Email, Witt, 1-9-15

c: w/att Necile Lorang, City Clerk

c: w/o att Michele Ireland, Iron Horse HOA 2150 Iron Horse Dr Whitefish, MT 59937
Andrew Moshier, President, Iron Horse HOA 2150 Iron Horse Dr
Whitefish, MT 59937

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



March 26, 2015

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

RE: Iron Horse Entrance Modification; (WPP 97-01A)

Honorable Mayor and Council:

Summary of Requested Action: The Iron Horse Homeowners' Association is proposing to construct remove the existing guard house and replace it with a single story welcome center in a landscape median in the center of Iron Horse Drive. This work will also include consolidating two roads on the south side of Iron Horse Drive into one road uphill and to the east of the welcome center, provide three parallel parking spaces along the south side of Iron Horse Drive and complete some utility work associated with the welcome center. The location of the project is the Iron Horse Drive right-of-way, a private road open to the public.

Planning & Building Department Recommendation: Staff recommended to not approve the reconfigured entrance and identified Findings of Fact to support the denial.

Public Hearing (City Council 2/10/15): The President of the HOA and his consultant spoke at the Council's public hearing on February 16, 2015 in support of the request and eleven members of the public also spoke; nine members in support, one not in support and one with questions. The minutes from the Council meeting are attached as part of this packet.

City Council Action (2/10/15): The City Council met on February 10, 2015 to conduct the public hearing. Following the hearing, the Council tabled the request until April 7, 2015 (4-2, Frandsen, Hildner voting in opposition). In making this request, the Council asked the applicant to address a number of items including: intent of the project, is it really just a safety issue, will the proposal accomplish their goals, staffing of the information center, and bicyclists riding shoulder to shoulder.

The Iron Horse Homeowners' Association has requested the Council continue this item until the May 4, 2015 City Council meeting. The reason for this delay is to address the Council concerns and ensure the applicant and his consultants are available for the

meeting. A copy of the requested continuance is attached. Staff supports this continuance.

Proposed Motion:

- I move to continue WPP97-01A, a request to make changes to the Iron Horse entrance, until the May 4, 2015 City Council meeting.

This item has been placed on the agenda for your regularly scheduled meeting on April 7, 2015. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,



Wendy Compton-Ring, AICP
Senior Planner

Att: Letter, Iron Horse HOA, 3-26-15
Minutes, City Council, 2-10-15
Letter to Council, Planning Department, 2-10-15
Minutes, Planning Board, 1-15-15

Exhibits from 1-15-15 Staff Packet

1. Staff Report – WPP 97-01A, 1-8-15
2. Neighborhood Plan, Transportation Chapter, 9-16-1996
3. Conditions of Approval, 7-21-1997
4. Plat Maps, Phase 2-4 & 6
5. City Council Minutes, 6-5-00
6. Letter, Former City Manager Gary Marks, 10-5-04
7. Letter, Former City Attorney John Phelps, 8-29-07
8. Adjacent Landowner Notice, 12-18-14
9. Advisory Agency Notice, 12-23-14
10. Email, Warning, 12-23-14
11. Letter, Aronson, 12-29-14
12. Email, Hannon, 12-30-14
13. Email, Parker, 1-2-15
14. Email, Hoadley, 1-3-15
15. Email, Horn, 1-3-15
16. Email, Mayo, 1-4-15
17. Email, Shennan, 1-4-15
18. Email, Kelton, 1-5-15
19. Email, Burke, 1-5-15
20. Email, Wessels, 1-5-15
21. Email, Miller, 1-5-15
22. Email, Fuller, 1-5-15

- 23. Email, Moshier, 1-5-15
- 24. Email, Baur, 1-5-15
- 25. Email, Grant, 1-5-15
- 26. Email, Hetzer, 1-5-15
- 27. Email, Voyles, 1-5-15
- 28. Email, Yerger, 1-5-15
- 29. Email, Rhemann, 1-5-15
- 30. Email, Warrick, 1-5-15
- 31. Email, Bayer, 1-5-15
- 32. Email, Neuman, 1-7-15

The following were submitted by the applicant:

- 33. Letter and Drawings, Iron Horse Homeowners' Association, 12-31-14

Additional Public Comment Received After Planning Board Packets Were Mailed:

- 34. Email, Witt, 1-9-15

c: w/att Necile Lorang, City Clerk

c: w/o att Michele Ireland, Iron Horse HOA 2150 Iron Horse Dr Whitefish, MT 59937
Andrew Moshier, President, Iron Horse HOA 2150 Iron Horse Dr
Whitefish, MT 59937

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RESOLUTION NO. 15-___

A Resolution of Intention of the City Council of the City of Whitefish, Montana, indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (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, pursuant to an agreement dated May 20, 2013, the City engaged WGM Group, Inc., to assist the City in creating the Highway 93 West Corridor Plan from the Whitefish River Veterans Memorial Bridge out to Mountainside Drive; and

WHEREAS, a Steering Committee was created on May 20, 2013, by Resolution No. 13-10 and its term was extended pursuant to Resolution No. 14-01 on January 6, 2014; and

WHEREAS, thereafter, public meetings were conducted to receive public input regarding the Whitefish Highway 93 West Corridor Plan needs and proposals, public visioning sessions, and update future land uses for the Growth Policy Future Land Use Map for the corridor; and

WHEREAS, on June 19, 2014, and December 18, 2014, the Whitefish Planning Board held work sessions on the Whitefish Highway 93 West Corridor Plan, received presentations from the consultants and staff, took public comment, and made suggestions; and

WHEREAS, on January 15, 2015, at a lawfully noticed public hearing, the Whitefish Planning Board considered the Whitefish Highway 93 West Corridor Plan, received an oral report, reviewed Staff Report WGPA 15-02, took public comment, and thereafter voted to recommend that the Whitefish Highway 93 West Corridor Plan be adopted as an amendment to the 2007 Growth Policy, with a vote of six in favor and one Board Member abstaining; and

WHEREAS, on February 2, 2015, at a lawfully noticed public hearing, the Whitefish City Council considered the Whitefish Highway 93 West Corridor Plan, received an oral report, reviewed Staff Report WGPA 15-02, considered the recommendation of the Whitefish Planning Board, took public comment, and thereafter voted to postpone action until a work session could be scheduled with the consultant; and

WHEREAS, on April 6, 2015, at a lawfully noticed work session, the Whitefish City Council got a detailed presentation on the plan from the consultant and staff, took public comment, and provided further direction on the plan; and

WHEREAS, on April 20, 2015, at a lawfully noticed public hearing, the Whitefish City Council considered the Whitefish Highway 93 West Corridor Plan, received an oral report, reviewed Staff Report WGPA 15-02, considered the recommendation of the Whitefish Planning Board, took public comment, and thereafter voted to get more information before approving the plan; and

WHEREAS, on May 4, 2015, at a lawfully noticed public hearing, the Whitefish City Council considered the Whitefish Highway 93 West Corridor Plan, received an oral report, reviewed Staff Report WGPA 15-02, considered the recommendation of the Whitefish Planning Board, took public comment, and thereafter voted to approve the plan; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt a Resolution of Intention to approve the Whitefish Highway 93 South Corridor Plan, as an amendment to the 2007 Growth Policy.

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 adopt the Whitefish Highway 93 West Corridor Plan, attached hereto and incorporated herein by reference, as an amendment to the 2007 Growth Policy.

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 _____, 2015.

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



May 4, 2015

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

RE: Highway 93 West Corridor Plan

Mayor Muhlfeld and councilors,

Enclosed in your latest packet is a fresh copy of the Highway 93 West Corridor Plan with the changes the council directed by the Council on April 20th. To more clearly show the focus of the requested changes, a mark-up draft of Appendix D is attached to this memo. The council also had several questions, which I will address in this memo. It should be noted that the draft zoning districts will need to come back through the Planning Board and City Council for further refinement prior to them being adopted in the zoning code.

With regard to the potential addition of the conditional use of 'Grocery stores, not to exceed 4,000 square feet' to the WI-T proposed zoning district, staff researched the footprints of both Markus Foods and Alpine Village Market. Wendy was able to contact Duane Reisch, Markus Foods owner, and former owner of Alpine Village Market. He provided this information:

Markus Foods: 12,000 sq. ft.
Alpine Village Market: 4,500 sq. ft.

We believe 4,000 square feet would work for a small market, although if there is an assisted living facility built on the Idaho Timber site, a small grocery store might also include an accessory pharmacy, which might necessitate a larger number such as 6,000 square feet. Grocery Stores are not currently listed, so a motion would be need to be made to add them to the list of conditional uses in the WI-T.

Another question that was asked was what are the typical building footprints in Area B? Staff had proposed bulk and scale standards requiring a Conditional Use Permit for buildings with footprints over 7,500 square feet, matching our downtown WB-3 requirement. The WB-2 requires CUP's for buildings over 15,000 square feet. Staff used State CAMA data to research footprint size – however these numbers do not include attached car-ports, etc., just living space. A map showing many of footprint dimensions in both Area B and Area A is attached.

In Area B, many of the existing older rental house residences in Area B are fairly small – 700 to 900 square feet. Many of those old 'dam house' type buildings are being removed and replaced by multi-family or mixed use. Newer mixed-use buildings along Area B include the following:

Mike Jensen's building (1200 sq ft)
Paul Wells (1200 sq ft)
Hurley's apartment building (2400 sq ft)
D.A. Davidson building by the bridge (1,800 sq ft)

Conversely, across the street in Area A, average buildings are typically larger, even though the lots are much smaller. We have the following buildings:

Barnes Service Station (2546 sq ft, not including gas canopy)
Office building just north of service station (1250 sq ft)
Vet clinic (2058 sq ft)
Ryan Zinke's house (2058 sq ft)
Apartments three lots south of Karrow (2760 sq ft)

There is also a five-plex in Area A at the corner of Good Avenue that exceeds 3000 square feet, but the exact footprint could not be obtained accurately.

For bulk and scale, a conditional use permit threshold should be set for buildings predominantly larger than the existing, but not force the majority of projected developments to have to go through cumbersome public hearings. The reason we might want a higher threshold than the existing building footprints is to encourage the types of uses envisioned by the corridor plan. With a new street, existing utilities, and available police and fire protection, allowing a square footage threshold within the acceptable parameters of the plan seems prudent. Therefore we recommend the threshold be set in the range of 3,000 square feet to 5,000 square feet in WT-3 for when a CUP would be required.

Finally, a question was raised with regard to lot coverage in the WT-3 district. Currently the WR-3 zoning has a 40% lot coverage maximum. 70% was the number in the draft plan, which we agree is too high. Increasing it slightly from 40% seems warranted when you consider that outbuildings for material storage may be necessary for artisan manufacturing uses. Therefore we are recommending a 50% lot coverage standard for the WT-3.

There is one other item the council could discuss. The plan calls for future rezoning of Area B and Idaho Timber to the draft transitional zones be initiated by property owners on a case by case basis. If the council feels it would be more consistent with the plan for the city to make a more comprehensive zoning change once the new zones are adopted, the plan implementation chapter could be modified to include that as a staff priority.

We hope that your questions are sufficiently answered, and urge you to adopt the Highway 93 West Corridor plan on May 4 with whatever additional modifications you choose.

Dave Taylor, AICP



Enc. Corridor Map of Building Footprints
Appendix D, with changes marked in red.



1664

8521

1048 + 900

2760

950 + 300

2034

974

2058

1248

1200

2546

676

1428

1200

2400

1800

Mics Ave

E 13th St

E 14th St



APPENDIX D: PROPOSED ZONING DISTRICTS

Proposed New Sample Zoning Districts

Sample zoning district language is provided for Area B and for the Idaho Timber Site. These sample zoning districts are meant to be used as guidelines should property owners, in the future, request new zoning in either Area B or for the Idaho Timber Site. As guidelines for potential new zoning, the actual language of any proposed new zoning would be given appropriate scrutiny, appropriate language modifications and have to be taken through public hearings before the Planning Board and City Council. Any new zoning would be subject to the protest provisions provided by state statute.

Appendix D: Proposed Zoning Districts

ARTICLE WT-3 SAMPLE NEIGHBORHOOD MIXED-USE TRANSITIONAL DISTRICT

The WT-3 District is intended for transitional development including high density residential, professional offices, light manufacturing, light assembly and ancillary services to provide a performance-based mixed-use environment with a recreational amenity, such as the Whitefish River, a community gateway, or adaptive use areas which are transitioning from their traditional uses and lots primarily border either the Whitefish River or industrial zoned property. The boundary of this district is along the north side of Highway 93 from both sides of north Karrow Avenue to the Veteran's Bridge or are on the south side of Highway 93 east of Good Avenue to the Veteran's Bridge . This zoning classification is not intended for general application throughout the Whitefish area.

PERMITTED USES:

- ~~* Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).~~
- * Home occupations (see Special Provisions in section 11-3-13 of this title).
- * Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet of landscaped area shall surround such a building or structure.
- * Publicly owned or operated buildings and uses.
- * Open space for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, community gardens.
- * Residential
 - o Class A manufactured homes.
 - o Daycare (registered home, 5 to 12 children).
 - o Guest and servant quarters.
 - o Single-family through fourplex dwelling units including resort and recreational condominiums, townhouses, time sharing and interval ownership residences, vacation units or other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary services for the use of occupants and guests.
- * Sublots (see Special Provisions in subsection 11-3-14C of this title).

CONDITIONAL USES:

- * Accessory apartments.
- * Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).
- * Caretaker's unit.
- * Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories.

Appendix D: Proposed Zoning Districts

- * Clubs, private and semiprivate recreational facilities.
- * ~~Coffee shops and sandwich shops (ground level to street level only).~~
- * Daycare centers (more than 12 individuals).
- * Dwelling groups or clusters.
- * Guesthouses.
- * Manufacturing, Artisan (see Special Provisions in section 11-3-38 of this title).
- * Personal Services (ground level to street level only).
- * Professional offices (ground level to street level only).
- * Professional Artist Studio and Gallery (see Special Provisions in section 11-3-15)
- * Public golf courses.
- * Residential:
 - o Boarding houses.
 - o Fiveplex or larger multi-family dwelling units, ~~including resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units or other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary services for the use of occupants and guests.~~
- * Hotels and motels are permitted within a portion of the Whitefish River frontage area, said frontage area being a strip of land 300 feet wide and lying southwesterly of, and contiguous to, the low water mark of the Whitefish River north of Highway 93.

PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to land and buildings within this district:

Bulk and scale: All new structures with a building footprint of 5,000 square feet or greater, existing structures where an addition causes the total footprint to be 5,000 square feet or greater, and additions to structures where the footprint is already 5,000 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.

Minimum district size: n/a

Existing zoning requirements: Applies only in zoning districts allowing residential density up to 10 dwelling units per acre.

Minimum lot area: n/a

Minimum lot width: n/a

Appendix D: Proposed Zoning Districts

Minimum yard spaces:

- Front: 20 feet, except when fronting on a public right of way where there shall be a front yard setback of not less than 25 feet of landscaped greenbelt area. Sidewalks, vehicle access and parking may be allowed in this area up to a maximum of 40 percent of the greenbelt area.
- Side: 10 feet for single story, 15 feet for two-story
- Rear: 20 feet, refer to section 11-3-29.

Maximum height:

35 feet:

The maximum building height may be increased up to 42 feet as follows:

1. When the majority of the roof pitch is 7/12 or steeper; or
2. For mixed-use buildings.

Permitted lot coverage:

~~70%~~ 50% maximum.

Off-street parking:

See Chapter 6 of this title.

1. Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both.
2. If a non-residential and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to 50%, provided that the reduction does not exceed the minimum parking requirement for the office use.
3. Applicants must provide a shared parking agreement executed by the parties establishing the shared parking spaces. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by Chapter 6.
4. Shared parking may be located within 300' of the site.
5. Required accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

Hours of operation:

7 am to 8 pm for non-residential uses if within 100' of a residential use.

Appendix D: Proposed Zoning Districts

- Accessory buildings: Accessory buildings conforming to the definition in Section [11-9-2](#) of this title are allowed subject to the standards set forth in section [11-3-2](#) of this title. Accessory buildings with footprints not exceeding 600 square feet shall be set back a minimum of 6 feet from side and rear property lines that do not border a street, lake, any intermittent or perennial stream, or the front 1/2 of any adjoining lot. Setbacks for accessory buildings with footprints exceeding 600 square feet shall be the same as those for the principal structure.
- Landscaping: See [Chapter 4](#) of this title (single-family uses exempted).

DEFINITIONS:

~~SANDWICH SHOPS—Restaurant facilities serving breakfast and lunch with no more than 2,000 square feet of gross floor area~~

MANUFACTURING, ARTISAN - Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires screened outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500 square feet of gross floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

MIXED-USE ENVIRONMENT (performance based) – Neighborhoods where different types of land uses such as residential, office, or institutional are in close proximity.

MIXED-USE BUILDING - A building that houses residential uses in combination with non-residential uses.

Appendix D: Proposed Zoning Districts

ARTICLE SAMPLE WI-T INDUSTRIAL TRANSITIONAL DISTRICT

The WI-T District is intended to allow for the gradual transition on vacant or underutilized sites that were traditionally used for heavy manufacturing to adaptive, clean industries and business incubators. These sites are generally proximate to the downtown, have existing high capacity utility services and existing multi-modal transportation opportunities such rail and highway access.

PERMITTED USES:

- * Manufacturing, Artisan (see Special Provisions in Section 11-3-38 of this title).
- * Light industrial manufacturing, fabricating, processing, repairing, packing or storing facilities.
- * Parcel delivery services.
- * Janitorial services.
- * Wireless transmission facility.
- * Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet of landscaped area shall surround such a building or structure.
- * Building supply outlets.
- * Warehousing.
- * Publicly owned or operated buildings.
- * Open space for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, community gardens.
- * Live Work Units
 - o The exterior design of live/work buildings shall be compatible with the exterior design of commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings.
- * Professional Offices (ground level to street level only).
- * Private railway cars with living accommodations are allowed to park on rail lines for up to 30 days in a calendar year, but cannot be used for short term rentals.

CONDITIONAL USES:

- * Bed and breakfast establishments (see Special Provisions in Section 11-3-4 of this title).

Appendix D: Proposed Zoning Districts

- * Any use allowed as a permitted use under the WI District.
- * Business Incubator
 - Inside a business incubator facility the following uses are permitted not to exceed XXX square feet of floor area:
 - Computer software
 - Services/professional
 - Manufacturing
 - Internet
 - Biosciences/life sciences
 - Electronics/microelectronics
 - Telecommunications
 - Computer hardware
 - Medical devices
 - Creative industries
 - eBusiness and eCommerce
 - Wireless technology
 - Healthcare technology
 - Advanced materials
 - Defense/homeland security
 - Energy
 - Environment/clean technologies
 - Media
 - Nanotechnology
 - Construction
 - Arts
 - Aerospace
 - Kitchen/food
 - Wood/forestry
 - Tourism
 - Man Power
- * [Coffee shops and sandwich shops](#)
- * [Nursing and Retirement Homes, Personal Care Facilities, Community Residential Facilities, Types I and II](#)

Appendix D: Proposed Zoning Districts

- * Research laboratories and institutions. (Definition)
- * Contractors' yards.
- * Petroleum products, wholesale.
- * Heavy equipment sales, rental and service.
- * Colleges, business and trade schools.

DEFINITIONS:

BUSINESS INCUBATORS – Facilities that are dedicated to start up and early-stage companies. Business incubators integrate into the community in a number of ways and help startup companies:

- Help with business basics.
- Networking activities.
- Marketing assistance.
- High-speed Internet access.
- Help with accounting/financial management.
- Access to bank loans, loan funds and guarantee programs.
- Help with presentation skills.
- Links to higher education resources.
- Links to strategic partners.
- Access to angel investors or venture capital.
- Comprehensive business training programs.
- Advisory boards and mentors.
- Management team identification.
- Help with business etiquette.
- Technology commercialization assistance.
- Help with regulatory compliance.
- Intellectual property management.

SANDWICH SHOPS – Restaurant facilities serving breakfast and lunch with no more than 2,000 square feet of gross floor area

Appendix D: Proposed Zoning Districts

LIVE-WORK UNIT - A structure or portion of a structure:

- (a) That combines a permitted or conditional use allowed in the zone with a residential living space for the owner of the permitted or conditional use or the owner's employee; and
- (b) Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

RESEARCH FACILITIES - A laboratory facility that is primarily used for scientific research. This use can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not involve the fabrication, mass manufacture, or processing of the products.

Special Provisions

11-3-38 ARTISAN MANUFACTURING:

- A. Hours of operation for activities or services open to the public shall be limited to 8 am to 8 pm.
- B. Uses that create any objectionable byproducts such as dirt, glare, heat, odor, smoke, waste material, dust, gas, atmospheric pollutants, excessive noise or that have the potential for increased danger by reason of fire, explosion or other physical hazards are prohibited.
- C. Shipping and receiving shall be limited to 7 am to 7 pm except for rail-related shipments.
- D. All outdoor storage shall be enclosed and screened from adjacent properties and public streets.
- E. All outdoor seating and outdoor display shall be screened from adjacent residential uses by fencing or landscaping.
- F. All outdoor lighting shall be compliant with 11-3-25: OUTDOOR LIGHTING STANDARDS.
- G. Off-street parking must be in the rear of the building housing the principal use.
- H. No more than 20% of gross floor area shall be used for accessory retail sales, no more than 50% of the gross floor area shall be used for food and beverage consumption (outdoor seating areas not included in calculation).
- I. Retail sales and food and beverage consumption are allowed at the ground level to street level only.

WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN



PREPARED BY:



APRIL 23, 2015
PROJECT NO. 130303

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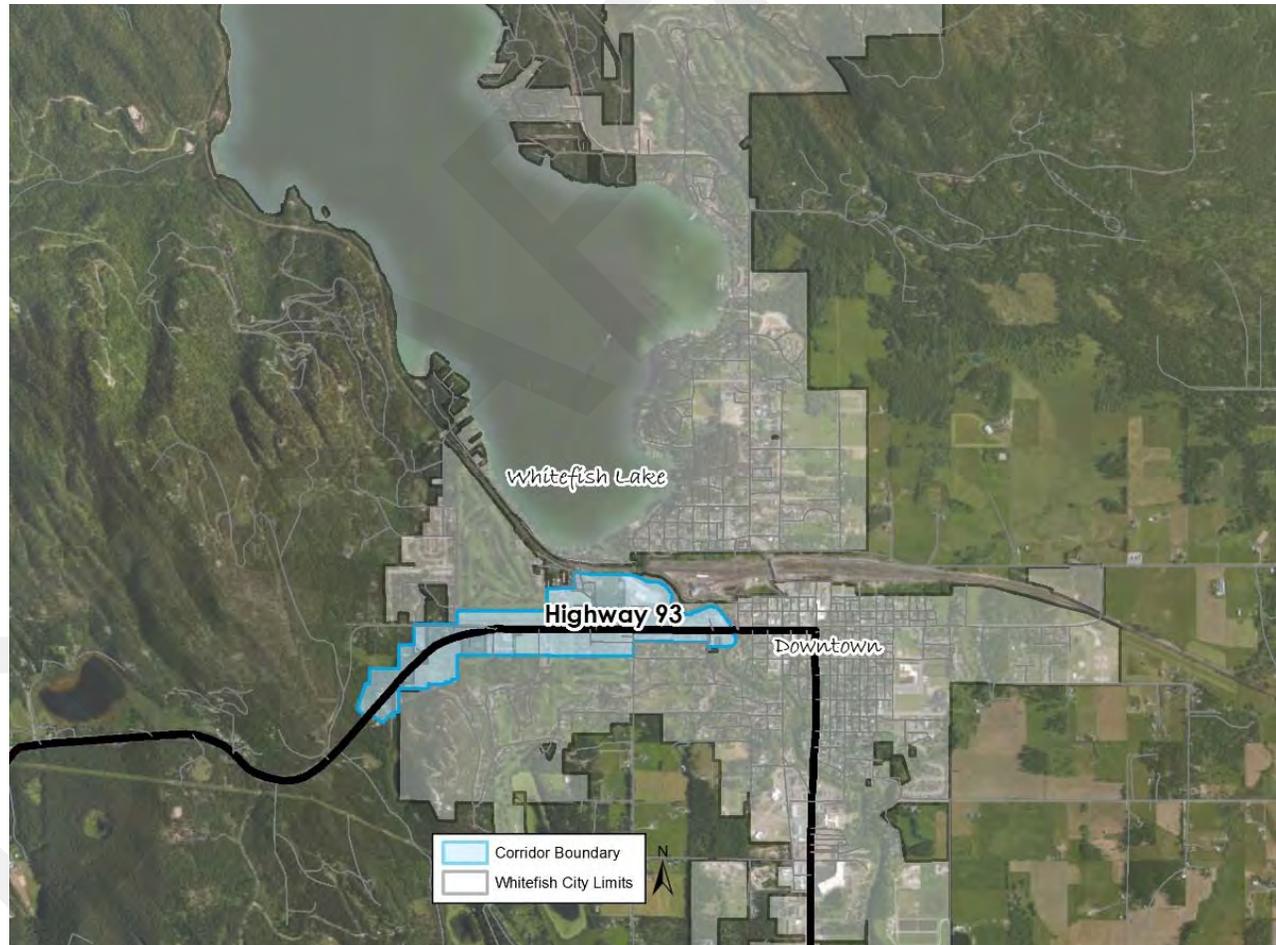
PROJECT DESCRIPTION

INTRODUCTION

The 2007 City of Whitefish Growth Policy recommends a corridor plan be formulated and adopted for US Highway 93 West with specific goals, policies, and recommended actions for the area that consider land use, scale, transportation function and modes, noise, screening, landscaping, and urban design.

The corridor is the site of the Montana Department of Transportation US Highway 93 West three-phase road widening project to provide major infrastructure improvements. In addition to widening the road, the project includes curbs, sidewalks, trails, landscaping, and utility improvements dramatically affecting the corridor by improving traffic flow for auto, bike, and pedestrian access and improved bike/pedestrian and landscaping in the corridor. These improvements also improve access and circulation. Construction of phase I began in the summer of 2013.

This corridor plan includes evaluating existing conditions, holding neighborhood stakeholder meetings, overseeing a City Council appointed project Steering Committee, and drafting a corridor plan focused on future land use planning and public improvement projects in the study area.



Vicinity Map

MISSION STATEMENT

The purpose of the Whitefish Highway 93 West Corridor Plan is to propose a more specific policy for land use, development and growth within the corridor as a follow-up to the 2007 City of Whitefish Growth Policy which was prepared under the authority of and in accordance with Part 6, Chapter 1, Title 76, Montana Code Annotated. A Growth Policy is required by Montana state law so that local governments can manage growth and development through zoning and subdivision regulations.

The following excerpt from the City of Whitefish Growth Policy explains the basis for recommending corridor plans as follow-up amendments to the original document:

“The Land Use Element of this Growth Policy recommends that corridor plans be formulated and adopted for four specific transportation corridors within the Whitefish area. Upon adoption, these corridor plans will effectively amend this Growth Policy with goals, policies, and recommended actions specific to each corridor. Following that, any special regulations regarding land use, access, buffering, screening, and/or landscaping may be considered.”

The City of Whitefish Growth Policy goes on to explain: “As stated previously in this element, the Growth Policy recommends numerous programs and new and amended regulations to carry out the goals and vision of this Growth Policy. Initiating and carrying out these programs and regulations will take time and resources, and therefore, priorities must be carefully set. 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.

Initially, it is recommended that implementation priorities include:

- Update of the subdivision regulations as required by amendments to Montana law enacted in 2005
- Critical Areas Ordinance
- Re-evaluation of the zoning code to adopt “character based” regulations and to address other issues set forth in this Growth Policy
- Evaluation of additional affordable housing programs and/or regulations
- Corridor plans.”

The Whitefish Highway 93 West Corridor Plan is the first of the four corridor plans.

GOALS AND OBJECTIVES

The focus of the corridor plan is to respect the existing land uses and zoning while allowing for the sensitive, timely and appropriate transition from existing uses to future land uses to benefit the community. The plan will identify a range of land uses to be integrated into the fabric of the Whitefish community, conform to the goals and objectives of the downtown and can be accepted by use, process and performance standards by the occupants of the corridor and the community.

Goal #1: Establish a plan to guide future land use in the US Highway 93 West corridor as an amendment to the existing Growth Policy by:

- Preserving essential elements of neighborhood character.
- Maintaining essential elements of the Downtown Master Plan.
- Preserving essential elements of historic character in future land use.
- Recognizing the corridor as the westerly gateway to Whitefish.
- Providing a vision for the future of the corridor balancing established character with the needs of the future.
- Working effectively with the City Council appointed Steering Committee to represent a broad cross-section of community interests.

Goal #2: Establish a Steering Committee that represents diverse community interests and work effectively with the Steering Committee by:

- Educating the Steering Committee on process.
- Informing the Steering Committee on existing land uses.
- Utilizing the Steering Committee to effectively represent their respective special interest groups.
- Developing effective notification utilizing mailings, email, public media, and the City of Whitefish website.
- Conducting public input sessions with neighborhood residents and stakeholders.
- Advising on implementation strategies.
- Advising on community needs, opportunities, and acceptable means of transitional implementation.

Project Description

Goal #3: Utilize a planning process to accomplish the following:

- Addresses land use, scale, and urban design.
- Identifies potential land use opportunities for the Idaho Timber site.
- Identifies potential public projects eligible for public investment.
- Provides recommendations for zoning.
- Provides an acceptable strategy of transitioning to appropriate future land uses.

Goal #4: Incorporate elements of the US Highway 93 West improvements including:

- Transportation function and modes.
- Screening.
- Landscaping.
- Directing public comment relative to the highway project and construction issues to appropriate authorities.

PLANNING PROCESS

The planning process was divided into five phases.

Phase 1: Inventory of Existing Conditions

The data collection phase of the project provided a history of the corridor and utilized GIS to produce a series of maps illustrating existing conditions within the corridor. These maps provided the foundation for the next phases in the project.

The following existing conditions were inventoried:

- Corridor boundary
- Land ownership
- Population
- Highway and street circulation system
- Non-motorized circulation
- Sewer
- Water
- Topography and drainage
- Existing growth policy land uses
- Zoning
- Parks and cultural resources
- Existing Tax Increment Financing (TIF) district



Project Description

Phase 2: Develop a Public Involvement Strategy

The public involvement strategy included facilitating a Steering Committee and holding six Steering Committee meetings and three public input sessions where comments were collected and documented.

Steering Committee

The Whitefish City Council selected the Steering Committee composed of volunteers who own property within the study area, city staff, elected officials, corridor business owners, and other stakeholders to establish a development policy for the corridor. The committee was selected to represent the interests within the corridor. The positions and committee members are listed below:

Business Owner (Resort/Recreation):

- Doug Reed

Business Owner (Commercial/Professional Interests):

- Cora Christiansen

Whitefish City Council:

- Phil Mitchell
- Frank Sweeney
- Andy Feury

Idaho Timber:

- Todd Featherly
- Dave Taugher
- Hunter Homes

Planning Board:

- Ken Meckel
- Chad Phillips
- Ken Stein

Residential (Investment or Multi-Family):

- Jim Laidlaw

Residential (Owner Occupied):

- Anne Shaw Moran
- Ryan Zinke

WB-3 Property Owner:

- Ian Collins

At-Large Community Member or Property Owner:

- Nancy Woodruff

Project Description

Visioning Public Input

The planning staff, Steering Committee and consultants held six Steering Committee meetings where public input and participation was welcomed and noted. An open house was held in August 2013 that invited the public to comment and provide input on future planning for the corridor. A mailing to all residents within the corridor boundary was sent out prior to the first public input session inviting participation. Public notices were published in the Whitefish Pilot prior to each public input session. A second public input session was held in October 2013. The proposed land use area boundaries, Steering Committee approved land uses, and character and concerns were presented for comment. The third public input session, a design charrette, was held in December 2013. Information regarding Steering Committee meetings along with corridor plan information was posted on the city website.

Phase 3: Visioning for the Future

During the visioning phase, existing documents were reviewed including the 2007 City of Whitefish Growth Policy, the 2008 US Highway 93 Whitefish West Re-Evaluation, the 2013 Whitefish Parks and Recreation Master Plan, the 2009 Whitefish Transportation Plan, and the 2005 Whitefish Downtown Business District Master Plan. Steering Committee meetings and public input sessions were conducted to gather comments and concerns within the corridor and a charrette was held to imagine redevelopment of the Idaho Timber site.

Phase 4: Establish a Development Policy

This phase began with a review of the existing City of Whitefish Growth Policy and land use designations. The existing land use designations were then melded with findings from the public involvement and visioning sessions to determine appropriate future land uses. Guidelines were developed during this phase for the recommended uses that addressed land use, scale, transportation function and modes, noise, screening, landscaping, and urban design.

Phase 5: Identify Implementation Activities

The final phase revised the Growth Policy Future Land Use Map and recommended a strategy to allow for the gradual transition from historic and traditional land uses to meet the contemporary needs of the community. Changes to the zoning code are recommended. This phase identified potential public/private partnership opportunities to stimulate appropriate growth and development in the study area.

I. CORRIDOR CONTEXT: ANALYSIS OF EXISTING CONDITIONS

CORRIDOR AREA HISTORY

The name “Whitefish” originated from the nearby lake that was known to the local Indians and fur trappers for its abundant native fish known as the Whitefish. Whitefish was incorporated in 1905 following the emergence of the Great Northern Railroad into the Flathead Valley in 1891 and a spur from Columbia Falls through Whitefish and Rexford by 1902. In 1904, Great Northern Railroad decided to bypass the county seat of Kalispell with their main line north and west. Whitefish was chosen instead to be the division point. This precipitated a migration of railroad workers from Kalispell to Whitefish.

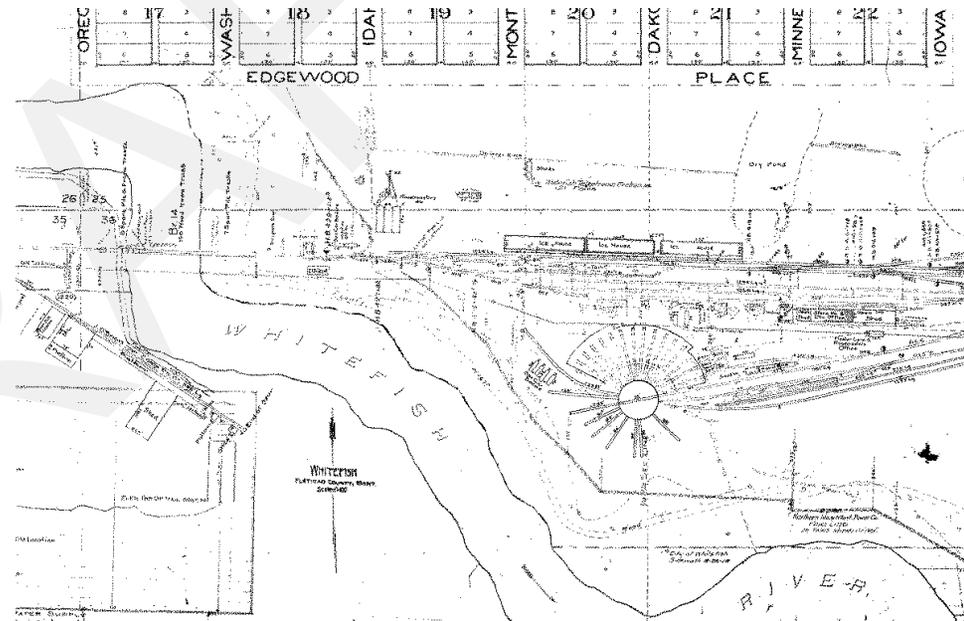
IMPORTANT LAND USES

Four of the most important land use anchors within the Highway 93 West Corridor are the Whitefish Lake Golf Club, Grouse Mountain Lodge, Idaho Timber and the proposed Great Northern Veterans Peace Park.

Whitefish Lake Golf Club

The Whitefish Lake Golf Course was originally purchased and developed by the City of Whitefish as a landing field. The City purchased 104 acres west of the Whitefish River for \$1600 in 1933 from Flathead County. The City completed the landing field/golf course and the terminal/clubhouse in 1937.

Since the 1940's, the Whitefish Golf Course Association has operated the golf course as a break-even venue. Over the years, the course has expanded and is now the only 36-hole golf course complex in Montana.



1905 Great Northern Railroad Yard Map

I. Corridor Context: Analysis of Existing Conditions

Idaho Timber

The history of the Idaho Timber site goes back to a time prior to the dedication of the townsite when local logging families established interests at the south end of the lake and the Boston and Montana Commercial Company built a dam that allowed logs to be sluiced from the mouth of the river down to Kalispell or beyond. The O'Brien Lumber Mill and then the Somers Lumber Company operated a mill on the north end of the current Idaho Timber site until 1918. After 1918 the property was utilized as a mill site in various configurations under the ownership of the Great Northern Railway. The mill site as operated by Idaho Timber was closed in 2009.

Great Northern Veterans Peace Park

The mission of the Great Northern Veterans Peace Park (GNVPP) Foundation is to provide a family sledding park and community open space in a setting that recognizes the contributions of the veterans and the railroad to the community. The GNVPP Foundation also funds community education projects. After working with the BNSF for over six years and undergoing extensive improvements, the park received its final land donation in 2013 to make the total acreage of the park nearly 18 acres. It is anticipated that the park will provide an improved trail link between the Whitefish Lake Golf course and the City and serve as a location for a broad range of recreational activities such as sledding, frisbee golf, concerts, local festivals and community activities.¹

Grouse Mountain Lodge

Tim Grattan was the visionary force behind the development of the Grouse Mountain Lodge facility, a vacation and meeting resort. Grattan owned the land that would later include a nine-hole expansion of the Whitefish Lake Golf Club as well as the site for the Lodge just south of the entry to the golf club. Grattan negotiated an arrangement with the City whereby the 50+ acres was designated for "multiple use zoning" paving the way for the golf course expansion, Lodge and residential housing. Grattan and his partners embarked on the building of the lodge along with continued home site development largely oriented to the golf course and the views to the east. Construction of the Lodge began on July 1, 1983. On June 30, 1984, Ted Schwinden, then Governor of Montana, appeared at Grouse Mountain Lodge's opening celebration. On July 1, 1984, paying guests came to the Lodge and the history of Grouse Mountain Lodge began. In 2011, Grouse Mountain Lodge was sold to Glacier Park Incorporated (GPI) who operated five historic lodges, three motor inns and the historic red buses in Glacier National Park and Waterton Lakes National Park. GPI is currently involved in a renovation program for the facility.

¹ Candace Chase, "Land donation gets peace park rolling," <http://dailyinterlake.com>, (February 3, 2008).

I. Corridor Context: Analysis of Existing Conditions



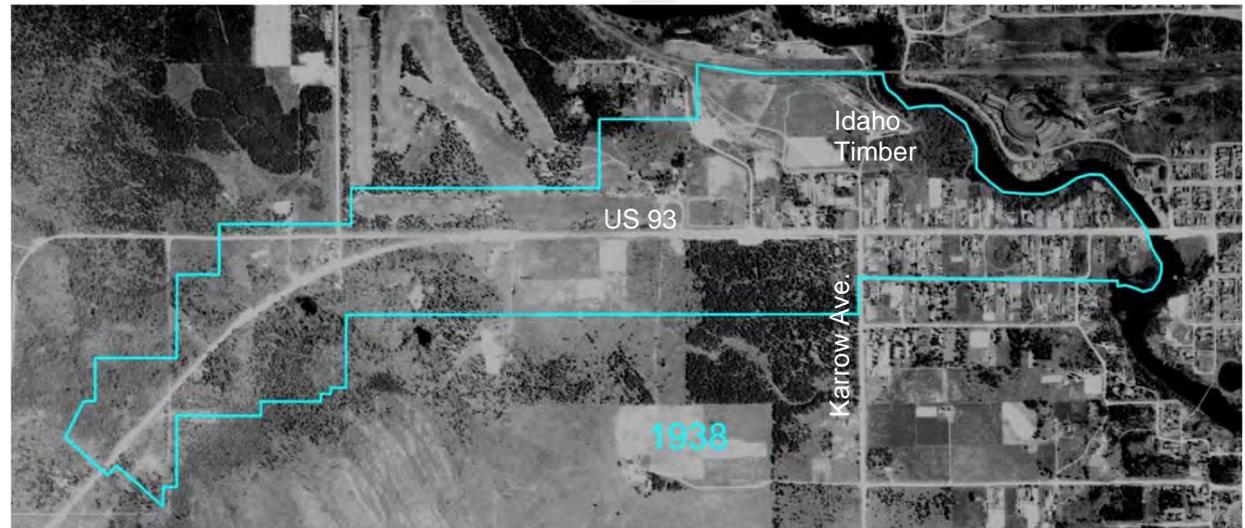
Source: Lacy's Photography, May 15, 1948, "Whitefish Lumber Yard"

I. Corridor Context: Analysis of Existing Conditions

Development – Historic Aerial Photographs

The following historic aerial photographs represent 75 years of land use monitoring. The collection begins in 1938 and ends with a photograph taken in August of 2013.

In 1938 most of the property west of Karrow Avenue was either undeveloped agricultural or silvicultural ground with the exception of the golf club. The home-site development east of Karrow Avenue on either side of the highway was considerably less dense than at present. The current Idaho Timber site remained largely undeveloped.



In 1946 after World War II, the rural land west of Karrow Avenue began to show signs of residential development especially in the area west of State Park Road. Additional timber was cleared west of Karrow Avenue and south of US Highway 93 West while utilization of the mill site increased in response to the nation-wide demand for lumber.

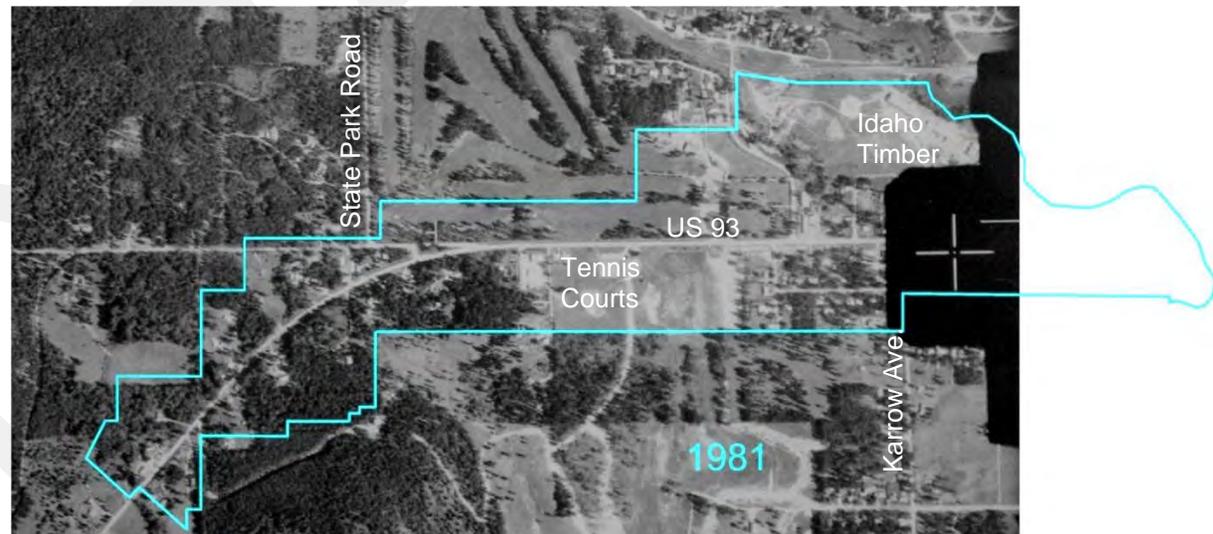


I. Corridor Context: Analysis of Existing Conditions

By 1956, 3rd Avenue was extended westward and turned northward as Parkhill Drive. The road extensions were accompanied with some residential development. Additional residential growth along Ramsey Avenue to the north was also occurring along with continued expansion of the mill site.



By 1981, the golf course had expanded south of US Highway 93 West and there was increased development northwest of the intersection of US Highway 93 West and State Park Road. The golf course north of US Highway 93 West was renovated while mill site activity seemed to be more concentrated in the north and east portion of the site. Tennis courts appeared in their current location south of US Highway 93 West. Forest Service and Border Patrol offices west of the new tennis courts were built.



I. Corridor Context: Analysis of Existing Conditions

By 1990, Grouse Mountain Lodge was completed along with soccer fields west of the lodge. Residential development in and around the golf course expansion had progressed. The larger warehouse building had been built on the Idaho Timber site.



By 2005, additional residential growth had occurred northwest of the State Park Road intersection around the golf course expansion and into the timber hills formerly known as "Chicken Ridge". The mill site remained in operation.



I. Corridor Context: Analysis of Existing Conditions

In 2013, residential development slowed due to the extended downturn in the national economy. The Idaho Timber mill closed June of 2009. The most significant land use change was the phase I renovation of US Highway 93 West from Lupfer Avenue to Karrow Avenue which began in 2012.



Over the years, many of the land uses have transitioned to support new land uses. Currently, there is a strong potential for many properties to transition from their traditional uses to uses that would better complement the community. The Great Northern Veteran's Peace Park (formerly BN) is transitioning to a community park. Wood products manufacturing and railroading were the traditional economic generators for jobs in Whitefish and the supportive workforce housing is still evident in the corridor. It is still one of the primary land uses in the corridor, but the buildings could be converted to support new uses. The Idaho Timber site has potential for the timely and appropriate transition from traditional wood products manufacturing to economic development generators to complement the downtown while respecting the zoning and manufacturing potential of the site.

Regional Context

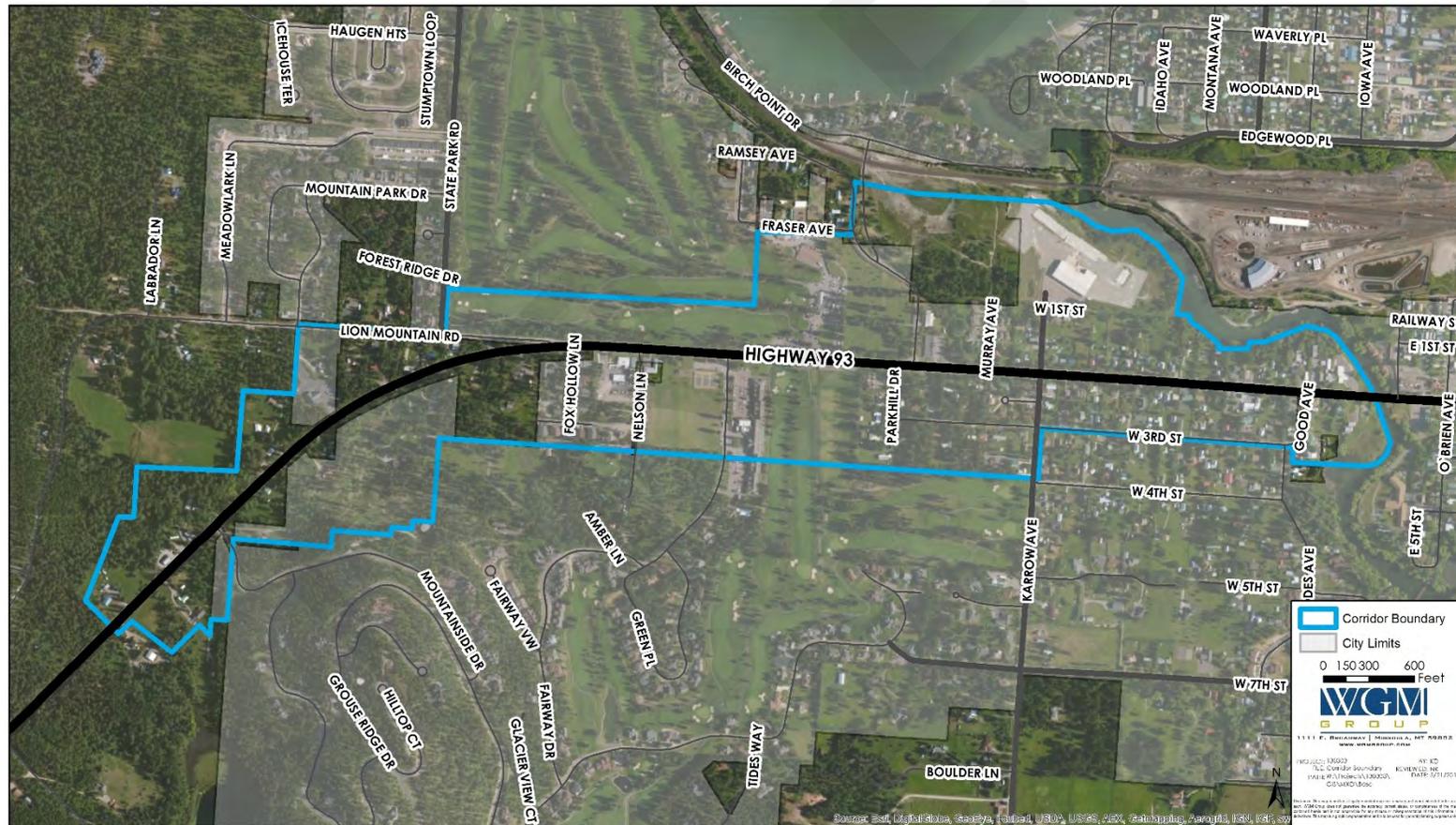
One of the most important attributes of the US Highway 93 West Corridor is its position as a gateway into the community of Whitefish and the Flathead Valley for travelers coming into the area from Canada and northwestern Montana. Tourists flock to Whitefish for skiing and other outdoor recreation as well as its proximity to Glacier National Park. The gateway corridor complements these activities by providing exceptional residential housing sites, a golf course, resort and overnight lodging, and other recreational opportunities including access to Whitefish Lake and River and public parks.

I. Corridor Context: Analysis of Existing Conditions

EXISTING CONDITIONS

Corridor Boundary

The corridor area abuts US Highway 93 West from the Mountainside Drive area on the west to the Whitefish River on the east. The corridor is the gateway entrance into Whitefish from the west and includes a mix of residential, resort, and open space land uses. Just east of the boundary, the land use transitions to commercial as the highway crosses the Whitefish River and enters downtown. The corridor extends out from the highway a maximum of 1,270 feet and is approximately 1.5 miles in length beginning at the west side of the Whitefish Veteran's Bridge and extending 700 feet west of Mountainside Drive. The total area of the corridor is 225.2 acres.

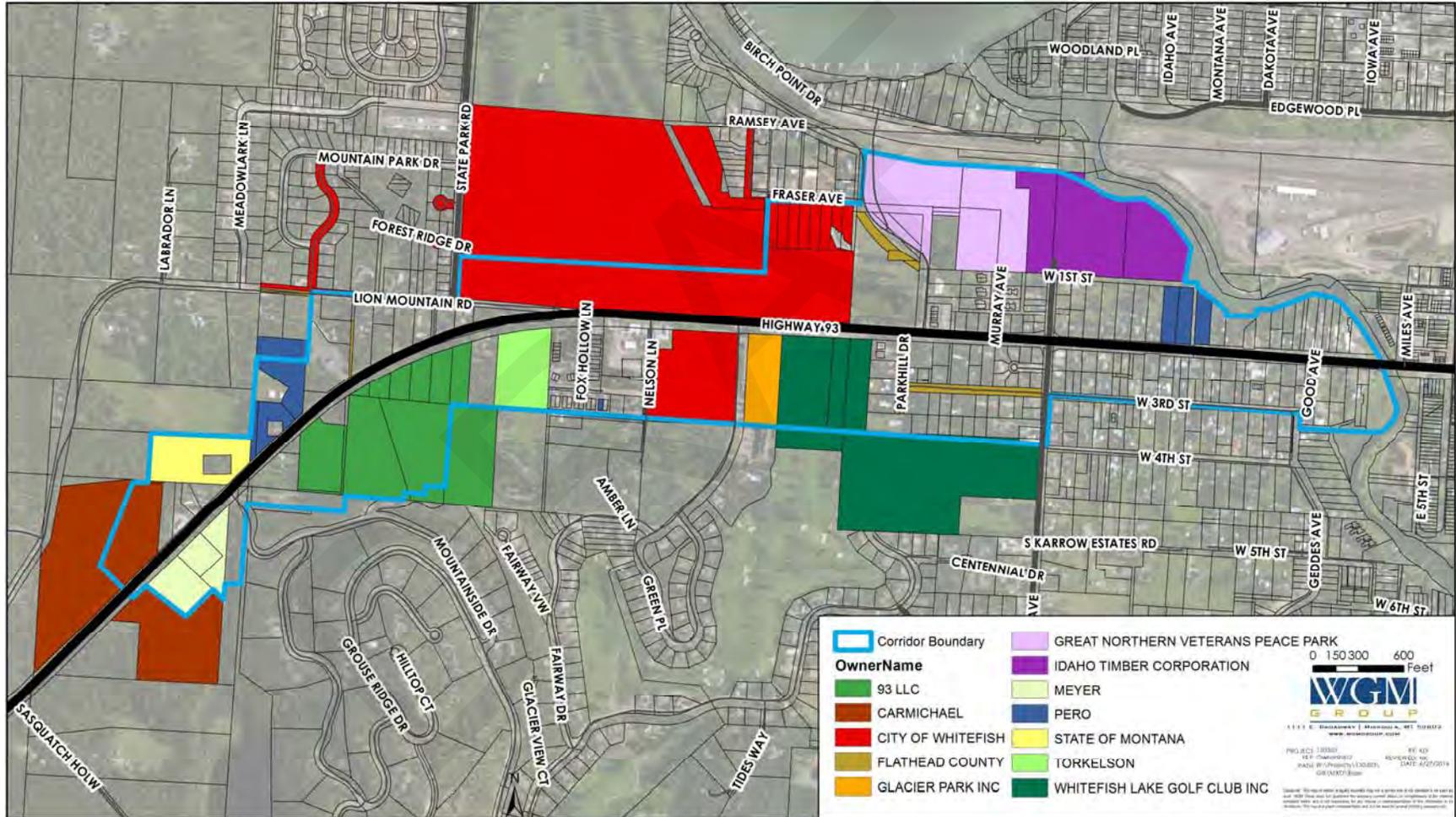


WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN

I. Corridor Context: Analysis of Existing Conditions

Ownership

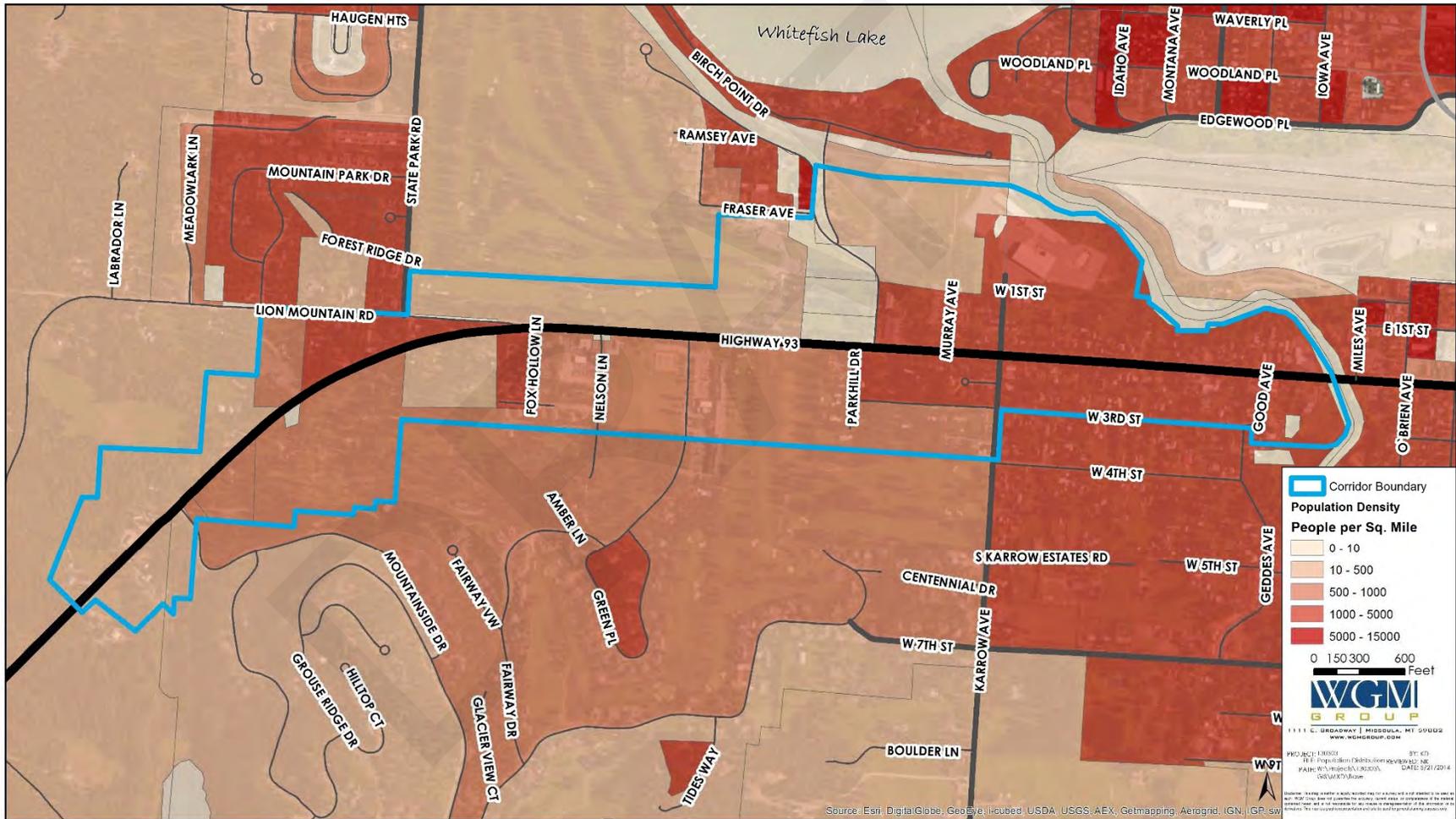
Major property owners with over three acres of property within or adjacent to the corridor are identified in the map below.



I. Corridor Context: Analysis of Existing Conditions

Population

The population density in the corridor increases from the rural area in the west to the more densely populated area moving east towards the center of town.

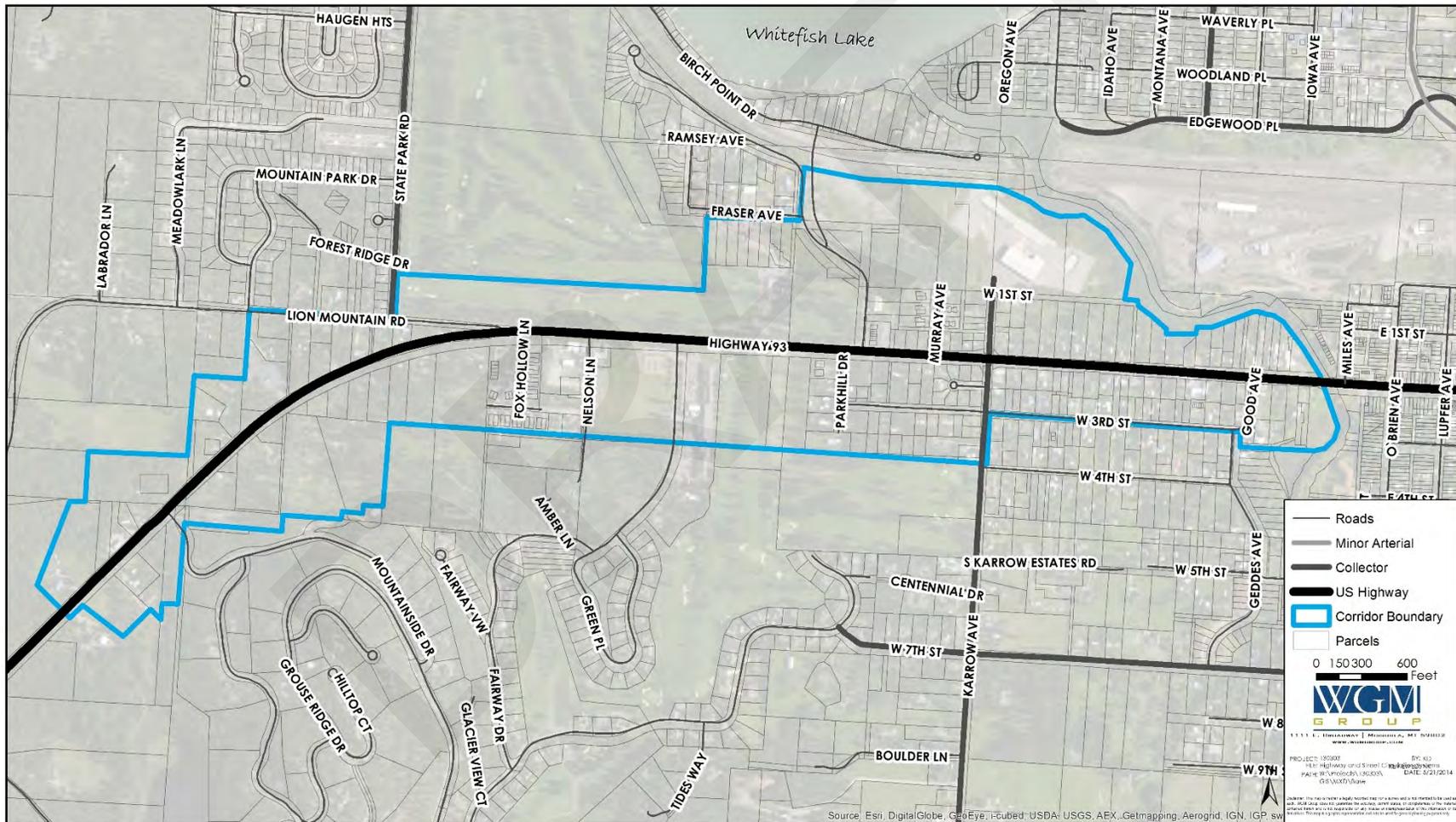


I. Corridor Context: Analysis of Existing Conditions

Infrastructure

Highway and Street Circulation Systems

The corridor is bisected by US Highway 93 West, which is a National Highway System route between Canada and Mexico, and leads directly into downtown Whitefish. State Park Road and Karrow Avenue are north-south collector streets within the corridor, providing local circulation. Private and public local streets provide access to individual residences and businesses, however portions of the corridor lack connectivity through a grid road network.

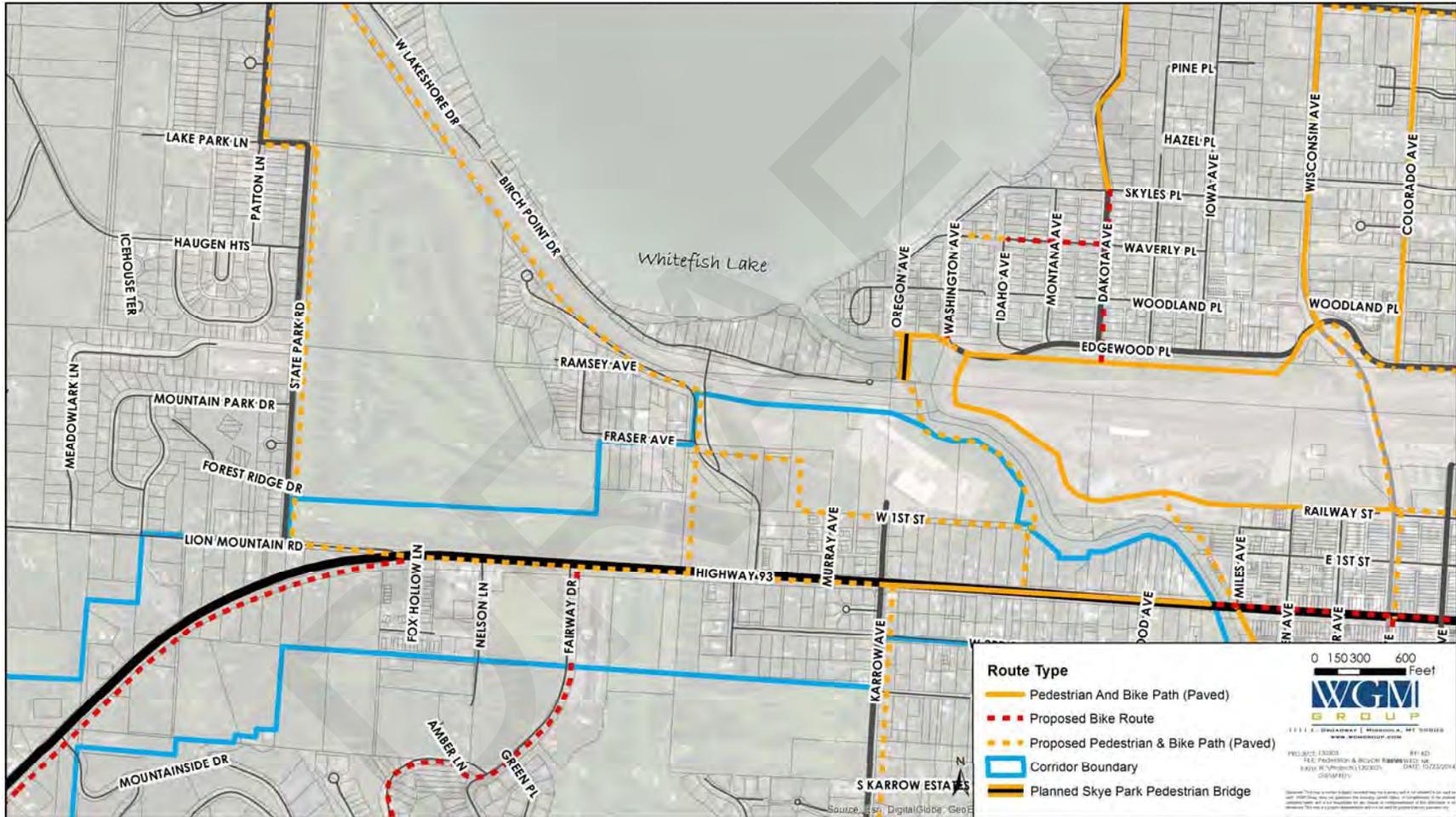


WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN

I. Corridor Context: Analysis of Existing Conditions

Non-motorized Circulation

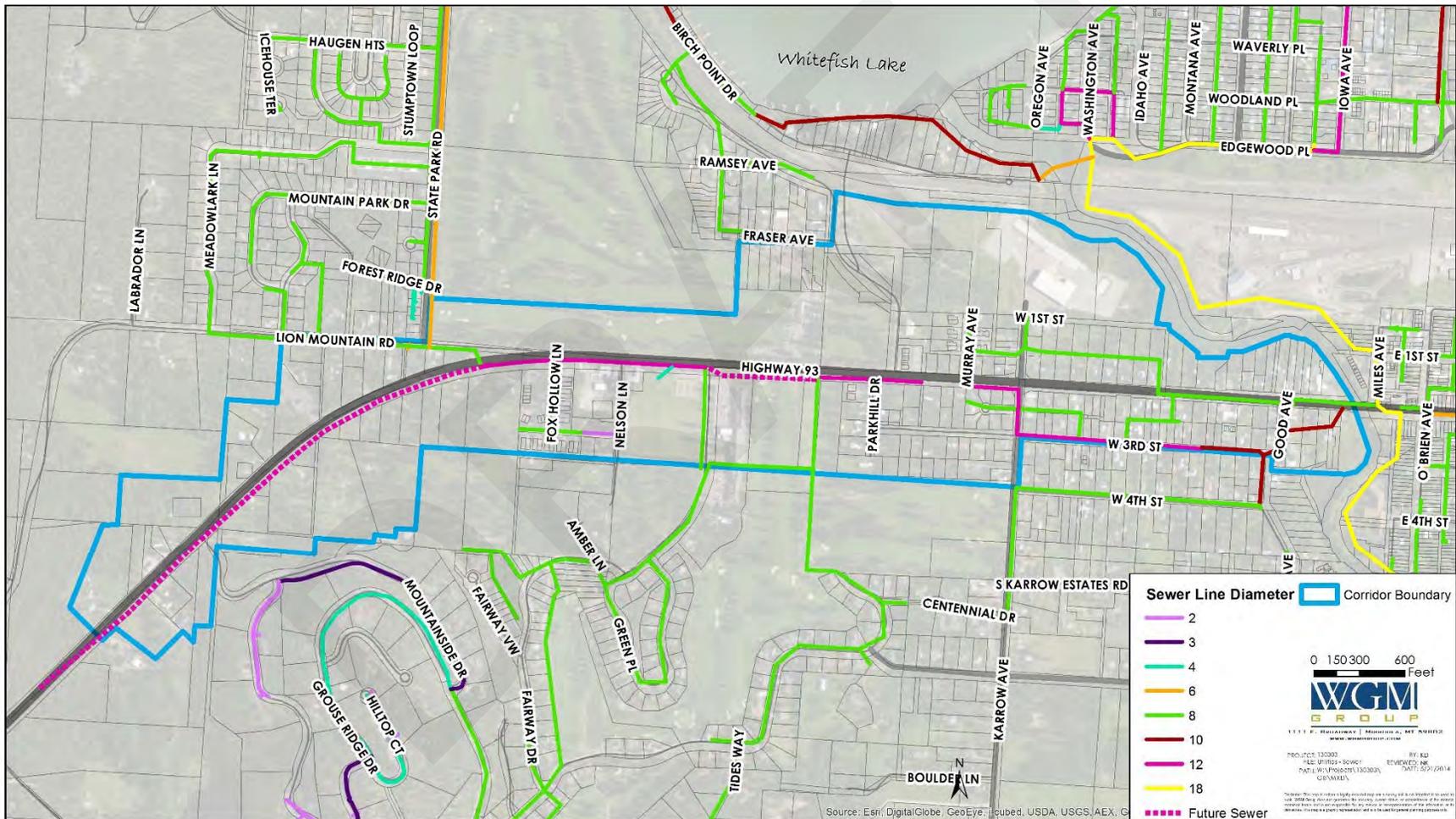
There are pedestrian and bike paths, proposed bike routes and proposed pedestrian and bike paths proposed within the corridor. A multi-use path and sidewalk system is being constructed along US Highway 93 West as part of the MDT reconstruction project. The proposed bike route through Grouse Mountain may not be feasible since these are private roads.



I. Corridor Context: Analysis of Existing Conditions

Sewer

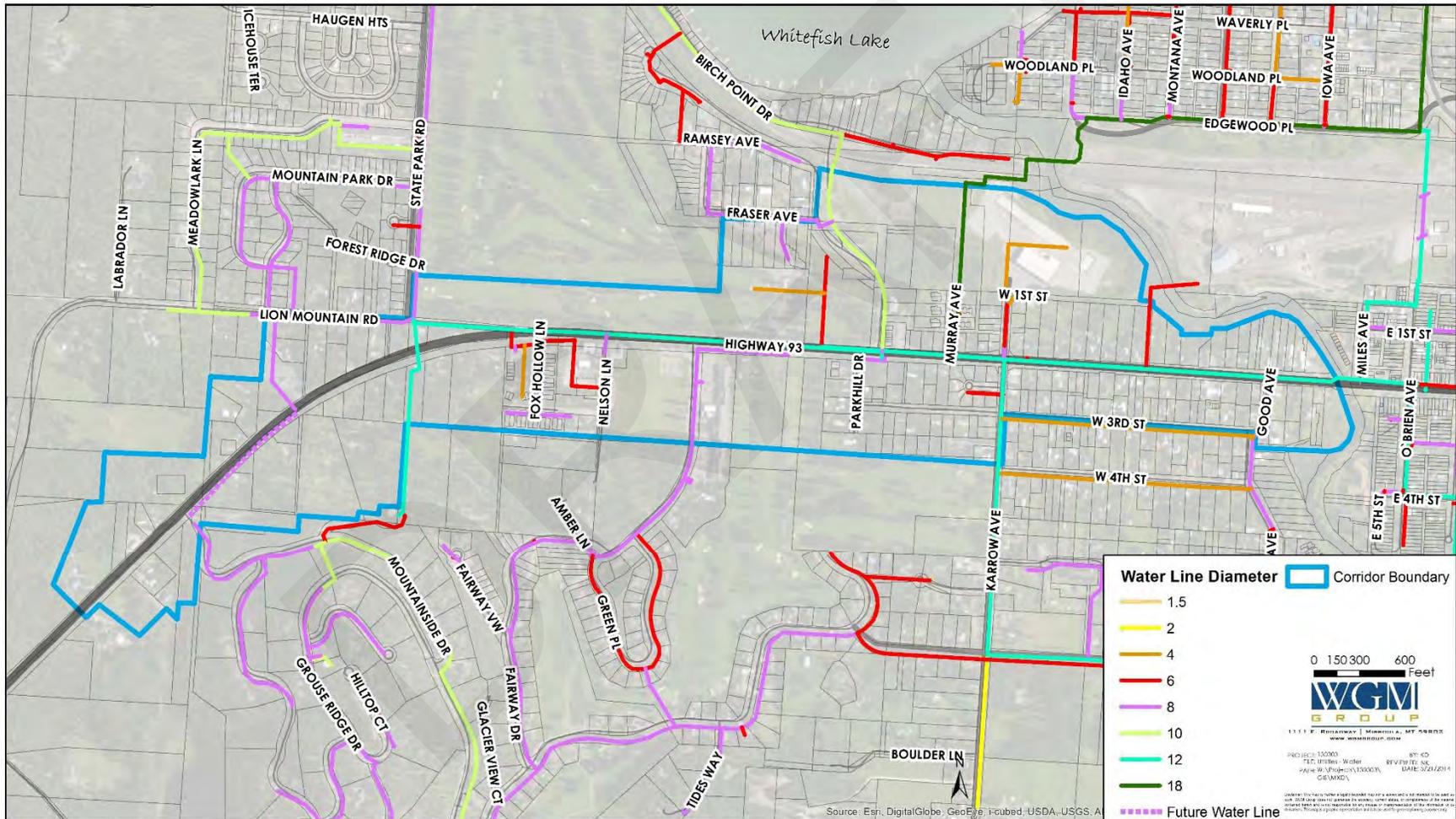
Land within the corridor is generally served by public sanitary sewer east of State Park Road. The City is replacing and upsizing the existing 8-inch mains to 12-inch mains along US Highway 93 West with the reconstruction project to accommodate future growth. Sewer is expected to be extended west of State Park Road with the proposed 93 LLC subdivision.



I. Corridor Context: Analysis of Existing Conditions

Water

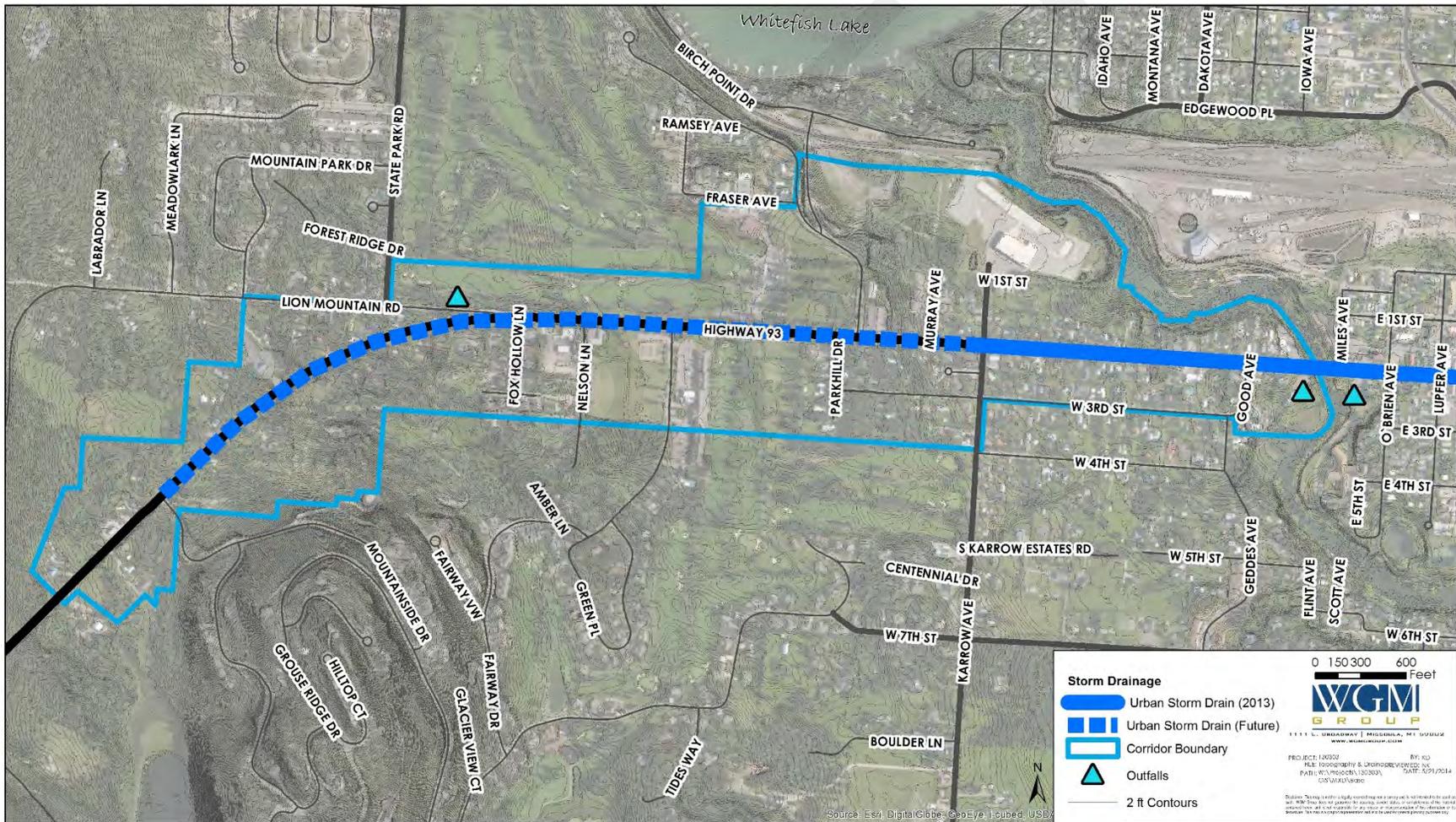
A public water system serves land within the corridor extending to Mountain View Drive. The City is replacing and upsizing the existing 6-inch mains to 12-inch mains along US Highway 93 West to accommodate future growth. West of State Park Road, a new water line will be installed along US Highway 93 West as part of the MDT US Highway 93 West reconstruction project.



I. Corridor Context: Analysis of Existing Conditions

Topography and Drainage

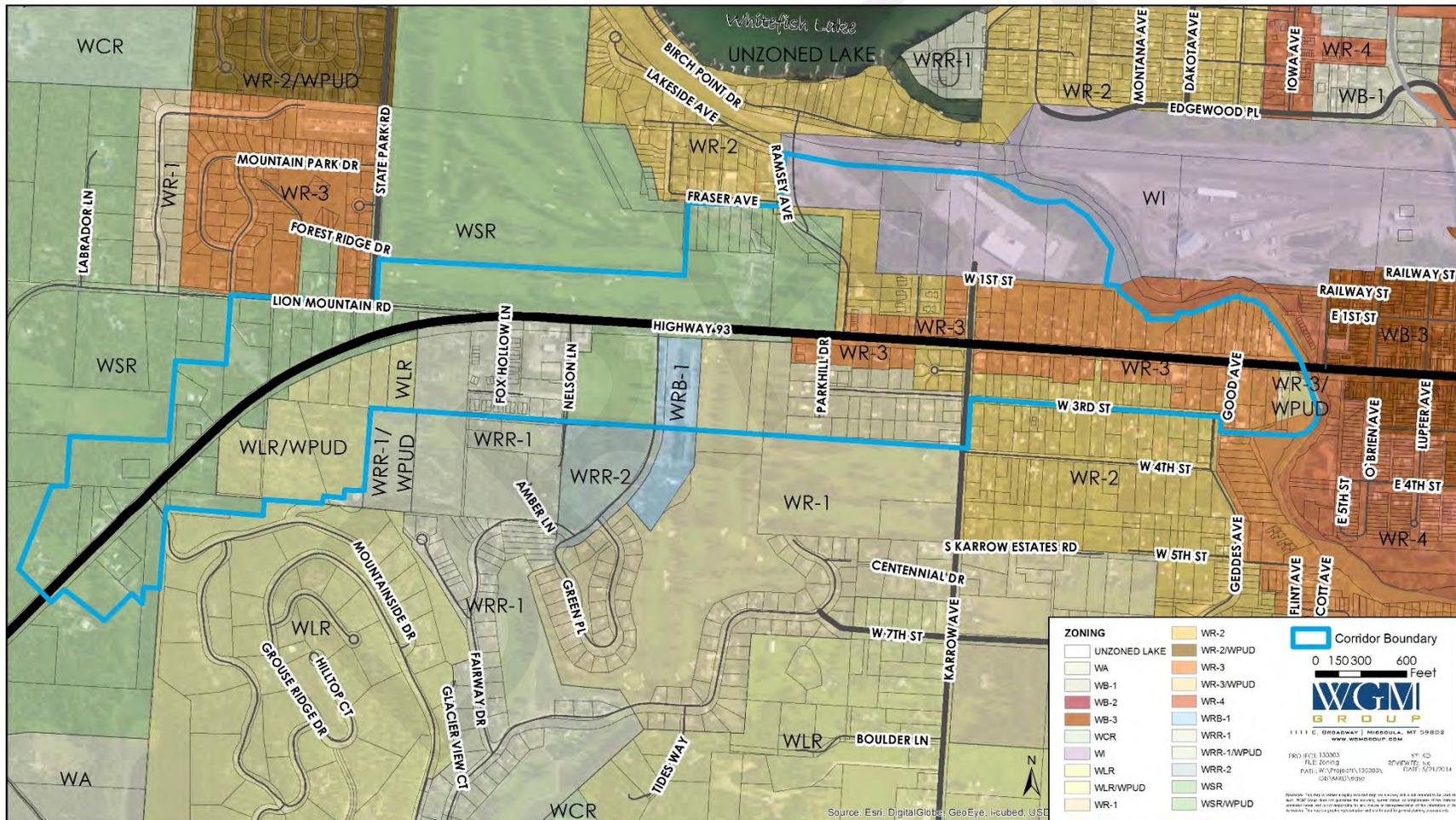
Topography within the corridor is generally rolling terrain sloping toward the Whitefish River. The land begins to climb steeply west of State Park Road. Soils are generally poor-draining silts and clays, necessitating storm drain infrastructure. Existing drainage facilities are limited to roadside ditches and swales. The City is gradually installing curb and storm drain infrastructure on local streets within the corridor. The US Highway 93 West reconstruction project includes a new storm drain system from Mountain View Drive to the Whitefish River.



I. Corridor Context: Analysis of Existing Conditions

Zoning

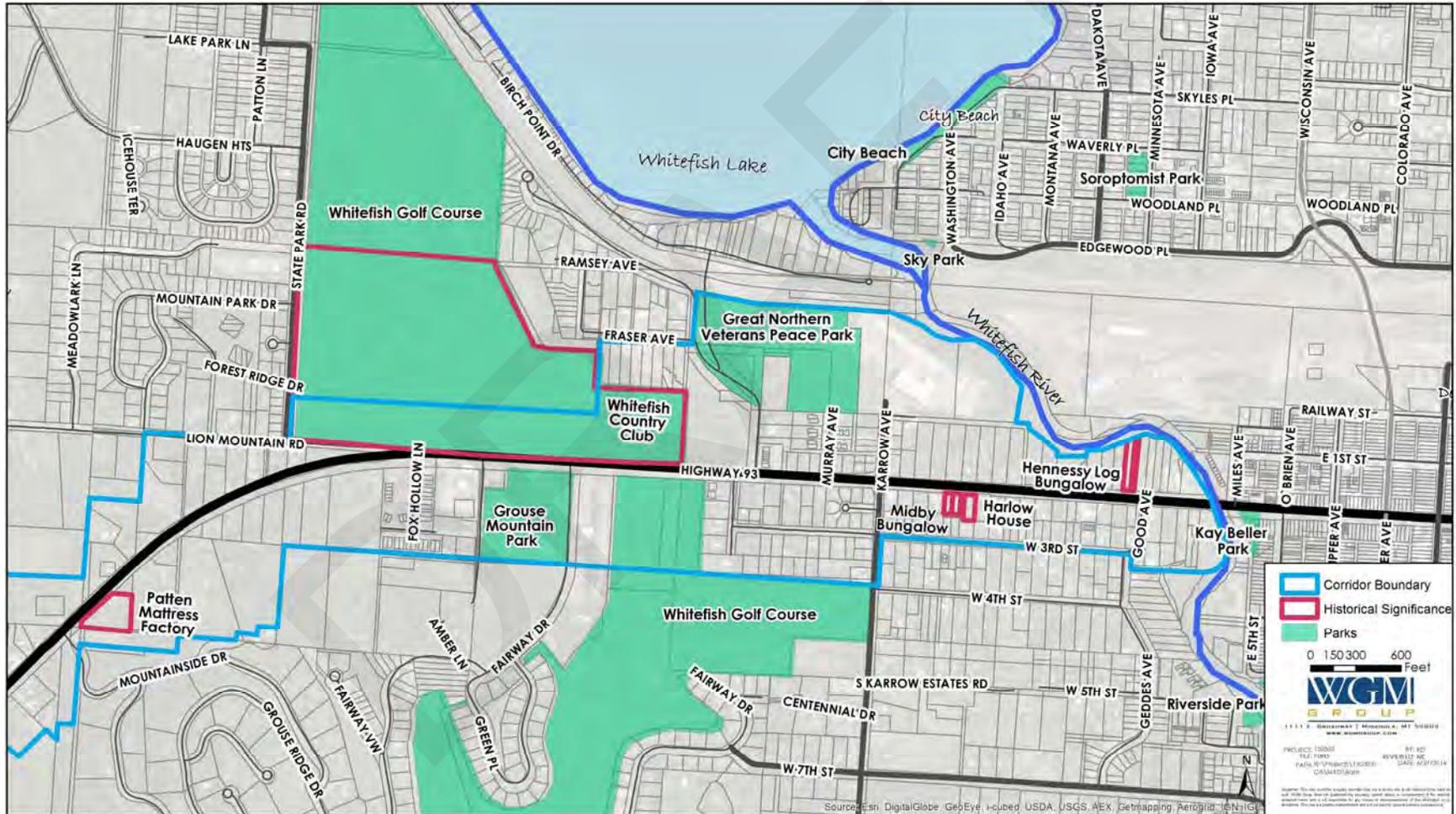
The zoning within the corridor is primarily residential. There are a number of non-conforming commercial or conditionally permitted professional office uses along US Highway 93 West. The prevalent zoning districts within the US Highway 93 West Corridor are Suburban Residential (WSR), Low Density Multi-family Residential (WR-3), Industrial and Warehousing (WI), One-Family Residential (WR-1), Two-Family Residential (WR-2), One-Family Limited Residential (WLR), Low Density Resort Residential (WRR-1) and Limited Resort Business (WRB-1).



I. Corridor Context: Analysis of Existing Conditions

Parks and Cultural Resources

A variety of recreational opportunities are found within the corridor including the Whitefish Golf Course, Grouse Mountain Park which provides active recreation amenities with tennis courts and soccer fields and the Great Northern Veterans Peace Park which is under development and includes plans for a sledding hill and event space. In addition, there are several buildings within the corridor with historical significance which are identified below.



I. Corridor Context: Analysis of Existing Conditions

Tax Increment Financing (TIF)

Whitefish established an Urban Renewal TIF district in 1987 encompassing a large area within the city limits of the municipality. The life of the district was extended through the sale of TIF Revenue bonds in 2002, but is due to sunset in 2020. The taxable value of property within the district was \$11,761,200 in 2012, an increase of \$7,575,848 over its base value. This increase provides a substantial corresponding tax increment (incremental taxable value multiplied by the number of mills levied each year) for urban renewal programs and projects.



PREVIOUS PLANNING DOCUMENTS

The City of Whitefish has adopted one policy guideline and three regulatory documents that guide and control development in the corridor as well as all other areas within the city limits. The four documents are the Growth Policy, the Zoning Ordinance, the Subdivision Regulations and the Building Regulations. In addition, the 2005 Downtown Business District Master Plan, the 2008 US Highway 93 Whitefish West Re-Evaluation, the 2009 Whitefish Transportation Plan, and the 2013 Parks and Recreation Master Plan provide additional guidance for the corridor. These documents are the current planning tools available to the City to respond to land use change and development in the corridor.

Growth Policy

The 2007 City of Whitefish Growth Policy is made up of a series of identified issues, goals and policies relating to the future growth and land use in the community of Whitefish. Land use decisions put before the City are weighed against the growth policy to determine compliance. Proposed land uses that do not comply with the growth policy are typically discouraged or denied. Occasionally, proposed land uses may trigger a request and consideration for a growth policy amendment. The current City growth policy is the basis for conducting and adopting corridor plans.

Zoning Ordinance

The corridor boundary encompasses an area in Whitefish with a diverse collection of land uses and zoning districts. The current zoning ordinance contains the usual zoning district descriptions along with permitted uses, conditional uses and property development standards. The highest concentration of population occurs generally within the Low Density Multi-Family Residential (WR-3) and Low Density Resort Residential (WRR-1) zones in the corridor. There are planned unit development overlays within the corridor that factor flexibility and higher densities over the underlying zoning districts.

The zoning ordinance contains chapters and special provisions that relate to other important land use regulations including landscape requirements, sign regulations, outdoor lighting standards, off-street parking and loading, water quality protection, bed and breakfast establishments, building height, dwelling groups, fences and retaining walls, guesthouses, home occupations, and erosion and sediment control. The ordinance also includes architectural standards that can influence development and are based on preserving the city's historic character and heritage through high quality design of new and significantly modified buildings.

I. Corridor Context: Analysis of Existing Conditions

Building Regulations

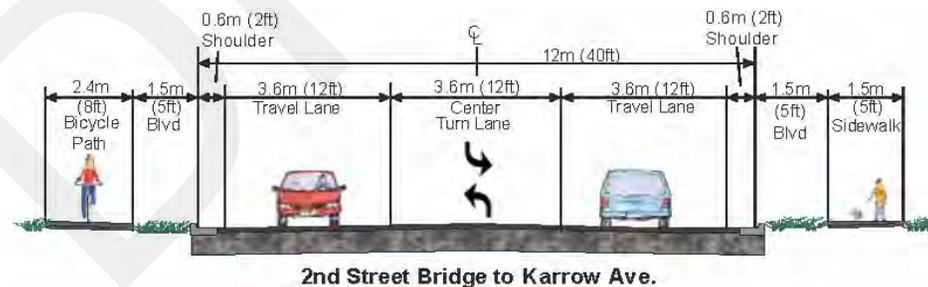
The City of Whitefish's building regulations state the current editions of the building, electrical, plumbing and mechanical codes and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Labor and Industry (or its successor), as set out in the administrative rules of Montana, as amended from time to time by the Building Codes Bureau, shall be adopted by reference by administrative order of the City Manager, as authorized by Montana code 50-60-301(1)(b), except for any exceptions noted in this section or any regulations not applicable to local government jurisdictions.

2005 Whitefish Downtown Business District Master Plan

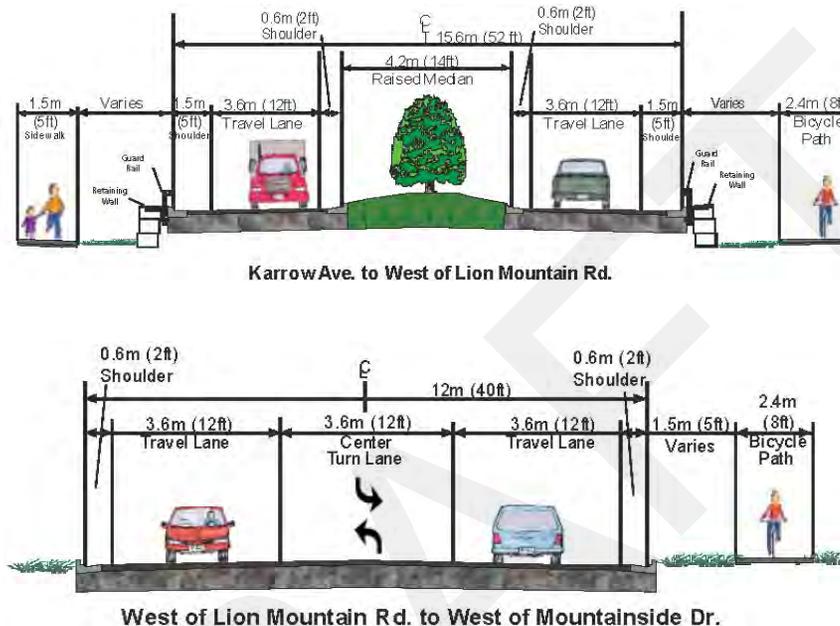
The Whitefish Downtown Business District Master Plan (to be updated in 2015) identifies opportunities to increase the vitality of the downtown business district. It builds upon existing assets and historic character, capitalizes on significant land uses and features the natural environment. The plan calls for limiting the width of US Highway 93 West to two lanes with on-street parking within the downtown, and strong non-motorized and local street connections with the corridor west of downtown.

2008 US Highway 93 Whitefish West Re-Evaluation

The Whitefish West Re-Evaluation updated the 1994 Environmental Impact Statement for the Somers to Whitefish West corridor. The document pertains to reconstruction of US Highway 93 West from downtown Whitefish to west of Twin Bridges Road, and spells out specific design treatments to preserve the character of downtown Whitefish and minimize impacts to residences and businesses along the corridor. Within the study area, the plan calls for a two-way center turn lane on US Highway 93 West to Karrow Avenue, allowing unlimited access to adjacent properties. West of Karrow, the design calls for a raised center median, limiting access to properties in the less developed area near the golf course. Sidewalks, a multi-use path, street lighting, and pedestrian underpasses are included.



I. Corridor Context: Analysis of Existing Conditions



2009 Whitefish Transportation Plan

The Transportation Plan is intended to help guide decisions about future improvements for the transportation network to relieve existing problems and prepare for future needs. Within the study area, the plan recommends improvements to Karrow Avenue to improve connectivity and address increasing traffic demands. The plan calls for Karrow Avenue to be reconstructed as a three-lane minor arterial with pedestrian and bicycle facilities between 7th Street and US Highway 93 West.

2013 Whitefish Parks and Recreation Master Plan

The City of Whitefish Parks and Recreation Master Plan presents a vision for the development of future parks and recreation services in the Whitefish area. Based on a needs assessment and public input, the plan establishes priorities to meet community needs for the next 20 years. A focus of the plan is completing the trail system to fill in gaps between existing trails and providing connectivity to schools, parks and recreation sites. Within the study area, the plan calls for extending trails along US Highway 93 West, the riverfront, and through the golf course to State Park Road, as well as trails to the north connecting Great Northern Veterans Peace Park and City Beach.

II. PUBLIC INVOLVEMENT

DRAFT

PUBLIC INVOLVEMENT PROCESS

The public involvement process included a series of meetings with the Steering Committee and three public input sessions, one of which was a design charrette for the Idaho Timber site. Several key issues were repeatedly brought up during the process. There were concerns regarding the following:

- US Highway 93 West design and construction.
- Commercial development along US Highway 93 West that could affect residential neighborhoods through increased traffic and noise.
- Great Northern Veterans Peace Park design and the potential traffic and noise caused by events at the park.
- Short-term rentals affecting the character of residential neighborhoods.

STEERING COMMITTEE

Through a series of meetings, that included public comment, the Steering Committee guided the project. Below is a summary of each meeting.

- 1) The first Steering Committee meeting was held July 8, 2013 to introduce the Steering Committee to the project planning process, to review the corridor boundary and highway design, and to allow committee members to express their expectations for the project.
- 2) The second Steering Committee meeting was held July 22, 2013 and there was a review of the expectations of the Steering Committee and of the existing conditions maps.
- 3) The third Steering Committee meeting was held August 12, 2013 and included a corridor field trip to familiarize the committee with issues and land uses within the corridor. There was a discussion regarding corridor zoning scenarios/zoning districts and tax increment financing. Public Input Session #1 was set for August 20, 2013. It was decided that Steering Committee members would be responsible for taking comments at stations representing their interests in the corridor.
- 4) On August 26, 2013, the Steering Committee met to summarize information from Public Input Session #1. The public comments were used to organize land use areas through a bubble diagram. These areas were discussed and reviewed by the Steering Committee. There was also a review of the existing Whitefish Growth Policy.
- 5) On September 5, 2013, a refined land use bubble diagram was reviewed and the Steering Committee agreed to fill out a survey to determine which land use qualities and characteristics were most important for each land use area.
- 6) On September 23, 2013, the survey results were reviewed and land use qualities and characteristics were approved. These results were then presented to the public at Public Input Session #2.

II. Public Involvement

- 7) On June 12, 2014, the Steering Committee met and reviewed a draft of the corridor plan. The Steering Committee made recommendations to be incorporated into the final document.
- 8) On October 20, 2014, the draft corridor plan was reviewed that proposed three new land use designations and two new zoning districts.
- 9) The final Steering Committee meeting was held on November 7, 2014. The Steering Committee revised the draft and recommended the corridor plan to the Planning Board.

PUBLIC INPUT SESSIONS

Public Input Session #1

The first public input session was held on August 20, 2013. It was as an open house to present the geographic limits of the corridor plan boundary and provide information on the existing conditions within the corridor. The public was invited to comment on issues within the corridor. Much of the input collected included concerns about various aspects of the on-going construction of the US Highway 93 West improvements between Lupfer Avenue and Karrow Avenue as well as concerns about future planned highway construction between Karrow Avenue and Twin Bridges. Refer to Appendix B for a complete list of comments and concerns collected during the public input session.

Issues that were brought up during the meeting include:

- US Highway 93 West construction concerns especially with the Karrow Avenue intersection
- US Highway 93 West design
- Character and concerns regarding specific areas within the corridor including the 3rd Street neighborhood
 - Maintain the residential character of the 3rd Street neighborhood
 - Surrounding land uses shouldn't impact the character of the 3rd Street neighborhood
- Recreation and parks
- Redevelopment of the Idaho Timber site
- Commercial uses fronting the Whitefish River
- Vehicular circulation



II. Public Involvement

Public Input Session #2

Prior to the September 23, 2013 Steering Committee meeting, the consultants presented the results of a survey that was circulated to the committee to determine appropriate land uses as well as character and concern considerations. Survey Monkey was utilized to formulate and tabulate the survey and results. A preliminary concept plan was circulated with the survey to define the planning Sub-Districts. Complete survey results can be found in Appendix C.

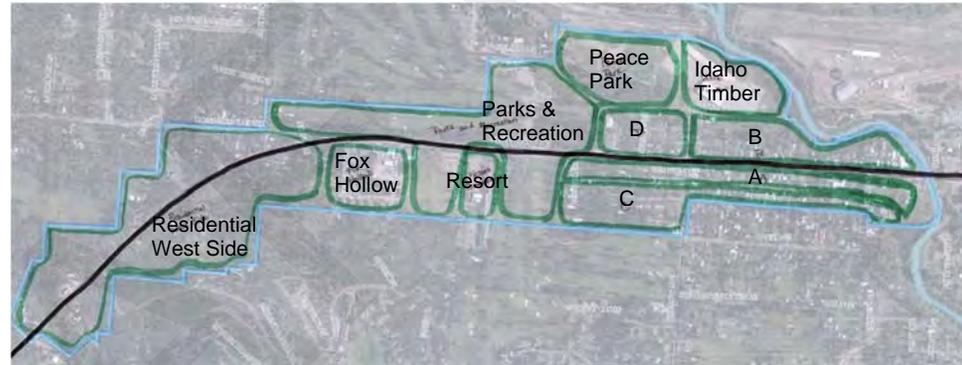
1. Residential West Side Character & Concerns

	Extremely Important	Moderately Important	Slightly Important	Not Important
Rural Character				
Trees & Vegetation				
Trails & Recreation				
Privacy				
Access				
Comment	<input style="width: 100%; height: 20px;" type="text"/>			

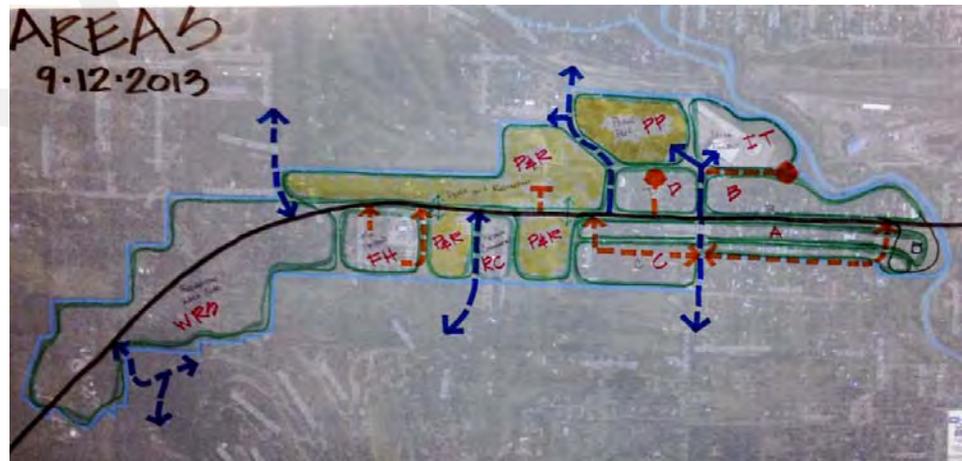
2. Residential West Side Land Use

	Extremely Appropriate Use	Moderately Appropriate Use	Slightly Appropriate Use	Inappropriate Use
Single Family Residential - High				
Single Family Residential - Medium				
Single Family Residential - Low				
Single Family Residential - Rural				
Community Commercial				
Neighborhood Commercial				
Public/Quasi-Public				
Comment	<input style="width: 100%; height: 20px;" type="text"/>			

Survey Page Example



Preliminary Concept Plan



Corridor Sub-District Sketch Map

II. Public Involvement

The survey provided the Steering Committee with a tool to measure character and concern, and rate the suitability of particular land uses within the Sub-Districts of the overall plan. The results are illustrated and described in detail in the Visioning for the Future and Development Policy chapter.

SUMMARY - PARKS and RECREATION

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Recreation/Resort Character	67%	33%	0%	0%		
Votes	6	3	0	0	9	1.33
Connectivity with Rds & Trails	80%	20%	0%	0%		
Votes	8	2	0	0	10	1.200
Access	70%	30%	0%	0%		
Votes	7	3	0	0	10	1.30
Traffic	30%	50%	20%	0%		
Votes	3	5	2	0	10	1.90

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Parks/Open Space	78%	22%	0%	0%			Approved
Votes	7	2	0	0	9	1.22	
Passive Open Space	76%	12%	0%	12%			Approved
Votes	6	1	0	1	8	1.50	
Recreational Open Space	88%	12%	0%	0%			Approved
Votes	7	1	0	0	8	1.13	
Public/Quasi-Public	38%	38%	12%	12%			Approved
Votes	3	3	1	1	8	2.00	
View Protection Area	28%	44%	28%	0%			Approved
Votes	2	3	2	0	7	2.00	
Resort Commercial	38%	50%	12%	0%			Approved
Votes	3	4	1	0	8	1.75	



**Whitefish 93 West Corridor
Planning Areas**

Initial Draft, Land Use Map

Survey Result Example

(Complete survey results can be found in Appendix C.)

The second public input session was held on October 15, 2013. The open house included a project review, presentation of survey results and a draft of the initial land use map for the US Highway 93 West Corridor.

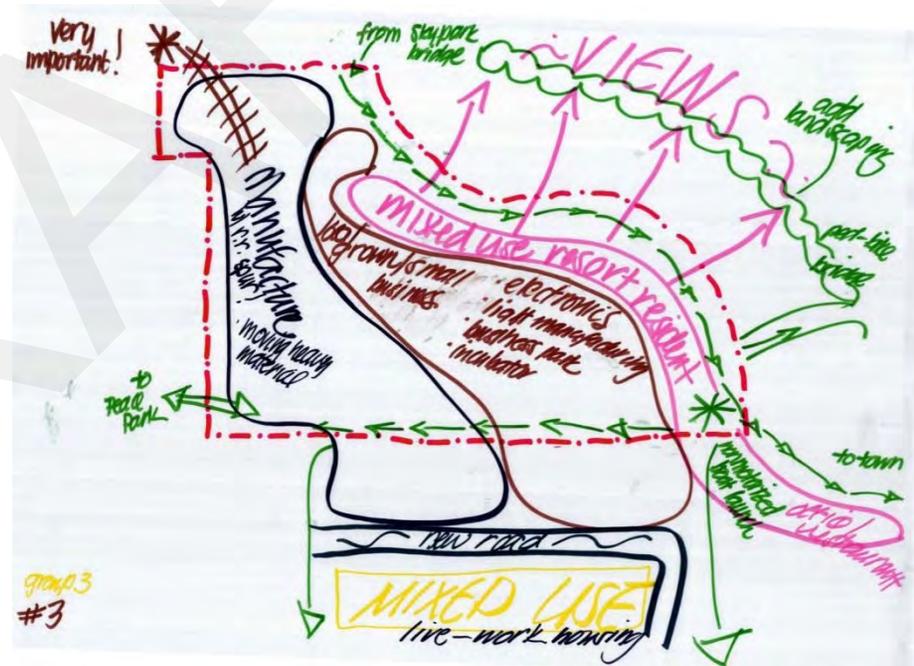
II. Public Involvement

Public Input Session #3

The third public input session was held on December 12, 2013 as a design charrette focusing on the Idaho Timber site. A charrette is a collaborative, visioning exercise that takes place in many disciplines, often in land use planning or urban planning. Charrettes have become a technique for consulting with all stakeholders and involving them in the design and planning effort. The session involved four groups of community and planning team members that generated four different scenarios for the re-development of the Idaho Timber site. The conceptual plans responded to the uses surrounding the site, the Whitefish River, railroad, housing, and the Great Northern Veterans Peace Park, and looked to incorporate a variety of uses on the site. Appendix D is a summary of the charrette.



Charrette participants presenting concept site plans



One of four concept site plans generated during the charrette

III. VISIONING FOR THE FUTURE & DEVELOPMENT POLICY

DRY

VISIONING PROCESS

The information gathered at the public input sessions and from the Steering Committee survey responses was used to establish corridor Sub-Districts and to determine the recommended land uses, character, and concerns in these Sub-Districts.

The land use map below constitutes the proposed planning areas within the US Highway 93 West Corridor. The area boundaries designate similar uses and characteristics. **These boundaries were modified throughout the visioning process. The colors used to differentiate between areas do not relate to land use types. The boundaries are intended to be along property boundaries or the centerlines of streets.**



RECOMMENDED LAND USES

From the visioning process, the recommended land uses were used to determine the appropriate land use designation for each Sub-District. For some Sub-Districts, the land use designation was an existing designation from the current Growth Policy while other Sub-Districts required the development of new land use designations. After assigning a land use designation, an appropriate method to implement the recommended land uses and to address the character and concerns for each Sub-District was determined. The options for implementation include amending the ARC standards, keeping the existing zoning, changing the existing zoning, or creating a new zoning district. Refer to the Whitefish Zoning Jurisdiction Regulations, Chapter 2: Zoning Districts for the complete description of each zoning district, permitted uses, and conditional uses. The zoning compliance, conditional uses permits, and the PUD process can be found on the City's website.

As identified in the current Growth Policy, the City of Whitefish shall promote beneficial job growth in the base economy, particularly in areas that diversify the economy beyond development related and visitation based business and industries. It is recommended that partnerships be formed to identify and recruit clean, community-compatible industry to Whitefish. It also recommends a business incubator be established to diversify the community's base economy. The Growth Policy acknowledges the shortage of affordable housing in the community and the importance of locating affordable housing that is within walking or biking distance of employment and services. These recommendations were built into the land use and implementation recommendations to give the community flexibility in addressing these concerns.

To provide flexibility in housing and business development, the artisan manufacturing land use was introduced along with the concept of mixed-use. These include mixed-use and artisan manufacturing. Mixed-use refers to the pattern of mixing compatible non-residential and residential uses to increase the diversity of land uses in an area. These uses may occupy the same building, adjoining buildings or be grouped in a cluster of buildings. The variety of uses often leads to active neighborhoods throughout the day, diverse housing options, and walkable neighborhoods with convenient access to goods and services. Uses can be vertically mixed with non-residential uses on the ground floor and residential space on the upper floors. The uses can also be horizontally mixed with non-residential buildings located adjacent to residential buildings.²

Artisan manufacturing provides for uses that can integrate with existing uses while diversifying and strengthening the community's economy. It allows for the production of goods by the use of hand tools or small-scale, light mechanical equipment within a limited space. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

² Sonoran Institute, RESTORE, 2014.

III. Visioning for the Future & Development Policy

Areas of mixed-use are typically found outside of central business areas and downtowns along major commercial corridors or adjacent to established residential neighborhoods. These are catalyst areas intended to create new amenities and housing, or to revitalize underused sites and transition them into areas that drive economic development with complementary residential uses. Mixed-use districts can also provide a land use buffer between residential areas and business districts, thereby providing services in proximity to residences and a denser, more diverse, and more urban land use form.³

DRAFT

³ Sonoran Institute, RESTORE, 2014.

III. Visioning for the Future & Development Policy

Area A

Character - Area A fronts the south side of US Highway 93 West. The land uses in Area A are primarily residential uses. The land has been subdivided into lots that front the highway with no alley. The lots are of a size and depth that mostly limits the lots to a single structure. Non-residential uses in Area A include a professional office building, a veterinary clinic and a convenience store. This area is ~~11~~ 12 acres and ~~4.9%~~ 5.3% of the total corridor area.



Public Input - During the planning process, the public indicated that the existing professional offices and the existing veterinary clinic better fit the character of Area A than does the convenience store which is a nonconforming use under the current zoning. The public *liked* the existing professional office building because it has:

- Appropriate hours of operation.
- Parking in the front to limit noise and light pollution from rear lot parking.
- Architecture that suggests traditional residential character.

The public **concerns** raised during the planning process were:

- Impacts from traffic generated by land uses.
- Impacts from light spilling from land uses into residential areas.
- Noise generated by land uses.
- Impact from hours of operation that extend longer than normal daytime uses.
- Impact of commercial uses outside of downtown area.

Existing Zoning - The existing zoning is WR-3 and WR-3/WPUD. This district is intended for residential purposes to provide for one-family, duplex, triplex, fourplex and attached single-family residential uses in an urban setting connected to all municipal utilities and

Public Input Summary

Character

Residential character
Single front lots onto US Highway 93 West
No alleys exist

Concerns Relative to Land Uses

Traffic
Noise
Light
Hours of operation
Commercial uses outside of downtown

Existing Zoning

WR-3
WR-3/WPUD

Recommended Land Uses

Residential Uses
Permitted and conditional uses allowed in the current zoning including:
Professional Offices
Personal Services

III. Visioning for the Future & Development Policy

services. In addition to permitted uses, the zoning allows for conditional uses with specific performance standards and for Planned Unit Developments (PUD). The conditional uses include professional offices and personal services.

Recommended Land Uses - From the survey and public input during the planning process, the following land uses were recommended and *are congruent* with the permitted and conditional uses allowed in the current zoning. These can occur as stand-alone uses or as part of a mixed-use pattern.

- Residential Uses.
- Professional Offices.
- Personal Services.

Recommended Guidelines - The vision for Area A reflects the energy and activity generated by its location on US Highway 93 West. The potential land uses in this area must be sensitive to the existing residential character. This area is primarily a residential neighborhood, but non-residential uses, as allowed by the existing zoning, are also appropriate for this area. The current zoning addresses concerns regarding residential uses. The following guidelines would address non-residential concerns.

Non-Residential Guidelines

- Limit building height to two stories.
- Non-residential uses on the ground floor only.
- Restrict traffic access to Area A from the 3rd St. residential area.
- Restrict hours of operation to 7am-8pm.
- Encourage joint use parking where applicable.
- Provide for architectural standards that reflect the residential character of the area.

Implementation Steps

1. Guidelines can be addressed through the ARC Standards.

Recommended Land Uses	Growth Policy Land Use	Zoning
Residential Uses Permitted and conditional uses allowed in the current zoning including: Professional Offices Personal Services	<u>Current Designation:</u> High Density Residential	<u>Existing Zoning:</u> WR-3 & WR-3/WPUD
	<u>Recommended Designation:</u> High Density Residential	<u>Recommended Zoning:</u> WR-3

III. Visioning for the Future & Development Policy

Area B

Character - Area B encompasses the area along the north side of US Highway 93 West from the Whitefish River west to Ramsey Avenue. ~~It also encompasses land south of US Highway 93 West between the Whitefish River and Good Avenue. Area B fronts both sides of the highway west of the Whitefish River Bridge serving as the western gateway to downtown Whitefish.~~ A portion of Area B adjoins the Idaho Timber property. The land uses in Area B are primarily residential. Non-residential uses in Area B include professional office buildings and personal services. The land has been subdivided into lots, some of which front the highway while others front on Karrow Avenue and Murray Avenue, ~~or the east side of Good Avenue.~~ Most of the lots that front US Highway 93 West are of a size and depth that could accommodate multiple buildings. Generally, there are no alleys in Area B. Area B is ~~28.45~~ 23.6 acres and ~~12.6%~~ 10.5% of the total area in the corridor.



Area B is gradually *transitioning* from single-family residential to other uses such as professional offices and personal services allowed in the current WR-3 zoning as a conditional use. These uses are appearing in Area B because the larger size and depth of the lots can accommodate these uses. There was discussion during the public process that the area will *continue* to transition away from single-family residential to allow additional uses beyond those allowed in the WR-3 zoning which would require a zoning change.

Public Input – During the planning process, the public indicated Area B forms the entry sequence into the downtown which is the historic heart of Whitefish. The entry sequence should reflect the scale of the residential neighborhood, complement the open space uses along the river, preserve views to the mountains and accommodate non-residential uses allowed in the current WR-3 zoning. The residents in the Murray Avenue area were concerned about the transition of uses along the highway frontage proximate to the residences on Murray Avenue. The public *liked* the professional office buildings or personal services that have:

- Appropriate hours of operation.

Public Input Summary

Character

Residential character
Single front lots onto US Highway 93 West
Generally no alleys exist

Concerns Relative to Land Uses

Traffic, noise, light, hours of operation
Architectural character of non-residential uses
For-rent impacts to residential character
Commercial uses outside of downtown
Appropriate timing of transitional uses

Existing Zoning

WR-3

Recommended Land Uses

Residential Uses
Resort Residential
Artisan Manufacturing
Coffee Shops and Sandwich Shops
Permitted and conditional uses in the current zoning including:
Professional Offices
Personal Services

III. Visioning for the Future & Development Policy

- Parking located along the street front to limit noise and light pollution to existing residential uses.
- Architecture that suggests traditional residential character like steeper pitched roofs.

The public **concerns** raised during the planning process were:

- Protecting river vegetation.
- Protecting views to the north.
- Impacts from traffic generated by land uses.
- Impacts from light spilling from land uses adjacent to residential areas.
- Noise generated by land uses.
- Impact from hours of operation that extend longer than normal daytime uses.
- Impact of commercial uses outside of downtown area.
- Architectural character of non-residential uses.
- For-rent impacts to residential character.
- Appropriate timing of transitional non-residential uses.

Existing Zoning - The existing zoning is WR-3. This district is intended for residential purposes to provide for one-family, duplex, triplex, fourplex and attached single-family residential uses in an urban setting connected to all municipal utilities and services. In addition to permitted uses, the zoning allows for conditional uses with specific performance standards and for Planned Unit Developments (PUD).

Recommended Land Uses - The public, while noting Area B as the gateway to the downtown, with some frontage against the Idaho Timber site, also noted *the potential* of the area for other specific non-residential uses as the area continues to transition naturally from its current residential character. From the survey and public input during the planning process the following land uses were recommended. These can occur as standalone uses or as part of a mixed-use pattern.

- Residential Uses
- Professional Offices
- Personal Services
- Resort Residential
- Artisan Manufacturing
- Coffee Shops and Sandwich Shops

Recommended Guidelines - The vision for Area B is similar to Area A in that the potential land uses in this area must be sensitive to the existing residential character of the neighborhood. However, Area B has larger lots and frontage on both sides of the highway and along the Idaho Timber site. This sets up the area to gradually transition to new uses through the WT-3 zoning district. The transition will be initiated by the landowner at a suitable time to remain sensitive to existing uses. Through the progression of thought in the planning process, it was determined that the lots fronting on US Highway 93 West between Murray Avenue and Ramsey Avenue remain High

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Density Residential as opposed to Neighborhood Mixed-Use Transitional. See the Proposed Future Land Uses Map on p. 67. The area along Murray Avenue will remain in the WR-3 zoning district to preserve the residential character of the area. Concerns from the public input process are addressed in the new zoning district. Refer to Appendix D for the complete WT-3 zoning district.

Implementation Steps

1. Adopt new Neighborhood Mixed-Use Transitional land use designation.
2. Consider new WT-3 zoning when requested by landowners.

Recommended Land Uses	Growth Policy Land Use	Zoning
Residential Uses Resort Residential Artisan Manufacturing Coffee Shops and Sandwich Shops Permitted and conditional uses allowed in the current zoning including: Professional Offices Personal Services	<u>Current Designation:</u> High Density Residential	<u>Existing Zoning:</u> WR-3, WR-3 W/PUD
	<u>Recommended Designation:</u> Neighborhood Mixed-Use Transitional and High Density Residential	<u>Recommended Zoning:</u> WT-3 and WR-3

III. Visioning for the Future & Development Policy

Area C

Character - Area C runs from Good Avenue to the Whitefish Golf Course surrounding 3rd Street which is characterized as a narrow residential street full of activity with kids walking and riding their bikes. The land uses in Area C are residential. Residents are concerned with traffic being diverted through the neighborhood due to the median that is part of the US Highway 93 West improvements. Area C is 21.28 acres and 9.4% of the total area in the corridor.



Public Input Summary

Character

Rural character
Kids walking and biking
Narrow street
No alleys

Concerns Relative to Land Uses

Traffic diversion due to medians
Noise
Hours of operation

Existing Zoning

WR-1, WR-2, WR-3

Recommended Land Uses

Single-Family Residential
Two-Family Residential

Public Input – During the planning process, the public indicated that preserving the existing residential uses is important. The public *liked* the existing residential neighborhood because it has:

- Rural character.
- An active and safe street for kids to walk and bike.
- A narrow street.

The public **concerns** raised during the planning process were:

- Impacts from traffic diverted from the medians on US Highway 93 West.
- Noise generated by land uses.
- Impact from hours of operation that extend longer than normal daytime uses.

Existing Zoning - The existing zoning is WR-1, WR-2, and WR-3. The WR-1 (One-Family Residential) district is intended for residential purposes to provide for single-family dwellings in an urban setting connected to all municipal utilities and services. The WR-2 (Two-

III. Visioning for the Future & Development Policy

Family Residential) 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. There is a small area of WR-3 near Good Avenue. WR-3 (Low Density Multi-Family Residential) district is intended for residential purposes to provide for one-family, duplex, triplex, fourplex and attached single-family residential uses in an urban setting connected to all municipal utilities and services.

Recommended Land Uses - From the survey and public input during the planning process, the following land uses were recommended and **are congruent** with the uses allowed in the current zoning:

- Single-family Residential Uses.

Recommended Guidelines - The vision for Area C is to continue and protect residential use. The recommendation is to retain the current urban land use designation. The urban designation is generally a residential designation and includes the traditional neighborhoods near downtown Whitefish. The designation also includes 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 townhomes 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. The growth policy description of the urban land use type includes limited neighborhood commercial along arterial or collector streets. However, neighborhood commercial was not an approved land use for Area C so it is not recommended for this area. Current zoning addresses concerns from the public input process.

Implementation Steps

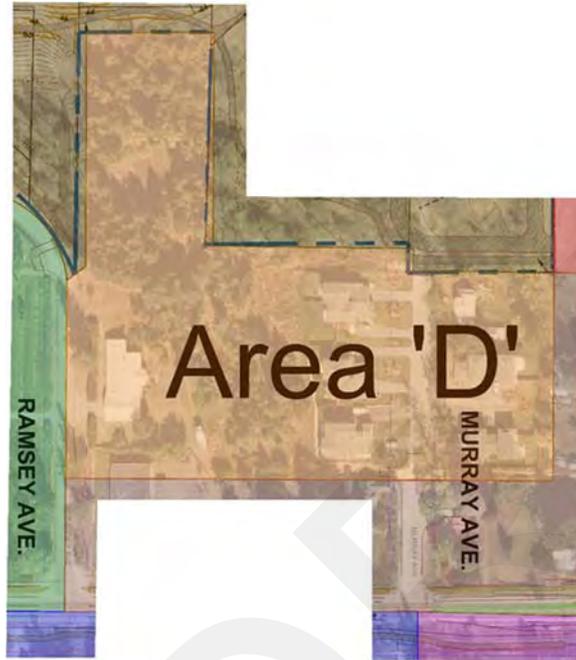
1. No action needed.

Recommended Land Uses	Growth Policy Land Use	Zoning
Single-family Residential Two-Family Residential	<u>Current Designation:</u> Urban	<u>Existing Zoning:</u> WR-1, WR-2, WR-3
	<u>Recommended Designation:</u> Urban	<u>Recommended Zoning:</u> WR-1, WR-2, WR-3

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Area D

Character - Area D is north of US Highway 93 West but does not include the lots that front the highway. The area includes the lots that front Murray Avenue and extend west to Ramsey Avenue. This is a single-family residential area. Area D is 5.68 acres and 2.5% of the total area in the corridor.



Public Input Summary

Character

Single-family residential

Concerns Relative to Land Uses

Traffic diversion due to medians

Noise

Hours of operation

For-rent residential character

Existing Zoning

WR-2

Recommended Land Uses

Single-Family Residential

Two-Family Residential

Public Input – During the planning process, the public indicated that preserving the existing residential uses is important. The public *liked* the existing residential neighborhood.

The public **concerns** raised during the planning process were:

- Impacts from traffic diverted from the medians on US Highway 93 West.
- Noise generated by land uses.
- Impact from hours of operation that extend longer than normal daytime uses.
- Impacts of for-rent residences on character of existing neighborhood.

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Existing Zoning - The existing zoning is WR-2. The WR-2 (Two-Family Residential) 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.

Recommended Land Uses - From the survey and public input during the planning process the following land uses were recommended and **are congruent** with the uses allowed in the current zoning:

- Single-family Residential Uses.
- Two-family Residential Uses.

Recommended Guidelines - The vision for Area D is to continue residential use and retain the current urban land use designation. The growth policy description of the urban land use type includes limited neighborhood commercial along arterial or collector streets. However, neighborhood commercial was not an approved land use for Area D so it is not recommended for this area. Current standards address concerns from the public input process.

Implementation Steps

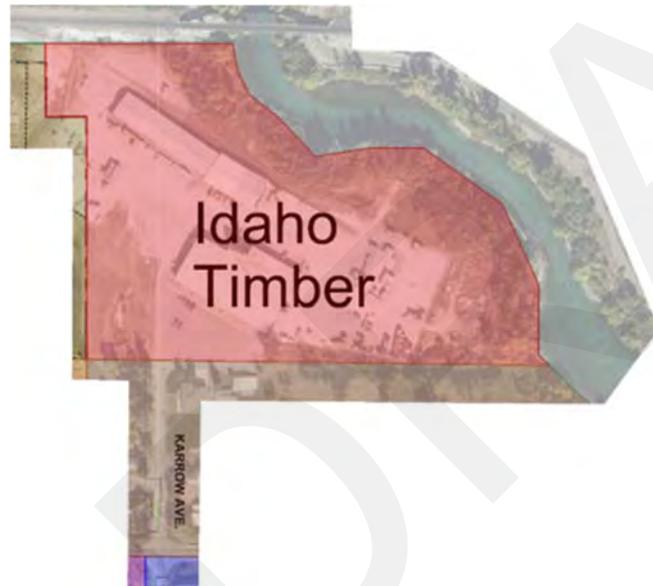
1. No action needed.

Recommended Land Uses	Growth Policy Land Use	Zoning
Single Family Residential Two-Family Residential	<u>Current Designation:</u> Urban	<u>Existing Zoning:</u> WR-2
	<u>Recommended Designation:</u> Urban	<u>Recommended Zoning:</u> WR-2

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Idaho Timber Area

Character-The Idaho Timber Area is the site of the closed Idaho Timber lumber mill. The area is located southerly of the Burlington-Northern main line railroad tracks and has rail access. It is bordered on the west by the proposed Great Northern Veterans Peace Park and to the east by the Whitefish River. To the south is the right-of-way for 1st Street West and is directly accessed by Karrow Avenue. The site is in private ownership and is occupied by industrial buildings and hard surface paving while supporting riparian vegetation along the Whitefish River frontage. The site also has a small pond in the southwesterly portion of the site that may be traded to the Great Northern Veterans Peace Park. The Idaho Timber area is 14.18 acres and 6.3% of the total area of the corridor.



Public Input Summary

Character

Vacant industrial site
Adjoins RR main line
Whitefish River frontage
Adjoins GNVPP WI zoning
Karrow Avenue direct access

Concerns Relative to Land Uses

Riverfront parks/trails/wildlife
Complement & protect river
Connectivity to the community
Sustainable development
Access
Screening/buffering of manufacturing
Traffic associated with land uses

Existing Zoning

WI

Recommended Land Uses

Recreational Facilities
Artisan Manufacturing
Multi-Family Residential
Resort Residential
Permitted and conditional uses allowed in the current zoning

Public Input -Historically, this site has had an industrial use, but Steering Committee members indicated, on the survey, that it is not important to maintain the historical industrial character of this area. The site can accommodate a wide-variety of adaptive uses or redevelopment options. While the existing potential of the site includes a heavy industrial use or a combination of heavy and light industrial uses, the community envisions an adaptive use or redevelopment of the site beyond its potential for industrial uses. This vision

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includes land uses that could be of a lower intensity including manufacturing or an industrial component at a reduced scale to allow for additional uses on the site. The tax increment financing in place could be used to advance the economic development and industrial opportunities of the site.

The Idaho Timber Area has extensive frontage along the Whitefish River. The Idaho Timber Area would benefit from increased community connectivity. One of the visions brought forward was a riverfront trail on the west side of the Whitefish River to connect to the proposed Skye Park bridge north of the railroad tracks with the sidewalk system on the north side of US Highway 93 West. This would better connect businesses and residences on both sides of the river to shopping, work and recreation. The public *liked* several aspects of the site:

- Potential employment center.
- Whitefish River frontage.
- Potential for adaptive use.
- Direct access from Karrow Avenue.
- Rail access.
- Utilities available for manufacturing.
- Potential riverfront parks/trails/wildlife protection.
- Potential for development that complements and protects river.
- Potential connectivity to the community.
- Potential sustainable development.

The public *concerns* raised during the planning process were:

- Noise.
- Hours of operation.
- The impacts to the surrounding area.
- Access.
- Screening/buffering of manufacturing.
- Traffic associated with land uses.

Existing Zoning – The existing zoning is WI. The zoning allows a range of industrial uses that would be congruent with the historic use of the site by the railroad. The WI (Industrial and Warehousing) district is intended to provide for light industrial and service uses in which a reasonable degree of control is desirable for the general well-being of the community area.

Recommended Land Uses - The public, while noting the Idaho Timber Area is a valuable industrial site under the current zoning, also noted *the potential* of the area for other uses as the area may transition away from industrial uses. At such time that a re-zoning of the property may be appropriate, the new zoning would restrict heavy industrial uses with their associated impacts of noise, odor, or smoke.

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From the survey and public input during the planning process, the following land uses were recommended for the transition of the site. These can occur as standalone uses or as part of a mixed-use pattern.

- Artisan Manufacturing.
- Recreational facilities, including parks and playgrounds along the Whitefish River.
- Multi-Family Residential.
- Resort Residential.

Recommended Guidelines - The vision for the Idaho Timber Area is to gradually transition away from heavy manufacturing to adaptive, clean industries and a mixed-use environment while developing the Whitefish River as a recreational amenity. Two new zoning districts, WI-T and WT-3, will be used to accomplish this transition. The transition will be initiated by the landowner at a suitable time to remain sensitive to existing uses. Concerns from the public input process are addressed in the new zoning districts. Refer to Appendix D for the complete WI-T and WT-3 zoning districts.

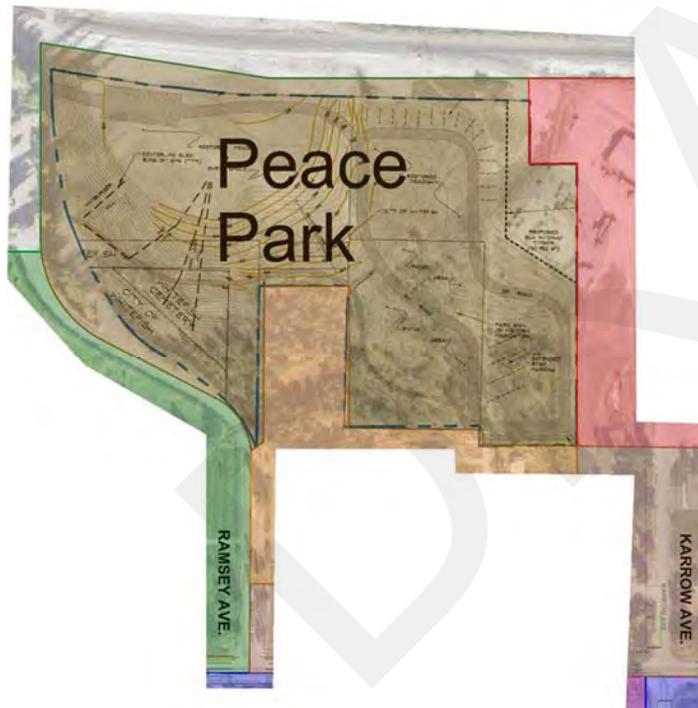
Implementation Steps

1. Incorporate two new land use designations, Industrial Transitional & Neighborhood Mixed-Use Transitional, into the Growth Policy.
2. At such time that a re-zoning of the property may be appropriate, the new WT-3 or WI-T zoning could be adopted for the site to accommodate additional land uses.

Recommended Land Uses	Growth Policy Land Use	Zoning
Permitted or conditional uses and uses allowed through the PUD process in the current zoning Recreational Facilities Artisan Manufacturing Multi-Family Residential Resort Residential	<u>Existing Designation:</u> Planned Industrial	<u>Existing Zoning:</u> WI
	<u>Recommended Designation:</u> Industrial Transitional & Neighborhood Mixed-Use Transitional	<u>Recommended Zoning:</u> WT-3 & WI-T

Peace Park

Character - The Peace Park Sub-District is located adjacent to and south of the Burlington-Northern main line track. To the west is Ramsey Avenue, the cemetery and several homes. To the east is the Idaho Timber site. To the south is timbered open space and single-family homes. Murray Avenue ends at the Peace Park Sub-District. The northerly portion of the site is a vacant industrial site that was, up until recently, owned by Burlington-Northern, but is now owned by another private entity, the Great Northern Veterans Peace Park. The site has been used by the public for passive recreation and sledding. The Peace Park is 15.15 acres and 6.7% of the total area in the corridor.



Public Input Summary

Character

- Vacant industrial site
- Adjoins RR main line
- Mature vegetation southerly part
- Adjoins Idaho Timber Site WI zoning
- Topographic relief

Concerns Relative to Land Uses

- Noise
- Access
- Traffic
- Connectivity
- View protection

Existing Zoning

- WI

Recommended Land Uses

- Parks/Open Space
- Recreational Open Space

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The site is proposed to be developed as the Great Northern Veterans Peace Park. The vision for the Peace Park area is a community open space that accommodates passive recreation activities such as sledding, walking, skating and picnicking. More intensive recreational uses include Frisbee golf. A pond adjoins the site to the west on the Idaho Timber site. The pond has been used by the public for ice skating and may become part of the GNVPP through a land trade with Idaho Timber. The founders of the Peace Park also have a vision for occasional outdoor concerts in the natural bowl on the site. Accessory to the use of the site is an internal road system, parking and overnight parking in association with concerts.

Public Input - During the planning process, the public indicated that the proposed use of the site is much preferred to a vacant industrial site or the return of the site to a heavy industrial use. The public *liked* the proposed land use because it has:

- Passive recreation in keeping with the past use of the site for public skating and sledding.
- The idea of an internal circulation system with visitor parking.
- The retention of mature vegetation.
- The conversion from a heavy industrial use to a parks and recreational use.
- The opportunity for a future river trail connecting 1st Street to the Peace Park.

The public *concerns* raised during the planning process were:

- Traffic.
- Noise.
- Hours of operation.
- The impacts of the Peace Park on the residential character of existing neighborhoods.

Existing Zoning – The existing zoning is WI. The zoning allows a range of industrial uses that would be congruent with the historic use of the site by the railroad. The WI (Industrial and Warehousing) district is intended for light industrial purposes and to provide for light industrial and service uses in which a reasonable degree of control is desirable for the general well-being of the community area.

Recommended Land Uses - From the survey and public input during the planning process, the following land uses were recommended and *are not compatible* with the uses allowed in the current zoning:

- Parks/Open Space.
- Recreational Open Space.

Recommended Guidelines – The vision for the Peace Park Sub-District is in line with the past recreational use of the site by the public. The proposed use of the site to include the traditional recreational uses, adding Frisbee golf and occasional concerts is compatible with the use of public open space. As the plans for the GNVPP develop, it is recommended that the Peace Park Sub-District develop a management plan including their intended uses and hours of operation to assist the governing body in developing an appropriate zoning

III. Visioning for the Future & Development Policy

district for the area with permitted uses and conditional uses. Guidelines will help the Peace Park Sub-District to be compatible with the residential uses in the area.

Guidelines

- Noise decibel restrictions for concerts.
- Hours for concert events.
- Dawn to dusk hours of operation for permitted uses.
- Extended hours of operation for conditional uses.
- Single story building height restrictions.
- Include conditional uses such as camping, recreational vehicle camping, and outdoor concerts.

Implementation Steps

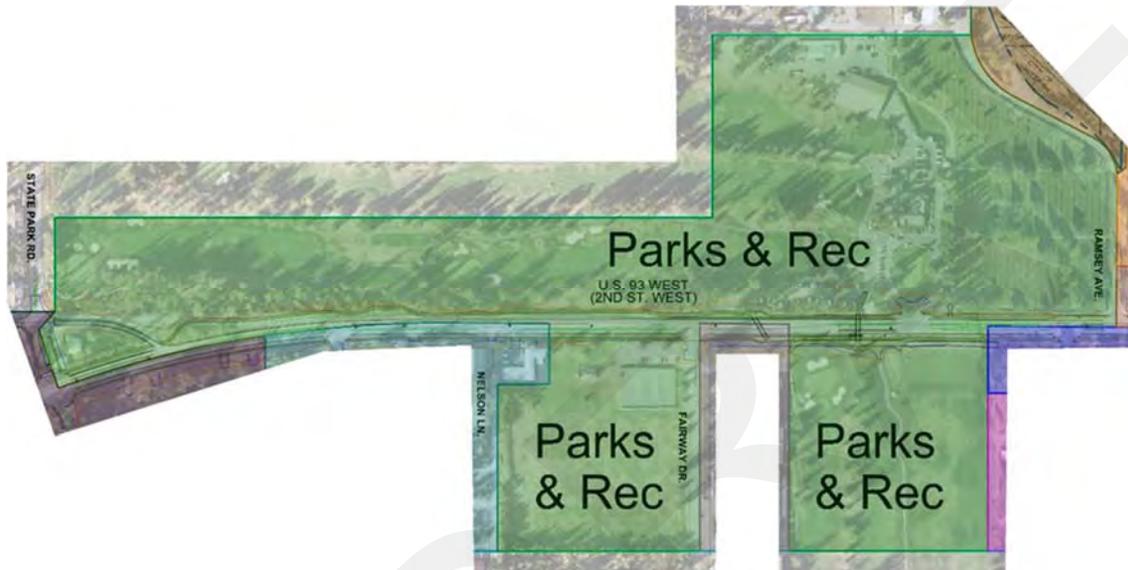
1. Change the growth policy land use designation from Planned Industrial to Parks & Recreation.
2. Request the founders of the Great Northern Veterans Peace Park to work with the City for a management plan for the park.
3. Re-zone the property to a Parks & Recreation Zoning District.

Recommended Land Uses	Growth Policy Land Use	Zoning
Parks/Open Space Recreational Open Space	<u>Current Designation:</u> Planned Industrial	<u>Existing Zoning:</u> WI
	<u>Recommended Designation:</u> Parks & Recreation	<u>Recommended Zoning:</u> Parks & Recreation

III. Visioning for the Future & Development Policy

Parks and Recreation

Character - The Parks and Recreation area includes the Whitefish Golf Course and Club House, Grouse Mountain Park with tennis courts and soccer fields, and the cemetery. The road improvements along US Highway 93 West include a multi-use trail and sidewalk that will connect downtown Whitefish to the corridor and golf course. The Parks and Recreation area is 52.58 acres and 23.3% of the total area in the corridor.



Public Input Summary

Character

Recreational/Resort Character

Concerns Relative to Land Uses

Connectivity

Access

Traffic

Existing Zoning

WSR

Recommended Land Uses

Parks/Open Space

Public Input – During the planning process, the public indicated that maintaining the existing open space uses and character are important.

The public **concerns** raised during the planning process were:

- Connectivity.
- Access.
- Traffic.

III. Visioning for the Future & Development Policy

Existing Zoning - The existing zoning is WSR. The WSR (Suburban Residential) district is intended for single-family homes in an estate type setting and is designed to maintain, protect and preserve a character of development characterized by uses of a residential purpose and with no more than one dwelling unit and customary accessory buildings on one lot.

Recommended Land Uses - From the survey and public input during the planning process, the following land uses were recommended and **are not compatible** with the uses allowed in the current zoning:

- Parks/Open Space.

Recommended Guidelines - The vision for the Parks & Recreation area is to retain the existing, formal recreation uses, country club, and cemetery. This recreational area is fully developed with active, formal recreation and commercial country club activity associated with the golf course. A Parks & Recreation Zoning District should be developed and include guidelines as recommended for the Peace Park.

Implementation Steps

1. Re-zone the property to Parks & Recreation Zoning District and include recommended guidelines.

Recommended Land Uses	Growth Policy Land Use	Zoning
Parks/Open Space	<u>Existing Designation:</u> Parks & Recreation	<u>Existing Zoning:</u> WSR
	<u>Recommended Designation:</u> Parks & Recreation	<u>Recommended Zoning:</u> Parks & Recreation

III. Visioning for the Future & Development Policy

Resort-Commercial

Character - The Resort-Commercial area is the existing site of Grouse Mountain Lodge, a vacation and meeting resort. It is south of US Highway 93 West and bordered by the Whitefish Golf Course to the east and the Grouse Mountain Park to the west. The Resort-Commercial area is 3.91 acres and 1.7% of the total area in the corridor.



Public Input Summary

Character

Resort

Concerns Relative to Land Uses

None

Existing Zoning

WRB-1

Recommended Land Uses

Resort Commercial

Resort Residential

Public Input – During the planning process, the public indicated that the existing resort commercial uses are appropriate for this area.

The public did not raise any **concerns** during the planning process.

Existing Zoning - The existing zoning is WRB-1. The WRB-1 (Limited Resort Business) district is intended for resort purposes; to provide for the development of medium to high density resort uses, including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses. This district is to also provide a place for meeting rooms, convention centers and facilities, bars, lounges and restaurants and limited ancillary retail and commercial uses intended primarily for the convenience of guests of the facilities provided within this district.

Recommended Land Uses - From the survey and public input during the planning process, the following land uses were recommended and **are congruent** with the uses allowed in the current zoning:

- Resort Commercial.
- Resort Residential.

III. Visioning for the Future & Development Policy

Recommended Guidelines – The vision for the Resort-Commercial Sub-District is to continue resort commercial and resort residential uses. To better accommodate the existing uses, a new Resort-Commercial land use designation is recommended that is congruent with the WRB-1 and WRB-2 zoning. Current zoning is appropriate for this Sub-District.

Implementation Steps

1. Incorporate a new land use designation, Resort-Commercial, into Growth Policy. The corridor boundary is not congruent with the property ownership or the current zoning. It is recommended that the Resort-Commercial land use designation extend beyond the corridor boundary to include the entire Grouse Mountain property.

Recommended Land Uses	Growth Policy Land Use	Zoning
Resort Commercial Resort Residential	<u>Existing Designation:</u> Resort Residential	<u>Existing Zoning:</u> WRB-1
	<u>Recommended Designation:</u> Resort-Commercial	<u>Recommended Zoning:</u> WRB-1

III. Visioning for the Future & Development Policy

Fox Hollow

Character - The Fox Hollow Sub-District is south of US Highway 93 West and includes the Forest Service, Border Control, and residences accessed off of Fox Hollow Lane. The Fox Hollow area is 10.65 acres and 4.7% of the total area in the corridor.



Public Input Summary

Character

No comments

Concerns Relative to Land Uses

No comments

Existing Zoning

WRR-1

Recommended Land Uses

Single-Family Residential
Multi-Family Residential
Resort Residential

Public Input – During the planning process, there were no comments made regarding the Fox Hollow Sub-District indicating the public is satisfied with the existing land uses.

Existing Zoning - The existing zoning is WRR-1. The WRR-1 (Low Density Resort Residential) district is intended to provide a low density setting for secondary residential resorts.

Recommended Land Uses - From the survey and public input during the planning process, the following land uses were recommended and **are congruent** with the uses allowed in the current zoning:

- Single-Family Residential.
- Multi-Family Residential.
- Resort Residential.

II. Visioning for the Future & Development Policy

Recommended Guidelines - The vision for Fox Hollow is to continue resort residential use. The growth policy description of the resort residential land use type includes development of all types and densities (in accordance with specific zoning). Included are one- and two-family residential, rental cabins, vacation cottages, condominiums, and townhomes. Commercial hotels and motels are not a part of this designation, but limited resort commercial is allowed. Current zoning is appropriate for this Sub-District.

Implementation Steps

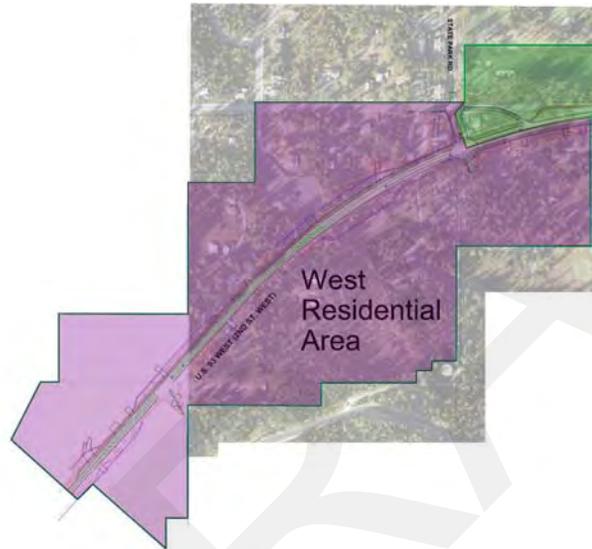
1. No action needed.

Recommended Land Uses	Growth Policy Land Use	Zoning
Single-Family Residential Multi-Family Residential Resort Residential	<u>Existing Designation:</u> Resort Residential	<u>Existing Zoning:</u> WRR-1
	<u>Recommended Designation:</u> Resort Residential	<u>Recommended Zoning:</u> WRR-1

II. Visioning for the Future & Development Policy

West Residential

Character - The West Residential Sub-District is a rural residential area with established trees and vegetation, privacy, and trails and recreation being important characteristics. There is also a church within this Sub-District. Access is a concern in this area as the road improvements on US Highway 93 West are implemented. The West Residential Sub-District is 62.34 acres and 27.7% of the total area in the corridor.



Public Input Summary

Character

Rural Character
Trees & Vegetation
Privacy
Trails & Recreation

Concerns Relative to Land Uses

Access
Lot size due to US Highway 93 construction

Existing Zoning

WSR, WLR, WRR-1

Recommended Land Uses

Single-Family Residential
Two-Family Residential
Church/Institutional Uses

Public Input – During the planning process, the public indicated that maintaining the single-family residential uses and character is important. The public *liked* the existing residential area because it has:

- Rural character.
- Mature trees and vegetation.
- Privacy.
- Trails and recreation opportunities.

The public **concerns** raised during the planning process were:

- Access.
- Impacts of US Highway 93 West construction affecting lot size and limiting development options.

II. Visioning for the Future & Development Policy

Existing Zoning - The existing zoning is WCR, WSR, WLR and WER. The WCR (Country Residential) district is intended for detached single-family homes together with farm and/or accessory buildings situated in a setting conducive to a rural lifestyle. The WSR (Suburban Residential) district is intended for single-family homes in an estate type setting and is designed to maintain, protect and preserve development characterized by uses of a residential purpose and with no more than one dwelling unit and customary accessory buildings on one lot. The WLR (One-Family Limited Residential) district is intended for residential purposes to provide for single-family homes in a low density setting, connected to municipal utilities and services. The WER (Estate Residential) district provides for single-family, large tract or estate development. These areas will typically be found in suburban areas, generally served by municipal sewer and water lines.

Recommended Land Uses - From the survey and public input during the planning process, the following land uses were recommended and **are congruent** with the uses allowed in the current zoning:

- Single-Family Residential Uses.
- Two-Family Residential Uses on the northwest corner of the intersection of State Park Road and US Highway 93 West.
- Church/Institutional Uses.

Recommended Guidelines - The vision for the West Residential Sub-District provides for low-density residential uses while maintaining the rural character of the area. This area will remain under the suburban residential land use designation. Lower density residential areas at the periphery of the urban service area generally fall under this designation. The residential designation is predominantly single-family, but clustered homes and low-density townhomes that preserve significant open space are also appropriate. Densities range from one unit per 2.5 acres to 2.5 units per acre, but could be higher through the PUD. Clustered residential that preserves considerable open space, allows for limited agriculture, and maintaining wildlife habitat is encouraged. The area should be aggressively restricted to a transitional residential zone between rural and semi-urban. Current zoning is appropriate for this Sub-District except for the northwest corner of the intersection of State Park Road and US Highway 93 West where the lots were impacted by the highway construction.

Implementation Steps

1. Address existing non-conforming uses and public/quasi-public uses.

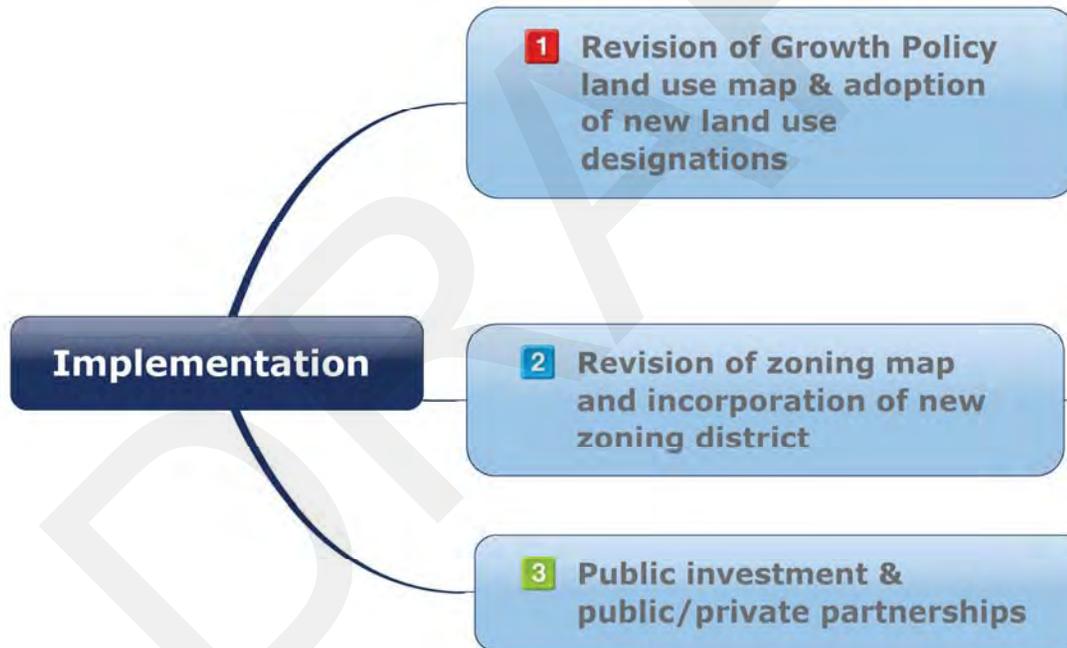
Recommended Land Uses	Growth Policy Land Use	Zoning
Single-Family Residential Two-Family Residential Church/Institutional Uses	<u>Existing Designation:</u> Suburban Residential	<u>Existing Zoning:</u> WSR, WLR, and WRR-1
	<u>Recommended Designation:</u> Suburban Residential	<u>Recommended Zoning:</u> WSR, WLR and WRR-1

IV. IMPLEMENTATION

IMPLEMENTATION STEPS

The implementation of the Corridor Plan is broken down into three steps:

- 1) The revision of the Growth Policy land use map and adoption of new land use designations. This includes changing existing land use designations to more appropriate designations for certain Sub-Districts.
- 2) The revision of the zoning map and incorporation of new zoning districts and performance standards to support the appropriate transition of neighborhoods. The transition will be initiated by the landowner at a suitable time to remain sensitive to existing uses.
- 3) Opportunity exists for future public investment and public-private partnerships.

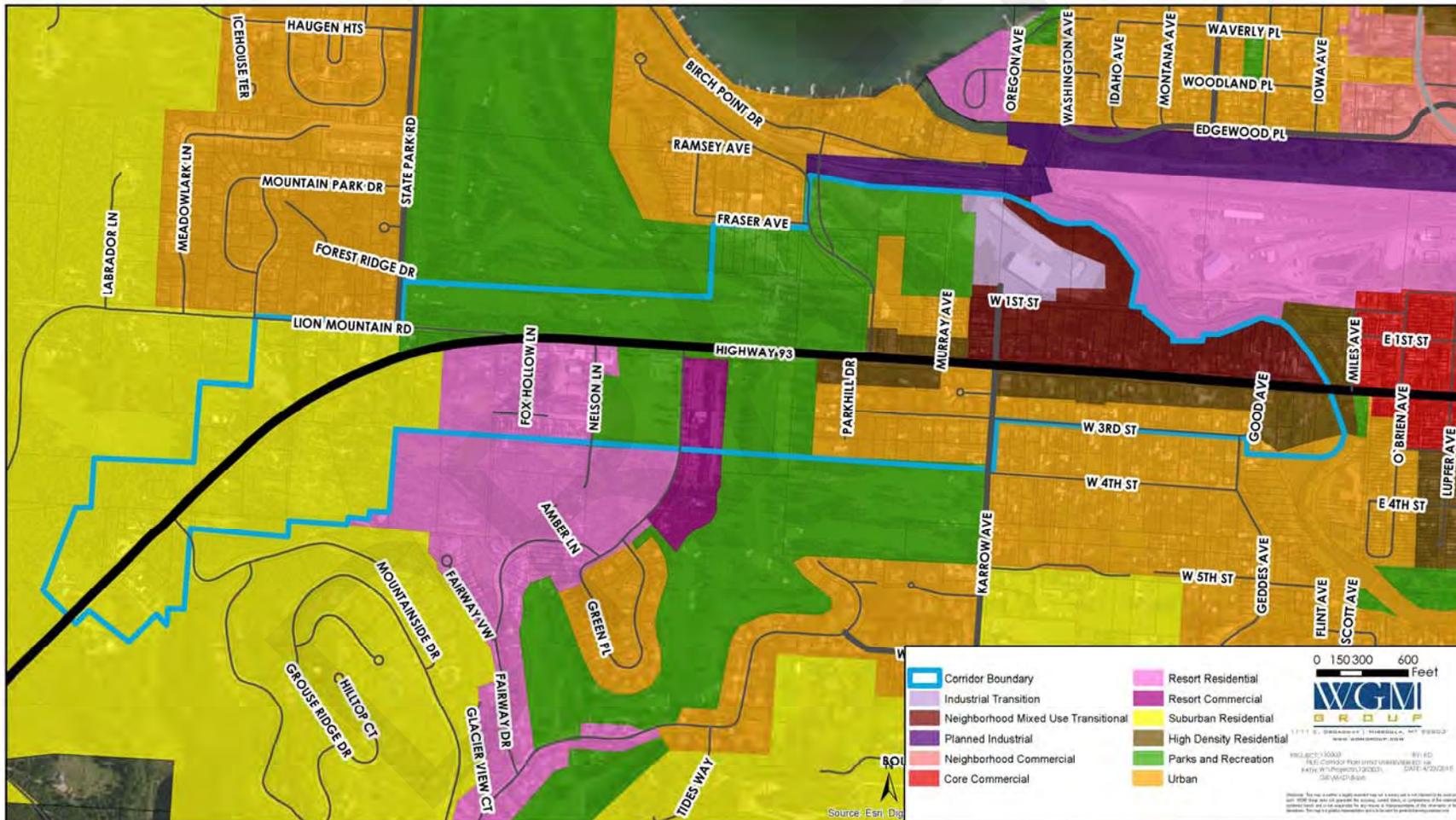


IV. Implementation

GROWTH POLICY LAND USE DESIGNATIONS

Proposed Future Land Uses Map

The land use recommendations for the Highway 93 West Corridor are shown in the Proposed Future Land Uses Map below.



IV. Implementation

Proposed Land Use Designations

Three proposed land use designations are recommended as part of the corridor plan. These include Neighborhood Mixed-Use Transitional, Industrial Transitional, and Resort Commercial.

Neighborhood Mixed-Use Transitional:

- This designation is applied to neighborhoods near downtown Whitefish and along major transportation routes that have a strong historic character that varies across a range of uses from manufacturing to residential workforce housing. Key characteristics of the neighborhood include being a community gateway, frontage along the Whitefish River, employment and recreational uses close to homes, opportunity for adaptive use or zoning that allows for a variety of uses and within walking distance of shopping in downtown. These characteristics create opportunities for the transition from historic uses to more contemporary uses. As new, diverse uses appear in these traditional neighborhoods a land use trend is created where professional uses and higher density residential uses appear. Densities generally range from 2 to 16 units per acre. Townhomes, apartments and condominiums are also acceptable. The neighborhood may include single-use or mixed-use buildings. The applicable zoning districts are WR-3, WR-4, and WT-3 with appropriate conditional uses and PUD options as well as Architectural Review Standards.

Industrial Transitional:

- This designation is for areas that are proximate to the downtown and have traditionally been used for heavy manufacturing. These areas are either vacant or underutilized and have opportunities for a gradual transition to adaptive, clean industries and business incubators. There are existing high capacity utility services and existing multi-modal transportation opportunities such as rail and highway access in these areas. Transitional areas can be the catalyst that generates new jobs and new economic development as businesses achieve success and relocate appropriately in the community. These areas have easy access to the downtown where the new workforce creates additional demand for goods and services and existing police and fire services can be utilized. The applicable zoning district is WI-T.

Resort-Commercial:

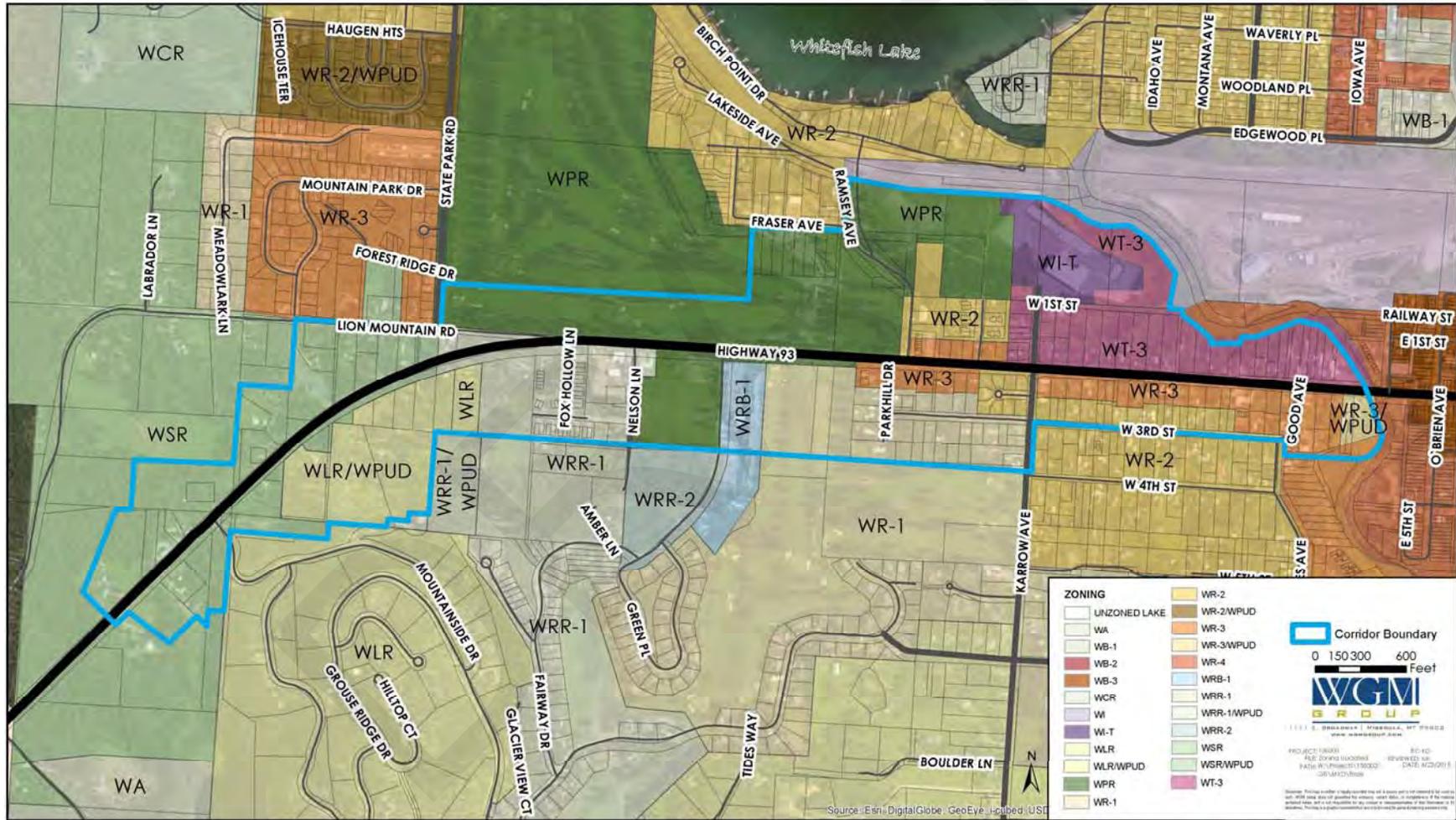
- This designation accommodates commercial and residential uses oriented towards tourism and resort activities. The lodging can include hotels and motels including restaurants, bars, and retail as accessory uses to hotels and motels. Applicable zoning districts are WRB-1 and WRB-2.

In addition to the proposed land use designations, it is recommended that the Peace Park Sub-District land use designation be changed from Planned Industrial to Parks & Recreation to reflect the vision for this area.

IV. Implementation

ZONING CHANGES Proposed Future Zoning Map

The zoning recommendations for the Highway 93 West Corridor are shown in the Proposed Future Zoning Map below.



IV. Implementation

Proposed Zoning Districts

Three proposed zoning districts are recommended as part of the corridor plan. These include the WT-3 Neighborhood Mixed-Use Transitional District, the WI-T Industrial Transitional District, and the WPR Parks & Recreation District. Refer to Appendix D for the complete WT-3 and WI-T [Sample](#) Districts.

WT-3 Neighborhood Mixed-Use Transitional District:

- The WT-3 District is intended for transitional development including high density residential, professional offices, light manufacturing, light assembly and ancillary services to provide a performance-based mixed-use environment with the recreational amenity of the Whitefish River along the western community gateway where adaptive use areas which are transitioning from their traditional uses [and lots that primarily border either the Whitefish River or industrial zoned property. The boundary of this district is along the north side of Highway 93 from both sides of north Karrow Avenue to the Veteran's Bridge. This zoning classification is not intended for general application throughout the Whitefish area.](#)

WI-T Industrial Transitional District:

- The WI-T District is intended to allow for the gradual transition on vacant or underutilized sites that were traditionally used for heavy manufacturing to adaptive, clean industries and business incubators. These sites are generally proximate to the downtown, have existing high capacity utility services and existing multi-modal transportation opportunities such as rail and highway access.

WPR Parks & Recreation District:

- The WPR District is intended for parks and recreational uses. As the plans for the GNVPP develop, it is recommended that the Peace Park Sub-District develop a management plan including their intended uses and hours of operation to assist the City in developing an appropriate zoning district for the area with permitted uses and conditional uses.

FUTURE INVESTMENT

With the appropriate regulatory tools in place, the vision for the future corridor development is implemented through public investment and public-private partnerships.

IV. Implementation

PUBLIC INVESTMENT

Capital Facilities Planning

The desirable land use pattern should be proactively considered when planning public infrastructure projects. Investments should be prioritized in areas where desirable development can occur and those investments should be timed to coincide with private developments.

Streets, Sewer, Water, Storm Drain

Targeted investment in public infrastructure can play a vital role in implementing this corridor plan, especially in the Idaho Timber planning area. A local street network creates connectivity and relieves pressure on US Highway 93 West to accommodate local circulation. Availability of public sewer and water allows concentration of development, which can preserve and protect open space, recreational areas, and the river corridor. The presence of public storm drain infrastructure reduces the need to provide on-site retention and storage, reduces cost, and increase the land available for development.

Transportation infrastructure should support the desirable land uses in the corridor and the following standards:

Connectivity:

- Encourage development/use of local grid road network off of US Highway 93 West (develop 1st Street as parallel road, connect across river to Railway St, connect north across tracks to Edgewood) to improve access, circulation, and safety.
- Mitigate neighborhood traffic impacts with traffic calming, on-street parking, narrow street section to keep speeds low, discourage cut-through traffic.

Access:

- Discourage direct access to the highway.
- Use side streets first, then joint-use approaches to consolidate/eliminate approaches.
- Look at alley rights-of-way for access/circulation.
- Reduce number of approaches to improve safety for vehicles, bikes, pedestrians.

Non-Motorized:

- Add curb and sidewalks on local streets.
- Interconnect sidewalks/trails.
- Look for alternate bike routes off of US Highway 93 West.
- Add parallel route along river connecting to the Peace Park and public open space to the west.

IV. Implementation

Public Infrastructure Financing Tools

Tax Increment Financing

A portion of the Highway 93 West Corridor study area includes the Whitefish Urban Renewal Tax Increment Financing (TIF) district. TIF is a state authorized, locally driven funding mechanism that allows cities to direct property tax dollars that accrue from new development, within a specifically designated district, to community and economic development activities. TIF funds could be used to make improvements in that portion of the Highway 93 West Corridor that lies within the City limits until the district sunsets.

Funds may be used for vehicular and pedestrian transportation infrastructure, streetscapes, parks and landscaping, water and sewer lines and for connecting to infrastructure outside the district. While funds are typically used for public infrastructure investments, there are instances where local governments have used TIF funds to partner with private property owners to make improvements to historic buildings and to address life-safety issues. The statutes also provide for the establishment of a TIF revolving loan program that can support private investment in the TIF district. TIF revenue bonds enable a community to pay for expensive infrastructure improvements over time.

The City would like to maintain the current TIF district with the existing boundary. It is one of the healthiest TIF districts in the state with a good increment built up. This increment is a great advantage and incentive for future development on the Idaho Timber site. The City has a priority list of funding for the tax increment funds. A careful review of the priority list should happen as part of the implementation strategy for this corridor plan.

Special Improvement Districts (Property Owner Assessment)

Under 7-12-4101, and 7-12-4102 MCA, cities and towns can create special improvement districts for a number of activities including:

- The acquisition, construction or reconstruction of public streets and roads.
- The acquisition, construction or reconstruction of sidewalks, culverts, bridges, gutters, curbs, steps and parks including the planting of trees.
- The construction or reconstruction of sewers, ditches, drains, conduits, and channels for sanitary or drainage purposes, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances.
- The construction of sewer and water systems including fire hydrants.
- The acquisition and improvement of land to be designated as public park or open-space land.
- The conversion of overhead utilities to underground locations in accordance with 69-4-311 through 69-4-314, MCA
- The purchase, installation, maintenance, and management of alternative energy production facilities.

IV. Implementation

PUBLIC-PRIVATE PARTNERSHIPS

The Idaho Timber site and historic work force housing provide opportunities for public-private partnerships.

Idaho Timber Site

The Highway 93 West Corridor Plan proposes a mix of uses on the former Idaho Timber site and provides flexibility for the transition of the site to new uses. Given the diversity of uses as well as the unique setting, development will depend on both public and private investment in order to be successful. For example, public investments will be necessary in support of overall infrastructure improvements. The development of road connectivity to the Idaho Timber site and adjoining properties as well as within the site will be key to the development of the site.

The Idaho Timber site presents opportunities to diversify the City's economy. This could potentially occur through the development of business incubators which can benefit the community in a number of ways. These include creating jobs, fostering a community's entrepreneurial climate, technology commercialization, diversifying local economies, building or accelerating growth of local industry clusters, business creation and retention, encouraging women or minority entrepreneurship, identifying potential spin-in or spin-out business opportunities, and community revitalization. For this type of development to occur, the City will need to support and recruit appropriate development.

Historic Work Force Housing

The redevelopment of neighborhoods that historically provided homes for the area's work force is an opportunity for public-private investment. The following standards, for properties eligible for listing on the National Register of Historic Places, can be used to guide in the redevelopment of properties within the corridor.

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

IV. Implementation

- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Public-Private Partnership Financing Tools

There are a variety of financing options for public-private partnerships that can help stimulate development in the corridor and spur additional private projects.

USDA Multi-Family Housing Programs

- Rural Rental Housing Loans to provide affordable multi-family rental housing for very low-, low-, and moderate-income families; the elderly; and persons with disabilities. This is primarily a direct mortgage program, but funds may also be used to buy and improve land and to provide necessary facilities such as water and waste disposal systems. In addition, deep subsidy rental assistance is available to eligible families.

Montana Housing Tax Credit Program

- This tax credit is available under Section 42 of the Internal Revenue Code of 1986. The credit is a federal income tax credit for owners of qualifying rental housing that meets certain low income occupancy and rent limitation requirements. The credit is taken as a reduction in participants' tax liability over a 10 year period. The credits can also be sold to investors to generate capital.

Federal Tax Credits

- Federal tax credits provide property owners with significant financial incentives to invest in projects that support urban renewal, the construction of affordable housing and the preservation of historic structures. When combined with public support such as TIF, Federal and State grants and loans, or other public funds, tax credits can help make a project financially feasible.

IV. Implementation

Property Owner Organizations

- Using dues and other assessments, these organizations and associations can form partnerships with local government entities to make improvements to neighborhoods. Funds can be used for public improvements, landscaping, maintenance and public relations activities.
- It is recommended that the neighborhood build off of the Steering Committee and create a property owner, merchants, and residents association. This grass roots association can explore and take advantage of public-private partnerships as appropriate to implement the broad array of opportunities that exist in the corridor.

The vision for the corridor is dependent on collaboration between the City of Whitefish and private investment. Additionally, it is important for residents to help preserve and enhance their neighborhood's character and sense of place. This can be accomplished through encouragement of neighborhood revitalization initiatives, such as the formation of neighborhood councils, thoughtful design of the streetscape to "quiet down" neighborhoods, incorporation of "walkability" in neighborhood design, and promotion of new compatible construction.

APPENDIX A: PUBLIC INPUT SESSION #1 COMMENTS

Appendix A: Public Input Session #1 Comments

US Highway 93 West Impacts

- Privacy issues, lights from highway shining into houses an issue after trees are taken down, need to keep houses hidden, keep it rural, lower speed limit.
- Karrow & 93
 - Karrow cannot handle current traffic
 - Peace Park & Idaho Timber + 55 unit MF = traffic increase
 - Speed lack of enforcement
 - People are under estimating traffic there
 - What happens @ Karrow & 93 in the future?
- Concern: The corner of Karrow & Highway 93 is being constructed by MDOT and it will not handle the traffic that currently exists. So how can it possibly handle any further development in the area as the Idaho Timber property, the trails & more condos get developed?
- Medians will divert traffic to 3rd between Parkhill & Karrow with commercial development

Character & Concerns

- Adaptive use of existing buildings, more quaint and gentle than 93 to Kalispell, feeling of quaint, cozy, welcome as you come to town, like to see small scale restaurant down by river
- Fox Hollow resident
 - West 3rd – keep character of the street – kids, rural character, quiet, have animal hospital, 3rd/2nd very close together
 - Want: respect for residence, corridor homes/MF/ professional offices
 - Things that can be compatible – family-“beauty”
 - Standards – landscaping – height – hours of operation
 - Outdoor activity that is loud/music etc. is not the best
 - Got a mailing and word of mouth
- SE Corridor Good & 93 – Highway moved closer, green utility box, ruined ambiance, want commercial
- Imagine future uses: will not be a nice residential area, needs a commercial component, shape and form of development is important
- 3rd St. Owner
 - OK with “mom and pop” shops on Hwy 93 that close at ~6 pm (Not chain stores with lots of activity)
 - Business on Hwy 93 okay, but wants businesses that are quiet and close early 5-6pm
 - Realizes we have to have development – however they need to be carefully planned

Appendix A: Public Input Session #1 Comments

- This is a really peaceful, pretty part of town. Whitefish needs more affordable housing. This area is still largely residential, there are many people who live here and enjoy that aspect, we not to not take this “off the table”, it’s a great area for middle-class residential living environment - please don’t lose this
- Please take actions that encourage those of us who own residences to want to keep improving/enjoying our homes
- South of Hwy 93
 - Doesn’t mind current zoning – WR3 – which allows some business – doesn’t want to see full commercial – doesn’t want to lose the residential feel – neighbors and residential feel – a little bit of business is okay – light use – but not full commercial
- Owns undeveloped and developed property on Hwy 93 W. Would not like to see zoned uses become more restrictive than current in that area.
- Alternate uses on own merit (W 2nd St.) – not a lot of permitted uses
- Maintain residential houses along corridor – still should be predominate
- South & North of W 2nd St. are different
- Liked recent proposed project – mostly res. w/ some commercial
- Projections land use:
 - high intensity (urban)
 - moderate (existing?)
 - low (public/parks)
- No change to Fox Farm – wouldn’t want to see any commercial uses
- Will develop into its own community – why a park/natural areas are so important, walking trails; residential; commercial – beautiful, aesthetic pleasing area – Balance – not just one use or another
- Keep Fox Farm CT zoned the way it is
- Owner on highway & Good Ave. suggest allowing nightly or weekly rentals
- Allow Hwy 93 to continue to develop low-impact commercial/offices

3rd St. Character & Concerns

- Median a concern for Park Hill neighborhood. Feeling that nobody would drive up to the State Park Road turnaround
- Impact on Park Hill and 3rd due to new median diverting traffic into residential neighborhood
- 3rd St. Owner
 - Wants to see whatever goes in on 93 remain compatible with homes on 3rd – they (homes) will be there for the long term as residences. Need to consider what effects 93 businesses will have, what hours will they be open? What kinds of truck traffic/delivery will be necessary? Parking? Noise? Lighting? Please respect people who have made their homes there (nearby)

Appendix A: Public Input Session #1 Comments

- W. 3rd St. prime location for families/walk to school/kids bike riding/skateboarding/etc.
 - This is why we moved here.
- Impacts of traffic on W 3rd St. – W 3rd St. & Parkhill is quiet – low traffic now without Hwy project – State Park/Hwy 93 S zoning from s.t.r. to m.t.
- 3rd Street – Keep it the way it is, B&B quiet like they say they'll be
- W. 3rd St. owner
 - Has experience with vacation rental in a destination town of similar size (St. Helena/Napa Valley) and they had a very effective process: In order to do anything less than a 30-day rental, you had to have a B & B permitted in town. Only 25 B & B's permitted in town. B & B's required to have 24/7 manager – had to notify neighbors within 300' if 30% + contested application had to go to City Council for hearing instead of automatic approval. Permit for B&B required to be renewed every 2 years and does not go with property if sold.
- Concerned that such rentals will/can change character of neighborhood and wouldn't want to live next to that activity if negative. If it's going to happen, want to insure that city monitors/governs. However, if done right, these can be nice properties.
- W. 3rd St. Owner
 - Not opposed to commercial development on 2nd St/Hwy 93 – not opposed to it – need to be pretty strict limitations on hours of operations and what they sell. Restaurants in particular pose some real problems with noise/parking/house of operation – open to options but concerned/opposed to box stores/retail, etc.
- W 3rd St. will stay residential need to protect this area
- Resident on S. 3rd concerned about impact of business development on property values, quality of life, noise, traffic
- Doesn't want to see parking from Hwy 93 overflowing onto W 3rd St. or west 3rd St. lots
- Does not want noise and increased traffic on W. 3rd St.
- Does not want business impact on W. 3rd St.

Recreation/Parks

- There are not a lot of parks (passive recreation); family-oriented supports the river; wildlife corridor
- Expand Peace Park along River as Corridor Park – Wildlife & Family Benefit
- Trail along south side of WF River connecting to downtown
- Peace Park should not be lists as “public” as the public doesn't have a say in the rules or management of park

Idaho Timber

- Idaho Timber – park along the river/bike trail, complement the river, sustainable development
- Idaho Timber: Along river commercial (restaurants, hotels, etc.)

Appendix A: Public Input Session #1 Comments

WF River

- Commercial uses fronting WF River
- WF River: front the amenity

DRAFT

APPENDIX B: SURVEY RESULTS & SUMMARY

Appendix B: Survey Results & Summary

The Steering Committee responded to a survey to determine appropriate land uses as well as character and concerns within each Sub-District in the corridor. After the results were compiled, there was a Steering Committee discussion that led to the recommendation of certain land uses within the Sub-Districts. The survey provided the Steering Committee with a tool to measure character and concern and rate the suitability of particular land uses within the Sub-Districts of the overall plan.

The survey Sub-Districts correspond to the map below. After further discussion with the Steering Committee and input from the public some of the Sub-District boundaries were adjusted to reflect their comments.



Initial Draft, Corridor Plan

Appendix B: Survey Results & Summary

The following table describes the land use options that were included in the survey.

Land Use Qualities - WF Corridor Planning Study - For Survey

Land Use	Use Intensity or Density	Units per Acre	Lot Size Min/Max in SF	Lot Dimensions Example	Employee on-site	Parking Spaces	Other Qualifications
Single-Family	Rural	less than 1	>43,560	>208 x 208'	NA	2 per unit	Outside City Limits Typical
Single-Family	Low	1 to 2	21,000 to 86,000	120x175' up	NA	2 per unit	Inside City Limits
Single-Family	Medium	2 to 5	8,000 to 21,000	80x100' up	NA	2 per unit	Duplexes included
Single-Family	High	5 to 8	>5,400, <8,000	32x120'	NA	2 per unit	Duplexes included
Multi-Family	Medium	4 to 16	varies	32x110 or stacked	NA	8 to 32	4-plex TH/Condos and greater
Multi-Family	High	16 to 32	varies	multi-level	NA	32 to 64	8-plex TH/Condos and greater
Resort Residential	Med	4 to 6	varies	1-2 story		multiple	Overnight/Weekly/Vacation
Resort Residential	High	6 to 32	varies	up to 4 story		multiple	Overnight/Weekly/Vacation
Mixed Use	Low	varies	21,000 plus	varies		multiple	Res/Comm/Light Ind. Combined
Mixed Use	High	varies	21,000 plus	varies		multiple	Res/Comm/Light Ind. Combined
Community Commercial	Medium	varies	varies	varies	5 to 20	multiple	Cluster of small establishments exclusive of uses reserved for the downtown and strip commercial uses
Neighborhood Commercial	Low	varies	varies	varies	2 to 5	multiple	Singular establishment mostly serves the neighborhood
Resort Commercial	Medium/High	varies	varies	varies	multiple	multiple	Restaurant/Bar/Amenities/Lodging
Cottage Scale Manufact.	Low	varies	varies	varies	2 to 5	2 to 4	Home or small bldgs, small scale manufacturing
Light Industrial	Medium	varies	varies	varies	multiple	multiple	Neighborhood appropriate
Parks/Open Space	Low/Medium	NA	varies	varies	varies	varies	Peace Park, Open Space Use/ Events
Recreational Open Space	Medium	NA	varies	varies	varies	varies	Soccer, Tennis, Golf
Passive Open Space	Very Low	NA	varies	varies	varies	varies	Cemetery
Public/Quasi-Public	Occasional	NA	varies	varies	varies	varies	Church/Institutional
Protection Areas	Very Low	NA	varies	varies	varies	varies	Conservation/Preservation

Appendix B: Survey Results & Summary

The following definitions were used in the Steering Committee survey and in subsequent public involvement sessions to gain input on appropriate land uses for the Sub-Districts.

Neighborhood Commercial - Singular establishment that mostly serves the neighborhood.

Community Commercial – Cluster of small establishments exclusive of uses reserved for the downtown and strip commercial use.

The Steering Committee, in their seventh meeting, recommended abandoning the terms “Neighborhood Commercial” and “Community Commercial” for two stated reasons:

- The use of the word “Commercial” seems to overstate the Steering Committee’s intent for the corridor.
- The word “Commercial” and the word “Cluster” seem to imply commercial uses that would compete with the downtown.

The direction of the Steering Committee was to use the permitted and conditional uses in the existing WR-3 zoning for Sub-District ‘A’ in place of using the words “Neighborhood Commercial.” For Sub-District ‘B’ the Steering Committee recommended specific land uses including the permitted and conditional uses in the existing WR-3 zoning district and to allow, by conditional use permit, the following additional conditional uses with appropriate performance standards:

- Sandwich Shops.
- Coffee Shops.
- Artisan Manufacturing.

Appendix B: Survey Results & Summary

AREA A - SUMMARY

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Noise	78%	0%	22%	0%		
Votes	7	0	2	0	9	1.44
Hrs of Operation	67%	11%	11%	11%		
Votes	6	1	1	1	9	1.67
Traffic	78%	11%	11%	0%		
Votes	7	1	1	0	9	1.33
Consistent Shape & Form	45%	44%	0%	11%		
Votes	4	4	0	1	9	1.78
Historic Buildings	25%	25%	25%	25%		
Votes	2	2	2	2	8	2.5
Residential Character	22%	56%	11%	11%		
Votes	2	5	1	1	9	2.11

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Community Commercial	11%	22%	22%	45%			<i>Mostly No</i>
Votes	1	2	2	4	9	3.00	
Neighborhood Commercial	45%	33%	22%	0%			<i>Approved</i>
Votes	4	3	2	0	9	1.78	
High Density Mixed Use	11%	11%	45%	33%			<i>Mostly Yes</i>
Votes	1	1	4	3	9	3.00	
Low Density Mixed Use	11%	67%	22%	0%			<i>Approved</i>
Votes	1	6	2	0	9	2.11	
Sing. Fam. Residential High	26%	13%	13%	50%			<i>Not Approved</i>
Votes	2	1	1	4	8	2.88	
Sing. Fam. Residential Medium	45%	22%	22%	11%			<i>Approved</i>
Votes	4	2	2	1	9	2.00	
Sing. Fam. Residential Low	22%	22%	22%	34%			<i>Mostly Yes</i>
Votes	2	2	2	3	9	2.67	
Med. Density Multi-Family	33%	34%	11%	22%			<i>Mostly Yes</i>
Votes	3	3	1	2	9	2.22	
Resort Residential Medium	22%	45%	0%	33%			<i>Mostly Yes</i>
Votes	2	4	0	3	9	2.44	
Resort Residential High	11%	11%	11%	67%			<i>Not Approved</i>
Votes	1	1	1	6	9	3.33	
View protection Area	44%	0%	28%	28%			<i>Mostly Yes</i>
Votes	3	0	2	2	7	2.43	

Appendix B: Survey Results & Summary

AREA B - SUMMARY

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Noise	45%	44%	22%	0%		
Votes	4	3	2	0	9	1.78
Hrs of Operation	45%	22%	22%	11%		
Votes	4	2	2	1	9	2.00
Traffic	56%	33%	0%	11%		
Votes	5	3	2	1	9	1.67
Consistent Shape & Form	56%	22%	22%	0%		
Votes	5	2	2	0	9	1.67
Historic Buildings	44%	22%	11%	22%		
Votes	4	2	1	2	9	2.11
For-Rent Residential Character	56%	33%	0%	11%		
Votes	5	3	0	1	9	1.67
Professional Office Character	67%	33%	0%	0%		
Votes	9	3	0	0	9	1.33

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Community Commercial	11%	33%	45%	11%			<i>Approved</i>
Votes	1	3	4	1	9	2.56	
Neighborhood Commercial	22%	56%	22%	0%			<i>Mostly Yes</i>
Votes	2	5	2	0	9	2.00	
High Density Mixed Use	11%	22%	45%	22%			<i>Mostly Yes</i>
Votes	1	2	4	2	9	2.78	
Low Density Mixed Use	33%	45%	22%	0%			<i>Approved</i>
Votes	3	4	2	0	9	1.89	
Sing. Fam. Residential High	22%	44%	22%	11%			<i>Approved</i>
Votes	2	4	2	1	9	2.22	
Med. Density multi-Family	33%	22%	45%	0%			<i>Approved</i>
Votes	3	2	4	0	9	2.11	
High Density Multi-Family	0%	56%	22%	22%			<i>Mostly Yes</i>
Votes	0	5	2	2	9	2.67	
Resort Residential Medium	56%	33%	0%	11%			<i>Approved</i>
Votes	5	3	0	1	9	1.67	
Resort Residential High	0%	45%	22%	33%			<i>Mostly Yes</i>
Votes	0	4	2	3	9	2.89	
River/Vegetation Protection	78%	22%	0%	0%			<i>Approved</i>
Votes	7	2	0	0	9	1.22	
View protection Area	57%	0%	29%	14%			<i>Approved</i>
Votes	4	0	2	1	7	2.00	

Appendix B: Survey Results & Summary

AREA C - SUMMARY

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Noise	43%	14%	29%	14%		
Votes	3	1	2	1	7	2.14
Hrs of Operation	37%	26%	0%	37%		
Votes	3	2	0	3	8	2.38
Traffic Diversion Due To Medians	50%	50%	0%	0%		
Votes	4	4	0	0	8	1.50
Kid Walking and Biking	88%	12%	0%	0%		
Votes	7	1	0	0	8	1.13
Rural Character	62%	38%	0%	0%		
Votes	5	3	0	0	8	1.38
Narrow Street	76%	12%	12%	0%		
Votes	6	1	1	0	8	1.38

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Sing. Fam. Residential High	11%	33%	11%	45%			<i>Not Approved</i>
Votes	1	3	1	4	9	2.89	
Sing. Fam. Residential Medium	33%	22%	33%	11%			<i>Approved</i>
Votes	3	2	3	1	9	2.22	
Sing. Fam. Residential Low	45%	33%	22%	0%			<i>Approved</i>
Votes	4	3	2	0	9	1.78	
Med. Density Multi-Family	22%	45%	11%	22%			<i>Mostly Yes</i>
Votes	2	4	1	2	9	2.33	
Community Commercial	0%	22%	11%	67%			<i>Not Approved</i>
Votes	0	2	1	6	9	3.44	
Neighborhood Commercial	0%	22%	11%	67%			<i>Not Approved</i>
Votes	0	2	1	6	9	3.44	
View protection Area	38%	25%	25%	12%			<i>Approved</i>
Votes	3	2	2	1	8	2.13	

Appendix B: Survey Results & Summary

AREA D - SUMMARY

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Noise	67%	11%	0%	22%		
Votes	6	1	0	2	9	1.78
Hrs of Operation	56%	0%	11%	33%		
Votes	5	0	1	3	9	2.22
Traffic Diversion Due To Medians	33%	67%	0%	0%		
Votes	3	6	0	0	9	1.67
Professional Office Character	67%	11%	0%	22%		
Votes	6	1	0	2	9	1.78
For-Rent Residential Character	72%	14%	0%	14%		
Votes	5	1	0	1	7	1.57

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Sing. Fam. Residential High	22%	56%	0%	22%			<i>Mostly Yes</i>
Votes	2	5	0	2	9	2.22	
Sing. Fam. Residential Medium	56%	33%	11%	0%			<i>Approved</i>
Votes	5	3	1	0	9	1.56	
Sing. Fam. Residential Low	56%	33%	11%	0%			<i>Approved</i>
Votes	5	3	1	0	9	1.56	
Med. Density Multi-Family	22%	44%	33%	0%			<i>Approved</i>
Votes	2	4	3	0	9	2.11	
Community Commercial	0%	45%	11%	44%			<i>Mostly No</i>
Votes	0	4	1	4	9	3.00	
Neighborhood Commercial	11%	56%	11%	22%			<i>Mostly Yes</i>
Votes	1	5	1	2	9	2.44	
View protection Area	25%	38%	12%	25%			<i>Mostly Yes</i>
Votes	2	3	1	2	8	2.38	

Appendix B: Survey Results & Summary

SUMMARY - RESORT COMMERCIAL AREA

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Recreation	90%	10%	0%	0%		
Votes	9	1	0	0	10	1.10
Resort	70%	30%	0%	0%		
Votes	7	3	0	0	10	1.30

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Resort Commercial	70%	30%	0%	0%			<i>Approved</i>
Votes	7	3	0	0	10	1.30	
Resort Residential Medium	40%	60%	0%	0%			<i>Approved</i>
Votes	4	6	0	0	10	1.60	
Resort Residential High	22%	33%	12%	33%			<i>Mostly Yes</i>
Votes	2	3	1	3	9	2.56	
View protection Area	38%	38%	12%	12%			<i>Approved</i>
Votes	3	3	1	1	8	2.00	

Appendix B: Survey Results & Summary

SUMMARY - IDAHO TIMBER AREA

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Industrial Character	10%	0%	10%	80%		
Votes	1	0	1	8	10	3.60
Riverfront	90%	10%	0%	0%		
Votes	9	1	0	0	10	1.10
Wildlife	30%	50%	20%	0%		
Votes	3	5	2	0	10	1.90
Parks/Trails	50%	40%	10%	0%		
Votes	5	4	1	0	10	1.60
Complement & Protect River	80%	20%	0%	0%		
Votes	8	2	0	0	10	1.20
Sustainable Development	56%	33%	11%	0%		
Votes	5	3	1	0	9	1.56
Access	56%	33%	11%	0%		
Votes	5	3	1	0	9	1.56
Connectivity	67%	22%	11%	0%		
Votes	6	2	1	0	9	1.44

Appendix B: Survey Results & Summary

SUMMARY - IDAHO TIMBER AREA

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
High Density Mixed Use	34%	44%	22%	0%			<i>Approved</i>
Votes	3	4	2	0	9	1.89	
Low Density Mixed Use	22%	56%	22%	0%			<i>Approved</i>
Votes	2	5	2	0	9	2.00	
Sing. Fam. Residential High	0%	67%	11%	22%			<i>Mostly Yes</i>
Votes	0	6	1	2	9	2.56	
Sing. Fam. Residential Medium	22%	45%	11%	22%			<i>Mostly Yes</i>
Votes	2	4	1	2	9	2.33	
Sing. Fam. Residential Low	11%	44%	0%	45%			<i>Mostly No</i>
Votes	1	4	0	4	9	2.78	
Med. Density Multi-Family	11%	89%	0%	0%			<i>Approved</i>
Votes	1	8	0	0	9	1.89	
High Density Multi-Family	11%	57%	33%	0%			<i>Approved</i>
Votes	1	5	3	0	9	2.22	
Community Commercial	22%	11%	67%	0%			<i>Approved</i>
Votes	2	1	6	0	9	2.44	
Neighborhood Commercial	22%	45%	22%	11%			<i>Approved</i>
Votes	2	4	2	1	9	2.22	
Resort Residential Medium	45%	33%	11%	11%			<i>Approved</i>
Votes	4	3	1	1	9	1.89	
Resort Residential High	11%	67%	11%	11%			<i>Approved</i>
Votes	1	6	1	1	9	2.22	
Light Industrial	0%	56%	11%	33%			<i>Mostly Yes</i>
Votes	0	5	1	3	9	2.78	
Cottage Scale Manufacturing	26%	50%	12%	12%			<i>Approved</i>
Votes	2	4	1	1	8	2.13	
Parks/Open Space	56%	11%	11%	22%			<i>Mostly Yes</i>
Votes	5	1	1	2	9	2.00	
Passive Open Space	50%	0%	13%	37%			<i>Mostly Yes</i>
Votes	4	0	1	3	8	2.38	
Recreational Open Space	22%	22%	22%	34%			<i>Mostly Yes</i>
Votes	2	2	2	3	9	2.67	
Public/Quasi-Public	13%	25%	37%	25%			<i>Mostly Yes</i>
Votes	1	2	3	2	8	2.75	
River/Vegetation Protection	78%	11%	11%	0%			<i>Approved</i>
Votes	7	1	1	0	9	1.33	
View protection Area	29%	42%	29%	0%			<i>Approved</i>
Votes	2	3	2		7		

Appendix B: Survey Results & Summary

SUMMARY - WEST SIDE RESIDENTIAL AREA

Character and Concerns	Importance				TOTAL Votes	Average Rating	
	Extremely	Moderate	Slightly	None			
Rural Character	30%	60%	10%	0%			
Votes	3	6	1	0	10	1.80	
Trees and Vegetation	70%	30%	0%	0%			
Votes	7	3	0	0	10	1.30	
Trails and Recreation	40%	40%	20%	0%			
Votes	4	4	2	0	10	1.80	
Privacy	20%	50%	30%	0%			
Votes	2	5	3	0	10	2.10	
Access	33%	57%	12%				
Votes	3	5	1	0	9	1.78	

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Sing. Fam. Residential High	10%	30%	10%	50%			<i>Not Approved</i>
Votes	1	3	1	5	10	3.00	
Sing. Fam. Residential Medium	33%	11%	56%	0%			<i>Mostly Yes</i>
Votes	3	1	5	0	9	2.22	
Sing. Fam. Residential Low	33%	11%	45%	11%			<i>Approved</i>
Votes	3	1	4	1	9	2.33	
Sing. Fam. Residential Rural	20%	20%	30%	30%			<i>Mostly Yes</i>
Votes	2	2	3	3	10	2.70	
Community Commercial	10%	40%	10%	40%			<i>Not Approved</i>
Votes	1	4	1	4	10	2.80	
Neighborhood Commercial	20%	40%	10%	30%			<i>Mostly Yes</i>
Votes	2	4	1	3	10	2.50	
Public/Quasi-Public	22%	56%	22%	0%			<i>Approved</i>
Votes	2	5	2	0	9	2.00	

Appendix B: Survey Results & Summary

SUMMARY - PEACE PARK AREA

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Noise	60%	10%	30%	0%		
Votes	6	1	3	0	10	1.70
Access	70%	20%	10%	0%		
Votes	7	2	1	0	10	1.40
Traffic	70%	20%	10%	0%		
Votes	7	2	1	0	10	1.40
Connectivity	78%	11%	11%	0%		
Votes	7	1	1	1	9	1.33

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Parks/Open Space	80%	20%	0%	0%			Approved
Votes	8	2	0	0	10	1.20	
Passive Open Space	56%	22%	0%	22%			Mostly Yes
Votes	5	2	0	2	9	1.89	
Recreational Open Space	70%	10%	20%	0%			Approved
Votes	7	1	2	0	10	1.50	
Public/Quasi-Public	56%	11%	11%	22%			Mostly Yes
Votes	5	1	1	2	9	2.00	
View Protection Area	22%	44%	22%	12%			Approved
Votes	2	4	2	1	9	2.22	

Appendix B: Survey Results & Summary

SUMMARY - PARKS and RECREATION

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
Recreation/Resort Character	67%	33%	0%	0%		
Votes	6	3	0	0	9	1.33
Connectivity with Rds & Trails	80%	20%	0%	0%		
Votes	8	2	0	0	10	1.200
Access	70%	30%	0%	0%		
Votes	7	3	0	0	10	1.30
Traffic	30%	50%	20%	0%		
Votes	3	5	2	0	10	1.90

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	Extremely	Moderate	Slightly	Not			
Parks/Open Space	78%	22%	0%	0%			<i>Approved</i>
Votes	7	2	0	0	9	1.22	
Passive Open Space	76%	12%	0%	12%			<i>Approved</i>
Votes	6	1	0	1	8	1.50	
Recreational Open Space	88%	12%	0%	0%			<i>Approved</i>
Votes	7	1	0	0	8	1.13	
Public/Quasi-Public	38%	38%	12%	12%			<i>Approved</i>
Votes	3	3	1	1	8	2.00	
View Protection Area	28%	44%	28%	0%			<i>Approved</i>
Votes	2	3	2	0	7	2.00	
Resort Commercial	38%	50%	12%	0%			<i>Approved</i>
Votes	3	4	1	0	8	1.75	

Appendix B: Survey Results & Summary

SUMMARY - FOX HOLLOW AREA

		Importance				TOTAL Votes	Average Rating		
Character and Concerns		Extremely	Moderate	Slightly	None				
NONE Expressed									
		Appropriate				TOTAL Votes	Average Rating		
Land Use		Extremely	Moderate	Slightly	Not				
Sing. Fam. Residential High		0%	38%	38%	24%			<i>Mostly Yes</i>	
Votes		0	3	3	2	8	2.88		
Sing. Fam. Residential Medium		38%	12%	50%	0%			<i>Approved</i>	
Votes		3	1	4	0	8	2.13		
Sing. Fam. Residential Low		12%	50%	26%	12%			<i>Approved</i>	
Votes		1	4	2	1	8	2.38		
Med. Density Multi-Family		12%	76%	12%	0%			<i>Approved</i>	
Votes		1	6	1	0	8	2.00		
High Density Multi-Family		0%	63%	25%	12%			<i>Approved</i>	
Votes		0	5	2	1	8	2.5		
Community Commercial		22%	11%	22%	45%			<i>Mostly No</i>	
Votes		2	1	2	4	9	2.89		
Neighborhood Commercial		22%	11%	22%	45%			<i>Mostly No</i>	
Votes		2	1	2	4	9	2.89		
Resort Commercial		33%	11%	11%	44%			<i>Mostly Yes</i>	
Votes		3	1	1	4	9	2.67		

APPENDIX C: CHARRETTE SUMMARY

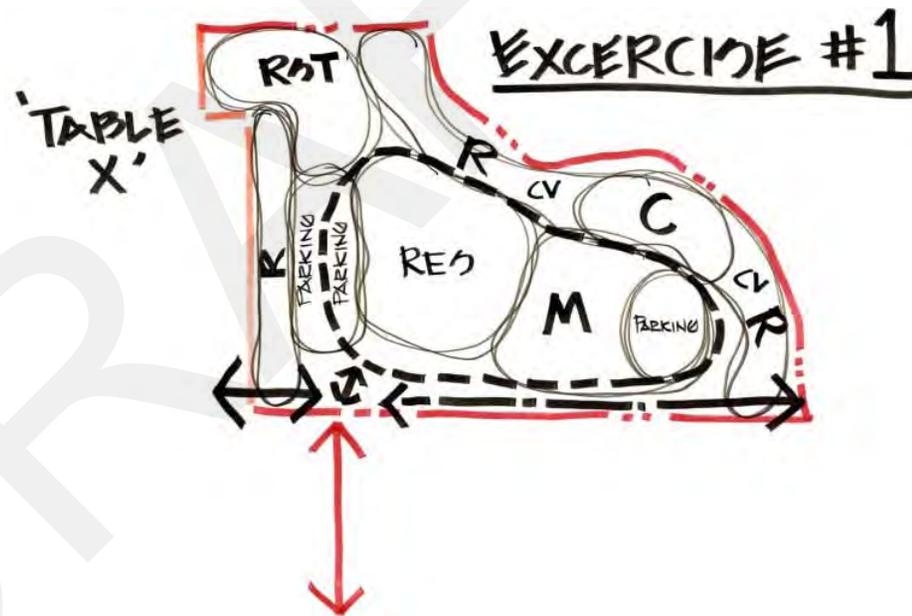
Appendix C: Charrette Summary

The evening began with a short review of the project including the latest edition of the land use map. Introductions of key individuals were made including representatives from Idaho Timber followed by an introduction of the intent of the charrette, clarification of existing entitlements and instructions for charrette participants.

Participants broke into four groups occupying four tables. Each table had a base drawing of the Idaho Timber site along with trace paper, tape and markers. The planning staff and consultants acted as facilitators at each of the tables. The participants engaged in the following exercise:

- 1) Categorizing the site into the following general uses using bubbles allocating the approximate area that should be devoted to each.

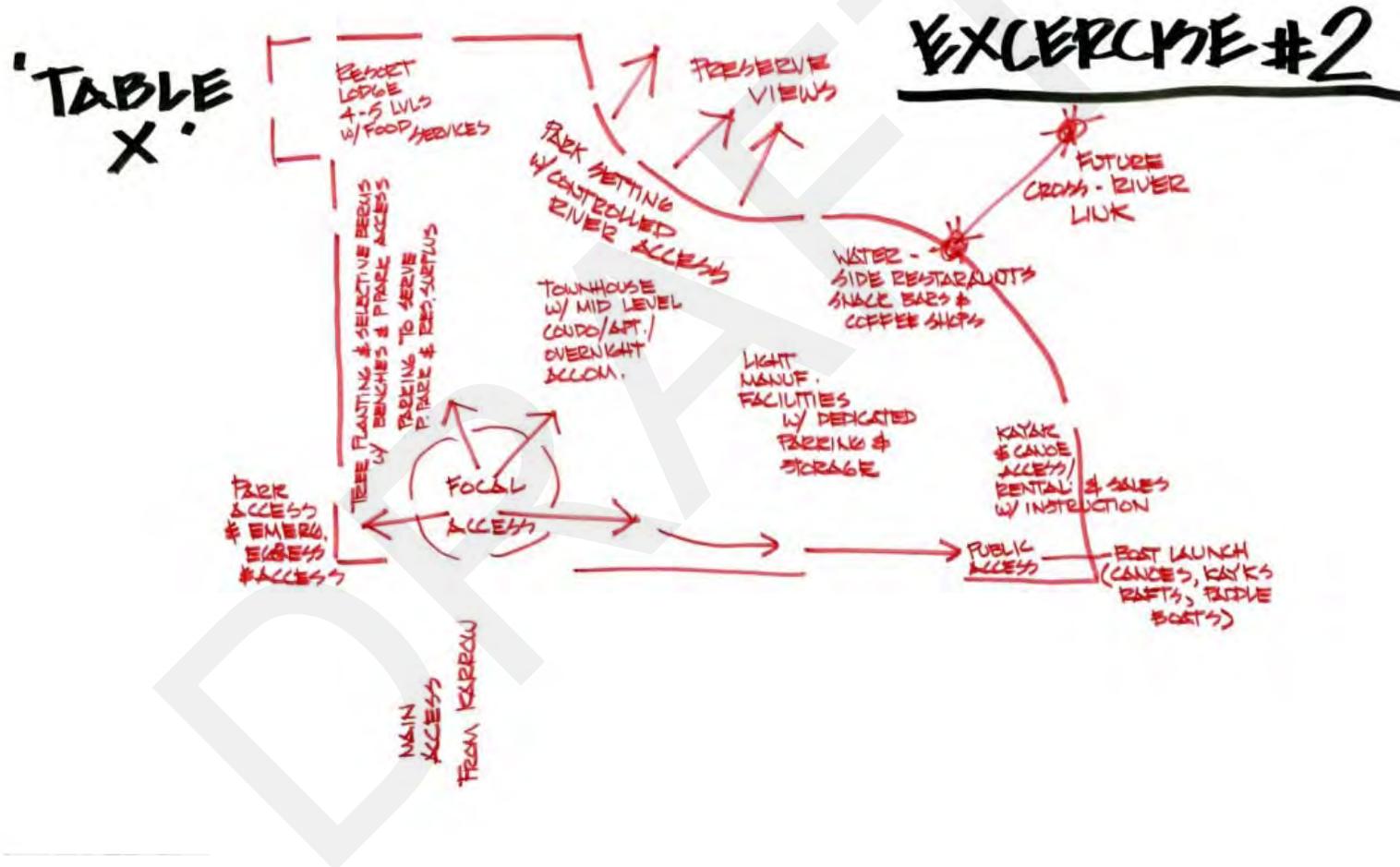
- Manufacturing (M)
- Recreational (R)
- Commercial (C)
- Residential (RES)
- Resort (RST)
- Conservation (CV)



Exercise One: Categorizing site into general land uses.

Appendix C: Charrette Summary

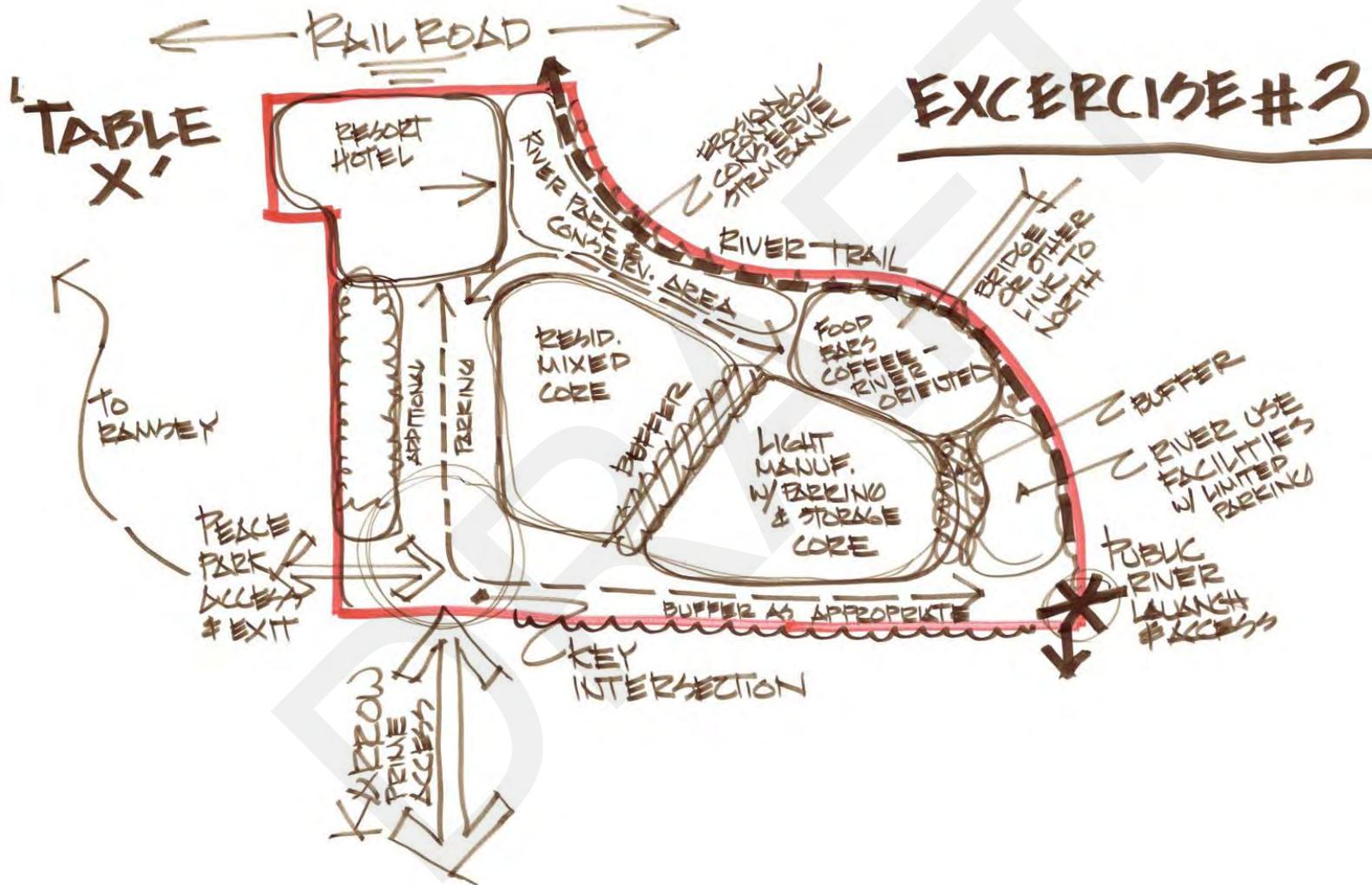
- 2) Brainstorming specific uses (i.e. trail, hotel, boat rentals, green manufacturing, high density residential, etc.) for each of the bubbled areas.



Exercise Two: Brainstorming specific land uses.

Appendix C: Charrette Summary

- 3) Summarizing and refining specific uses and shapes of uses within the site limits, including relationships/links with surrounding uses.



Exercise Three: Refining and summarizing specific land uses with linkages to adjacent properties.

Appendix C: Charrette Summary

The following list of possible uses was given to each of the tables:

- Furniture Manufacture
- Kayak/Canoe Rental Sales
- Hotel/Restaurant Complex
- Green Building Component Manufacture
- Seafood/Specialty Restaurant
- River Trail, Residential
- Cottages/Cabins
- Athletic Field
- VoTech School
- Recreational Gear Fabrication/Manufacture
- Trader Joe Style Specialty Food Store
- Museum
- Mid-Rise Apartments or Condominiums Craft/Flea Market Facility
- High-Tech Electronic Manufacturing Business
- Streambank Restoration Interpretive/Conservation Area
- Offices, Sculpture/Art Foundry
- Low Income Housing
- Challenge Athletic Course
- Fairgrounds
- Marina
- Playground
- Memorial
- Transportation Terminal
- Truck Yard
- Municipal
- Pet Kennel and Care
- Equestrian Center
- Tavern, Club
- Casino/Hotel
- Satellite Fire Station
- Music Conservatory
- Townhomes
- Bistro/Coffee/Wine Shop
- Day Care Facility
- Church
- Senior's Housing
- Brewery
- Health Services
- Bakery
- Recording Studio
- Antique Restoration/Repair
- Park
- Arena Sport Complex
- Art Gallery(s)
- Private Grade School
- Youth Organization
- Single-Family Homes
- Parking Lot
- Transit Station
- Delicatessen
- Specialty Metal or Wood Fabrication
- Warehousing or Storage Units
- Laboratory
- Tourist Info Facility
- Farmers Market Site
- Modular Home Park
- Botanical Garden/Arboretum
- Salvage Yard
- Body and Paint Shop
- Boat Storage
- Truck or Equipment Sales
- RV Park
- Building Contractor Office and Storage
- Cottage Industry
- Snack Bar
- Night Club
- Health Food Store
- Research Facility
- Antique Mall
- Novelty Shop
- Discount Outlet
- Boat/Marine Dealership
- Recycling Center
- Swap Meet/Flea Market
- Resort Lodge
- Distribution Plant
- Wholesale Market
- Musical Instrument Manufacture
- Graphic Arts Shop
- Welding Shop
- Nursery

Finally, the charrette closed by giving Idaho Timber representatives a chance to address the entire group followed by a short presentation by Innovative Timber Systems, Inc. regarding their possible purchase and use of the property.

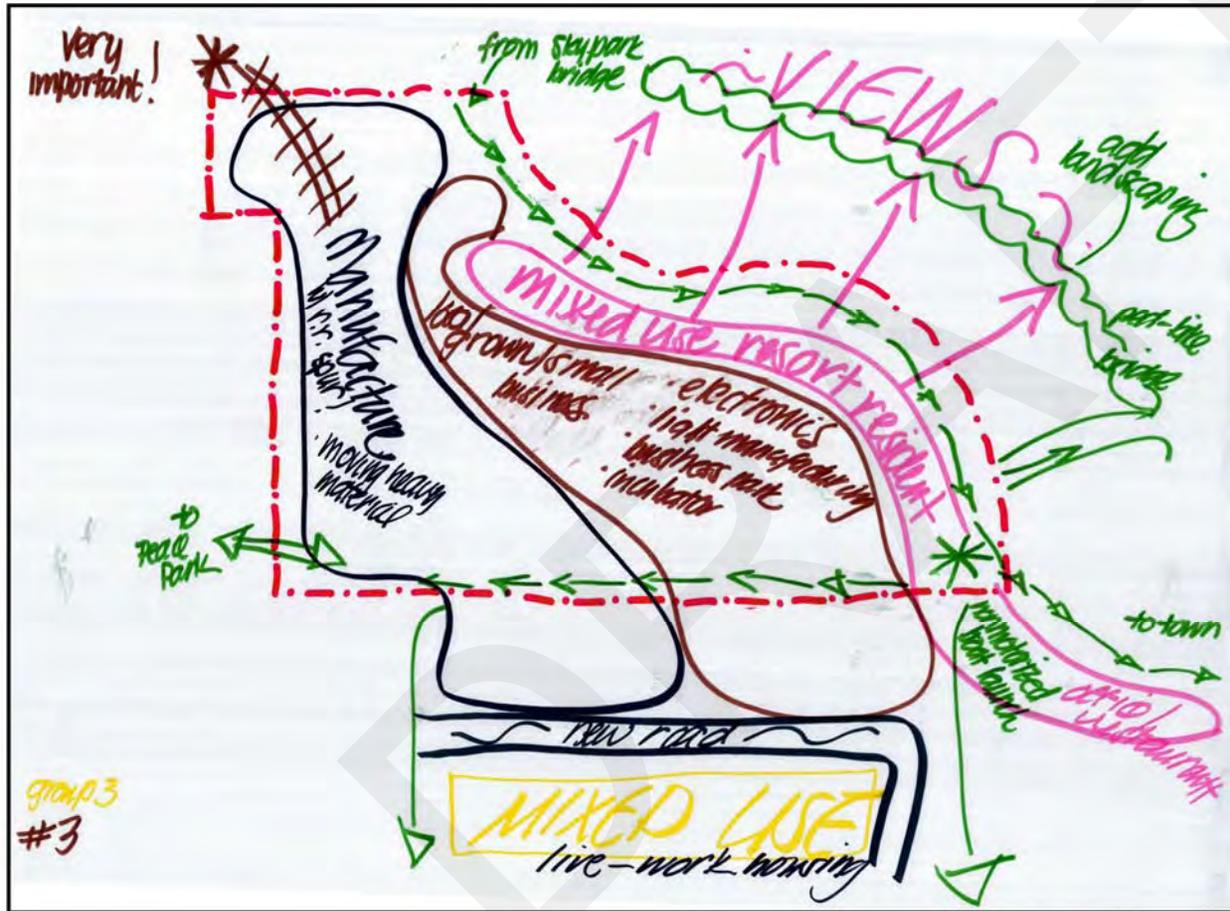
Appendix C: Charrette Summary



Key Ideas:

- Conservation area along river with a trail
- Provide access off Karrow Avenue
- Keep industrial building
- Offices with docks and view of the river
- Scenic railroad
 - Rail access on first floor
 - Retail/office with view of mountains on second floor
- Skating
- Multi-family housing with spur road
- Resort/mixed use along river

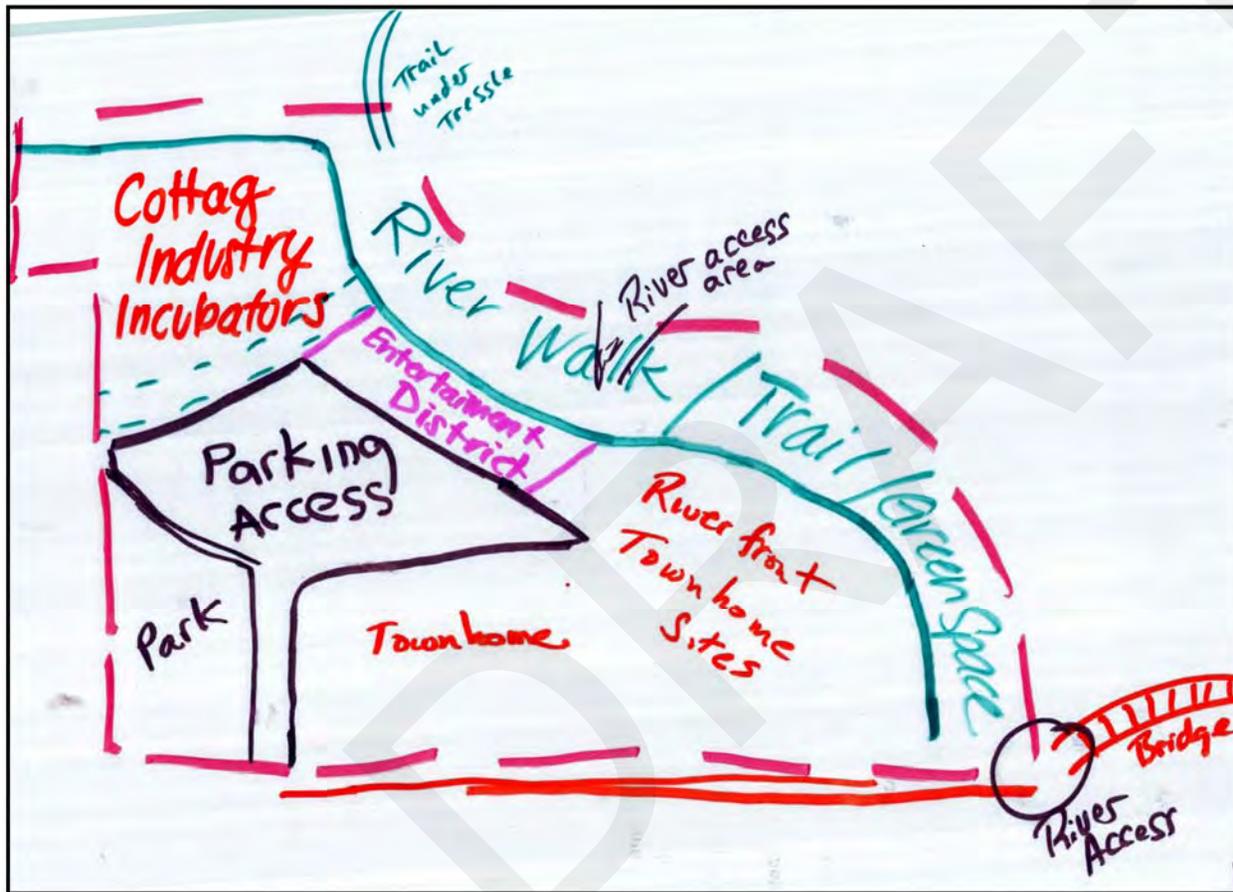
Group 2 Concept Development Plan



- Key Ideas:**
- Railroad spur with manufacturing
 - Mixed-use/resort uses along river maximizing views
 - Incubator for emerging businesses
 - Non-motorized boat launch
 - Mixed-use live-work housing

Group 3 Concept Development Plan

Appendix C: Charrette Summary



Key Ideas:

- River walk/trail system
 - Tie into railroad tracks and access Peace Park
- Light manufacturing by Peace Park
- Entertainment district for people living nearby or coming down the river walk
- Residential component
- Trail that loops under railroad tracks
- Additional river access sites

Group 4 Concept Development Plan

APPENDIX D: PROPOSED
SAMPLE ZONING
DISTRICTS

Appendix D: Proposed Sample Zoning Districts

Proposed New Sample Zoning Districts

Sample zoning district language is provided for Area B and for the Idaho Timber Site. These sample zoning districts are meant to be used as guidelines should property owners, in the future, request new zoning in either Area B or for the Idaho Timber Site. As guidelines for potential new zoning, the actual language of any proposed new zoning would be given appropriate scrutiny, appropriate language modifications and have to be taken through public hearings before the Planning Board and City Council. Any new zoning would be subject to the protest provisions provided by state statute.

ARTICLE WT-3 SAMPLE NEIGHBORHOOD MIXED-USE TRANSITIONAL DISTRICT

The WT-3 District is intended for transitional development including high density residential, professional offices, light manufacturing, light assembly and ancillary services to provide a performance-based mixed-use environment with a recreational amenity, such as the Whitefish River, a community gateway, or adaptive use areas which are transitioning from their traditional uses: and lots that primarily border either the Whitefish River or industrial zoned property. The boundary of this district is along the north side of Highway 93 from both sides of north Karrow Avenue to the Veteran's Bridge. This zoning classification is not intended for general application throughout the Whitefish area.

PERMITTED USES:

- ~~* Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).~~
- * Home occupations (see Special Provisions in section 11-3-13 of this title).
- * Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet of landscaped area shall surround such a building or structure.
- * Publicly owned or operated buildings and uses.
- * Open space for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, community gardens.
- * Residential
 - o Class A manufactured homes.
 - o Daycare (registered home, 5 to 12 children).
 - o Guest and servant quarters.
 - ~~o Single-family through fourplex dwelling units including resort and recreational condominiums, townhouses, time sharing and interval ownership residences, vacation units or other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary services for the use of occupants and guests.~~
- * Sublots (see Special Provisions in subsection 11-3-14C of this title).

Appendix D: Proposed Sample Zoning Districts

CONDITIONAL USES:

- * Accessory apartments.
- * Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).
- * Caretaker's unit.
- * Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories.
- * Clubs, private and semiprivate recreational facilities.
- * ~~Coffee shops and sandwich shops (ground level to street level only, no "formula" businesses).~~
- * Daycare centers (more than 12 individuals).
- * Dwelling groups or clusters.
- * Guesthouses.
- * Manufacturing, Artisan (see Special Provisions in section 11-3-38 of this title).
- * Personal Services (ground level to street level only).
- * Professional offices (ground level to street level only).
- * Professional Artist Studio and Gallery (see Special Provisions in section 11-3-15)
- * Public golf courses.
- * Residential:
 - o Boarding houses.
 - o ~~Fiveplex or larger multi-family dwelling units, including resort and recreational condominiums, townhouses, time-sharing and interval ownership residences or vacation units or other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary services for the use of occupants and guests.~~
- * Hotels and motels and uses accessory thereto are permitted within a portion of the Whitefish River frontage area, said frontage area being a strip of land 300 feet wide and lying southwesterly of, and contiguous to, the requisite buffer and setback areas of the Whitefish River north of 1st Street. The width of this area may be modified by the Zoning Administrator if geotechnical analysis reveals the presence of unstable fill material along the bank of the Whitefish River.

PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to land and buildings within this district:

Bulk and scale: All new structures with a building footprint of 5,000 square feet or greater, existing structures where an addition causes the total footprint to be 5,000 square feet or greater, and additions to structures where the footprint is already 5,000 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.

Appendix D: Proposed Sample Zoning Districts

Minimum district size:	n/a
Existing zoning requirements:	Applies only in zoning districts allowing residential density up to 10 dwelling units per acre.
Minimum lot area:	n/a
Minimum lot width:	n/a
Minimum yard spaces:	
Front:	20 feet, except when fronting on a public right of way where there shall be a front yard setback of not less than 25 feet of landscaped green belt area. Sidewalks, vehicle access and parking may be allowed in this area up to a maximum of 40 percent of the green belt area.
Side:	10 feet for single-story, 15 feet for two-story
Rear:	20 feet, (refer to section 11-3-29).
Maximum height:	35 feet: The maximum building height may be increased up to 42 feet as follows: 1. When the majority of the roof pitch is 7/12 or steeper; or 2. For mixed-use buildings.
Permitted lot coverage:	70% 50% maximum.
Off-street parking:	See Chapter 6 of this title. 1. Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both. 2. If a non-residential and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to 50%, provided that the reduction does not exceed the minimum parking requirement for the office use. 3. Applicants must provide a shared parking agreement executed by the parties establishing the shared parking spaces. Shared parking privileges will continue in effect only as long as the

Appendix D: Proposed Sample Zoning Districts

agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by Chapter 6 of this title.

4. Shared parking may be located within 300 feet of the site.

5. Required accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

Hours of operation:

7 am to 8 pm for non-residential uses if within 100 feet of a residential use.

Accessory buildings:

Accessory buildings conforming to the definition in section 11-9-2 of this title are allowed subject to the standards set forth in section 11-3-2 of this title. Accessory buildings with footprints not exceeding 600 square feet shall be set back a minimum of 6 feet from side and rear property lines that do not border a street, lake, any intermittent or perennial stream, or the front one-half of any adjoining lot. Setbacks for accessory buildings with footprints exceeding 600 square feet shall be the same as those for the principal structure.

Landscaping:

See Chapter 4 of this title (single-family uses exempted).

DEFINITIONS:

~~COFFEE SHOPS/SANDWICH SHOPS – Facilities serving non-alcoholic beverages, pastries, and/or breakfast and lunch with no more than 2,000 square feet of gross floor area.~~

MANUFACTURING, ARTISAN - Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires screened outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500 square feet of gross floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

MIXED-USE ENVIRONMENT (performance based) – Neighborhoods where different types of land uses such as residential, office, or institutional are in close proximity.

MIXED-USE BUILDING - A building that houses residential uses in combination with non-residential uses.

Appendix D: Proposed Sample Zoning Districts

ARTICLE SAMPLE WI-T INDUSTRIAL TRANSITIONAL DISTRICT

The WI-T District is intended to allow for the gradual transition on vacant or underutilized sites that were traditionally used for heavy manufacturing to adaptive, clean industries and business incubators. These sites are generally proximate to the downtown, have existing high capacity utility services and existing multi-modal transportation opportunities such as rail and highway access.

PERMITTED USES:

- * ~~Manufacturing, Artisan (see Special Provisions in section 11-3-38 of this title).~~
- * Light industrial manufacturing, fabricating, processing, repairing, packing or storing facilities.
- * Parcel delivery services.
- * Janitorial services.
- * Wireless transmission facility.
- * Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet of landscaped area shall surround such a building or structure.
- * Building supply outlets.
- * Warehousing.
- * Publicly owned or operated buildings.
- * Open space for active or passive, public or private, outdoor space, including such uses as parks, plazas, greens, playgrounds, community gardens.
- * Live/work units
 - o The exterior design of live/work buildings shall be compatible with the exterior design of commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings.
- * Professional offices (ground level to street level only).
- * Private railway cars with living accommodations are allowed to park on rail lines for up to 30 days in a calendar year, but cannot be used for short term rentals.

CONDITIONAL USES:

- * Manufacturing, Artisan (see Special Provisions in section 11-3-38 of this title).
- * Bed and breakfast establishments (see Special Provisions in section 11-3-4 of this title).
- * Any use allowed as a permitted use under the WI District.

Appendix D: Proposed Sample Zoning Districts

- * Business incubator
 - Inside a business incubator facility, the following uses are permitted not to exceed 3,600 square feet of floor area:
 - Computer software
 - Services/professional
 - Manufacturing
 - Internet
 - Biosciences/life sciences
 - Electronics/microelectronics
 - Telecommunications
 - Computer hardware
 - Medical devices
 - Creative industries
 - eBusiness and eCommerce
 - Wireless technology
 - Healthcare technology
 - Advanced materials
 - Defense/homeland security
 - Energy
 - Environment/clean technologies
 - Media
 - Nanotechnology
 - Construction
 - Arts
 - Aerospace
 - Kitchen/food
 - Wood/forestry
 - Tourism
- * Coffee shops and sandwich shops
- * Nursing and retirements homes, personal care facilities, community residential facilities, types I and II
- * Research facilities.

Appendix D: Proposed Sample Zoning Districts

- * Contractors' yards.
- * Petroleum products, wholesale.
- * Heavy equipment sales, rental and service.
- * Colleges, business and trade schools.

DEFINITIONS:

BUSINESS INCUBATORS – Facilities that are dedicated to start up and early-stage companies. Business incubators integrate into the community in a number of ways and help startup companies:

- Help with business basics.
- Networking activities.
- Marketing assistance.
- High-speed Internet access.
- Help with accounting/financial management.
- Access to bank loans, loan funds and guarantee programs.
- Help with presentation skills.
- Links to higher education resources.
- Links to strategic partners.
- Access to angel investors or venture capital.
- Comprehensive business training programs.
- Advisory boards and mentors.
- Management team identification.
- Help with business etiquette.
- Technology commercialization assistance.
- Help with regulatory compliance.
- Intellectual property management.

COFFEE SHOPS/SANDWICH SHOPS – Facilities serving non-alcoholic beverages, pastries, and/or breakfast and lunch with no more than 2,000 square feet of gross floor area.

Appendix D: Proposed Sample Zoning Districts

LIVE/WORK UNIT - A structure or portion of a structure:

- (a) That combines a permitted or conditional use allowed in the zone with a residential living space for the owner of the permitted or conditional use or the owner's employee; and
- (b) Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

RESEARCH FACILITIES - A laboratory facility that is primarily used for scientific research. This use can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not involve the fabrication, mass manufacture, or processing of the products.

Special Provisions

11-3-38 ARTISAN MANUFACTURING:

- A. Hours of operation for activities or services open to the public shall be limited to 8 am to 8 pm.
- B. Uses that create excessive, objectionable byproducts such as dirt, glare, heat, odor, smoke, waste material, dust, gas, atmospheric pollutants, noise or that have the potential for increased danger to life and property by reason of fire, explosion or other physical hazards are prohibited.
- C. Shipping and receiving shall be limited to 7 am to 7 pm except for rail-related shipments.
- D. All outdoor storage shall be enclosed and screened from adjacent properties and public streets.
- E. All outdoor seating and outdoor display shall be screened from adjacent residential uses by fencing or landscaping.
- F. All outdoor lighting shall be compliant with 11-3-25: OUTDOOR LIGHTING STANDARDS.
- G. No more than 40% of gross floor area shall be used for accessory retail sales, no more than 49% of the gross floor area shall be used for food and beverage consumption (outdoor seating areas not included in calculation).

From: [Kevin Gartland](#)
To: ["David Taylor"](#)
Cc: [Chris Hyatt \(Chris Hyatt\)](#); [Jeff Raper](#); [GJ @ Celebrate Rentals \(GJ @ Celebrate Rentals\)](#); [franksweeney@montanasky.net](#); [afeury@cityofwhitefish.org](#); [John Muhlfeld \(John Muhlfeld\)](#); [Jen Frandsen](#); ["John Anderson"](#); [rhildner@cityofwhitefish.org](#); [pbarberis@cityofwhitefish.org](#)
Subject: Highway 93 West Corridor Plan
Date: Friday, April 17, 2015 4:24:57 PM

Hi Dave:

Just FYI, the Board of Directors of the Whitefish Chamber of Commerce has taken a position in favor of the 93 West Corridor Plan as adopted by the Steering Committee and recommended by staff.

The plan was discussed at length at the Neighborhood Business Meeting we held at the Whitefish Lake Restaurant on Feb. 10, and at our Government Affairs Committee and Board of Directors meetings in March. Both groups wholeheartedly support the work done and recommendations made by your staff and the committee, including the new/transitional zoning districts proposed for the Idaho Timber property and along 93 itself between the river and cemetery.

We agree that one of the primary factors limiting the growth of our local economy is the dearth of available and/or appropriately-zoned commercial property in the downtown core and adjacent areas. The options outlined in the Corridor Plan make perfect sense in that regard.

I and/or a Board representative will be on-hand for the public hearing before Council on Monday night to testify in favor. Thanks for your work on this ... the Chamber looks forward to playing a more active role on the studies being planned for the Wisconsin and 93 South corridors.

KOG

Kevin O. Gartland
Executive Director
Whitefish Chamber of Commerce
307 Spokane Avenue; Suite 103
Whitefish, MT 59937
(406) 862-3501 Office
www.WhitefishChamber.org

**Anne Shaw Moran
432 W. Third Street
P.O. Box 4472
Whitefish, MT 59937**

February 2, 2015

The Mayor and City Council
City of Whitefish
P.O. Box 158
Whitefish, MT 59937

Dear Mayor and Councilors:

RE: Hwy 93 W. Corridor Study Proposed Plan and Zoning Districts

Thank you for the opportunity to serve on the Steering Committee and for considering my comments, as follows:

- **If you approve the new zoning districts called for in this plan (WT-3 and WT-D), I believe you will be setting the study area up for ongoing conflict and polarity.** Much of this plan is well-done and deserving of support, but I need to do my job and communicate to you that **the plan contains critical “deal breakers” for those who live and own residential property** throughout the corridor study area. People buy in zoned neighborhoods for predictability, and residential owners invest real dollars for this purpose. Many are extremely concerned about the proposed introduction of manufacturing and vacation rentals into an area that remains predominantly residential.
- **Why was the Corridor Study initiated in the first place?** A non-compliant use (Ryan Zinke’s microbrewery) was proposed via a PUD, and neighboring property owners were so opposed they successfully petitioned for a 2/3 Council vote on the proposed rezoning, which resulted in the PUD being withdrawn. This situation served as a catalyst to trigger a corridor study that the City had already been contemplating. **While these same property-owners have since supported several WR3-compliant non-residential uses in their neighborhood, they felt a microbrewery had unacceptable impacts. That feeling has not changed.**
- **Why are so many residential owners just now questioning Area B and the proposed Zoning Districts/Classifications?** Most Steering Committee meetings were held during the day when many of my neighbors work. **In addition, the proposed zoning districts (which impact Area B) did not surface in the process until the plan draft was complete (long after all Open Houses and public meeting were already held).** The neighbors’ first real chance to comment on the zoning districts was at the Planning Board hearing.
- **Did Steering Committee participation coincide with the residential representation the Council originally contemplated?** When the Steering Committee makeup was proposed, **Council opted to add another seat in recognition that the vast majority of the properties within the overall study area were residential** and to insure adequate representation. Few Steering Committee applicants lived in the area so the field of candidates for residential representation was limited. Ryan Zinke (operator of the Peace Park and microbrewery proponent) and I were appointed to the two seats. I question whether residential interests received the committee representation that the Council originally contemplated.

- **Have the neighbors' view on manufacturing/microbreweries changed since their initial protest?** No. Manufacturing is manufacturing, "artisan" or not. In fact, many neighbors contiguous to Area B are sufficiently upset with the proposed zoning districts recommended for Area B that they are ramping up to protest any subsequent zone changes supporting same. **The current WR3 zoning provides many commercial and professional uses that are a good mix for the existing residential zoning.** On the same evening as the Corridor Study was reviewed, Planning Board members expressed many concerns (vis a vis the Downtown Master Plan) about protecting two similar contiguous residential areas from nearby commercial impacts; neighbors are simply asking that a similar rubric be applied to our area.
- **The Steering Committee and City Consultants acted in good faith.** Most Steering Committee members researched the issues hard, acted in good faith, and did their best to represent this community. The consultants tried to facilitate the process as well as possible and much of the Plan reflects that. Few Steering Committee members actually live in the area and the open houses were completed prior to the zoning district language being proposed, so direct interaction with residential property owners on that subject was limited.
- **Why is this being dubbed a "Neighborhood Plan" after the fact? I do not believe this was intentional, but it is a serious concern if we are going to behave ethically in this process.** I have been told this is necessary to facilitate a Growth Policy amendment. However: 1) Many Whitefish residents are familiar with the Neighborhood Planning process and likely would have participated more vigorously if the effort had been billed as such, rather than a "corridor study"; and 2) Goals and objectives typical to a neighborhood plan were not adequately identified or addressed.
- **Should a Growth Policy Amendment reflecting the proposed Zoning Districts be approved? No, not unless you want ongoing polarity in the neighborhood.** The Growth Policy may not implement new zoning, but it is an intentional guide for future planning decisions. Based on what they see in the Growth Policy, developers may spend significant dollars pursuing plans, only to encounter strenuous opposition from other neighbors who invested in the area based on the pre-existing WR3 zoning. This is not good for anyone; such polarity is unhealthy and costly for all.

The current WR3 zoning allows for many nonresidential uses that the neighborhood has historically supported; it is a win-win for both residential and non-residential property investors. Whitefish remains one of the most desirable communities in Montana because our existing zoning districts and classifications have served us well; this isn't the time or place to introduce an untested zoning district. If it ain't broke, please don't "fix" it!

Sincerely,



Anne Shaw Moran

Residential Representative

Hwy 93 Corridor Study Steering Committee

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



April 20, 2015

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

RE: Highway 93 West Corridor Plan – Amendment to the Whitefish City-County Growth Policy; (WGPA 15-02)

Honorable Mayor and Council:

Summary of Requested Action: A request by the City of Whitefish to adopt a Highway 93 West Corridor Plan as a new neighborhood plan update to the 2007 Whitefish City-County Growth Policy.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced corridor plan, which would be an addition to the Growth Policy.

Updated Summary

After receiving direction from the council at the work session on April 6, staff and the consultant have put together a check list of decision points to assist the council during deliberation after the public hearing in an attached memo from WGM Group. Staff recommends the Council go through that check list and make decision points on potential modifications. After the document is approved with the changes, staff and the consultants will have an updated new final draft ready for adoption at the next council meeting.

Public Hearings:

On February 2, 2015, the City Council held a public hearing on the plan. Staff and the consultants gave a presentation. Steering Committee chairman Doug Reed Spoke in favor of the plan. Steering Committee member and Idaho Timber property representative Hunter Homes spoke in favor of the plan. Ann Shaw Moran of the Steering Committee, spoke generally in the favor of the plan, but said the residential neighborhoods were not in favor of the commercial elements of Area B and Idaho Timber in the plan but keeping the zoning the same. Gail Linne (106 Murray) spoke saying keep existing zoning for Area B, no short term rentals, don't increase lot coverage to 70%, set clear standards for Peace Park. Susan Prilliman spoke, echoing Ann Moran and Gail Linne. Ken Stein of the Steering Committee supported the plan and said he would have further comments. Jim Laidlaw of the Steering Committee spoke in

support of the work the steering committee did on the plan. Randy Bradley (514 and 526 2nd St W) spoke saying he was looking forward to greater development opportunities the plan would create for his property. Mayre Flowers raised several concerns about the plan, notably on the Peace Park, Area B, and short term rentals. The City Council opted to postpone action until a work session could be scheduled and set a new public hearing for April 20.

On January 15, 2015, the consultant, WGM Group, and staff made a presentation to the Planning Board summarizing the plan development process and Steering Committee meetings. Committee members Doug Reed, Ann Shaw Moran, and Ian Collins spoke during the public comment. Ann Shaw Moran and Ian Collins spoke that they were fine with most of the plan, but had issues with some of the conditional commercial-type uses proposed in the plan for the future WT-3 zoning district in Area B, including micro breweries and sandwich shops. Doug Reed, chair of the committee, stated the expanded uses for area B came from the public during the public process, and the intention is to increase possibilities not create a commercial strip like Highway 93 South, and he mentioned that a tap room is different than a bar with limited hours of operation. Neighborhood residents Susan Purlman (224 W Third, and Gail Linne, 106 Murray, spoke and also had concerns with changing the residential character of Area B. Mayre Flowers, Citizens for a Better Flathead provided a letter (attached) and spoke and said the corridor plan should be identified as a neighborhood plan (note, that change is added to the draft before you), and among other concerns wanted Area B to remain residential. Rhonda Fitzgerald, 412 Lupfer, spoke and said the proposed WT-3 was a recipe ripe for sprawl and should remain fully residential. The draft minutes for this item are attached as part of this packet.

Planning Board Action: After two previous work sessions on the Corridor Plan, the Whitefish Planning Board held a public hearing on January 15, 2015 and considered the request. Following the hearing, the Planning Board recommended approval 6-0 (Ellis abstaining) of the above referenced Corridor Plan, with the two staff recommended changes. Draft minutes are attached.

Proposed Motion:

- I move to approve WGPA 15-02, the Highway 93 West Corridor Plan, along with the Findings of Fact in the staff report, as recommended by the Whitefish Planning Board.

This item has been placed on the agenda for your regularly scheduled meeting on April 20, 2015. Should Council have questions or need further information on this matter, please contact the Steering Committee members, the Planning Board or the Planning Department.

Respectfully,



David Taylor, AICP
Director

Att:

Memo from WGM Group 4-14-15
Email from Hunter Homes 4-8-15
Flathead Beacon Article on Corridor Plan
Letter from Gail Linne and Susan Prilliman
City Council minutes from 2-2-15
Planning Board minutes from 1-15-15
Written comments from Mayre Flowers submitted at 1-15-15 Planning Board meeting
Whitefish Highway 93 West Corridor Plan, 3-30-15 Edition

Exhibits from 1-15-15 Staff Packet

1. Staff Report – WGPA 15-02
2. Zoning Comparison Tables
3. Memo – Analysis of Existing Zoning Districts
4. Email from Kellie Danielson, Montana West Economic Development
5. Email from Murray Avenue Residents RE: Peace Park access
6. Highway 93 West Steering Committee meeting minutes

c: w/att Necile Lorang, City Clerk

MEMORANDUM

DATE: April 14, 2015
TO: Whitefish City Council
FROM: WGM Group Inc.
RE: Whitefish City Council Highway 93 Planning Workshop, April 6, 2015

This memorandum highlights the city council discussion, questions and direction relative to the planning document. Attached to this Memo is a copy of the slide show that was presented at the Workshop. The workshop ended before all of the questions at the end of the slide show were addressed by the council members. Once the Whitefish City Council has provided direction on the plan, WGM and the Whitefish Planning Staff can make the appropriate amendments to the plan and provide a final draft.

Attendees:

City of Whitefish: Mayor John Muhlfeld, Richard Hildner, Andy Feury, Pam Barberis, City Manager, Chuck Stearns, Planning Director, Dave Taylor Planner, Wendy Compton Ring.

WGM Group Inc.: Nick Kaufman, Bruce Lutz (SiteScape Associates), Kate Dinsmore

Members of the Public: A variety of members of the Steering Committee and general public were in attendance and spoke at the workshop.

On April 6, 2015, the Whitefish City Council held a public workshop. The council members present had questions and provided direction on a number of issues. The questions asked and the direction given is shown below:

- Short Term Rentals: The general feeling was to remove short term rentals from Area B proposed WT-3 zoning. We can easily make that change
- In Area B, should the area south of Highway 93 and between the Whitefish River and Good Avenue be part of Area A? There was discussion and the council wanted to take a closer look at this area.

Steering Committee and consultant reasoning for inclusion into Area B:

- While the subject area east of Good Avenue is south of Highway 93, as is Area A, the area is more similar to Area B in that it has frontage on the Whitefish River.
- The lots in the subject area are more similar in size with the lots in Area B.

- Retaining this area in Area B provides a consistent planning designation on both sides of the highway before you cross the Whitefish River Bridge providing consistency for the gateway.
- Coffee Shops and Sandwich Shops: Should they be limited, should they be in WI-T and not in WT-3? There was no consensus during discussion.
- Artisan Manufacturing: Is it OK as a conditional use in the WT-3? WI-T? Should alcohol production be removed from definition? No direction was given during work session.
- Should the Sample Zoning Districts be retained in the appendix of the document? There was consensus to keep them in the appendix of the document.
- Should the Sample Zoning Districts be specific to Area B and to the recommended portion of the Idaho Timber site? There was consensus to add language to make the Sample Zoning Districts specific to the respective areas defined in the plan.

Staff Comment:

WT-3 Intent could be modified as follows:

The WT-3 District is intended for transitional development including high density residential, professional offices, light manufacturing, light assembly and ancillary services to provide a performance-based mixed-use environment with the recreational amenity of the Whitefish River along the western community gateway where adaptive use areas which are transitioning from their traditional uses and lots primarily border either the Whitefish River or industrial zoned property. The boundary of this district is along the north side of Highway 93 from both sides of north Karrow Avenue to the Veteran's Bridge, or are on the south side of Highway 93 east of Good Avenue to the Veteran's Bridge . This zoning classification is not intended for general application throughout the Whitefish area.

We do not recommend adding that level of area application specific to the WI-T in the case that portions of the Peace Park or other adjacent industrial BNSF property want to annex and become part of the WI-T in the future. However, if the council requests a specific land area description for this district, we could specifically define the area of application similar to our proposal for the WT-3.

- Should Area A have the same opportunity to transition as Area B? Consensus is to protect Area A by setting clear boundaries for Area B.
- Short Term Occupation of the rail spurs for passenger cars?
 - Add language: "Private railway cars with living accommodations are allowed to park on rail lines."
- Should 'Nursing and Retirement Homes, Personal Care Facilities, Community Residential Facilities, Types I and II' be added to permitted or conditional uses of WI-T?

- Should we add “Professional Artist Studio and Gallery” to WT-3 as a conditional use?
- Are the shipping hours in Artisan Special Provisions too restrictive for rail shipping?
 - Special Provisions
 - C. Shipping and receiving shall be limited to 7am to 7pm except for rail-related shipments.
- We recommend adding the following bulk and scale provision for the proposed WT-3 to alleviate concerns for strip development or buildings out of scale with residential context:
 - Property Development Standards:
 - Bulk and scale: All new structures with a building footprint of 7,500 square feet or greater, existing structures where an addition causes the total footprint to be 7,500 square feet or greater, and additions to structures where the footprint is already 7,500 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.
 - We recommend reducing proposed lot coverage provision WT-3 from 70% to 50%.

Additional Questions:

Hunter Holmes (see attached email) asked for the following uses to be added to the WI-T:

- Grocery store, not exceeding 4,000 sq ft. (same as the WB-1 Neighborhood Commercial zone standard)
- Colleges, business, and trade schools (conditional use?)
- Assisted living facility (covered by Nursing and retirement homes, personal care facilities, community residential facilities)

WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN-



PREPARED BY:




April 6, 2015

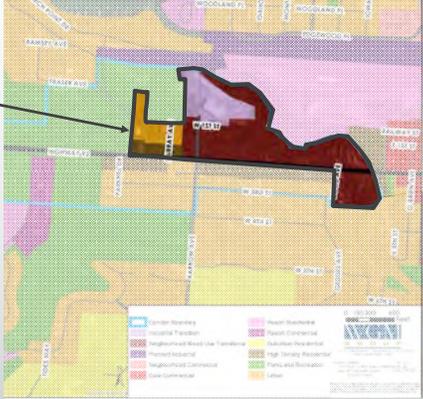
Highway 93 West Corridor

Corridor Plan authorized under MCA



Highway 93 West Corridor

Area B & Idaho Timber



Area B

Public Involvement Feedback

- Existing mixed use
 - Run down rental properties
 - Multi-family
 - Professional offices
- Close to highway, rail, industrial
- Properties south of Idaho Timber and 1st St. right-of-way are key to redevelopment of Idaho Timber




Area B

Public Involvement Feedback

- Entry sequence into town
- Potential for specific non-residential uses
 - Professional Offices
 - Personal Services
 - Resort Residential
 - Artisan Manufacturing
 - Coffee Shops and Sandwich Shops
- Concerns
 - Impacts to Murray Avenue residents
 - Traffic, noise, light, hours of operation
 - For-rent impacts to residential character
 - Commercial uses outside of downtown
 - Appropriate timing of transitional uses



Idaho Timber

Public Involvement Feedback

- Potential
 - Employment Center
 - Adaptive Use
 - Rail Access – Freight/Passenger
 - Riverfront Parks/Trails/1st Street
 - Wildlife Protection
 - Connectivity to Community
 - Sustainable Development
- Concerns
 - Noise
 - Hours of Operation
 - Impacts to Surrounding Area
 - Access
 - Screening/Buffering of Manufacturing
 - Traffic



Idaho Timber

Public Involvement Feedback

- Many ideas envisioned at charrette:
 - Utilization of railroad spur
 - Green belt zone by the river
 - Multi-family workforce housing
 - Trail along the river
 - Retain industrial uses
 - Resort/mixed-use along river
 - Business incubator
 - Light manufacturing
 - River access –1st Street



Purpose & Intent

- Create opportunities for underutilized or vacant land to transition to contemporary uses



View of Idaho Timber property from across the river



Purpose & Intent

- Drive economic development
 - Diversify
 - Flexibility
 - Support small, local businesses
 - Foster community's entrepreneurial climate
 - Allow for industrial
- Capitalize on natural amenities





Clark Fork River

Missoula

- Trails
- Parks
- River access

Whitefish

- New Pedestrian Bridge
- 1st Street






Little Red Wagon Coffee Roasters

Bozeman

- Small-scale business operated out of a food trailer for the summer and fall as it began wholesaling its single-origin coffee beans
- Utilized artisan manufacturing ordinance to set up brick-and-mortar location
- Customers test different types of coffee and try different brewing methods



Adrian Sanchez-Gonzales/Chronicle



Adrian Sanchez-Gonzales/Chronicle

“It was an idea born out of curiosity,” Meredith said. “We’re still on this journey and want people to come along.”

Little Red Wagon Coffee Roasters

Bozeman

- Use space for roasting
- Sell product in other stores





Adrian Sanchez-Gonzales/Chronicle

“Little Red Wagon is a perfect example of a business... that’ll really bring some life to that stretch of alley.”
 –Chris Naumann, executive director of the Downtown Bozeman Partnership

Whitefish

- 1st Street

Gallatin Valley Vineyards

Bozeman

- Wine bottling operation and tasting room
- Bring in wine and bottle it in Bozeman

"We have had a lot of support from not only the community, but also the city of Bozeman, I think it is a new idea for Bozeman and we thought we'd try it out here."
 -Wes Stewart, business owner

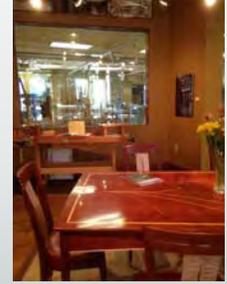
Business owners Wes Stewart and Brett Archer watched the wine culture explode on the West Coast and start to move east; they "wanted to be on the leading edge of that."



A.L. Swanson Gallery & Craftsman Studio

Helena

Swanson's wood working studio sits in the heart of downtown within the walking mall, an unusual place for a wood working shop. "Logistically it was difficult; normally workshops have a lot of dust, and noise. We wanted to create a homey and clean atmosphere that is easily accessible and people can come and watch us work, see the process unfold before their eyes."



What happens with the adoption of the plan?

- New land uses are adopted
 - **Neighborhood Mixed Use Transitional**
 - **Industrial Transition**
 - **Resort Commercial**
- Proposed zoning districts are *sample* districts.
 - Guide for future zoning in Area B and Idaho Timber.
- Proposed sample zoning districts will **not** be adopted in the Municipal Code with the adoption of the US Highway 93 Corridor Plan.
- Proposed sample zoning districts will likely be modified to meet the contemporary situation before any re-zoning is initiated.

Future Proposed Land Use Map



Proposed Land Use Designations

Neighborhood Mixed-Use Transitional

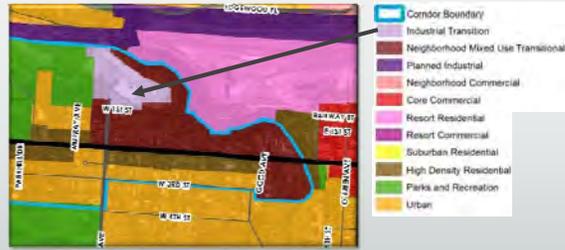
- This designation is applied to neighborhoods near downtown Whitefish and along major transportation routes that have a strong historic character that varies across a range of uses, from manufacturing to residential workforce housing. Key characteristics of the neighborhood include being a community gateway, frontage along the Whitefish River, employment and recreational uses close to homes, and opportunity for adaptive use or zoning that allows for a variety of uses and within walking distance of shopping in downtown.



Proposed Land Use Designations

Industrial Transitional

- This designation is for areas that are proximate to the downtown and have traditionally been used for heavy manufacturing. These areas are either vacant or underutilized, and have opportunities for a gradual transition to adaptive, clean industries and business incubators. Transitional areas can be the catalyst that generates new jobs and new economic development as businesses achieve success and relocate appropriately in the community.



Sample Zoning Districts

WI-T

The WI-T District is intended to allow for the gradual transition of vacant or underutilized sites that were traditionally used for heavy manufacturing to adaptive, clean industries and business incubators. These sites are generally proximate to the downtown, have existing high capacity utility services, and existing multi-modal transportation opportunities such as rail and highway access.



Sample Zoning Districts

WT-3

The WT-3 District is intended for transitional development including high density residential, professional offices, light manufacturing, light assembly and ancillary services to provide a performance-based mixed-use environment with a recreational amenity, such as the Whitefish River, a community gateway, or adaptive use areas which are transitioning from their traditional uses.



Sample Zoning Districts

WT-3

CONDITIONAL USES:

- Hotels and motels and uses accessory thereto are permitted within a portion of the Whitefish River frontage area, said frontage area being a strip of land 300 feet wide and lying southwesterly of, and contiguous to, the requisite buffer and setback areas of the Whitefish River north of 1st Street. The width of this area may be modified by the Zoning Administrator if geotechnical analysis reveals the presence of unstable fill material along the bank of the Whitefish River.



Sample Zoning Districts

Artisan Manufacturing Performance Standards

- Hours of operation for activities or services open to the public shall be limited to 8 am to 8 pm.
- Uses that create any excessive, objectionable byproducts such as dirt, glare, heat, odor, smoke, waste material, dust, gas, atmospheric pollutants, excessive noise or that have the potential for increased danger by reason of fire, explosion or other physical hazards are prohibited.
- Shipping and receiving shall be limited to 7 am to 7 pm.
- All outdoor storage shall be enclosed and screened from adjacent properties and public streets.
- All outdoor seating and outdoor display shall be screened from adjacent residential uses by fencing or landscaping.
- All outdoor lighting shall be compliant with 11-3-25: OUTDOOR LIGHTING STANDARDS.
- No more than 40% of gross floor area shall be used for accessory retail sales, no more than 49% of the gross floor area shall be used for food and beverage consumption (outdoor seating areas not included in calculation).

Criticisms of Plan

Short-term Rentals

- Added by Steering Committee
- Forces out the people who are looking for a long-term rental
- Options
 - Add additional limitations
 - Remove from plan

Criticisms of Plan

Strip Development/Commercial Development

- Limited by lot size & topography
- Options
 - Already limited through design standards
 - Artisan Manufacturing size restriction – 3,500 SF
 - Add additional standards or modify current standards
 - Limit size of professional offices

Criticisms of Plan

Coffee Shops & Sandwich Shops

- Majority of Steering Committee in favor of coffee shops and sandwich shops
- Limited by design standards
 - No formula businesses
 - Size restriction – 2,000 SF
- Options
 - Add additional standards or modify current standards
 - Remove from WT-3
 - Remove from WT-3 and add to WI-T

Criticisms of Plan

Artisan Manufacturing

- Key visionary element of plan providing a place for entrepreneurs on a conditional, case-by-case basis with limitations
- Limited by design standards
 - Size restriction – 3,500 SF
- Options
 - Add additional standards or modify current standards
 - Remove from sample zoning districts
 - Remove alcohol production
 - Remove alcohol production and add micro-breweries and distilleries to allowed uses in WI-T

Criticisms of Plan

Minimizes available industrial land opportunities

- Plan does not change zoning which preserves existing industrial zoning on Idaho Timber
 - Any use allowed as a permitted use under WI District is a conditional use in WI-T
- Sample zoning districts continue to allow light industrial uses

Criticisms of Plan

Sample Zoning Districts

- Options
 - Add additional standards or modify current standards and uses
 - Remove sample zoning districts from plan

Criticisms of Plan

Impacts to Murray Avenue Residential Neighborhood

- Options
 - Add additional standards or modify current standards and uses
 - Remove sample zoning districts from plan

Criticisms of Plan

Impacts to 3rd Avenue Residential Neighborhood

- Options
 - Add additional standards or modify current standards and uses
 - Remove sample zoning districts from plan

Questions

Area B

- Do you want to keep the proposed land use and sample zoning district boundaries?
- Do you want to amend the sample zoning?
 - Coffee shops and sandwich shops
 - Short-term rentals

Questions

Idaho Timber

- Do you want to keep the proposed land use and sample zoning district boundaries?
- Do you want more discussion on trail connectivity on the north side?
- Do you want to amend the sample zoning? If so, how?
- Is a hotel appropriate on Idaho Timber?

Questions

Peace Park

- Are there additional suggestions for implementation strategies?

Questions

- Do you want any change in the corridor?




Adrian Sanchez-Gonzales/Chronicle



Independent Record

END

Zoning Districts

Idaho Timber Land Use Comparison Chart

Land Uses	Current WI Zoning	Proposed WI-T Zoning	
A. Automobile and Boat Service	P	C	P=PERMITTED USE BY RIGHT
B. Boat and RV Storage	P	C	
C. Building Supply outlets	P	P	C=CONDITIONAL USE
D. Contractors yards	P	C	
E. Heavy equipment service	P	C	X=PROHIBITED USE
F. Janitorial service	P	C	
G. Light industrial manufacturing, processing, packing	P	P	
H. Nurseries and landscape materials	P	C	
I. Office space	P	C	
J. Manufacturing, Artisan	X	P	
K. Parcel delivery	P	P	

Zoning Districts

Idaho Timber Land Use Comparison Chart

Land Uses	Current WI Zoning	Proposed WI-T Zoning	
L. Petroleum products, retail	P	C	P=PERMITTED USE BY RIGHT
M. Public utility buildings, publically owned buildings, public parks	P	P	
N. Open space parks, public or private	X	P	C=CONDITIONAL USE
O. Railroad yards	P	C	X=PROHIBITED USE
P. Research labs	P	C	
Q. Tire sales	P	C	
R. Automotive and boat sales	C	X	
S. Automobile wrecking yards	C	X	
T. Bed and breakfast establishments	X	C	
U. Business Incubator	X	C	
V. Petroleum products, wholesale	C	C	

Zoning Districts

Idaho Timber Land Use Comparison Chart

Land Uses	Current WI Zoning	Proposed WI-T Zoning	
W. Heavy equipment sales, rentals and service	C	C	P=PERMITTED USE BY RIGHT
X. Colleges business and trade schools	X	C	
Y. Junkyards	C	X	C=CONDITIONAL USE
Z. Outdoor amusements	C	X	X=PROHIBITED USE
AA. Sexually oriented businesses	C	X	
BB. Tire retreading and recapping	C	X	

Any use allowed as a permitted use under WI District is a conditional use in WI-T

Zoning Districts

Area B Land Use Comparison Chart

Land Uses	Current WR-3 Zoning	Proposed WT-3 Zoning	
A. Bed and breakfasts	C	P	P=PERMITTED USE BY RIGHT
B. Home occupations	P	P	
C. Public utility buildings and facilities	P	P	C=CONDITIONAL USE
D. Publically owned or operated buildings, uses, parks	P	P	X=PROHIBITED USE
E. Open space for active or passive, public or private	C	P	
F. Residential class A manufactured homes	P	C	
G. Residential daycare	P	P	
H. Residential guest or servant quarters	P	P	
I. Residential manufactured home subdivisions	P	X	

Zoning Districts

Area B Land Use Comparison Chart

Land Uses	Current WR-3 Zoning	Proposed WT-3 Zoning	
J. Residential one family through four-plex dwellings	P	P	P=PERMITTED USE BY RIGHT
K. Residential short-term rentals and fractional ownership	X	P	
L. Accessory apartments	C	C	C=CONDITIONAL USE
M. Caretaker unit	X	C	X=PROHIBITED USE
N. Churches	C	C	
O. Clubs, private, semi-private recreational facilities	C	C	
P. Coffee shops and sandwich shops (no "formula" businesses)	X	C	
Q. Daycare centers (12 or more kids)	C	C	
R. Dwelling groups or clusters	C	C	
S. Guesthouses	C	C	

Zoning Districts

Area B Land Use Comparison Chart

Land Uses	Current WR-3 Zoning	Proposed WT-3 Zoning	
T. Hostels	C	X	P=PERMITTED USE BY RIGHT
U. Livestock	C	X	
V. Nursing or retirement homes	C	X	C=CONDITIONAL USE
W. Personal services	C	C	
X. Professional artist studio or gallery	C	X	X=PROHIBITED USE
Y. Professional offices and clinics	C	C	
Z. Residential five-plex and larger multifamily	C	C	Along WF River north of 1st Street only
AA. Schools	C	X	
BB. Type I and II community residential facilities	C	X	
CC. Hotels and motels	X	C	
DD. Manufacturing, artisan	X	C	

From: hunter.rmre@gmail.com on behalf of [Hunter Homes](#)
To: nlorang@cityofwhitefish.org
Cc: cstearns@cityofwhitefish.org; dtaylor@cityofwhitefish.org
Date: Wednesday, April 08, 2015 1:24:12 PM

Good Afternoon Necile,

I attended the work session regarding the Hwy 93 Corridor Plan on Monday April 6th. After the meeting and talking with my client

the development group that owns the Idaho Timber site would respectfully like the city council to consider adding the following

permitted uses to the list you are considering for the WI-T 'sample' zoning district:

These are just ideas we have discussed and would like to have these options available

to us if they fit into our overall conceptual design for the Idaho Timber site.

1. Market similar in scale to the Alpine Village Market: There are no services of this nature west of the Veterans Bridge to accommodate all these residents. We believe this would also

alleviate some vehicle traffic thru town by folks needing some minimal necessities.

2. Assisted Living facility: I have been approached by advocates to consider this idea to be incorporated into this site.

3. Brewery/ Distillery "school" : Have the ability to offer training to potential folks interested in learning the trade.

Thank You,

Hunter



Hunter Homes
Realtor
Clearwater Montana Properties, Inc
903 Spokane Ave.
Whitefish, MT 59937
Cell: 406.314.1417
Office: 406.863.1090

Where Does Whitefish Grow From Here?

In a town where small businesses are the heart of what drives the community, merchants struggle to find infrastructure

By [Tristan Scott](#) // Mar 31, 2015

When plans to open a Shopko department store in Whitefish's Mountain Mall displaced eight small businesses, a swell of orphaned merchants rippled through the community in search of a new home. What they found – or didn't find – underscores the plight of small businesses here – although they are the heart of what drives the community, there is a dearth of affordable locations in Whitefish for small business owners to lease. Other mall retailers have stood firm, but when the department store opens in September, the business owners anticipate an increase in rent that will make it untenable.

"They'll probably bump it up out of my range," said Stu Say, owner of Montana Olive Oil Inc. and SenSAYetional Golf, both located in the mall. "Right now I'm just making rent."

Whitefish Dance Studio, the Flying Fish Kids' Gym, Nature Baby Outfitter, Taco Del Sol, Club Bed Tanning, Bonsai Brewing Project and Ben Franklin are among the other businesses affected by the construction of Shopko.

"It was an unfortunate thing," said Say, who is moving Montana Olive Oil Inc. to a Kalispell location in June. "They call this the Mall Morgue but those businesses were kicking tail. The brewery did a wonderful job, and so did Taco Del Sol."

Graham Hart opened Bonsai Brewing Project in the mall in January 2014 to tremendous fanfare. But when Hart learned he'd have to move the nascent brewery, he found his options were limited.

He was considering building or leasing a marketplace that could accommodate all of the errant businesses when, through a stroke of luck, he found his current location at 549 Wisconsin Ave., in a location he could not have afforded without the help of a family friend, who purchased the property and agreed to lease it to Hart.

"There's the demand for new small business in Whitefish. There's just not the infrastructure," Hart said recently from behind the bar of his bustling new brewery, which re-opened last month.

Lauren Oscilowski recently applied for and received a conditional use permit to open a distillery and tasting room called Spotted Bear Spirits in a location on Railway Street, across from Depot Park in downtown Whitefish. Although it costs more to lease the downtown space, she opted for the location because of the foot traffic inherent to the city center, as well as the proximity to the Whitefish Farmers Market.

"That was the balance," she said. "I looked at a number of different commercial spaces on the outskirts of town and ultimately decided to pay more per square foot to be downtown. I feel incredibly fortunate that I found this location because there weren't many options."

The shortage of real estate in Whitefish is a familiar stumbling block for the owners of Hurraw!, a vegan lip balm company.

When Neil Stuber and Corrie Colbert set their sights on expanding the home-based Whitefish business, they asked the city for property tax incentives and financial help with utility fees.

Unable to find a viable existing building for their light-manufacturing operation, city officials advised them that they could receive assistance with costs associated with building a new facility, and they've since constructed a facility in the Baker Commons business park.

"Many companies, including ours, choose to remain in Whitefish despite the lack of infrastructure and support, not because of it," Stuber said. "It becomes a personal decision as opposed to a business decision. That being said, entrepreneurial spirit thrives on possibility, not availability. We're interested in what Whitefish can become."

Conversely, Kalispell and Columbia Falls have a glut of available storefronts and open-space opportunities in prominent locations, but attracting long-term tenants has proven problematic.

The question of what Whitefish can and will become has been at the fore of discussions about how to develop the Highway 93 West corridor, particularly in a section of the corridor that extends from Ramsey Avenue to the Whitefish River Veteran's Memorial Bridge. The corridor land-use plan's steering committee identified that area for "creative future planning" to promote economic development and entrepreneurship as the area transitions.

In 2007, the city's growth policy recommended that a corridor plan be developed with specific goals and recommended actions for the area that consider land use, scale, transportation, landscaping, urban design and commercial development.

But in Whitefish, phrases like "creative future planning" draw intense scrutiny, and while much of the corridor plan does not recommend any land-use changes, one aspect recommends a zone change to a residential area north of Highway 93 and adjacent to the Idaho Timber property.

The committee didn't recommend full-scale commercial development in the area, and is sensitive to new retail that might compete with downtown. But small business opportunities such as artisan manufacturing in small buildings, allowed as conditional uses, were deemed appropriate in the plan on a case-by-case basis, as were sandwich or coffee shops. The committee also discussed the potential for a rail link, business incubators, and mixed use on the Idaho Timber site and adjacent residential area known as "Area B" that fronts the river.

"They felt that area could be an ideal complement to downtown," Whitefish Planning Director David Taylor wrote in his staff report. "Ideas such as a riverfront paddle board manufacturing business with accessory sales or rentals, an adjacent microbrewery or coffee shop with second floor residential uses were discussed as a way to better link the Whitefish River with the downtown and trail system."

But the plan has received pushback from residents who worry that any changes to the zoning will compromise the residential integrity of the area.

Anne Shaw Moran serves on the steering committee and represents the owner-occupied residential district of the corridor, and said while she agrees with 90 percent of the plan she objects to any changes to zoning.

"What's being proposed in this plan that is concerning to residents is a whole new zoning district or classification," Moran said. "Changing zoning is one of the most impactful things you can do to impact

neighboring properties. People have made huge residential investments based on the current zoning. We need to take a very careful look at some of these things like artisan manufacturing and think about what they would really impose on the neighborhood.”

The plan also calls for “development standards” for artisan manufacturing that would limit hours of operation, outdoor storage, the amount of retail space allowed. The Whitefish Planning Board has recommended the corridor plan for approval and the Whitefish City Council will vote on whether to adopt it later this month, but rezoning does not occur automatically with the adoption of the plan.

Nick Kaufman of the Missoula-based WGM Group is a principal consultant on the Highway 93 West plan, and said the steering committee and the planning process were tailored to Whitefish’s singular qualities and characteristics.

“Whitefish is unique. And the corridor planning strategy that was used for this recognizes the uniqueness of Whitefish and so the planning process was uniquely designed for this corridor,” he said. “The model zoning for Area B and Idaho Timber represents change. And Whitefish is really sensitive to change. They really are. And the three things that Whitefish is desperately protective of is downtown, its tax base and the residential character of the Highway 93 corridor. So when you introduce change to those three things then you are going to get a lot of public interest.”

And while it’s improbable, Idaho Timber could spring back to life at any point, imposing a stronger industrial impact on the residential integrity of the neighborhoods than small scale, light manufacturing, said realtor and steering committee member Hunter Homes, who represents the owner of the Idaho Timber property, which is zoned for industrial use.

“The owners could put in a tire recycling plant or a pig farm if they wanted, but that is not the best use for that property. It needs to be rezoned,” Homes said. “Old timers hate to see progress. I got here in 1976 before McDonald’s opened here and when we heard McDonald’s was opening we thought Whitefish was going to go to hell in a hand basket. But it’s still a great place and it will continue to progress, and it will continue to draw more and more people here.”

“Idaho Timber is a 15-acre artist’s palette that has not been developed. There hasn’t been a picture drawn yet but whatever you can think of has the potential to go in there,” Homes continued. “There is no other property like this anywhere in Whitefish that has beautiful views of the mountains. It has 1,000 feet of river frontage. It would be a five-star op for Idaho Timber and for Whitefish.”

Kaufman said the steering committee represented a diverse cross section of Whitefish, and ultimately identified the Idaho Timber site and adjacent neighborhood as the best option to accommodate growth in Whitefish at a scale that does not infringe on the community’s downtown or residential integrity.

“I think they are learning from the past and preparing for the future,” Kaufman said. “Can you, by looking at the community and the way it is emerging, achieve a greater value in a way that allows entrepreneurs and businesses to grow and expand in a community that has a great quality of life, at a location next to a river, right next to downtown, next to a residential neighborhood, near police and emergency services and a library? I think you can.”

Whitefish City Council
Whitefish, Montana 59937

March 23, 2015

Dear Mayor Muhlfeld and Whitefish City Council members,

A lot of good work has been done to develop the Highway 93 West Corridor Plan, and while we agree with most of the plan as proposed, we do not agree with the proposal for Area B. The signatures of fifty Whitefish residents who join us in our concerns were submitted to you at the February 2, 2015 council meeting.

Please address the following issues:

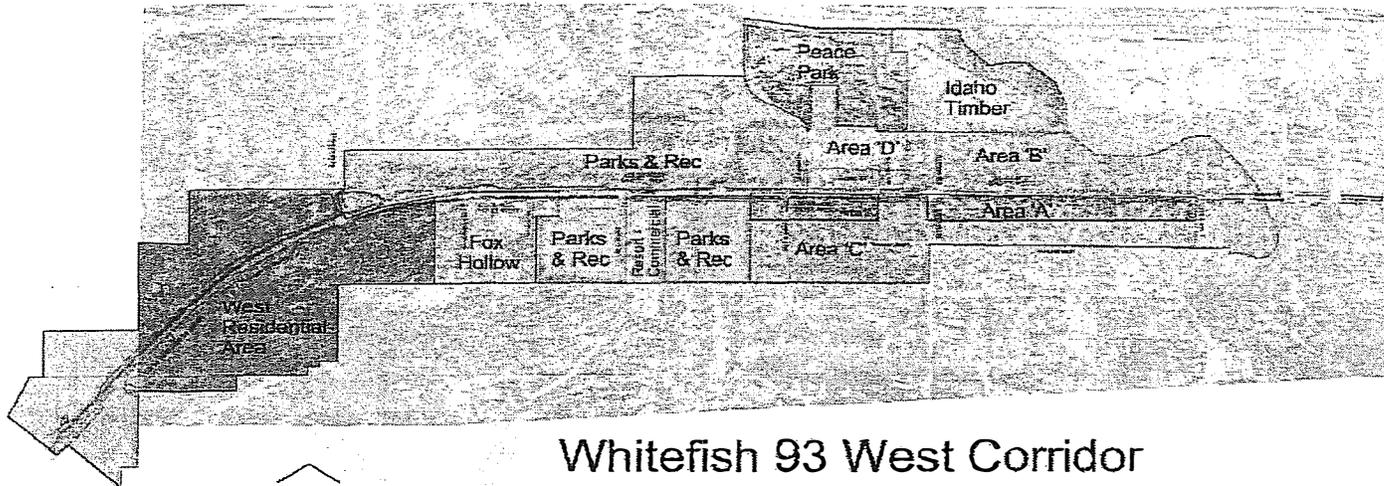
- Keep existing zoning for Area B.
- Don't allow short-term and overnight rentals or five or more multi-unit rentals in Area B.
- Limit commercial uses along the highway corridor and in Area B, i.e., "Manufacturing Artisan."
- Limit commercial uses along the river corridor.
- Don't allow the Highway 93 West Corridor to become lined with commercial uses which would create strip development patterns and traffic issues.
- Don't allow lot coverage in Area B to increase from 40% to 70%.
- Set clear standards now for private parks like the Peace Park area.

Attached please find a summary sheet of these concerns and a copy of the signature form.

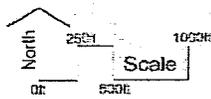
Thank you for your full consideration.

Sincerely,
Susan Prilliman
334 W 3rd Street
Whitefish, MT

Gail Shay Linne
106 Murray Avenue
Whitefish, MT



Whitefish 93 West Corridor Planning Areas



Date: 12-9-2013



See Page 39 of Plan [http://www.cityofwhitefish.org/large-files/pdf/Planning/Corridor%20Plan DRAFT 11-25-2014.pdf](http://www.cityofwhitefish.org/large-files/pdf/Planning/Corridor%20Plan%20DRAFT%2011-25-2014.pdf)

Note that as currently proposed future land uses and zoning for all areas in the plan area are recommended to stay the same EXCEPT for: ► Area B, ► Idaho Timber, ► the “Peace Park”, ► the zoning for areas designated as Parks and Recreation, and ► the zoning where Grouse Mountain Resort currently is located.

Summary of some of the major issues of concern with the Draft Whitefish 93 West Corridor Plan:

1. **Keep existing zoning for Area B:** Residents (renters & property owners) of Area B, some members of plan steering committee for this corridor plan, and other city residents concerned with how Whitefish develops have testified that the existing primarily single-family zoning with limited professional offices in Area B should be retained. The proposed changes as described below are not appropriate for Area B.
2. **Don't allow short-term and overnight rentals or five or more multi-unit rentals in Area B:** Instead develop standards to retain neighborhood character of owner-occupied single-family homes and affordable long-term rental housing. The new zoning proposed for Area B would allow a developer-driven, unlimited proliferation of overnight rentals, multi-unit dwellings in excess of four units for resort and residential condominiums, town houses, time sharing and interval ownership and the undefined “ancillary services” for multi-unit dwellings.
3. **Limit commercial uses along the highway corridor and in Area B:** Instead direct commercial uses toward the downtown core area. Under the current draft plan, a major proliferation of commercial uses would be allowed throughout Area B and along the highway corridor from Whitefish River west to Ramsey Ave. These uses could include coffee shops, sandwich shops, “Manufacturing Artisan,” personal services, professional offices, and hotels and motels along the river north of 1st Street. *Micro-breweries should not be allowed in Area B because of its residential character.* (“Manufacturing Artisan” is a totally new zone the consultants are recommending be created that allows for many potential types of new retail/manufacturing businesses including micro-breweries.)
4. **Limit commercial uses along the river corridor:** All the commercial uses and 5 or more multi-unit and multi-story housing, and short-term housing uses noted above in addition to hotels and motels along the river north of 1st street are allowed along the river corridor. The plan lacks standards that define desired water-front development. The City needs to develop a comprehensive plan for river-front development.
5. **Don't allow the 93 West Corridor to become lined with commercial uses, which would create strip development patterns and traffic issues:** The proposed plan allows for developer-driven zone changes, which would cause eventual patterns of strip development (given lack of clear plan intent to retain residential character of corridor), encourage lot consolidation for non-residential uses, and associated traffic congestion from increased access needs. The plan fails to set standards the growth policy requires for noise, screening, landscaping, and traffic.
6. **Don't allow lot coverage in Area B to increase from 40% to 70%.** Instead establish overall goals and policies to retain this corridor's residential and non-commercial character. Larger-sized structures would lead to the removal of vegetation and trees and would create significant changes in the traditional residential character of the area.
7. **Set clear standards now for private parks like the Peace Park area.** Even before its completion, this park has impacted surrounding neighborhoods with events that generated excessive noise, traffic and parking. The Whitefish Growth Policy calls for adopting park district standards. Parks are a large component of this plan area.

POB, 158

59932-0158

3-24-15

Hello Neale,

Here is the Summary sheet to
copy for the Council's 4-6-15
work session. This will accompany info I emailed you 3/23.
A Thanks for the
help?

Best,
Jaid Lennie



We the undersigned ask the Whitefish City Council to not adopt the proposed Draft Whitefish Hwy 93 West Corridor Plan for one or more of the reasons cited on the reverse side of this petition. While we believe that a lot of good work has been done to develop this Corridor Plan, we feel that as proposed this plan does not do enough to protect the established residential character of neighborhoods along this corridor. We encourage the City Council to support the use of existing Whitefish zoning districts, which already provide opportunities for limited nonresidential uses in this plan area. We support the creation of standards for a park zoning district, as called for in the Whitefish Growth Policy, as a necessary part of this final plan. **Please direct the Whitefish City Planning office to work with plan area residents and other city residents to further revise the Draft Whitefish Hwy 93 West Corridor Plan to address these concerns.**

Print first and last name

Signature

Street Address

Check if Whitefish Resident

This petition will be collected and presented to the Whitefish City Council when they schedule this Whitefish Hwy 93 West Corridor Plan for a public hearing, which we expect will be in February. Please contact Susan Prilliman at 862-2207, Gail Linne at 862-1835, or Mayre Flowers with Citizens for a Better Flathead at 756-8993 with questions or for petition collection. Adoption of the Corridor Plan as proposed provides the legal framework for zone changes to the area over time. The full plan is posted on the City of Whitefish's web site under long range plans at <http://www.cityofwhitefish.org/planning-and-building/long-range-plans.php> You are encouraged to attend future workshops and public hearings on this plan. Call the City of Whitefish at 863-2400 to confirm future workshop and hearing times. This draft plan has been developed by planning consultants under contract with the city and with the direction of a city appointed steering committee of local residents. This process began in summer of 2013.

February 2015 Petition

Some of the Council had questions answered by both applicants and staff. Councilor Anderson said he was recusing himself both from the discussion and the decision on this project.

Councilor Sweeney made a motion, second by Councilor Feury, to approve a Conditional Use Permit for a proposed hotel at 205 Spokane Avenue (Block 46) that exceeds 7,500 square feet and is proposed to contain 86 rooms with 74 parking spaces along with the Findings of Fact in the staff report (WCUP 14-11) and the amended twenty conditions of approval as recommended by the Whitefish Planning Board, and with the addition of Condition 21 to read: “The hotel shall be required to maintain employee parking at an off-site location in order to ensure the hotel parking lot is used for hotel guests.”

Councilor Sweeney made an amendment to the original motion, second by Councilor Frandsen, to add a Condition 22 to read: “Under no circumstances shall the roof top facilities be used as a bar, for music or other entertainment or for anything other than a patio.” The amendment passed with five aye votes, Councilor Anderson abstaining.

Councilor Frandsen made an amendment to the original motion, second by Councilor Sweeney, to amend Condition #1 to reference the most recent site plan dated 2-2-15. The amendment passed with five aye votes, Councilor Anderson abstaining.

At this point part of the Council asked the Public Works to have a viable parking plan in place at the time construction begins to address issues of this project impacting the parking in the adjacent residential area. Manager Stearns advised that is an extra task assigned to an already busy and short-staffed department; it may come to the point staff has to pick and choose what projects they have time to work on.

Councilor Sweeney made an amendment to the original motion, second by Councilor Hildner, to add a Condition 23 to read: “The hotel shall not be a chain or formula hotel.” The amendment passed with five aye votes, Councilor Anderson abstaining.

Councilor Hildner made an amendment to the original motion, second by Councilor Frandsen, to add a Condition 24 to read: “Mass, scale and character of the building shall be consistent with the Architectural Review Standards and the building shall be sensitive to the residential neighborhood to the east. No building wash lighting shall be permitted.” The amendment passed with five aye votes, Councilor Anderson abstaining.

The original motion, as amended, was approved with five aye votes, Councilor Anderson abstaining.

- c) Resolution No. 15-___; A Resolution of Intention indicating its intent to adopt the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (WPGA 15-02) (p. 240) (CD 2:45:08)**

Planning and Building Director Taylor introduced the staff report presentation saying that with the consultant, the WGM Group, staff and a Steering Committee have worked together on a land-use plan for this area over a period of time in nine meetings, four public outreach sessions, 2 work sessions with the Planning Board followed by a public hearing at the Planning Board to bring forward the recommendation for the intent to adopt the Whitefish Highway 93 West Corridor Plan. Bruce Lutz,

Sitescape Associates and the local support to the WGM Group, continued with the staff report, referring to the Project Description that starts on packet page 258 – an expanse of land from Whitefish River west to the western boundary of the Whitefish city limits. Members of the steering committee are listed on page 263 in the packet, and the process undertaken is described in the packet starting on page 262 through 264. Starting on packet page 265 is the detailed description of their process of analysis of existing conditions including uses, character, and zoning of each parcel and the descriptions of the public sessions and the outcome of those sessions, which was summarized by Mr. Lutz.

Director Taylor added to the presentation by going into detail of the Visioning for the Future and Development Policy as described starting on packet page 294 and Proposed Zoning Districts which started on packet page 361.

Due to the lateness of the hour and the impact and importance of this project; the Mayor said the Council had indicated to him that they would like to keep the public hearing open and schedule a work session to review this in depth.

Consultant Nick Kaufman, Land Use Planner from WGM Group out of Missoula, addressed the Council and requested to schedule a work session early in the day, and to include enough time to allow for public input and staff presentation time. Steering Committee Chair, Doug Reed, said Area B and the Idaho Timber sections are the areas with a lot of changes proposed and seems to be the sticking point with most people.

Councilor Hildner made a motion, second by Councilor Feury, to extend the meeting to 11:30 p.m. The motion passed unanimously.

Steering Committee member Hunter Holmes said he represents the new owner of the Idaho Timber property who is waiting for the zoning to be set in place before he decides which direction he will go with development of his new property.

Mayor Muhlfeld opened the public hearing. (CD 3:25:04)

Anne Shaw Moran, member of the Steering Committee representing residential owners, said even though the staff had been contemplating a corridor plan, the catalyst was Ryan Zinke's application for a non-zoning-compliant micro-brewery, which was eventually withdrawn because of what she called a successful neighborhood protest. At any rate, the decision was made to proceed with a public process to decide what would be best for the neighborhood in the future. She thanked all those that worked hard on this process and said her constituents are sending her with the message – don't approve this proposal - - the recommendations for Area B are highly contentious. The current proposed zoning showed up in a late version of this plan and does not have total consensus and has caused neighborhood polarity. It comes down to a corridor study versus a neighborhood plan. She said her constituents are more in favor of using existing zones for consistency and not creating new zones.

Gail Linne, 106 Murray Avenue, said she lives in Area D and agrees Area B is most contentious. Tonight she submitted 50 signatures on a petition asking the Council to not adopt the proposed Draft Whitefish Hwy 93 West Corridor Plan for one or more of the reasons cited by a report submitted by Mayre Flowers of the Citizens for a Better Flathead (CFBF) along with two pages that she (Gail Linne) submitted from that same report (submittals have been appended to the February 2, 2015 Council packet as after-packet materials). Points of concern on that CFBF memo are 1) Keep existing zoning for Area

B., 2) Don't allow short-term and overnight rentals or five or more multi-unit rentals in Area B, 3) Limit commercial uses along the highway corridor and in Area B, 4) Limit commercial uses along the river corridor, 5) Don't allow the 93 West Corridor to become lined with commercial uses which would create strip development patterns and traffic issues, 6) Don't allow lot coverage in Area B to increase from 40% to 70%, and 7) Set clear standards now for private parks like the Peace Park area.

Susan Prilliman, 334 W. 3rd Street, said she agreed with all of what Gail Linne and Anne Moran just said. She thanked the Council for their time and asked them to give this proposal their full consideration.

Ken Stein, 44 Fairway View, said he looks forward to having a work session and discussing his comments at that time.

Jim Laidlaw, 1230 Lion Mountain Drive and member of the Steering Committee, and also a property owner in Area B. He said they worked hard for 1½ years, gathered lots of public input, and agreed that yes, Area B is a problem area. Time needs to be taken to see what is going to happen with the Idaho Timber property as well as what is going to happen in that whole area and not just what can happen in the "right now", so he would like to see the transitional language to be carefully considered. He said the river is a very important aspect, and he didn't think that all options for that river frontage has not been fully considered. He said he'll address it further during a work session.

Randy Bradley, owns 514 and 526 W. 2nd Street, (part of Area B) and said he had a 10-condo project approved by Council but held off proceeding with that development because he thinks there might be better opportunities coming forward for that property.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, said her email sent earlier includes a consolidation of maps that she thinks will help both the Council and the public to see the changes that are proposed (submittals have been appended to the February 2, 2015 Council packet as after-packet materials). She called attention to comments regarding private parks like the Peace Park area, a traffic and travel plan for Area B, affordable housing and long-term rentals not short-term rentals. She stressed retaining the residential neighborhood of this area.

The Mayor asked if there was any further public comment and there was none, so he said the public hearing would be left open, and turned it back over to the Council for direction or action. The Mayor thanked the WGM Group and team, staff and Steering Committee for their work on this project.

Councilor Anderson made a motion, second by Councilor Frandsen, to continue the public hearing to the Council meeting on April 20, 2015, and to have a work session scheduled for earlier that same day, April 20, 2015.

Manager Stearns handed out a current city zoning map to point out existing industrial zones; he said it is rapidly shrinking. He said we have the former Idaho Timber lot, the city's snow lot plus a couple small lots that are Burlington Northern lots; and further east is the industrial park site. A couple industrial lots down on Baker Avenue but one cannot be used because it is dedicated as a stormwater drainage site, and the 40-acre parcel at the west end of 18th Street that is the City's shop site. He said he was just alerting the Council of this situation – industrial lands will enter into the City's options to offer lands with industrial zoning to help provide jobs for the community. He said it might enter into the final

decision regarding the proposed “transitional industrial zone” proposed in the Plan that was continued tonight.

The motion passed unanimously.

Councilor Hildner made a motion, second by Councilor Barberis, to extend the meeting to midnight. The motion passed on a five to one vote, Councilor Anderson voting in the negative.

7) COMMUNICATIONS FROM CITY MANAGER (CD 3:51:55)

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 440) – None.

b) Other items arising between January 28th and February 2nd

Manager Stearns said the annual evaluations for the City Attorney and the City Manager are due and should be scheduled for one of the open sessions as listed on his report in packet page 440.

c) Resolution No. 15-03; A Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the Internal Revenue Code (Tax Increment Bond for City Hall/Parking Structure) (p. 442)

Finance Director Smith submitted her staff report to the Council and said approval of this resolution will establish compliance with reimbursement bond regulations under the Internal Revenue Code regarding financing for the new City Hall/Parking Structure construction project, and she was available to answer questions if the Council had any.

Councilor Feury made a motion, second by Councilor Anderson, to adopt Resolution No. 15-03; A Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the Internal Revenue Code (Tax Increment Bond for City Hall/Parking Structure). The motion passed unanimously.

d) Mid-year financial report – Finance Director (p. 446)

Finance Director Smith submitted her staff report and said the City is in good financial standing. Revenues and Expenditures are tracking as expected with only minor deviations. She mentioned some highlights as set out on packet page 448 and she called attention to; the Columbia Falls Building Inspection revenues are 28% higher than at this time last year and 104% of budget; Ambulance Service Charges are approximately 6% higher than the previous year’s second quarter and are tracking as expected at 51% of the budgeted revenue; Zoning Plan Review Fees are at 76% of the budgeted revenue for the year; The Resort Tax collections are up \$65,704 or 5.23% compared to the prior year’s second quarter. She gave an overview of the Expenditure Review which followed on packet pages 448 and 449, which are generally tracking as expected. She said she would be happy to answer questions at this time or anyone is always welcome to drop into her office with questions. Councilor Hildner and Mayor Muhlfeld both complimented Director Smith for her clear and concise report.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 3:56:06)

a) Letter from Mark Van Everen of Bridgewater Innovative Builders, Inc. regarding subdivision payment-in-lieu of fees for parkland dedication requirements (p. 457)

management, they could have a reception area or front office, but not a guard house/welcome center. Melissa felt this is a really big change versus some of the issues the board has addressed. Ken S. said not very many subdivisions would be able to staff an information center or welcome center, and was against the motion as presented. He asked if the HOA can they come back with another plan, and Wendy said yes.

VOTE

The motion passed by a vote of four (Richard, Melissa, Rebecca, Ken M.) to three (Ken S., Jim and John). The matter is scheduled to go before the Council on February 17, 2015.

**PUBLIC HEARING 2
(on agenda but moved to
3 at meeting): REVIEW
OF DOWNTOWN
MASTER PLAN**

A request by the City of Whitefish for review of the updated Downtown Master Plan. The Downtown Plan is a portion of the Whitefish City-County Growth Policy.

Jim wanted to know why the Board is reviewing this Plan as he went to the meeting last night and doesn't feel this Plan is finished, but rather still a work in progress. Wendy said the Planning Board passed the Downtown Master Plan in the fall of 2013, but because there are a lot of new Board members, this was really a courtesy review before the Plan goes to the Council on February 17th. John suggested the audience be polled to see how many are here for the Downtown Master Plan and how many for the Highway 93 Corridor Plan. No one was here for the Downtown Master Plan, so Richard made a motion that we consider the 93 West Corridor Plan ahead of the Downtown Master Plan on the agenda. John seconded, and the vote was unanimous.

**PUBLIC HEARING 3
(on agenda but moved to
2 at meeting): REVIEW
OF THE HIGHWAY 93
WEST CORRIDOR
PLAN**

A request by the City of Whitefish to review the Highway 93 West Corridor Plan as a new neighborhood plan for the Whitefish City-County Growth Policy.

**STAFF REPORT
WGPA 15-02
(Taylor)**

Staff recommended adoption of the findings of fact within staff report WGPA 15-02 and for **approval** to the Whitefish City Council.

**APPLICANT /
AGENCIES**

Bruce Lutz, Sitescape Associates, introduced Nick Kaufman, land use planner with WGM Group and Kate Dinsmore, who helped with landscape and mapping portion. There was also a Steering Committee chaired by Doug Reed, which included three of the current Planning Board members (Ken M., Jim and Ken S.) They held 13 meetings, nine Steering Committee meetings (with the public invited) and three formal public involvement meetings.

Bruce went through a presentation of the Plan, which is basically for the area beginning at the bridge and ending past Mountainside Drive which goes into Grouse Mountain. The process began in May of 2013.

Planning Director Taylor discussed the land use elements of the Plan. Bruce said that during Steering Committee meetings and public input sessions, folks didn't always agree on decisions, but there was consensus to move this Plan forward. The Plan can be changed and should continue to be reviewed. Dave said this is an Amendment to the 2007 Growth Policy.

Hunter Homes represents the new owner of Idaho Timber and one of the ideas they've considered is that an assisted living facility might be an appropriate use of the land, but they are open to ideas from the Board and public. He has been in contact with Ryan Zinke and the owners of the Idaho Timber property want to be in concert with the Peace Park and events. They have 1,500' of Whitefish River frontage. He encouraged the Board to move this forward to Council on behalf of the new owners.

BOARD QUESTIONS OF STAFF

John asked about the process of amending the future land use map, and what process is if this plan is adopted, which Dave explained.

Richard asked why assisted living centers/nursing homes were prohibited in WT-3, and Dave said Steering Committee might have overlooked that exclusion.

Rebecca asked about whether the Peace Park is in the City and Dave confirmed it is in the County. She also asked about parking there. Rebecca was surprised when floating the Whitefish River to see a large building there (Mindful Design) and was reminded that the CAO prohibits development along the Whitefish River within 75'.

PUBLIC COMMENT

Anne Shaw Moran, 432 West Third Street, was a member of the Corridor Steering Committee for the duration. She felt there were good people on the Committee, excellent consultants, great staff, and that Doug Reed did well as Chair. She said this Committee was formed because of a request for a PUD that would accommodate a microbrewery on north side of highway (now Area B), which neighbors objected to and was later withdrawn, to what residents wanted. She hopes she represented what the residential occupants wanted as many have made it clear to her that they have not changed their minds about microbreweries, etc., in their area, and she feels their position has grown stronger against these uses rather than dying away. She liked 90% of the

Plan, and didn't want to, but felt she had to vote against the Plan, to emphasize the wishes of the residents in the neighborhood. She wants to bring up that this will be a contentious issue. She appreciates the City funding this project.

Susan Purlman, 224 West Third Street, said Anne represented her concerns very accurately. We need more specific guidelines for what might go in, noise, traffic, hours of operation, pickups and deliveries, what is the true nature of a business possibly going in there and applying for a zone change. She felt there are still a lot of unanswered questions and unknowns, and possibly setting a trend that would be hard or impossible to reverse.

Gail Linne, 106 Murray Avenue, speaking on behalf of herself, her husband, Mitch Linne, and eight of their neighbors, Valerie Kinnear and Rick Smistad, 105 Murray Avenue, Dave and Sue Wollner, 107 Murray Avenue, Dave and Pam Supina, 108 Murray Avenue, and John and Sandy Kuffel, 109 Murray Avenue. They are aware of the extensive work that went into the Corridor Plan, and thank everyone for all their efforts. They wish to retain the residential flavor of the Plan's Area B and feel the current WR-3 zoning addresses the needs of the community and can also adequately address future transitional growth. They do not support the WT-3 designation as proposed by Plan.

Mayre Flowers spoke representing Citizens for a Better Flathead, 35 Fourth Street West in Kalispell. She attended the Steering Committee meetings and provided comments. She recommended the proposed Growth Policy amendment before the Board tonight should be identified as a neighborhood plan and provided the Board with a letter. She feels that one of the elements missing in this Plan is a set of broader goals and objectives for the overall area. They believe Area B should remain in current residential to preserve character. The zoning table prepared provides an interesting and worthwhile look at some of the differences of leaving this as existing zone and changing it. Added would be hotels and motels but not sure appropriate in this area. Coffee shops and sandwich shops are not needed in this zone, as the grandfathered businesses, convenience store, golf course, etc., already provide some of these services. Short-term rentals are also allowed and Mayre doesn't think they should be. Affordable housing should be addressed and isn't. Also feels this Plan is deficient by not providing guidelines for Peace Park. Lot coverage would move from 40% to 70% and this is a really big change, and she would recommend Area B retain its existing zoning.

Ian Collins, 898 Blue Heron Drive, said he would echo what Mayre had to say. He serves on the Architectural Review Committee, and speaking specifically about Area B, he hasn't been in favor of zone change. He's also not in favor of sandwich shops as not in character with neighborhood. He feels the area is much more attractive now that the highway isn't torn up, and that there is plenty of opportunity for redevelopment.

Rhonda Fitzgerald, 412 Lupfer Avenue, commented at the last meeting about WR-3 zone and having it changed to a transition zones. The Whitefish community has made it clear over the past two decades that it doesn't want to see more commercial strips. She believes the WT-3 zone is a recipe for sprawl, as anything someone thinks of they can do by just getting a zone change. Overnight rentals, breweries, retail, would all be allowed. She feels residential properties close to town are important and the residents who've invested in their property deserve to have the current zoning remain.

Doug Reed, 520 Somers Avenue, said the spirit of the Committee was not to create commercial strips, they wanted to increase possibilities. They weren't looking to Highway 93 South in their planning. Coffee shops, sandwich shops in Idaho Timber were popular at charrette sessions. A tap room was considered, much different from a bar, with small hours of operation.

MOTION

Rebecca moved and Jim seconded, to approve staff report WGPA 15-02.

BOARD DISCUSSION

Rebecca proposed an amendment to make changes on page 1 of the Area B land use comparison chart, to address specific concerns in audience about uses. It sounded to her like if some of the items listed (bed and breakfast, open space, hostels, nursing/retirement homes, professional artist, brewery) could be changed to "C" for "Conditional Uses", people in the audience might be happier with the plan. There was no second to her proposed amendment. Jim doesn't feel we're going to accomplish making people in the audience happy because folks on the Steering Committee worked on this Plan for a long time. Ken S. said that from the bridge to Karrow there are 77 homes with less than 10 owner-occupied, the rest are rentals. He said Steering Committee worked on for a year and a half and what Nick is trying to present is the compromise they worked to achieve. He doesn't think Rebecca's idea will make people happy.

Melissa asked Anne if the residents' problem with the microbrewery was only because alcohol and she said no there

were a lot of issues, odor, traffic, noise, etc.

Melissa asked Dave if zoning is set in stone and he said no, will come back before Planning Board again to review very specifically.

John asked Anne about the 7-10 owner-occupied residents in Area B, and Anne said the Board needs to remember that everybody who lives in town who is part of a neighborhood doesn't necessarily own their property, but that changes to their neighborhood really affects their quality of life, even if the rent.

Richard talked about the materials provided by Mayre tonight and suggested that they be included when this goes before the Council on February 2. He also suggested some sort of a summary of these concerns be given to Council ahead of time with the packet, as feels dropping this on the Council cold will be really tough. He really likes some areas, but feels there are also some housekeeping issues that need to be cleaned up. If the Board feels there needs to be more work done, they can decide to have it done before sending on to Council, or the Council could be tasked with that. He said he probably will not vote to move this forward to Council without a summary and/or work session. Ken S. asked Richard if he was suggesting this be continued or moved to a later date with the Council (like April), and Richard said he would like to see a little more tidying up by the staff as this is a critical issue and likely to be a template for future corridor plans

Nick made an observation that there were 13 meetings with Steering Committee. This Plan is a reflection of the input of that Steering Committee and public input sessions. What we've heard tonight is not a reflection of the Steering Committee; it's the concerns of the current audience.

John said there hasn't been any real discussion or concerns about most of Corridor Plan, just concerns with Area B and WT-3. He asked Nick if he felt residents were adequately represented and did they have a chance to adequately express their views at the Steering Committee meetings, and Nick said that at the Steering Committee meetings that Anne attended, she was clear, consistent and tenacious to represent the residents' desires.

Rebecca made a motion to change the Corridor Plan to a neighborhood plan in accordance with MCA §76-1-103, but there was no second.

Ken S. called for the question. Richard, Ken S., Melissa, Jim, Rebecca and Ken M. voted yes and John abstained.

VOTE

Ken S. called for the question. The motion passed with Richard, Ken S., Melissa, Jim, Rebecca and Ken M. voting yes. John abstained. The matter is scheduled to go before the Council on February 2, 2015.

**PUBLIC HEARING 2
(on agenda but moved to
3 at meeting):
REVIEW OF DOWN-
TOWN MASTER PLAN**

A request by the City of Whitefish for review of the updated Downtown Master Plan. The Downtown Plan is a portion of the Whitefish City-County Growth Policy.

**STAFF REPORT
WGPA 15-01
(Compton-Ring)
PUBLIC COMMENT
and
BOART DISCUSSION**

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

Ken M. asked if since the Board and audience all seemed to be real familiar with the Downtown Master Plan, was there an objection to moving directly into public comment on the Downtown Master Plan and there were no objections.

Diane Conradi, 350 Twin Lakes Road, works in downtown Whitefish, said she was not as familiar with the Downtown Master Plan as many are, and had only attended a couple of meetings over the years. She loves a lot of the proposed Plan and feels that having a thoughtful plan for downtown is absolutely essential. Her goal in commenting tonight is simply that the Board make sure we have affordable space for people to live and work in downtown Whitefish. She's worried about implementation of the Plan and hopes the Board is ready for it.

Rhonda Fitzgerald, 412 Lupfer Avenue, said the Downtown Master Plan was written in 2005, adopted in 2006, and went into Growth Policy in 2007, and feels it is a fantastic document. She said she lives in Riverside, which is now listed as a multi-family attached neighborhood, and she said it is not, but rather a low-density neighborhood and she wanted that change made.

Mayre Flowers said Citizens for a Better Flathead supports the Plan but again, feels it is too late in the evening to be addressing such an important issue, and there are too many items on agenda. It's hard to ask for public comment when so much on agenda.

John went through the Plan with a number of concerns:

- Strenuous objection to **any** parking structure on Kalispell Avenue/
- Page 2 of Staff Report WGPA 15-01 states "[a] recommendation for three major parking structures downtown"



To: Whitefish City Planning Board

Re: Whitefish Highway 93 West Corridor Plan Planning Staff Report: Growth Policy Amendment WGPA 15-02

Date: January 15, 2015

Citizens for a Better Flathead appreciates this opportunity to comment on the Whitefish Growth Policy Amendment before you tonight. Our organization was founded in 1992 and we represent some 1500 supporters throughout the county. 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, and in this case specifically Whitefish, that play such an important role in attracting and retaining investments that grow the Flathead's economy.

We are asking that you consider the following areas for revisions to the plan before for the following reasons:

1. This proposed Growth Policy Amendment should be clearly identified as a Neighborhood Plan as adopted as such. We provided comments during the development of this corridor plan encouraging clarification, but it was not addressed in the final plan before you. In fact the word Neighborhood Plan does not occur at all in this proposed amendment despite the WFGP's recognition that they be developed as neighborhood plans. A "corridor plan" is not specified as identified as an element of a growth policy by state statute. The Growth Policy statute does recognize infrastructure plans as an element of a growth policy, but this plan is much more than an infrastructure plan as it addresses primarily future zoning and land uses and not infrastructure as its main focus. Thus this plan should be identified as a Neighborhood Plan for the HWY 93 West Corridor Area.

- A. "Corridor plans can be developed as neighborhood plans, which are provided for under Montana law." WFGP 2007 page 58.
- B. Note that your agenda tonight identifies this as plan as: "A request by the city of Whitefish to review the Highway 93 West Corridor Plan as **a new neighborhood plan** for the Whitefish City-County Growth Policy. (WGPA 15-02)"
- C. Additionally the WFGP 2007, page 144 states:

"Neighborhood Plans: As set forth in 76-1-601(4), a growth policy may contain one or more neighborhood plans. However, the law contains no specific description of a

neighborhood or of its contents. This Growth Policy and the local land development regulations shall provide for the formulation and application for consideration and approval of neighborhood plans. The neighborhood plan shall be an option for refining and/or amending the Growth Policy. It shall generally be used for areas that are already developed, and shall generally be available for neighborhood residents to formulate comprehensive plans for the preservation, enhancement, or transition of existing neighborhoods. Neighborhood plans may also be initiated by the City. All procedures, requirements, and criteria for neighborhood plans shall be set forth in the land development regulations, but generally those criteria shall include:

- That the proposed neighborhood plan is a refinement of the Growth Policy in terms of the type and distribution of development infrastructure, open spaces, and environmental considerations.
- That the proposed neighborhood plan provides extraordinary community benefits toward the stated goals of this Growth Policy such as affordable housing, preservation of community/neighborhood character, preservation and/or enhancement of natural resources, provision of open space, or essential and/or desirable community infrastructure.”

D. We would suggest that the Mission Statement on Page 3 of the proposed plan be amended to read to recognize that this is a neighborhood plan as follows (add underlined text:

“The purpose of the Whitefish Highway 93 West Corridor Plan is to propose a more specific policy for land use, development and growth within the corridor as a follow-up to the 2007 City of Whitefish Growth Policy which was prepared under the authority of and in accordance with Part 6, Chapter 1, Title 76, Montana Code Annotated and as set forth in 76-1-601(4), as a Neighborhood Plan. A Growth Policy is required by Montana state law so that local governments can manage growth and development through zoning and subdivision regulations”

- E. Additionally, we would recommend that the Whitefish planning staff (as time and budget for the consultants has over run its budget) take time to host some additional neighborhood meetings to generate and get feedback on overall goals and objects for this neighborhood plan. This will help to provide the added detail and direction that is typically found in a neighborhood plan. This plan as proposed refers to “project goals” and to some extent development or zoning goals for specific areas, but fails to capture or articulate the neighborhood goals for example for the overall for retention of residential character, objectives for addressing noise, green belt and park goals etc. These goals should be captured and included prior to further consideration of this neighborhood plan.
- F. Note that the Down Town Master Plan before you tonight is correctly identified as a Neighborhood Plan.

2. Area B is currently and should remain residential in character in zoning. The existing zoning of WR-3 provides adequate opportunity for future growth.

- A. The Zone Comparison Table prepared for your packet tonight provides an easy overview of some of the differences between these two zones. Our review of this finds that WT-3 provides more negatives than positives. We find based on comments of many neighbors in

this area to date and the lack of an established need to add additional commercial uses, given that these uses should be encouraged in the downtown master plan area, and the potential for short-term rentals in this area to degrade the desired residential character of the area that the existing zoning should be retained.

- **Hotels and motels** are not permitted currently in WR-3 but would be in WT-3. These should not be in this residential area. These uses should be directed to the downtown area.
- **Coffee shops and Sandwich Shops** for Area B, which is currently residential and so close to downtown business that provide these services already, we find that these uses are not needed in this zone. Grandfathered businesses in this general neighborhood area such as the existing convenient store with food services and the Golf Course and Grouse Mountain already meet potential needs. As proposed the WT-3 zone provides no limit to proliferation of these uses in this area and as such is not desirable.
- **Sort-term rentals** undermine desired investment in the downtown plan area that already has capacity for hotels. Open-ended short-term rentals compete with the city's desired goal of addressing affordable housing and work force housing within the city. Retaining the ~~WR-3~~ zone is one method to support affordable housing. Thoughts should be given to strengthening goals and policies for affordable housing.
- **Bed and Breakfasts** should remain conditional uses as they are under the WR-3 zoning to ensure that residential neighbors have meaningful input into decisions that can greatly impact them.
- **Open Space for active or passive, public, or private use** should remain a conditional use given a history of noise and parking issues that have been an issue with the "Peace Park."
- **The 70% lot coverage** allowed within the WT-3 zone when compared to the 40% lot coverage in the WR-3 is inappropriate for a residential area of traditional lawns, vegetation and trees are paved and built over. The cumulative impacts of allowing larger and higher buildings and with no increase in setbacks, into a historically residential we believe can quickly degrade the character of this area and its existing neighborhoods.

3. **The proposed recommended uses for the area identified as Peace Park are not adequate as proposed. As this is not a publicly owned park, but a privately owned facility. No zones that I am aware of currently address the uses in private parks and thus standard and appropriate zoning for this use is needed.** It is also not clear with the change in zoning under the interim county zoning how this area has been impacted.

**HIGHWAY 93 WEST CORRIDOR PLAN
GROWTH POLICY AMENDMENT WGPA 15-02
EXHIBIT LIST
JANUARY 15, 2015**

1. Staff Report – WGPA 15-02
2. Zoning Comparison Tables
3. Memo – Analysis of Existing Zoning Districts
4. Email from Kellie Danielson, Montana West Economic Development
5. Email from Murray Avenue Residents RE: Peace Park access
6. Highway 93 West Steering Committee meeting minutes

**WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN
PLANNING STAFF REPORT
GROWTH POLICY AMENDMENT WGPA 15-02
JANUARY 15, 2015**

A report to the Whitefish City-County Planning Board and the Whitefish City Council regarding an amendment to the Whitefish Growth Policy to adopt a Highway 93 West Corridor Plan. A public hearing is scheduled before the Whitefish City-County Planning Board on January 15, 2015 and a subsequent hearing is set before the City Council on February 2, 2015.

BACKGROUND

The Whitefish Highway 93 West Corridor Plan Final Draft has been forwarded to the Planning Board and City Council for review, comment, and adoption from the Highway 93 West Steering Committee. This plan has been prepared for the City of Whitefish by consultants WGM Group and Sitescape Associates, in conjunction with the Whitefish Planning Department and the Steering Committee.

The plan reviews and steers future development and policy for the Highway 93 West corridor from the Whitefish River Veterans Memorial Bridge out to Mountainside Drive. The Highway 93 West Steering Committee has completed their assistance with and review of the plan, and they approved and forwarded the attached final draft to the Planning Board and City Council at their ninth and final work session on November 7, 2014. Their first meeting was in July of 2013, and they also held two well attended public visioning sessions to allow the public to assist with the development of the plan. Chapter 2 of the plan discusses the public involvement aspects, as well as Appendix A, B, and C. The Whitefish Planning Board has also held two public work sessions on the plan, on June 19, 2014 and December 18, 2014.

The Steering Committee was made up of individuals representing owner occupied residential (Anne Moran/Ryan Zinke), multi-family residential (Jim Laidlaw), corridor businesses (both professional and resort – Cora Christiansen/Doug Reed), Idaho Timber (Hunter Holmes representing the new owner), a WB-3 property owner (Ian Collins), and an at-large community member (Nancy Woodruff), as well as two members each from the Whitefish Planning Board (Ken Meckel/Ken Stein) and the City Council (Andy Feury/Frank Sweeney). Doug Reed of the Whitefish Lake Restaurant was the chair. The Steering Committee minutes from their nine meetings are attached.

The plan establishes updated future land uses for the Growth Policy Future Land Use map for the corridor. Areas to focus on for review are pages 42-64, Visioning (especially for Area B and Idaho Timber), as well as pages 65-75, Implementation, and the proposed draft future zoning districts in Appendix D, pages 106-113.

The majority of the plan calls for no change to the existing land use patterns. The area of the highway corridor from Ramsey Avenue to the Whitefish River Veteran's Memorial Bridge received the most scrutiny, as that area has been under heavy transition the last several years. It was traditionally workforce housing, including for Idaho Timber and the railroad, but the closing of the mill and the proximity to the highway and multi-family zoning has allowed it to transition to a light-commercial area, with a large number of professional offices and personal services replacing residential uses. Old single family homes are being torn down and apartments and condos are replacing them, creating a mixed-use environment. Few of the remaining homes are owner-occupied.

The Steering Committee, after receiving input from the public through visioning sessions, determined that the south side of the corridor, Area A, should remain as is, multi-family residential with some light commercial, as the properties along the highway all abut residential to the rear. However, on the north side of the highway, called Area B, the majority of properties are long narrow lots that abut either existing industrial zoned property or the Whitefish River. With the proximity to the adjacent BNSF rail line and the Idaho Timber site, the Committee felt it provided an ideal protected location for some creative future planning to promote economic development as the area transitions. It was identified as a potential fit for more intensive mixed use. The Committee did not want to see full scale commercial in the area, with retail that might compete with downtown, nor any kind of 'strip' development feel. But small business opportunities such as artisan manufacturing in small buildings as conditional uses were deemed appropriate on a case by case basis, as well as sandwich or coffee shops as conditional uses to serve the local businesses and residents.

During the visioning session for the Idaho Timber property, the majority of teams envisioned a link between the redevelopment of the Idaho Timber site and those highway frontage properties in Area B between Karrow Avenue and the bridge. They discussed the potential for a rail link, business incubators, and mixed use on the Idaho Timber site itself and the portion of Area B that fronts the river. They felt that area could be an ideal compliment to downtown. Ideas such as a river front paddle board manufacturing business with accessory sales or rentals, perhaps with an adjacent micro brewery or small coffee shop with second floor residential uses, were discussed as a way to better link the Whitefish River with our downtown and the trail system. They thought the existing undeveloped First Street right-of-way could be developed as an access road and pedestrian trail link to downtown and the City Beach area through the new Skye Park bridge. They also envisioned that it could be widened with parkland dedication where it intersects the river to a public use beach park and non-motorized boat dock. There was also discussion of a 'riverfront trail loop' where a trail could be facilitated on both sides of the river between the Skye Park Bridge and Veteran's memorial bridge, perhaps with a floating walkway in front of the river front condos on Miles Avenue.

Taking that input, the consultants and staff looked at existing zones in the code to see if the tools to accommodate that vision were in place. Finding it lacking, the consultants and planning staff put together language for 'transitional' zoning districts that would accommodate the new potential uses. The plan provides two draft transitional zones: WT-3, a Neighborhood Mixed-Use Transitional District for Area B that is based on the existing WR-3, but has some additional conditional uses and development requirements added; and WI-T, Industrial Transitional District, to accommodate the transition of the Idaho Timber property to a mixed use and light manufacturing environment in keeping with the proximity to the highway, downtown, the BNSF railroad and the existing industrial zoning. The intent is to create the framework in the plan for these future land uses and putting the tools in the zoning tool box, but delegating the actual zoning map changes to land owners who wish to bring their properties into these expanded uses over time rather than doing a wholesale change. Attached are comparison matrixes of the existing zoning versus the proposed transitional zones. Appendix D does not include draft 'development requirements' (setbacks, lot coverage, building height) for the WI-T zone, but that can be developed when that zone comes to the Planning Board and Council for adoption into the zoning code.

The plan's relationship with the Growth Policy is outlined below for review.

RELATIONSHIP WITH THE GROWTH POLICY

This plan is an addendum to the 2007 Whitefish City-County Growth Policy. The Growth Policy features a section on corridor planning in the Land Use chapter.

The Goals, Policies, and Recommended Actions from the Land Use element of the Growth Policy related to Corridor Plans are listed below, along with a brief synopsis of how the plan addresses these issues.

2007 WHITEFISH CITY-COUNTY GROWTH POLICY, LAND USE ELEMENT, CORRIDOR PLANNING :

Goals:

- 7. Plan for healthy, efficient, and visually attractive corridors along major transportation routes through the community*

The corridor plan focuses mainly on land use, as the efficiency and visual attractiveness was recently addressed by the State of Montana's reconstruction of the Highway 93 West corridor. Architectural review standards will make sure new professional, commercial, or multi-family structures are visually appealing.

Finding 1: The Highway 93 West Corridor plan compliments the Highway 93 West reconstruction plan by MDOT, and together they address healthy, efficiency and the aesthetics of the corridor.

Policies:

10. *The city of Whitefish shall facilitate the formulation of corridor plans for all major transportation corridors in the community.*

Finding 2: The Highway 93 West Corridor Plan was facilitated by the City of Whitefish.

Recommended Actions

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 Highway 93 South corridor shall be the first priority, and the remaining corridors shall include US 93 North (West), Montana Highway 40, Wisconsin Avenue, US 93/Spokane Avenue*

The City Council moved the US 93 West Corridor Plan to the top of the priority list and staff retained a consultant to manage the project. The plan specifically addresses land use, while the transportation function and landscaping were addressed in the 93 West Reconstruction Plan.

Finding 4: The draft master plan fulfills the intent of the Recommended Action 9 from the 2007 Growth Policy, to facilitate the development of a Corridor Plan.

Recommended Amendments

Staff has some recommended amendments to the text of the future zoning districts and special provisions outlined in Appendix D.

Under Appendix D, Page 106, WT-3 Neighborhood Mixed-Use Transitional, Conditional Uses, staff recommends the following amendment:

- Coffee shops and sandwich shops (ground level to street level only, no "formula" businesses)

Under Appendix D, Page 113, Special provisions, Artisan Manufacturing, add the following:

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

Recommendation: Staff recommends the Planning Board review and introduce any appropriate changes needed to the Highway 93 West Corridor Plan document, and that it be forwarded it to the City Council with a recommendation for adoption as an amendment to the 2007 Whitefish City-County Growth Policy.

ZONE COMPARISON TABLE

Land Use Comparison Chart	CURRENT WR-3 Zoning District (Title 11-2H)	PROPOSED WT-3 District	Notes
AREA B			
P= Permitted Use by Right C= Conditional Use X= Prohibited Use			1. In existing code, land uses not listed as Permitted or Conditional are Prohibited
LAND USES AS LISTED IN EXISTING CODE			Refer to definitions for description of each land use listed
Uses			
A. Bed and breakfasts	C	P	
B. Home occupations	P	P	
C. Public utility buildings and facilities	P	P	
D. Publically owned or operated buildings, uses, parks	P	P	
E. Open space for active or passive, public or private	C	P	WR-3 permits public open space/parks, private homeowners parks are a CUP
F. Residential class A manufactured homes	P	C	
G. Residential Daycare	P	P	
H. Residential guest or servant quarters	P	P	
I. Residential manufactured home subdivisions	P	X	
J. Residential one family through four-plex dwellings	P	P	
K. Residential short term rentals and fractional ownership	X	P	
L. Accessory Apartments	C	C	
M. Caretaker unit	X	C	
N. Churches	C	C	
O. Clubs, private, semi-private recreational facilities	C	C	WR-3 does not permit private clubs
P. Coffee shops and sandwich shops	X	C	
Q. Daycare centers (12 or more kids)	C	C	
R. Dwelling Groups or clusters	C	C	
S. Guesthouses	C	C	
T. Hostels	C	X	
U. Livestock	C	X	
V. Nursing or retirement homes	C	X	
W. Personal services	C	C	
X. Professional artist studio or gallery	C	X	
Y. Professional offices and clinics;	C	C	
Z. Residential five-plex and larger multifamily	C	C	
AA. Schools	C	X	
BB. Type 1 and II community residential facilities	C	X	
CC. Hotels and motels	X	C	WT-3 only allows hotels along WF River north of First Street (Idaho Timber property)

ZONE COMPARISON TABLE

		TABLE A			
		DIMENSIONAL REQUIREMENTS			
CURRENT WR-3				PROPOSED WT-3	
MINIMUM LOT AREA	6000		n/a	MINIMUM LOT AREA	
MINIMUM LOT WIDTH	75'		n/a	MINIMUM LOT WIDTH	
MAXIMUM BUILDING HEIGHT	35'		35 ⁽¹⁾	MAXIMUM BUILDING HEIGHT	
MINIMUM FRONT YARD	25'		20'	MINIMUM FRONT YARD	
MINIMUM SIDE YARD	10 ⁽²⁾		10 ⁽³⁾	MINIMUM SIDE YARD	
MINIMUM REAR YARD	20'		20'	MINIMUM REAR YARD	
LOT COVERAGE	40%		70%	LOT COVERAGE	
				Notes	
				(1) 42' for mixed use or when roof pitch is 7/12 or steeper	
				(2) 10' for single family and duplex, 15' for triplex or larger	
				(3) 10' for single story, 15' for two story	

ZONE COMPARISON TABLE

Land Use Comparison Chart	CURRENT WI Zoning District (Title 11-2H)	PROPOSED WI-T District	Notes
IDAHO TIMBER			
P= Permitted Use by Right C= Conditional Use X= Prohibited Use			1. In existing code, land uses not listed as Permitted or Conditional are Prohibited
LAND USES AS LISTED IN EXISTING CODE			
Uses			Refer to definitions for description of each land use listed
A. Automobile and Boat Service	P	C	
B. Boat and RV Storage	P	C	
C. Building Supply outlets	P	P	
D. Contractors yards	P	C	
E. Heavy equipment service	P	C	
F. Janitorial service	P	C	
G. Light industrial manufacturing, processing, packing	P	P	
H. Nurseries and landscape materials	P	C	
I. Office space	P	C	WI limits to 10,000 sq ft. WI-T limits to ground level/street level
J. Manufacturing, Artisan	X	P	
K. Parcel delivery	P	P	
L. Petroleum products, retail	P	C	
M. Public utility buildings, publically owned buildings, public parks	P	P	
N. Open space parks, public or private	X	P	Private parks not listed in WI, but Outdoor Amusements are a CUP
O. Railroad yards	P	C	
P. Research labs	P	C	
Q. Tire sales	P	C	
R. Automotive and boat sales	C	X	
S. Automobile wrecking yards	C	X	
T. Bed and breakfast establishments	X	C	
U. Business Incubator	X	C	
V. Petroleum products, wholesale	C	C	
W. Heavy equipment sales, rentals and service	C	C	
X. Colleges business and trade schools	X	C	
Y. Junkyards	C	X	
Z. Outdoor amusements	C	X	
AA. Sexually oriented busiensses	C	X	
BB. Tire retreading and recapping	C	X	

ZONE COMPARISON TABLE

		TABLE B			
		DIMENSIONAL REQUIREMENTS			
CURRENT WI				PROPOSED WI-T	
MINIMUM LOT AREA	n/a	n/a ⁽¹⁾		MINIMUM LOT AREA	
MINIMUM LOT WIDTH	n/a	n/a		MINIMUM LOT WIDTH	
MAXIMUM BUILDING HEIGHT	35'	n/a		MAXIMUM BUILDING HEIGHT	
MINIMUM FRONT YARD	30'	n/a		MINIMUM FRONT YARD	
MINIMUM SIDE YARD	5	n/a		MINIMUM SIDE YARD	
MINIMUM REAR YARD	5/15/20 ⁽²⁾	n/a		MINIMUM REAR YARD	
LOT COVERAGE	70%	n/a		LOT COVERAGE	
				Notes	
				(1) Appendix did not provide WI-T development requirements	
				(2) 5' when abutting alley, 15' when abutting ROW, 20' when abutting residential or resort	

MEMO

RE: Highway 93 W Corridor Plan staff analysis of the potential for applying existing zoning districts to Idaho Timber and Area B

Comments were made at last Steering Committee meeting wondering if we could just use existing zoning for Idaho Timber and the Area B on the north side of Highway 93 rather than creating two new zoning districts. At the request of the consultants, City planning staff has evaluated the potential of those options. Below is a summary.

Idaho Timber Site

The former Idaho Timber site is one of the few remaining industrial zoned properties in Whitefish not owned by BNSF. It is especially important due to the existing rail spur, or siding, which connects to the main BNSF track from Chicago to Seattle. The siding is a critical economic development component for local manufacturing of any sort. The site is ideal as a goods station or for warehousing goods shipped via rail. Because of the amenity of the adjacent river and potential for trails from downtown and city beach as well as river access, it is also ideal for a mixed use, with potential commercial and residential elements. The visioning session and workshops with the public identified the Idaho Timber site as a possible future employment center with mixed use, including inviting the public through interaction with the river and public trails. A range of potential uses were contemplated, from maintaining the rail siding with light industry, to having waterfront restaurants, micro brewery, condos or a resort hotel.

Existing Future Land Use: Planned Industrial, appropriate zoning **WI, WB-4**

***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 center 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.*

Existing zoning: **WI**, Industrial and Warehousing

WI -Industrial allows the site to continue be used for historic industrial uses, but does not allow for transitional uses away from heavy industry including residential or other possible river front development or land uses recommended by the steering committee and the public.

Based on the existing Growth Policy Future Land Use designation of Planned Resort, the property could also be rezoned to **WB-4**, Business Park zoning, which is for light industrial, wholesale, and ancillary commercial. The following is a sample of permitted uses allowed in the **WB-4**:

- Car and boat repair
- Building supplies
- Convenience stores
- Banks

- Hospitals
- Light manufacturing and assembly
- Machinery and equipment sales
- Offices and hospitals
- Publishing
- Restaurants (no alcohol sales)
- Wholesale and warehousing

Also, convention centers and colleges could be allowed with a CUP.

Residential is not allowed in the **WB-4** except caretaker facilities. Hotels would also not be allowed.

WB-4 would expand the potential uses and some match what was put into the new transitional zoning. However, the range of uses allowed would not be entirely consistent with the visioning for the property received for the plan by the steering committee and the public workshops, including not allowing for residential development.

Another option under existing zoning could be the **WBSD**, Business Service District. It is intended for non-retail limited commercial services and light industrial uses. The Growth Policy would need to be amended to designate the property 'Business Service Center' future land use. Permitted uses in the WBSD include:

- Assembly/manufacturing with ancillary retail show rooms (less than 50% of floor area)
- Building supplies and contractors
- Agricultural supplies and feed stores
- One single family dwelling per lot
- Small equipment sales, rental and repair
- Landscape supplies and nurseries
- Professional offices
- Personal services
- Postal and shipping
- Printing
- Small engine repair
- Wholesale and warehousing

Conditional uses include retail more than 50% of floor area, convention centers, ministorage, and research labs.

Again, the **WBSD**, while it provides for some of the uses considered, does not allow for the broad range of potential uses envisioned by the visioning sessions, including high density residential. I would doubt the new owners would go to the trouble of amending the growth policy and rezoning to it because of its limitations.

Resort Commercial zoning (**WRB-1** or **WRB-2**) could be appropriate, as a resort type hotel was looked at as a potential use for part of the property during the visioning session. However, that zoning would preclude any light manufacturing or other industrial transitional uses. Also the Future Land Use map would have to be amended to Resort Commercial, which currently doesn't exist in the Growth Policy but would be introduced in the corridor plan to address Grouse Mountain Lodge.

WPUD overlay zones allow flexibility, reduction of development standards, and a blending of uses when they span several types of zoning districts. A PUD over the Idaho Timber site would allow industrial and some commercial uses, but not residential as PUDs cannot add uses from different classifications of uses, ie residential in an industrial zone. PUD's are flexible but not necessarily predictable, but they can provide the city benefit (affordable housing, parks, trails, etc). However some PUD's, such as the previous application for the micro brewery in that district, have been accused of being spot zoning in the past by critics. A PUD with the existing industrial zoning would not provide the range of uses identified through the visioning process by the public and steering committee unless some adjacent residential property was included and blending occurred.

The draft plan proposes a mix of new WI-T and WT-3 zoning for the Idaho Timber site, with the WT-3 mixed use along the river and the light industrial uses along the rail line. The proposed WI-T is customized to the area to reflect the list of allowed uses vetted through the steering committee and public workshops. Proposed business incubator and artisan manufacturing has strict limits on retail space area in order to be consistent with neighborhood scale. It can be further refined, but provides some unique benefits and predictability. In all, the proposed Transitional future land use and zoning seems more appropriate than any zoning districts currently available in the code for future development while limiting the proposed uses to ones vetted through the Steering Committee as appropriate. It should be further discussed by the committee whether a hotel is appropriate on the site.

Area B

Area B is currently sandwiched between a state highway and the BNSF railroad/Whitefish River corridor and a heavy industrial former mill site. It is easily accessible from downtown by pedestrians, bikers, and boaters. Single family homes are not the highest and best use. High density residential and light commercial (offices) are currently allowed. Because of the location on the river with deep lots that could be consolidated, as well as it being sandwiched between a highway, an industrial site, and the river, it is uniquely suited as an area for mixed use. There is also a unique opportunity to activate the Whitefish River as a wonderful waterfront amenity integrated into the downtown much like downtown Missoula did with the Clark Fork. Visioning sessions looked at keeping it generally the same, but integrating some mixed use by adding a few uses conditionally such as artisan manufacturing and delis. Those uses were voted on and approved by the steering committee as they envisioned a waterfront mixed-use environment along the river with some sales of products custom made on site and the need to potentially add services for a light industrial workforce and the public.

Currently Area B is zoned **WR-3** and the Future Land Use is High Density Residential. **WR-4** is the only other option the zoning could be changed to under the existing Future Land Use. The zones are very similar. The main differences between **WR-3** and **WR-4** is that **WR-4** doesn't require a CUP for larger than 4-plex units. There are a couple of additional conditional uses allowed in the **WR-4**, including boarding houses, catering services, and music and dance studios. **WR-4** does not provide the flexibility for artisan manufacturing which was identified through the visioning process.

The proposed Neighborhood Mixed-use Transitional zone provides greater flexibility for utilizing the waterfront area than the existing zoning, conditionally allowing light manufacturing for job stimulus. Using existing zoning such as WR-3 or WR-4 would essentially keep the area the same as it is now. Recent redevelopment has been predominantly professional offices and condos. Proposed zoning language provides strict limits on retail floor area for artisan manufacturing as well as sandwich/coffee shops to keep them consistent with neighborhood scale.

Conclusion

One option is to leave the future land use and zoning for Idaho Timber and Area B the way it is now, although then this Highway 93 West Corridor Plan wouldn't be much of a plan for future growth. The draft plan responds to the vision set forth by the public and the steering committee on how our city can expand and provide areas for manufacturing and jobs, and the new zoning districts proposed are the mechanism wherein this vision can be implemented in the one area of downtown Whitefish that is uniquely suited for such uses. The new custom zones provide more neighborhood predictability and specifically address what came out of the visioning sessions for these areas, which was some limited mixed use for job creation and more viable small businesses. That included professional offices and residential with some artisan manufacturing as a conditional use, with the Idaho Timber property allowing for more light industrial type uses and possibly a river front hotel. Any uses that have potential impacts were placed under conditional uses for public vetting before approval. Fears that the WT-3 and WI-T zones could be applied in other areas can easily be remedied by more specific language in the Intent section of each zone to make them absolutely specific to this area only. At the next Steering Committee meeting, it is our hope that the committee can further discuss and fine tune how the plan addresses these two areas.

David Taylor, AICP



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MEETING RECORD

MEETING DATE: 07/08/13
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Steering Committee Meeting #1
BY: Kate Dinsmore
ATTENDEES: Steering Committee: Cora Christensen, Frank Sweeney, Anne Shaw Moran, Jim Laidlaw, Doug Reed, Ryan Zinke, Nancy Woodruff, Ken Meckel, Ian Collins, Phil Mitchell, Chad Phillips, Dave Taugher
City of Whitefish Planning Staff: Dave Taylor, Wendy Compton-Ring
Planning Consultants: Nick Kaufman, Bruce Lutz, Kate Dinsmore
Others: Mayre Flower (Citizens for a Better Flathead), Dave & Sue Wollner

The following items were discussed during the meeting:

- 1) Introductions
 - Dave Taylor
- 2) Planning Process
 - Nick Kaufman explained the planning process for the project:
 - Inventory of Existing Conditions
 - Develop a Public Involvement Strategy
 - Visioning for the Future
 - Establish a Development Policy
 - Identify Implementation Activities
- 3) Corridor Boundary Review
 - The corridor boundary was presented and discussed. The boundary will be changed to include less of the golf course since it is unlikely the use of the golf course will change. The boundary will align with the 1st fairway because this is the area most likely to change.
- 4) Collected Data Overview

- A series of data inventory maps for the corridor have been created. These will be posted on the City of Whitefish website.
- 5) Highway Design Overview
- The MDT design plans for US Highway 93 were presented. These plans show changes to the corridor that will need to be considered during the corridor planning process. These maps will be posted on the City of Whitefish website.
 - There were concerns over a planned raised median that limits left turns and creates a barricade on 3rd St. that will negatively affect two neighborhoods.
- 6) Committee Input/Expectations
- Each member of the committee talked about their role on the committee and expectations:
 - Frank Sweeney would like the plan to have the neighbors' and property owners' vision. It's an important corridor for residents and visitors that should be consistent with the character and structure of existing neighborhoods.
 - Anne Shaw Moran represents the residential neighborhood and would like there to be predictability because that works for projects. She would also like to see harmony between neighboring zones.
 - Ryan Zinke would like to preserve the bones of the corridor and noted the poor quality of existing houses. He would like to see a connection from the golf course to the city and railroad district and better bike connections. The northern and southern portions of the corridor are different. He would like to see the Veterans Peace Park integrated and aggressive setbacks from the river. The corridor is an entrance to Whitefish that should be appropriate and reflect Whitefish. The highway will be a barrier. There should be reasonable uses and a reasonable process for potential builders so that people want to invest. There should be a seamless connection between the city and golf and the corridors need to make sense.
 - Doug Reed talked about how the corridor changed when the trees were removed and the importance of what outdated properties become. He doesn't want to see a Walgreens. There are 2,000 members at the golf course so connectivity is important.
 - Jim Laidlaw stated that the USFS homes need to come down and is open to converting houses to offices. He would like to see more residential on the river and more commercial along the highway but not Walgreens.
 - Ian Collins – Acknowledged the significant impact of the new highway improvements and looks forward to forming opinion on uses as we move along with the planning effort.
 - Ken Meckell would like to balance the benefits between the neighborhood and the overall community.
 - Dave Taugher The mill began operating in 1979 and shut down in 2010. It is owned by a holding company that does developments. There are currently no plans for the site but could do housing or possible lumber again if there is demand.
 - Phil Mitchell wants a balance between residential and light commercial business. He does not want it to be like Highway 93 South.

- Nancy Woodruff thinks there are some great opportunities and would like amenities for public use. She said the neighborhood is in transition but doesn't want to push people out. She would like to see a balance of small-scale commercial and existing residential. She likes the residential and commercial on Spokane Ave. She would like to emphasize bike and pedestrian access.
- Cora Christensen said that the majority of Whitefish wants to see Nancy's vision with equal access to all. She talked about the negative impact of diverted traffic and construction impacts saying there is no guarantee that owners will fix up their property after construction. She mentioned foreclosures on the corridor. She is concerned about the cost for property owners to connect to upgraded utilities.
 - The property owner must pay for the connection from the easement to their property which may lead to unattractive temporary utility poles in the corridor. Is there a financial way to encourage (financially) underground utilities?
- Chad Phillips would like to encourage pedestrian movement and thereby naturally minimize vehicular movement. He would like to see mixed use zoning in the corridor.

7) Future Mileposts

- There were several suggestions for the upcoming public meetings including a design charette, a booth at the farmer's market, keeping the planning office open during the farmer's market, and opportunities for written comment submission. Potential locations for the public meeting are city council and the deck at Grouse Mountain. The meeting should be held after 5 to maximize public involvement.
- The first public meeting will be to listen to comments and the second meeting will be creating a vision for the future.
- Suggestions for getting information to the public included individual mailings, website, grass roots, posters, and publishing an article in the "Pilot".
- A tour of the corridor was suggested that would take about 4 hours and will occur during the weekend.
- Doug Reed was appointed as Chair of the Steering Committee

8) Public Comment

- Sue & Dave Wollner live on Murray and are concerned about the proposed median that will not allow traffic to turn right. Most people want to turn left to go towards downtown. The proposed turn around doesn't work. There is the potential for the mill to generate substantial traffic. They are also concerned about N/S pedestrian crossings.
- Mayre Flowers with the Citizens for a Better Flathead is concerned with noise issues from the highway, lot coverage, and would like to see the character of the neighborhood retained.

END OF NOTES



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MEETING RECORD

MEETING DATE: 07/22/13, 12-1:30 PM, City Hall Conference Room
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Steering Committee Meeting #2
BY: Bruce Lutz
ATTENDEES: Steering Committee: Anne Shaw Moran, Jim Laidlaw, Doug Reed, Ryan Zinke, Ken Meckel, Ian Collins, Chad Phillips, Todd Featherly
City of Whitefish Planning Staff: Dave Taylor, Wendy Compton-Ring, John Wilson
Planning Consultants: Nick Kaufman, Bruce Lutz
Others: Gail LinneMayre Flower (Citizens for a Better Flathead), Rik Smistad

Chairman Doug Reed called the meeting to order at approximately 12:05 PM

The minutes for meeting #1 were approved with clarifications regarding vehicular and pedestrian traffic offered by Chad Phillips. The motion to approve was made by Jim Laidlaw and seconded by Ken Meckel. The motioned passed unanimously.

Committee Work:

Doug deferred to Bruce Lutz who reviewed the consultant's compilation of the input/expectations offered by the steering committee during the first meeting including but not limited to the following:

- Listen to what the people/neighborhood want
- Heed the existing character of the neighborhood
- Take the guess work out of future development proposals in the area
- The area needs improvement
- Strive for a long term plan for connectivity with walk/bike paths
- Acknowledge that the highway corridor will look and function differently after re-build
- The golf course serves 2000 members that recreate in the corridor

- Some existing housing may have reached the end of its useful life
- Importance of long term benefits of the plan to the City
- Idaho Timber may consider re-developing site if timber market will not support re-opening
 - Todd clarified that Idaho Timber is now owned by Leucadia National Corporation
- The neighborhood is in transition
- Important not to push residential out in preference for inappropriate commercial uses
- A mixture of residential and commercial can work.....mixed use encouraged
- Undergrounding utilities, timelines and cost of utilities important considerations
- Consider the impact of foreclosures on the residential component
- Consideration of mixed use zoning highlighted.
- (Ken asked Dave when the growth policy would be reviewed by the planning board)

Doug handed over the reins to Nick who began the discussion about scheduling and reviewing project progress. Bruce reviewed the data collection phase which has been completed and additional input was offered by the committee:

- Ryan offered comment that most homes along the highway are not owner occupied and that many owners are waiting for the City to give direction and set policy for the neighborhood.
- Anne suggested that we not reference any housing as "tear down" (semantics) but instead that they may not be long-term housing resources and that we should stress "harmony" between surrounding zones.
- Jim concerned about utility poles inside the property lines and that the undergrounding of utilities is not being properly promoted or communicated. "No point person"
- Ryan expanded on currently available means and contractors available to do undergrounding. Also discussed the apparent taboo of dealing with residential electrical "boxes".
- Ian discussed the positives of the highway work including the undergrounding of utility lines running parallel to the alignment as well as the advent of new boulevard trees in the new parkways.
- Doug discussed concern for the size of future projects....the fit.
- Ryan mentioned the pronounced difference between the lots north of the highway and south of the highway.....long to the north versus short to the south. This also has implications on the type of uses that can be accommodated in the future.
- Doug revisited the concern about the median in Phase Two 93 discouraging left hand turns. This is not the case for Ramsey Av but it will effect Cora's business to the west.
- John Wilson emphasized the fact that the highway plan had received extensive public comment and review.
- Anne discussed the notion of balancing land uses.

Nick began discussion of future scheduling including the first public input session and beyond. He discussed ideal scenario of having a steering committee meeting prior to the public input session and one after the session to review the findings. Nick proposed the use of the council chambers reinforced by Bruce. John Wilson mentioned the availability of the multi-purposed space at Middle School.

Nick proposed an open house format for the public involvement meeting to avoid incidents of any one participant over-powering the proceedings.

Ian discussed the advisability of calling the public input sessions something other than a "neighborhood" meeting. Ian suggested that we call the sessions "public involvement meetings" to reach a wider audience. Anne concurred.

Anne suggested also advertizing in the paper, mailings to corridor residences and website notification. Dave discussed the new postings of corridor date on the City website.

Nick expanded his discussion of future meetings into November.

Anne requested consideration of committee meetings starting at 3PM instead of noon. This proposal was accepted by the group.

There was future discussion of meeting logistics by Nick and a confirmation that a revised schedule would be sent ot to the group.

Public Comment:

Both Mayre and Gail requested enlarging the e-mail list to cover public attendees and Murray Av residences (list serve).

Mayre discussed the differentiation between owner-occupied residential and rented residential. Mayre discussed the positives of owner-occupied residential areas. Mayre also stressed that types of rentals should be differentiated. Nick voiced a cautionary note regarding the legislation or regulation of types of ownership. In other words, "we can't regulate whether residences are rented, leased or owner-occupied".

Mayre discussed the use and value of City council committee reports to spread the word.

Mayre stressed the need for strong public outreach insuring that the public is educated and understands current plans and regulations and proposed alternatives.

Gail requested that the attendees wear name tags.

Gail voiced her concern about the nuisance of an existing caragana hedge and apple tree causing sight line issues at the convergence of Murray Avenue and US93. John Wilson noted the issue.

Rik brought up the larger question of "what is Whitefish" and "what identity does it want" especially in relation to the corridor and the west entry into Whitefish.

Additional Comment and Concern by Committee:

Ian commented on and discussed his concern that another steering committee meeting is needed prior to the public involvement meeting especially to educate the group about the existing zoning districts present in the corridor and the growth policy as it relates to the corridor.

Chad suggested that images be contemplated that would illustrate the varied development/growth scenarios that could occur in the corridor. Chad suggested visual representations of where we can go in the form of a visionary board(s).

The group generally agreed to convene another steering committee meeting prior to the August 20th public involvement open house (PIOH).

Anne re-emphasized the value of a field trip for the group and also the importance of educating the group about current policy and regulations.

Ryan summarized the community assets of the area including Whitefish River and the Peace Park.

Ken reinforced the idea that the first PIOH should be a scoping meeting to hear comments, concerns and input rather than to make premature planning proposals. Ken agreed that a field trip would have significant value.

Nick summarized and emphasized that we do not want to dictate as a committee what this plan will be. Public input will be essential to the formulation of the plan.

Ken stated meeting should be scoping effort to help identify the vision.

Chad discussed the value of images as being worth a 1000 words in relation to a presentation.

Ryan discussed enforcement of regulations citing various examples.

Field trip itinerary was discussed in general and it was suggested that a map be brought along by the consultants to help clarify locational information on the tour.

It was agreed to hold another steering committee meeting on Monday the 12th of August at 3PM proceeded by a field trip at 12:30 -3PM starting at City Hall.

Chairman Reed called for the adjournment of the meeting at 1:37 PM.

END OF NOTES



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PLANNING • SURVEYING • ENGINEERING • DESIGN

MEETING RECORD

DEAFT VERSION (8-19-2013)

MEETING DATE: August 12, 2013, 3:30 – 5:30PM (Field Trip 12:30 – 3:00PM)
PROJECT NAME: WHITEFISH HWY 93 W CORRIDOR PLAN
PROJECT NO.: 13-03-03
SUBJECT: Planning for first public input session, Tuesday, August 20. # 3
BY: Bruce Lutz
ATTENDEES: Steering Committee: Anne Shaw Moran, Cora Christianson, Nancy Woodruff, Jim Laidlaw, Doug Reed, Frank Sweeney, Ken Meckel, Ian Collins, Todd Featherly, Ryan Zinke (via phone)
 City of Whitefish:
 Planning Staff: Wendy Compton-Ring,
 Public Works: John Wilson
 Planning Consultants: Nick Kaufman, Bruce Lutz
 Others: Mayre Flower (Citizens for a Better Flathead), Dave Weber, Janey Conel.

Meeting Telephone Conference Call

This is a transcription/consolidation of the notes from the third steering committee that was held in Whitefish City Council conference room for the WHITEFISH HWY 93 W CORRIDOR PLAN.

MINUTES FOR SECOND STEERING COMMITTEE MEETING, A COUPLE CHANGES

- First sentence; change Ramsey to Murray and on the 6th sentence down, same change (Murray replace Ramsey)
 - o Moved amended and approved.

(00:01:19 Time)

Overview of Corridor Field Trip (Bruce)

- Reordered the trip; started at tennis courts and talked about the parking lot.
- First stop was Idaho Timber; lengthy discussion all things planning
- Third Street; Dan gave a synopsis of the neighborhood there

- End of Murray Avenue; discussion about the characteristics of that neighborhood and some discussion of future planning of park at end of Murray and how both pedestrian and vehicular movement would be carried out there. Question in regards to parking came up.
- Ramsey; parking along the curb, has a nice vantage point of the whole park. Looked that over and discussed some of the attributes of that park and future planning. Acknowledged by all it would be nice to insert some kind of a site plan of the Peace Park in the corridor plan base map
- Doug: Golf course; discussion fifty year lease had just been renewed.

(00:04:13) Nick, Summary of progress.....

Last meeting we reviewed our inventory of existing conditions; corridor boundaries, existing land use, circulation system of bike and pedestrian, land ownership, development of potential population, building space, topography and drainage.

Flathead County provided us with a mailing list. A mailing was sent out to notify corridor owners about the meeting coming up next Tuesday (August 20).

Four public involvement meetings are scheduled:

- 1st meeting – project introduction
- 2nd meeting – adopted general scheme
- 3rd meeting (today's meeting) – field trip
- 4th meeting – kickoff meeting (next Tuesday) 4:30 – 6:30+

FOR TUESDAY'S MEETING

- Bruce will lay out a schematic of how our stations and graphics will be set up on the walls so we have a map of how everything will be laid out.
- Appointed special interests; golf course, planning board, commercial, etc.
- Initial plan that 4:30 – 5:30 people can wander around and look at the graphics and start formulating questions.
- 5:30 good idea for the presentation to start, as many people work until 5:00 and they would have enough time to make it for the presentation.
- Expect to stay past 6:30 for anyone with questions/concerns.

(phone ringing ~00:09:37 – 00:09:52) attempts to call Ryan

Discussion about possible displays.

(00:10:58)

GOAL DISCUSSION

Overall goal is to look at the growth policy in the corridor and work with the past, plan for the future, Imagine the future

Nick and Bruce review handout booklet illustrating Corridor zoning scenarios.

- Zoning districts are color-coded (legend at lower right).
- Corridor boundary may not follow existing neighborhoods.
- What we're concerned about is develop the Highway 93 corridor, and how that area integrates with the community.

(00:15:51) Missoula neighborhood growth example discussed by Nick:

Teaching graphic (a neighborhood on the west side of Missoula, just east of Reserve St.)

- Development pattern between the church and 5-acre tract; those are two-story- you have to be able to differentiate between the first tier and current/denser development patterns.
- There is definite land use pattern/evolution.
 - A pattern of 16 dwelling units per acre
 - 2-story, 4 units per building
- (North) Mobile homes
 - 20 year-old mobile homes
 - Development designed for the elderly (55+)
 - Close to 7 dwelling units per acre
 - You can't tell by looking at the land use pattern whether that is lease or owner occupied
 - It is lease, long-term lease
 - Primary function was to create quality indoor living area, not as much focus on outdoor area
 - Not very many yards there
- North of mobile homes, commercial end of Reserve Street
- Right of Ridge Court Ln are single family detached cottages
 - All very small lots
 - Primarily occupied by single mothers
 - They all have single detached garages, and they all load from the rear, and they all face each other
 - Walkway down front porches, hanging baskets with flowers
- Looking at different densities and see certain patterns
 - Higher density reduces land cost
 - Reduces infrastructure costs
- Mount Avenue
 - Curvy street
 - 60x90 Lots
 - Single family, no alleys
 - There's a church, some multifamily homes, some mini warehouses, some commercial
 - Problem – how does one visit another from different neighborhoods?
 - No connectivity there.

Q: Is the Clark and Margaret Street area west of Montana Ave. older?

A: Yes, older. Very much what you see in Whitefish in our corridor

(00:23:45)

Phone dialing... Ryan waiting on the phone

(00:25:15)

WSR Zoning District Discussed

- Minimum of 1 acre (43,560 square feet, min lot width of 130 feet)
- Intended for single family homes.

- Designed to maintain, protect, and preserve the character development characterized by use for residential purpose with no more than one dwelling unit on one lot
- That is a general pattern of the WSR

Brief review of:

WLR District

One family limited residential

Minimum size of 2 acres

WRR1

Density of 10 dwelling units per acre

WRB1

Allows one family dwelling on a sub-lot

WI

Industrial warehousing

WR-3

Predominate district east end of corridor. Prime for density transition.

(00:29:10)

At this stage, we are not doing zoning. We are looking at amending the growth policy.

“Learning from the past, helps us plan for the future”

(00:30:13) Bruce

- Amending the growth policy
 - “...growth policy is required by Montana law for any local government to manage growth and development through zoning subdivision regulation...”
 - Growth policy is the keystone particle that guides how things are done and what things come after
 - Growth policy was adopted by City of Whitefish in 2007
 - Calls for a corridor plan
 - Need to establish an amendment to the growth policy
 - PUD
 - Allows a certain amount of flexibility in development
 - Allows density focuses in every category
 - You get a very detailed plan, not just prelim plat showing lots. It's a detail plan showing structures, material roads, amenities, landscaping, etc.

(00:32:45)

Public Involvement Process....tips for August 20 Meeting - Nick

- Our job is not to answer every question. If you disagree, do not start an argument. Our job is to listen to the question/comments, understand, and to record.
- This needs to be a welcoming opportunity to learn what the important issues are so we can address them in our subsequent steering committee meetings.
- Consider using comment handout sheets, email, web address could be a helpful tool to put to use.

Q: Could we get a map for the corridor area?

A: It's posted on the web page

Peace Park - Ryan

- Recommend next meeting 5-minute overview by Ryan
- It's on county property. Working on how to move forward with that because of the donut issue.
- The scope and what it is won't change.
- Is this something that could have its own station at the first scoping meeting that gives a general idea of what it is and Ryan Zinke man the station? Yes.
- Significant piece of property for the future in the west side. The park is relevant in the corridor due to its size and geographic position (linkage etc.)

Tentative Stations for next Tuesday's Meeting:

- Wendy and Dave – *Growth policy/Zoning*
- Public Works for City of Whitefish – *Highway design*
- Parks & Recreation – *Trials/Parks & Rec*
- Nick – *Process*
- Ryan Zinke – *Peace Park*
- Everyone else – *Special Interest you represent on the Steering Committee*

Access from Karrow - Ryan

Q: Is that going to be an existing road in to the Peace Park?

A: That's the intent; we're in negotiation with Idaho Timber at the moment.

Boundary line adjustment; some of the fence line is currently in Idaho Timber's parking lot.

We will restore the pond and create an ice rink.

Redoing the entrance; as you go down Birch Hill, you can start to see the beginning of the shaping is being done. There will be an entrance there for winter use only.

If we have larger venue you want two entrances.

(00:41:31)

Tax income and financing districts in Whitefish - Bruce

- Extends into the corridor and involves a lot of the existing housing.

How Tax Income Financing Works, Nick and Ian

- As soon as someone upgrades or builds a new home, the property tax in that area goes up.
- When you create a tax income district, you freeze the property tax at the level it was the date you created the district.
- Any new building, any new increment, of property tax that comes from the new building stays in the district.
 - That money is used for demolition and construction of infrastructure so that seed money to get new development into the district, which creates life and vibrancy, which results in more life and vibrancy which in overall results in more tax base to justify that offset in a said number of years.
 - If you have a project that comes along and does bonding, approximate for these bonds to have a life of probably 15 to 20 years. If the lives of those bonds overlap the life of the district, the district's automatically extended.



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MEETING RECORD

MEETING DATE: 08/26/13, 3-4:30 PM, City Hall Conference Room
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Steering Committee Meeting #4
BY: Bruce Lutz
ATTENDEES: Steering Committee: Anne Shaw Moran, Cora Christianson Arnold, Jim Laidlaw, Phil Mitchell, Ken Meckel, Ian Collins, Nancy Woodruff, Todd Featherly
City of Whitefish Planning Staff: Dave Taylor
Planning Consultants: Nick Kaufman, Bruce Lutz
Others: Mayre Flower (Citizens for a Better Flathead)

The fourth steering committee meeting was brought to order at 3 PM on Monday afternoon Ian Collins substituted for Doug Reed as acting chairman.

A motion and second was offered to approve the meeting summary for the third steering committee meeting (Bruce mentioned Anne's concern that the WR2 tutorial had not been verbalized at the last meeting. More discussion if time allowed.....).

Committee Work:

- Bruce briefly summarized the public input meeting and the fact that about 50 people showed up to attend the meeting and participate in the input.
- Popular topics were the preservation of residential neighborhood character along 3rd Avenue, traffic at the Karrow/93 intersection, the Peace Park, current highway construction and the future of the Idaho Timber site.

Nick handed the meeting over to David Taylor who provided the group with a summary of the existing growth policy that was adopted in 2007 and has been reviewed every two-

- David cited and made emphasis of the sections regarding corridor planning on pages 56 through 58. The section is included below for you information:

“ISSUE: Whitefish has several highway corridors that are characterized by a variety of land uses, transportation functions, and design and development issues.

Land use planning along major transportation corridors is always a complex matter, with many varied and often conflicting issues to resolve. As pointed out at the beginning of the Transportation Element, there exists a reciprocal relationship between transportation and land use. Vehicle trips attract commercial land uses, which generate more vehicle trips, which attract more commercial development. Besides that, planning in transportation corridors usually involves multiple agencies and jurisdictions. A city may be in control of zoning and site plan reviews, but the county or state may have responsibility for maintenance and access permitting. Also, highways and arterial streets tend to be major routes for large water mains, sewer interceptors, and other utilities, and well as pedestrian and bike routes. The two major community gateways are Montana Hwy 40 (from the east) and US Hwy 93 (from the south), and they are both very different in terms of appearance, character, and land use. Hwy 40 has a collection of business service type uses near the intersection of Dillon Road/Conn Road, but then is mostly agricultural land and large-lot residential to the intersection with Hwy 93. Average daily traffic (ADT) for the year 2005 was around 8,700, and the speed limit was recently lowered to 60 mph. Corridor planning emphasis here should be on keeping a rural character, while controlling screening, signage, and access standards for those few businesses that exist. By contrast, 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:

[The North Valley Hospital Neighborhood Plan] *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.

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. When US Hwy 93 North leaves downtown Whitefish and crosses the Whitefish River, it is actually proceeding west. This segment of the corridor, locally referred to as West 2nd Street, is characterized by single-family and multi-family residences, offices, and limited commercial land uses. The existing WR-3 zoning would tend to allow residential densities to increase over time. Most uses take direct access to 2nd Street, and there are multiple driveways along this route. Even though it is frequently used by pedestrians, there are no sidewalks anywhere in the 93 North corridor. ADT for 2005 is around 8,200 just east of Karrow Ave., 7,200 approaching State Park Road. Beyond State Park Road, ADT drops off to less than 5,000, and the corridor becomes decidedly more rural. Any plan for this corridor must mesh with plans to reconstruct Hwy 93 North, which should include new bike and pedestrian facilities. It too must deal successfully with scale issues, as well as the current and projected mix of residential, office, and commercial uses. Another critical issue for this

corridor is the visual quality of the streetscape as an entryway both to the downtown area and the Whitefish community in general. Whitefish has never undertaken a "corridor plan"; a plan that takes into account the different transportation modes, land uses, and community functions. Corridor plans can be developed as neighborhood plans, which are provided for under Montana law. While corridor plans can be initiated by the City, they can also be conducted by the property owners, residents, and business persons in the corridor. Regardless of who conducts the corridor plans, they should have an extensive stakeholder involvement program, and should take a comprehensive approach to the critical issues such as transportation modes, land use, screening, noise, access, and aesthetics.

The Wisconsin Ave. corridor is characterized by multiple land uses and driveway approaches, seasonally heavy traffic, and (at the present time) no pedestrian or bikeway facilities. City 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. When US Hwy 93 North leaves downtown Whitefish and crosses the Whitefish River, it is actually proceeding west. This segment of the corridor, locally referred to as West 2nd Street, is characterized by single-family and multi-family residences, offices, and limited commercial land uses. The existing WR-3 zoning would tend to allow residential densities to increase over time. Most uses take direct access to 2nd Street, and there are multiple driveways along this route. Even though it is frequently used by pedestrians, there are no sidewalks anywhere in the 93 North corridor. ADT for 2005 is around 8,200 just east of Karrow Ave., 7,200 approaching State Park Road. Beyond State Park Road, ADT drops off to less than 5,000, and the corridor becomes decidedly more rural. Any plan for this corridor must mesh with plans to reconstruct Hwy 93 North, which should include new bike and pedestrian facilities. It too must deal successfully with scale issues, as well as the current and projected mix of residential, office, and commercial uses. Another critical issue for this corridor is the visual quality of the streetscape as an entryway both to the downtown area and the Whitefish community in general. Whitefish has never undertaken a "corridor plan"; a plan that takes into account the different transportation modes, land uses, and community functions. Corridor plans can be developed as neighborhood plans, which are provided for under Montana law. While corridor plans can be initiated by the City, they can also be conducted by the property owners, residents, and business persons in the corridor. Regardless of who conducts the corridor plans, they should have an extensive stakeholder involvement program, and should take a comprehensive approach to the critical issues such as transportation modes, land use, screening, noise, access, and aesthetics."

- David also summarized the format used in the growth policy including the documentation of

issues, goals and action.

- Both David and Bruce reiterated that establishment of a growth policy by a city is a prerequisite for implementation tools such as zoning.
- David mentioned that the growth policy is typically redone on a 10 year increment.
- Corridor plans are specifically cited as work to be done by the community.
- The 93 W. corridor is the first of its kind conducted in Whitefish.
- Dave discussed the relevancy of the current growth policy and the fact that our task is to develop a growth policy amendment in the form of a corridor or plan that will supersede that portion of the current growth policy that references the corridor planning area.
- The committee with Nick, discussed the land use designations on the current growth policy and examined areas where the land use has changed since 2007. The former BN property west of Idaho Timber is now proposed for the Veteran's Peace Park and Idaho Timber is no longer an operating saw mill.
- Comments followed by Ian and others that we should familiarize ourselves with the current growth policy as we move forward to formulate an amendment with the corridor planning.
- The committee, with Nick, discussed the planning process and the importance and timing when looking at the current growth policy relative to imagining what the corridor would look like in the future.

The next new business conducted by the group was a review of the corridor organization bubble diagrams and comments provided by WGM group summarizing the input from the Steering committee, and public comment from the meeting held on August 20, 2013. The group discussed the bubble diagram designations from west to east. Nick continuously reminded the group to focus on the view of the corridor from a broad perspective and not to get stuck on small scale details.

- Nick gathered the group around one of the bubble diagrams and beginning on the West end of the corridor. The group poured over the maps and compilation of comments making notations with magic markers.
- Comment was made regarding the locations of the church and auto repair shop on the west side of the corridor along with the more rural residential character in that particular part of the corridor.
- Should there be a category churches/schools at the west end of the corridor?
- Phil Mitchell mentioned his concern about the character of the intersection at State Park Road and how the intersection would be unsuitable for residential uses in the future.
- The group agreed that the Fox Hollow area would most likely continue to accommodate both residential overnight and office uses. However, there was discussion regarding the Border Patrol use of a portion of the Fox Hollow area- what if they abandon the lease and move? In the broader perspective, what should the land use designation be? Resort Residential?
- The committee discussed the recreational uses occurring in the area of the golf course and public park.
- They talked about Grouse Mountain Lodge as a commercial resort designation (hotel and restaurant).
- It was noted that both the golf course and Grouse Mtn lodge has a restaurant facility that attracts a larger audience than golfers.
- Both Anne and Ken remarked about the impact of crowds attending soccer matches and the

resultant traffic impact on street passing between Grouse Mountain and the park. The route to the south through Grouse Mtn.s residential neighborhood is often used to return east and connect with Seventh Avenue. This item was noted on the sketch drawing.

- The committee discussed the difference between recreational/park uses and the fact that the soccer fields and tennis courts were publicly owned in contrast to a park like the Peace Park which may be privately owned and managed. (check with Ryan on accuracy)
- The cemetery holds an important position along the corridor but is a more static green space.
- Moving eastward it was noted that Fox Farm would most likely remain as is and as a strictly low density residential neighborhood.
- Discussion was conducted regarding Idaho Timber and Phil was introduced to Todd who has been attending the meetings and representing Idaho Timber.
- Mention was made by Phil that the city is currently involved in the design and eventual bidding of the Skyview Bridge which will connect the corridor side of the river with the north side of the river with pedestrian and bike traffic.
- Todd confirmed that Idaho timber had provided an easement for the pedestrian and bike trail.
- Further discussion was conducted about the neighborhoods on the east side of the corridor and their relationship to traffic and pressure for transition of land use.
- The group concurred that the north side of the east corridor should probably be differentiated from the back side of the long lots in that vicinity (realizing that the highway frontage will probably transition to mixed or commercial/residential use whereas the backside of lots will remain in either medium or high density residential)

It was agreed by all that another steering committee meeting was called for where upon we would study the use categories and planning parameters along the corridor before conducting another public input session.

The group agreed to have another steering committee meeting on Thursday, September 5 at 3 PM

The consultant team will circulate a revised copy of the working/planning drawing prior to the September 5 meeting for committee member review.

Chairman Ian called for the adjournment of the meeting at 4:30 PM.

END OF NOTES



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MEETING RECORD

MEETING DATE: 09/05/13, 3-4:30 PM, City Hall Conference Room
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Steering Committee Meeting #5
BY: Bruce Lutz
ATTENDEES: Steering Committee: Anne Shaw Moran, Cora Christianson, Jim Laidlaw, Doug Reed, Ken Meckel, Ian Collins, Nancy Woodruff, Todd Featherly, Ryan Zinke (via phone).
City of Whitefish Planning Staff: Dave Taylor, Wendy Compton-Ring
Planning Consultants: Nick Kaufman, Bruce Lutz

Others: Mayre Flower (Citizens for a Better Flathead), Dave Weber, Mike Jensen, Martin Schwartz, Rob Pero, Dave Wollner

Doug opened the meeting at approximately 3:07PM, September 5, 2013

OLD BUSINESS

Bruce acknowledged sending out meeting #4 summary notes which included discussion by David of the 2007 Growth Policy and the initial bubble diagram land use category exercise which was information distilled from public input session #1.

Doug entertained motion to approve meeting summary, motioned and seconded. It was acknowledged to Anne that Bruce e-mailed Dave the past meeting minutes which have since been posted on the City's website.

Bruce reviewed in more detail meeting #4 including:

- Reviewed legislative mandate requiring the growth policy before municipality can exercise ordinances such as zoning.
- Reviewed the corridor plan component and how it will be adopted as an amendment to the growth policy.
- Acknowledged continued use of a more refined version of the bubble diagram. (Ryan expressed that he had particular concerns.)

NEW BUSINESS – REVIEW REFINED LAND USE REGION BUBBLE DIAGRAM

Nick took over the discussion and exercise involving refined land use category bubble diagram.

- Nick reviewed the process of land use planning and the initial pre-occupation with highway construction.
- Now time to figure out land use categories and how areas are similar and(or) dissimilar.
- Importance of info being shared at the steering committee meeting level and not privately.
- Reviewed the "starting document" from last meeting (initial bubble diagram) (Explanations also delivered to Ryan (via conference call) and committee attendees)
- Nick started with a review of west end of corridor included anomalies such as automotive repair and church sites.
- Nick then reviewed Fox Hollow area with Border Patrol and overnight resort residential uses as unique qualities.
- The discussion moved into open space zones including soccer/tennis public areas, golf course and finally the Peace Park.
- Maybe keep Grouse Mtn Lodge as a resort designation.
- Acknowledged the street that goes through Grouse Mtn and out to Karrow and 7th.

Peace Park Area:

Posted the Peace Park Plan....Ryan conducted overview.

- Mission: Children's Sledding Park and Community Open Space recognizing contribution of the railroad workers and military veterans from Whitefish.
- 501C3 Non-Profit: Main Board, member of railroad and veterans plus and an advisory board (Ramsey, Birch Point, Murray, Chamber of Commerce, parks&Rec) that will look at proposed venues applied for and "carve a path" etc..
- Area just short of 20 acres.
- Improving entrance by RR tracks and negotiating with Idaho Timber to have main access on Karrow Avenue which is currently used by LHC for construction access and equipment.
- Murray neighborhood wants to maintain an entrance to Peace Park.
- Path goes from cemetery over to First Street and intended to be multiple use (including golf carts).
- Buffer area where Frisbee golf etc. will happen.
- The field....vision as parking area (RVs included) to support venues that will be in the bowl. Far north boundary.
- The bowl/amphitheater has been modified with 27,000 tons from Rt93 project lessening the final slope. Glacier Symphony as example. Summer begin and end festival (as examples).
- Property in County jurisdiction allows for consumption of liquor.
- Tied into parks and trails master planning efforts.

- Wood chipper on-site used to create trails etc.
- Ryan clarified that the park is in County jurisdiction but privately owned ground (deeded to the Great Northern Veteran's Peace Park Foundation).
- Jim L. asked about BLA with Idaho timber..Ryan...land swap of pond for fenced area to the north.

Nick continues with discussion about whether we should differentiate green space as multiple or one designation.

- Anne brings up concern about city owned vs. privately owned open space.
- Ryan notes that there is no reversion clause....RR gave land for purpose stated (open space/park).
- Committee votes on preference....Bruce notes that we are not stuck with the categories shown in the current GP.....(we can differentiate more and be broader).
- Nick talks about imagining more distinctions (ie, GC, cemetery, etc.)....one, two pieces or more....."we can be as broad or specific as needed"
- Nancy...we may need different guidelines for public vs. private ownership open spaces.
- Ryan is comfortable with lumping them all together.....
- Ryan said that Non-profit has advantage of tax deductible status for donations.
- Ken Mechel....sees similarities between Grouse Mtn and Peace Park functions.
- Nick....reminds us that the GP is a guide.
- Cora...keep separate because the Peace Park is currently an industrial site and is not currently open space.
- Ryan discusses CUP for Peace Park and waiting for the Donut issue to be resolved.
- So....Nick resolves to keep general open space and Peace Park as separate categories for now.

Idaho Timber Area:

- One region unto itself.....

Mid-region:

- Brief discussion of mid-region (practice range to Karrow on south side of 93)....stable and primarily residential.
- Anne...process question.....when will criteria be added? Nick....determine similarity of regions and then attach criteria....
- Another region unto itself....'

Nick segways into north and south side of east corridor region.....

1st Street to 3rd Street:

Currently delineated "Transition" area north of 93 and then crosses highway near bridge south to River

- Ryan....big difference between 2nd St and 3rd St. Discusses 70 decibel noise along highway and the beneficial effects of strategic vegetation to modify sound.
- Ryan "respects" difference between 3rd and 2nd.
- Ryan cites 11,000 vehicles and 40 trains/day effecting the frontages (particularly north side)
- Ryan does not want to use the north side of his north lots because of sound impacts and reverence for River.
- Area more like resort designation going up Wisconsin Av.
- Cora agrees that north and south sides of north lots should not be differentiated.
- Cora reminds us that ID Timber will remain industrial until GP re-directs guidelines (land use framework)
- Dave reminds us that zone will remain the same even after designation in GP changes unless a zone change follows later.
- Nick discusses merit of different use intensities on north and south extents of north lots.
- Nick cites Ian's comments about development proposal that did differentiate intensity from north to south.
- Nick discusses Cora's concern with "intensity creep".....
- Nick discusses 1st Street as path connection between 2nd St/highway region and Idaho Timber....is this one cohesive region
- Anne concerned that there are existing residences that do not want their uses jeopardized by corridor plan....
- Nick...example.....huge considerations for individual residence owners and then..... "two days after the GP amendment is passed they sell their property"
- Nick...Criteria will help define and qualify areas.
- Anne does not want the corridor plan to be jeopardized by going too far with this region and not getting adequate "buy-in".
- Todd...."stuck on 1st Street", is it only a trail? Nick is it a road or trail?.....Ryan, what is ID Timber going to do (most likely use is access to the River....a one lane road at most)
- Nick....important point is that 1st Street is the divider/transition zone between Idaho Timber and area to south....
- Nancy, most could transition into mixed use.....are we OK with commercial all the way back on north lots.
- Jim L. cites 150 foot setback from the river that dramatically changes
- functionality/usage of back of lots (Dave clarifies setback at 75')
- Ian....this is the "Gateway Region"...doesn't like the term "transition". Gateway area has the most sensitivity to impact to the image of the Community.
- Ian...equally important are the north and south side of the gateway.
- Anne....worried that combining north and south side of highway may further diminish the intensity potential of the north side....
- Bruce reviews initial determination of the north highway area extended south of the highway (including Weber residence)....highway construction influenced.
- Todd talks about the influence of the ultimate use of 1st Street on where the boundary is determined for regions north of the highway.

- Ryan and Jim L. discuss former proposal in the north side of region.

Nick attempts to define north highway zone on bubble diagram....

- Discussion by Ryan about differentiation between north and south side of highway...
- Overlay gateway suggested by Nick
- Anne...depends on what underlying uses are suggested....
- Bruce suggests gateway sub 1 and gateway sub 2.....
- Ian suggests different criteria based on location.....
- Nick draws line north of 3rd St lots and south of 2nd St (South) lots.....
- Anne debates.....
- Nick discusses noise and hours of operation
- Jim L reminds group of location of C-store and vet etc. on south side of highway.
- Doug suggests extension of 3rd/2nd line through to River across Good Av.
- Ryan reminds that south 2nd lots butt up to quieter 3rd Av neighborhood.
- Dave Weber enjoined in conversation and discusses his take on region definition...."back of house quiet, front is noisy' Gateway should probably be on both sides of highway.
- DW not sure how to delineate between north and south (Anne mentions that line between back of 3rd St lots also follows a zoning boundary).
- Ryan....there are duplexes and four-plexes on 3rd St too.
- Nick...."the function of gateway is on both sides of street and that south side needs more sensitivity than north side"....is this correct...?
- Ian...doesn't feel that it is a foregone conclusion that there is more sensitivity on the south side than north side due to past and current use and development planning.
- Nick...what we need is to know whether we have one area with differing criteria or whether we have two areas(regions).....may not be so much difference between the two sides.
- Anne can see Ian's logic about the sameness of the two sides.
- Ken.....has a tendency to see the gateway and land use extending all the way to Baker...especially after the new bridge is complete.
- Nick...we all agree that the north line above third is solid....group agrees.
- Ian suggests considering dashed lines as an alternative to solid lines....
- Bruce....is there any reason not to have smaller areas....nothing wrong with more detailed and smaller use regions/categories.

Steering Committee Homework Wrap-Up:

- Nick suggests circulating maps to group in order for each to delineate region boundaries ("mark your boundary").

- Nick also suggests sending out criteria summary as discussed along with a prioritization of criteria survey.
- Bruce, one more effort with the steering committee and on to public input session 2.
- Nick stresses that the group contemporize our current regions (homework). Updating future land use map
- Nick suggests looking at the current zoning and note the incongruences.
- Nick....the overlaying of the various levels of info will point out the direction that we should make with policy recommendations....
- Nick suggests using different formats for surveying the group. **ULTIMATELY, WGM WILL CIRCULATE A SURVEY MONKEY TO GATHER INFO. SURVEY MONKEY WILL AUTOMATICALLY COMPILE RESULTS.**

Doug opens the meeting to public input.....

- Wendy summarizes concerns expressed by Mike Jenson (who had to leave). What will 1st become....road, alley, what? Agrees w/ Jim on constraint that the river poses on adjacent lots.
- Wendy suggests that they may be an east and west boundary within the gateway area.
- Bruce, don't be shy about suggesting new and different use areas.
- Rob Pero....discusses length of lots and uses that can be accommodated due to lot depth.
- Ken...good point (Rob). Cites CUP with lot depth influence.
- Dave Weber asks about timing of corridor planning project....
- Nick discusses info turnaround.
- Next meeting is visioning and then eventually to planning board
- The product will be a "growth policy for the WF West Corridor"
- Will have the force/influence on (for example) re-zoning of property....a significant guide for the community"
- Mayre....is the final product a neighborhood plan?....she likes that possibility and understood that was the community's goal.
Dave clarifies that it will be a "corridor plan".
- Rob Pero....brings up resort spin on planning....a new type of zoning/emphasis.
- Dave mentions that zoning has resort classification but GP does not have a resort business category

Discussion of next meeting.....decided to have next meeting on Monday, September 23 at 3PM.

Doug adjourns meeting at 4:41PM



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MEETING RECORD

MEETING DATE: 09/23/2013 3:00-4:30, City Hall Conference Room

PROJECT NAME: Whitefish Highway 93 West Corridor Plan

PROJECT NO.: 13-03-03

SUBJECT: Steering Committee Meeting #6

BY: NPK- Approved BL

ATTENDEES: Steering Committee: Anne Shaw Moran, Cora Christianson, Jim Laidlaw, Doug Reed, Ian Collins, Nancy Woodruff, Todd Featherly, Ryan Zinke (via phone), Frank Sweeney

City of Whitefish: Dave Taylor, Wendy Compton-Ring

Planning Consultants: Nick Kaufman, Bruce Lutz
Others: Lee Marin, Bruce E. Getter, Ed McCauley

Graphics: Photo with area bubbles – Steering Committee survey results; area characteristics and land use matrix

OLD BUSINESS

Incoming letters, Bruce Lutz read the letters:

- Letter from a resident on 105 Murray Avenue – Rick Smistad & Valerie Kinnear.
 - RE: Murray Avenue access to Veteran Peace Park: they do not want Murray Avenue used as an access to the Peace Park.
- Letter from Ryan Zinke to Kate Dinsmore (WGM Group, Inc.)
- Letter from Ryan Zinke to Bruce Lutz
- Nick commented on Murray Avenue Access to the Peace Park- The Steering Committee is not in the business of designing the Peace Park, or anything like that.
 - We'll take this under advisement. This needs to be passed on to Ryan, and this is a discussion between Ryan and the neighborhood.
 - Ryan Zinke: commented that Murray was a legal access for BN and that he had spoken to Gail from Murray Avenue.

- Nancy requested to receive copies of attachments referenced in meeting(s).

NEW BUSINESS

Survey- Bruce introduced the Steering Committee to the Survey Results

- Results from the surveys filled out via SurveyMonkey (east moving west)
- Looking at the charts, percentages tabulated about how the group was prioritizing the questions and answers
- Rectangle = 50% and above
- Ellipse = 40% - 50%
- Arrow = 30% - 40%
- It is important to know the survey results are not etched in stone; we can entertain comments going forward. We need to condense down to a defining set for each of the areas; A, B, C, D, Idaho Timber, Peace Park, Parks & Recreation, Resort Commercial, Fox Hollow, and Residential Westside.
 - Those areas are what the survey was directed towards.
 - From input that comes back, we'll create a list of acceptable land uses and character and qualitative information that we've attached to each of these areas.

Bruce went through the survey results for each of the area:

- Area A (strip along the highway; south of 93 that extends from the beginning of corridor area at the bridge all the way to Park Hill Drive):
 - If you see an 'X', it's a land use that is NOT supported by the group.
 - If you see a 'check', it is supported by the group.
 - If you see an 'asterisk', important factor in character and concern.
 - If you see a 'check-mark' with an 'X', mostly YES
 - If you see an 'X' with a 'check-mark', mostly NO

Important Considerations: density

1. Noise
2. Hours of operation
3. Traffic
4. Consistent shape and form

Land Use categories:

Community commercial: "No"
Neighborhood commercial: "Yes"
Mixed density use area: "No"
Low- density mixed use area: "Yes"
Single-family residential high-density: "No"
Single-family residential medium-density: "Yes"
Single-family residential low-density: "Yes"
Medium density, multi-family residential: "Yes"
Resort-residential, medium-density: "mostly Yes"
Resort-residential, high-density: "No"
View protection areas: "mostly No"

- Area B (north of 93 between Idaho Timber and the river)

Character & Concern:

1. Traffic
2. Consistent shape and form
3. For rent residential character
4. Professional office character

Land Use categories:

Community commercial: "mostly No"
Neighborhood commercial: "Yes"
High-density, mixed use area: "mostly No"
Low-density mixed use area: "Yes"
Single-family residential high-density: "Yes"
Medium density, multi-family residential: "Yes"
High-density, multi-family residential: "mostly Yes"
Resort-residential, medium-density: "Yes"
Resort-residential, high-density: "mostly No"
River vegetation protection areas: "Yes"
View protection area: "mostly Yes"

- Area C (area that includes West 3rd Street and the area from Park Hill over to Carroll south of the first line of lots, south of the highway)

Character & Concern:

1. Traffic diversion due to medians
2. Kids walking and biking (two **)
3. Rural character
4. Narrow street

Land Use categories:

Single-family residential high-density: "No"
Single-family residential medium-density: "Yes"
Single-family residential low-density: "Yes"
Medium density, multi-family residential: "mostly Yes"
Community commercial: "No"
Neighborhood commercial: "No"
View protection area: "Yes"

- Area D (either side of Murray Avenue, small area. Shown as a dead-end, due to input from the neighborhood there.)

Ryan Zinke – I would not show it as a dead-end. I talked with Gail and that path has to remain.

Character & Concern:

1. Noise
2. Traffic diversions due to medians
3. Professional office character
4. Rent residential character

Land Use categories:

Single-family residential high-density: "mostly Yes"
Single-family residential medium-density: "Yes"
Single-family residential low-density: "Yes"
Medium density, multi-family residential: "Yes"
Community commercial: "mostly No"
Neighborhood commercial: "mostly Yes"
View protection area: "mostly Yes"

- Idaho Timber area:

Character & Concern:

1. Riverfront
2. Wildlife
3. Parks and trails
4. Complement and protect river
5. Sustainable development
 - a. Sustainable in terms of broader community life, not talking about energy efficient sustainability. We're talking about land uses that don't compete with the downtown. Land uses that aren't similar to what we see on Hwy 93 south to Kalispell. We're talking about land uses that would fit tourism, light manufacturing, professional office type uses that uses labor force, hopefully year-round.
6. Access
7. Conductivity

Land Use categories:

High-density, mixed-use area: "Yes"
Low-density mixed use area: "Yes"
Single-family residential high-density: "mostly Yes"
Single-family residential medium-density: "mostly Yes"
Single-family residential low-density: "mostly No"
Medium density, multi-family residential: "Yes" (100%)
High-density, multi-family residential: "Yes"
Community commercial: "mostly Yes"
Neighborhood commercial: "Yes"
Resort-residential, medium-density: "Yes"
Resort-residential, high-density: "Yes"
Light industrial: "mostly No"
Cottage scale manufacturing: "mostly Yes"

Parks and open space: "mostly Yes"
Passive open space: "mostly No"
Recreation open space: "mostly Yes"
Public quasi-public: "Yes"
View protection area: "Yes"

- Remember on the Idaho Timber side you've got the river, which creates that open space, and you've got that interspace with the Peace Park and the land trade. So when the people answered the question, they answered with geographic diversity.

- Peace Park area

Character & Concern:

1. Access
2. Traffic
3. Connectivity
4. Noise (less, not an *)

Land Use categories:

Parks and open space: "Yes"
Passive open space: "Yes"
Recreation open space: "Yes"
Public quasi-public: "Yes"
View protection area: "Yes"

Nick defined "Public quasi-public" as institutional, churches, cemeteries and the like

- We need to discuss public quasi-public in the Peace Park after the meeting.
- Parks and Recreation area (fairly large area; includes golf course, practice range, soccer fields, and the tennis courts)

Character & Concern:

1. Connectivity with trails and roads
2. Access

Land Use categories:

Parks and open space: "Yes"
Passive open space: "Yes"
Recreation open space: "Yes"
Public quasi-public: "Yes"
View protection area: "Yes"
Resort commercial: "Yes"

- Cemetery in that area.

- Resort Commercial area (smallest of areas in our corridor)

Character & Concern:

1. Recreation
2. Resort

Land Use categories:

Resort commercial: "Yes"
Resort residential medium-density: "Yes"
Resort-residential, high-density: "mostly Yes"
View protection area: "Yes"

- Fox Hollow area

No area character concerns

Land Use categories:

Single-family residential high-density: "mostly Yes"
Single-family residential medium-density: "Yes"
Single-family residential low-density: "mostly Yes"
Medium density, multi-family residential: "Yes"
High-density, multi-family residential: "Yes"
Community commercial: "No"
Neighborhood commercial: "No"
Resort commercial: "No"

Dave and Nick spoke to the issue of the Border Patrol office. If we decide that it would be better without professional or public office, like the current use as Border Patrol, then we would make that statement to legislate that land use out of it. I think we have something we need to decide. Right now they have legal use; they have initial use permit, which allows quasi-public in most zones for commercial use.

- Residential West District area (that extends all the way to the west boundary of the corridor)

Character & Concern:

1. Rural character
2. Trees and vegetation
3. Access

Land Use categories:

Single-family residential high-density: "mostly No"
Single-family residential medium-density: "Yes"
Single-family residential low-density: "mostly Yes"
Single-family residential rural: "mostly Yes"
Community commercial: "mostly Yes"

Neighborhood commercial: "Yes"
Public quasi-public: "Yes"

Nick discussed Residential West: We have concern about where the State Park Road comes in, talking about traffic, potential future signal; wondering if this is like Idaho Timber where we get the mix of commercial at the intersection but the rest is mostly residential.

Phil asked when State Park Road goes through, what do I do with the property west of the intersection? I'd like to be able to put up a couple duplexes up there. They don't want a gas station there either. There's got to be some land use in the middle between a single home on one hand and a gas station on the other.

Maybe neighborhood commercial is a lower intensity commercial possibility.

Nick – "Neighborhood Commercial" – is a commercial that is designed to mostly serve the neighborhood. A gas station convenience store does exactly that, but is higher intensity use.

"Community Commercial" – is for the entire community (i.e. Walgreens)

Not everyone on the Steering Committee responded to the surveys; we can re-tabulate the responses with the new surveys received from the Steering Committee.

Need comments on items strongly-agree with or strongly-disagree with, so that we can factor that in. We do not want to redo all the surveys.

Anne – West Residential: if we're planning here for the future, I'm concerned that we are not just pushing the same issue we're doing with on the straightaway out to that 10-15 years from now. We may want to be thoughtful when stating it's purely residential. I certainly don't support the Community Commercial either. It's easy to look and say "...that's further out, we don't need to worry much about it..."

Bruce – Now that we have two or more surveys in, we will re-tabulate the surveys as a whole and not go off of what we have today.

Nick – We reached a good consensus last time when we went through the area map in terms of the areas, and came up with the idea of figuring out character and land uses. We need to be able to take something to the public that is a consensus. We've given you the tabulation, we understand the constraints of a few folks not filling out the surveys, but we'll have to go with strong-agreement or strong-disagreement to let us know. Today is the time to let us know. I don't see another steering committee meeting before the neighborhood meeting.

Bruce talked about the "View protection area" – More in terms of legislation than it is a land use, but it's the idea that there may be some stipulations on development in a certain area that would prevent a view from being annihilated from development

It would be helpful to all of us if we had an example of each of the properties up top for public illustration.

Ian commented that in Area A – people were strongly against the single-family residential high density, but they were strongly for low-density mixed-use. In which on the scale of intensity, that would be above the high. The density wouldn't be as high on the residential side, but the addition of the commercial side in terms of use intensity would be at a higher level.

Anne – I'm wondering if a lot of people weren't trying to request the existing usage in their comments there. It varies quite a bit as the mixed use with the accounting office and a few things like that that are already there.

Ian– My thought was that the mixed use in that area would be a new intensity. Perhaps there's a misunderstanding of a mixed-use versus multi-use. I think of mixed-use as stocking uses within individual buildings. And multi-use where you have specific uses isolated to different buildings.

Nick – The existing lots are quite small in Area A, so to suggest that you create high-density single-family residential with what you've got to work with there is now ad feasible, on a single-lot basis (single ownership).

Ryan Zinke – Not all of those lots are the same; some of those lots have the river, some are flat... As far as the lot layout, there's a lot of diversity along that side.

Area B has historic buildings, there's a lot of disparity and voting there. That's single-family residential high-density.

Nick – Visioning is part of this: Where we're at now is trying to look to the future; we looked at the past and learned from it. now we are, planning for the future and imagining. We need to see if we have any of those extreme disagreements at this point. Let's find out if there's major disagreement, and let's talk about when we're going to have our next neighborhood meeting.

Are we talking about putting closure on Areas A & C?

Anne – My comment was in reference to Areas A, B, C, and D altogether. That's what brought us here in the first place. I want our work to succeed, and I know the community wants us to succeed. I've participated in countless planning projects during my day job and I have seen where you get a whole lot of really good work done, but if it doesn't address the root of what brought us here in the first place, then the same people will come out and create the same concerns and make our work for not, and I don't want us to get there.

Anne – I don't think anyone is far off on their ideas in regards to what's suitable for Area A, I think there is some disagreement on Areas B and D in terms of how commercial or whether that should have manufacturing or not. Those will be issues for us. I hope we can give some thought to the West Residential Area for the future.

Jim – In Area A, our biggest concern was the little part just before/after the bridge (depending on which way you're going; where the arrow is).
Then in the continuation part of Area C, that's where the repair power sports facility is located.

What we're concerned about is everything east of Good and how that should be related...

Bruce Perhaps we were not wrong in the first place to come across B and C, certainly at Good and maybe end A at Good.

Anne – Character-wise, why would that not fit in the A versus the B?

The discussion continued:

This is the side that has the C-store, the gas station, the veterinarian. It is more commercial.

I would rather see B go down to the bridge.

B is more of a mixed-use area in the classic sense.

Anne – If that becomes a restaurant-type component, then that resident that came and spoke to us will have concerns. He liked having an urban front-side and a rural back-side.

North of the Hwy doesn't go into residential, yet.

PUBLIC COMMENT

Lee Marin

Ed (from San Francisco) property owner on the river

I'd like to know how they got that First Street opened up as a haul road to the Peace Park without getting any permits, or public notice?

Ryan: Are you talking about First Street?

Ryan: Do you want me answer that?

Ryan: That's a Burlington Northern Railroad access, that's granted in. They have access off of Murray as they've always have. That gate has to stay open.

First Street that divides area D and Idaho Timber, is that correct Bruce?

Lee: Garbled . . . Going to absolutely ruin the value of the property with 500 dump trucks going through there . . .

That's Private property, that's entirely on Idaho Timber's property.

Bruce, Lee is concerned about the amount of dump trucks going past his property on the corner.

Ryan-That's a city issue with the city engineer, they've got permits, I don't have anything to do with that.

Anytime you get access to the street, you're supposed to get a permit—so it opens up the street at both ends of it?

Nick- Sounds like that might be out of our scope.

Nick-Normally, that's a concern for the city engineer, we'll refer your concern to the city engineer. But I can understand the dust and the noise that you brought up; legal access of the Burlington Northern property, and the haul road for highway construction and the waste material coming off; but this all sounds like a question for the city engineer and we'll pose it to him.

Lee-I went down and tried to talk to the City Manager,
Nick We'll talk to the Public Works Director about you.

End of Public Comment.

Moving back to the agenda:

Bruce - When can we have the next Public Input Meeting?

Bruce - Need to hear comments from you all, in the near future, comments: agreeing, strongly disagreeing with parts of this, reinforcing parts of this; we'll re-tabulate with the full order of steering committee members.

Will you include your check marks?

Yes.

I've been out of town for ten days, sorry.

Question: (from Frank and Phil) Do we turn in our surveys now or not? I wonder if you're still getting enough information now? Do you really want our information? Is it going to change it? It's not a big deal.

Nick It is a big deal, you're appointed by the City Council to be steering committee members, so we need to get your opinions so everyone can see them. For two reasons, because your opinions are important to us, they're important to you. And if we don't get them up there, we're going to get it later, and I don't want to deal with later, I want to deal with it now. So we need your surveys.

Nick-The Public comment meeting that we'll have, we it be something like we had before with this data on the wall, or will it be more conversational?

Bruce--it's going to have this data, but we're going to digest this data; and these areas will now come alive with land uses and characters that are assigned to them with a 'yes.' The other stuff will drop out. We will do a straight forward presentation. We don't want to hit the public with this type of data. We want it fairly simple, illustrated. We show the areas, what the land uses are that got the nod, what characteristics that we want to see in those areas. Keep this stuff in the background. I don't want to make this the main presentation.

The mostly 'No's' do go away. What will help is additional surveys so that those numbers can change, so that they are clear, and I think that'll be the case. I don't think we have enough dissension in this group that we're not going to see reinforcement of existing 'yes's' and 'no's'.

I think one concern was the result of the Whitefish West area, with the Community Commercial. And we're going to come out of this public meeting telling the public that we want to do all of that stuff out there.

Bruce- Correct me if I'm wrong, but maybe we need another vote on this again, just like we did with the 'B' Area. I think I heard that Commercial was not an option that you wanted to explore out there. Didn't think that commercial was in favor. If I'm wrong about that . . .

Bruce -Maybe due to highway development, highway improvements, I think we heard from Phil that Multi-Family would be an option, but I didn't hear from anybody that commercial was factored in for that area. Am I wrong?

Ian - Are results mostly 'yes', for Community Commercial in that neighborhood. And I agree with you.

Bruce- From the start of this Steering Committee meeting, now we're on number six; I think I heard that you want to see residential character on that entry of the town. We know that we have some churches, and some institutional stuff out there... but beyond that, I don't think that I've ever heard commercial out there.

Ryan Zinke – Where is the boundary line for Fox Hollow?

Bruce The boundary starts at the edge of Fox Hollow and goes a little past Mountainside.

Ryan Zinke – As far as the county goes, that line goes where?

Dave Taylor- Some properties have annexed in and some have not. The extent of the city limits is about where the boundary is, but there are some lots in there that are not in the city limits because they are not on city services.

Bruce – We **do** have that auto mechanic shop out there, but that's a stand-alone, one-of-a-kind and I don't think we need to direct our plans to accommodating that use if it's in the best interest of that area.

Ryan Zinke – We were going to allow grandfathering-in, right?

- "Yes"

Anne question for Doug – On other locations there, particularly Area A, we need to support existing uses when we did the survey. Looking at Area A and B, are we perceiving Area B is going to be a lighter use than Area A? And I'm questioning that a little bit; I think they should be the same. Before we go to the public, we need to know exactly what we are, or are not, recommending here.

In Area A, we have stand-alone commercial uses. In Area B, we have a more mixed-use foundation there. We have real estate that lends itself more to mixed-use. We can assemble real estate in B that we cannot assemble in A; Area A is linear.

Anne – Can you define what you mean for more commercial versus mixed-use?

Anne-I'm not talking about existing uses necessarily. I'm talking about future land use, which is what we're trying to legislate or enable. By virtue of how real estate is configured in Area B we have more opportunity for mixed use than we do in Area A.

Anne – So we would be saying that Area A is more favorable for a heavier commercial use than Area B?

- “No, I don’t believe that is what we will suggest and this survey does not suggest that. This survey will support what we put out to the public.”

VOTING FOR THE WEST CORRIDOR

Community Commercial (i.e. strip mall)

Inappropriate by committee

Neighborhood Commercial (i.e. professional office)

Inappropriate 4

Slightly appropriate 6

Single-family residential high-density

Inappropriate 10

Single-family residential medium-density

Moderately appropriate 5

Slightly appropriate 6

Single-family residential low-density

Extremely appropriate 6

Moderately appropriate 2

Slightly appropriate 1

Inappropriate 1

Single-family residential rural

Extremely appropriate 3

Moderately appropriate 4

Slightly appropriate 3

Inappropriate 1

Set the meeting date:

Need to publish two weeks ahead of time (ad in paper)

October 15, 2013: 4:30 – 6:30

Adjourn

END OF NOTES



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MEETING RECORD

MEETING DATE: 06/11/14
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Steering Committee Meeting #7
BY: Kate Dinsmore
ATTENDEES: Steering Committee: Cora Christensen, Anne Shaw Moran, Jim Laidlaw, Doug Reed, Nancy Woodruff, Ian Collins, Todd Featherly, Ken Stein

City of Whitefish Planning Staff: Dave Taylor, Wendy Compton-Ring
Planning Consultants: Nick Kaufman, Kate Dinsmore

Others: Mayre Flowers (Citizens for a Better Flathead), Patrick Malone (Citizens for a Better Flathead), Erica Wirtala (NW MT Association of Realtors)

The following items were discussed during the meeting:

- 1) Introductions
 - Doug Reed
- 2) Review of Draft Corridor Plan
 - The plan was reviewed with steering committee members making recommendations for changes and clarifications to the plan.
 - Discussed the boundary of the Downtown Master Plan
 - Western boundary of plan is the river
 - Revise Goal #2 to add objective regarding the implementation of the plan.
 - The golf course operates as a break-even venue. "Not-for-profit" should be removed from the Whitefish Lake Golf Course description.
 - The TIF district should be discussed with the City.
 - Is there any reason to extend district?
 - Will this affect the city's general fund?

- Change the date of the updated Whitefish Downtown Business District Master Plan to 2014 since it is not finished.
- Add more detail to Public Input Sessions #1 to better capture the public comments and to match the specificity of the other session's recaps.

3) Discussion of Area 'A'

- Add "no alleys" to character and concerns
- Change "Approved" land uses to "Recommended" land uses for all sub-areas
- Boundary of Area 'A'
 - Ian - Why is Fox Farm in Area 'C'?
 - Different zoning than Area 'A'
 - Cul-de-sac with back of houses on 2nd St.
 - Nancy - Can this be flagged for the city council?
 - Ian - Karrow intersection weakens connectivity and now that the road has been finished the road feels different west of Karrow.
 - Should the west portion of Area 'A' change to be included in Area 'B'?
 - The boundaries for the sub-areas should be split in the middle of the road.
 - Cora - Both portions of Area 'A' are similar and Fox Farm is different.
- Discussion of appropriate commercial uses that should be allowed in this area and the definition of neighborhood commercial
 - Allow for professional offices and services that are allowed with a conditional permit. Some performance standards such as hours of operation should be beefed up.
 - Large lots go back some depth
 - More high density residential
 - Historically a residential area that may transition to more commercial
 - Would like to see the percentage of owner occupied and renter occupied buildings
 - Many of the residential buildings haven't redeveloped yet because of the market
 - Projects the steering committee sees are taking advantage of existing buildings
 - Anna - change definitions to be more specific
 - Should be character based
 - Ian - gas station is least desirable existing use in area
 - Anna - has the most impact on the neighbors
- Steering Committee Recommended Land Uses
 - Current zoning reflects appropriate uses
 - High Density Residential
 - Professional Offices
 - Professional Services
 - Personal Services
- Zoning
 - Need more information to create a zoning district
 - Anna - current zoning allows for enough commercial
 - What is a good balance?

4) Discussion of Area 'B'

- Boundary of Area 'B'
 - Ian - Boundary of Area 'B' now extends to highway in front of Area 'D'
 - Area 'B' is different east and west of Karrow.
- Discussion of appropriate commercial uses that should be allowed in this area and the definition of community commercial
 - Ian - Too much commercial is recommended in Areas 'A' & 'B'.
 - People never said they wanted to see strip development.
 - Committee likes the existing animal hospital, Jensen's, and the uses allowed through the conditional use permit process.
 - Ian - The plan reads as pro-commercial.
 - No retail or branch banks
 - Adding too much commercial to Area 'B' may limit Idaho Timber redevelopment.
 - Want to encourage Idaho Timber redevelopment.
 - Appropriate uses could include value-added retail restaurant, micro-brewery
 - Nancy - Professional offices out front with residential in rear
 - Use character based criteria to avoid strip mall pattern
 - Cora - No strip malls
- Want to see WR-3 uses with appropriate design standards
 - Adaptive re-use of buildings
 - Conditional uses in front
 - a. Professional Services
 - b. Professional Offices
 - c. Personal Services
 - Residential in back
 - 2 story residential
 - Resort Residential - Short-term rentals - approved by the committee except Anne and Ian
 - Improves property quality
 - Cause the number of owner-occupied residences and long-term rentals to decrease - followed out the owner-occupied residences in the Railroad District
 - Cora would like to see an example of how short-term rentals work
- Small, quaint uses
 - Coffee shops
 - Sandwich shop
 - Boutique businesses
 - Nancy - art gallery - value-added retail in existing building
- Micro-brewery
 - Cora, Doug, Jim, & Ken support a micro-brewery within Area 'B'
 - Ian & Anne do not support micro-brewery
- Ian - The plan is thin having a qualitative gradient
- Zoning
 - Concern with re-zoning
 - Anne doesn't want a zoning change.
 - Ian doesn't want a zoning change.

a. Concerned with potential piecemeal commercial development along the river

- Uses should be compliant with zoning - need to be specific
 - Anne - neighborhood not supportive of micro-brewery - doesn't match existing zoning
 - Utilize conditional uses and PUD's that must fulfill city criteria
 - Anne & Ian support language in PUD
- Area 'A' and Area 'B' have the same zoning
- Anne - no one is opposed to existing zoning and conditional use
- Cora suggested adding sandwich shops and something like Coffee Traders to the conditional uses.

5) Potential Additional Standards for Area 'B'

- Respond to topography - original grade is below the highway
- Max building height 35 feet
 - Don't include pitched roof as part of building height
 - Want to encourage creativity in architectural design and adaptation
- Should include lot coverage and floor area ratio
 - This includes the building area but could include impervious surfaces

6) Area 'C'

- Add "no alleys" to character and concerns
- Are Areas 'C' and 'D' the same?

7) Idaho Timber

- Mixed used along river.
- Anne was concerned with having a micro-brewery within 150' of a residential use.

8) Fox Hollow

- Should stay in current condition
- 70% owner occupied

9) West Residential Area

- State Park Road Intersection
 - Road improvements created small lots
 - Should multi-family lots be allowed?

10) Peace Park

- Should clarify that it is not owned by a city or public agency
- RV's need to be addressed perhaps with current regulations
 - Conditional uses can be used as a tool to address some of the proposed uses
 - Define thresholds for review

11) Next Steps

- Make discussed revisions to plan with emphasis on the commercial definitions

- Revise narratives for each sub-area to better capture what the group likes about each area
- Revise implementation section to a step-by-step process that could include a flow chart
- Planning board working session June 19th at 6 pm after the regular meeting agenda

12) Public Comment

- Mayor Flowers with the Citizens for a Better Flathead doesn't want to rush the process and would like to see another steering committee meeting because it's a good setting for discussion
 - Concerned with commercial uses
 - Needs to see more information on existing zoning and what's allowed with conditional uses and PUD's
 - Potentially have commercial nodes to limit commercial uses within the corridor
 - Would like more detail on the Peace Park
 - Commercial uses
 - Better Parks & Rec definition
 - Found section on frontages and disposition confusing

END OF NOTES



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MEETING SUMMARY

MEETING DATE: 08/20/13
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Public Involvement Meeting #1
BY: Kate Dinsmore

The following comments were recorded during the meeting:

Highway 93 Construction Issues

- Extend gas service
- Wayne Torkelson – Parcel 30 – 1515 Hwy 93 0 LT Access to driveway is still an issue
- Concern for final grades and drainage adjacent to highway
- DNRC Segment 3 Access Coordination - Send Plans to Anne Moran
- Hoagy Carmichael
 - 250-8721 or 862-4149
 - Concern for impact to house 2190 Hwy 93 W
 - choagy@centurytel.net
- Speed limit to 25 mph in city limits
- Trail at end of segment 2 needs to connect to Lion Mountain Road
- Mike Jensen: Concern about utility boxes in ROW in front of his building
- 224/230 Hwy 93 Concerned about the drainage after the highway is raised
- Golf course entry – are stone monuments in conflict with new drive?

Highway 93 Impacts

- Privacy issues, lights from highway shining into house issue after trees are taken down, I need to keep my house hidden, keep it rural, lower speed limit, 2100 Hwy 93 W – Janey Conat

- Karrow & 93
 - Karrow cannot handle current traffic
 - Peace Park & Idaho Timber + 55 unit MF = traffic increase
 - Speed lack of enforcement
 - People are under estimating traffic there
 - What happens @ Karrow & 93 in the future?
- Concern: The corner of Karrow & Highway 93 is being constructed by MDOT and it will not handle the traffic that currently exists. So how can it possibly handle any further development in the area as the Idaho Timber property, the trails & more condos get developed? (Future warrant of signal at intersection)
- Medians will divert traffic to 3rd between Parkhill & Karrow with commercial development

Character & Concerns

- Adaptive use of existing buildings, more quaint and gentle than 93 to Kalispell, feeling of quaint, cozy, welcome as you come to town, like to see small scale restaurant down by river
- Susan Prilliman
 - West Third – keep character of the street – kids, rural character, quiet, have animal hospital, 3rd/2nd very close together
 - Want: respect for residence, corridor homes/MF/ professional offices,
 - Things that can be compatible – family-“beauty”
 - Standards – landscaping – height – hours of operation
 - Outdoor activity that is loud/music etc. is not the best
 - Got a mailing and word of mouth
- SE Corridor Good & 93 – Highway moved closer, green utility box, ruined ambiance, want commercial
- Imagine future uses: will not be a nice residential area, needs a commercial component, shape and form of development is important
- 3rd St. Owner
 - OK with “mom and pop” shops on Hwy 93 that close at ~6 pm (Not chain stores with lots of activity)
 - Business on Hwy 93 okay, but wants businesses that are quiet and close early 5-6pm
 - Realizes we have to have development – however they need to be carefully planned
 - This is a really peaceful, pretty part of town. WF needs more affordable housing. This area is still largely residential, there are many people who live here and enjoy that aspect, we don’t want to take this “off the table”, it’s a great area for middle-class residential living environment - please don’t lose this
 - Please take actions that encourage those of us who own residences to want to keep improving/enjoying our homes
- S. Of Hwy 93
 - Doesn’t mind current zoning – WR3 – which allows some business – doesn’t want to see full commercial – doesn’t want to lose the residential feel – neighbors and residential feel – a little bit of business is okay – light use – but not full commercial
- Owns undeveloped and developed property on Hwy 93 W. Would not like to see zoned uses become more restrictive than current in that area.
- Alternate uses on own merit (W 2nd St.) – not a lot of permitted uses
- Maintain residential houses along corridor – still should be predominate
- South & North of W 2nd St. are different
- Liked Bradlin’s(?) project – mostly res. w/ some commercial

- Projections land use:
 - -high intensity (urban)
 - -moderate (existing?)
 - -low (public/parks)
- No change to Fox Farm – wouldn't want to see any commercial uses
- Will develop into its own community – why a park/natural areas are so important, walking trails; residential; commercial – beautiful, aesthetic pleasing area – Balance – not just one use or another
- Keep Fox Farm CT zoned the way it is
- Owner on highway & Good Ave. suggest allowing nightly or weekly rentals
- John Constenus – Allow Hwy 93 to continue to develop low-impact commercial/offices
- Alternative access to Ramsey for commercial interests

3rd St. Character & Concerns

- Median a concern for Park Hill neighborhood. Feeling that nobody would drive up to the State Park Road turnaround
- Marty: impact on Park Hill and 3rd do to new median diverting traffic into residential neighborhood
- 3rd St. Owner
 - Wants to see whatever goes in on 93 remain compatible with homes on 3rd – they (homes) will be there for the long term as residences. Need to consider what effects 93 businesses will have what hours will they be open? What kinds of truck traffic/delivery will be necessary? Parking? Noise? Lighting? Please respect people who have made their homes there (nearby)
- W. 3rd St. prime location for families/walk to school/kids bike riding/skateboarding/etc.
 - This is why we moved here.
- Impacts of traffic on W 3rd St. – W 3rd St. & Parkhill is quiet – low traffic now without Hwy project – State Park/Hwy 93 S zoning from s.t.r. to m.t.
- 3rd Street – Keep it the way it is, B&B quiet like they say they'll be
- W. 3rd St. owner
 - Has experience with vacation rental in a destination town of similar size (St. Helena/Napa Valley) and they had a very effective process: In order to do anything less than a 30-day rental, you had to have a B & B permitted in town. Only 25 B & B's permitted in town. B & B's required to have 24/7 manager – had to notify neighbors within 300' if 30% + contested application had to go to City Council for hearing instead of automatic approval. Permit for B&B required to be renewed every 2 years and does not go with property if sold.
- Concerned that such rentals will/can change character of neighborhood and wouldn't want to live next to that activity if negative. If it's going to happen, want to insure that city monitors/governs. However, if done right, these can be nice properties.
- W. 3rd St. Owner
 - Not opposed to commercial development on 2nd St/Hwy 93 – not opposed to it – need to be pretty strict limitations on hours of operations and what they sell. Restaurants in particular pose some real problems with noise/parking/house of operation – open to options but concerned/opposed to box stores/retail, etc.
- W 3rd St. will stay residential need to protect this area –

Meeting Summary

8/20/13

Page 4 of 4

- Resident on S. 3rd concerned about impact of business development on property values, quality of life, noise, traffic
- Doesn't want to see parking from Hwy 93 overflowing onto W 3rd St. or west 3rd St. lots
- Does not want noise and increased traffic on W. 3rd St.
- Does not want business impact on W. 3rd St.

Recreation/Parks

- There are not a lot of parks (passive recreation); family-oriented supports the river; wildlife corridor
- Expand Peace Park along River as Corridor Park – Wildlife & Family Benefit
- Trail along south side of WF River connecting to downtown
- Peace Park should not be lists as “public” as the public doesn't have a say in the rules or management of park

Idaho Timber

- Idaho Timber – park along the river/bike trail, complement the river, sustainable development
- Idaho Timber: Along river commercial (restaurants, hotels, etc.)
- Likely transition to mixed use – unlikely to return to industrial

WF River

- Commercial uses fronting WF River
- WF River: front the amenity
- Linear park/trails

Vehicular Circulation

- Alternative route North across River to Wisconsin, Lake, WF Mountain Resort

END OF NOTES



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MEETING RECORD

MEETING DATE: 10/20/14
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Steering Committee Meeting #8
BY: Kate Dinsmore
ATTENDEES: Steering Committee: Ian Collins, Jim Laidlaw, Anne Shaw Moran, Nancy Woodruff, Ryan Zinke, Hunter Homes
City of Whitefish Planning Staff: Dave Taylor, Wendy Compton-Ring
Planning Consultants: Nick Kaufman, Kate Dinsmore
Public: Bruce Bcody, Mare Flowers, Rhonda Fitzgerald, Brian Woods, Gail Linne,

The following items were discussed during the meeting:

- 1) Introductions.
 - Hunter Homes is new to the steering committee and representing the new owner of the Idaho Timber site. He works for Clearwater Montana Properties.
- 2) Agenda
 - Public comment was added to the agenda and was placed on the agenda after Item No 5.
 -
- 3) Review of changes to the plan
 - Steering Committee comments were limited during the review of the plan to allow for public comment.
 - Project Description, I Corridor Context: Analysis of Existing Conditions, and II. Public Involvement
 - There were minimal changes to these chapters. The changes to these chapters reflected the need to reduce the content of the plan to increase readability.
 - III. Visioning for the Future & Development Policy
 - Area A
 - Ryan - wanted it noted in the plan that B & B's are a conditional use like professional offices in the existing zoning
 - Ian - doesn't want specific uses noted including professional offices or personal services
 - Anne - is existing zoning in the appendix? It was explained to her that zoning is fluid, therefore the plan should reference the current codes but not include them.

She stated that It needs to be clear that references to zoning regulations reflect the current zoning. Zoning could change in the future and could affect the understanding of the plan.

- Area B
 - Nancy – What happens if someone buys several lots and consolidates into large apartments or something? (Note: multi-family over four units requires a CUP)
 - There was a discussion about the accuracy of the statement, “Generally no alleys exist.”
 - a. It was clarified that there is an alley behind Murray and 1st Street is not an alley but a street right-of-way.
 - Several committee members wanted to discuss Area B in more detail after reviewing the plan and hearing public comment.
- Peace Park
 - Single-story height restrictions were questioned by Ryan.
 - The park is located in the county and not the city.
 - a. How does the doughnut issues impact this? (Note: outside of city limits, but could annex in if utilities are required on site)
 - Anne - RV camping should be a conditional use.
 - a. Ryan - There is no intention of having a permanent RV park, but want to be able to accommodate RV's for special events.
- Idaho Timber
 - Anne, Ryan, and Ian - Want flexibility and no limitations.
 - Ian would like to see the PUD process used.
 - a. Dave – Uses have to be allowed in current zoning to be included in PUD, ie residential would not be allowed on the site with existing zoning even with a PUD
 - Ian - There are consequences of creating new zones as they could be applied elsewhere in the city someday (Note: with a growth policy map amendment)
- Implementation
 - WI-T
 - Should research facilities be limited to labs without biohazards?
 - Artisan Manufacturing Special Provisions
 - There were concerns by Ryan with having gross floor area limitations and the wording of 'B' which prohibits uses that create any objectionable byproducts such as dust or odor.

4) Public Comment

- Mayre Flowers, Citizens for a Better Flathead
 - The plan needs more discussion.
 - The plan needs predictability versus an open-ended transition.
 - The plan has flexibility.
 - Conditional uses should not be the norm used to drive transition.
 - Plan timeframe needs to be stated.
 - A plan guided by landowner changes has limitations and opens the door to problems and unanticipated changes.
 - Wants the plan to work with existing zoning districts.
 - New districts open doors for application to other areas.
 - Multiple lot consolidation needs to be addressed.
 - Plan needs model noise regulations.
 - Recreational facility needs a definition.
 - Does not support an increased height limit for mixed-use buildings.
 - Needs guidelines for park zone.

- Needs clarification on the how the resort commercial extends beyond the corridor boundary.
- Future sessions should allow for more public comment.
- Bruce Boody
 - If hotels/motels allowed in the 300' along the river, there should be something for Resort Commercial reflected in area along the river.
- Gail Linne
 - Residents on Murray live in Canada and Washington – there are 5 local residents.
 - Existing zoning is appropriate and changing zoning is difficult.
 - Would like at least a week's notice of upcoming meetings.
 - Need to look at Peace Park carefully.
 - There is an existing alley behind Murray Avenue that is used 5 months of the year. It will be paved due to a tri-plex that is going in.
 - Need a microphone so audience can hear discussion.
- Rhonda Fitzgerald
 - Plan is complex and appreciates the solutions that use existing zoning.
 - Community is concerned about the corridor becoming a commercial strip.
 - Zoning for Area B may be too much like highway strip development.
 - Would like a nice, calm entrance.
 - WR-4 works well on Spokane between 6th and 3rd maintains traditional residential feel.
 - WRB-2 may be better.
 - Transitional zone is a get out of jail.
 - Artisan manufacturing is a broad category that needs to be re-worked.
 - Concerned about how sandwich shops are called out.
 - Possibly add a conditional use for recreational uses to WR-4.
 - New zoning district for Idaho Timber not necessary.
 - Similar developments were anticipated in the Whitefish Landing project from the Downtown Master Plan on the other side of the river
 - B-4 is the zoning for Baker Commons and could be applied on Idaho Timber for business incubators.
 - Whitefish Landing – set aside land for similar uses
 - No height increase for mixed-use buildings.
 - Don't call out each conditional use.

5) Comments from Steering Committee

- Ryan
 - Artisan Manufacturing Special Provisions comments
 - G – Off street parking in rear. Depends of the layout of property – doesn't think it's an issue.
 - H – % of retail. Depends on size of building and use, too limiting.
 - B – "Any objectionable byproducts" – too strong of wording.
- Ian
 - Doesn't see need for Idaho Timber zoning.
 - Look at Whitefish Landing.
- Hunter
 - Have a blank slate and need as much opportunity for highest and best use of property.
 - Doesn't want to be constrained by zoning.
 - Wants flexibility.
 - Will create employment.
 - No direction set yet, but need to preserve options.
 - Quick access to golf and Whitefish trail system.
 - Client has vision for developing the site that will be an enhancement to the community.

- Anne
 - Zoning classifications and districts – doesn't support them and wants to discuss further.
- Ian
 - Doesn't want new zoning districts.
 - New zoning districts are confusing and open up unknowns community-wide.
- Ryan
 - Northside – size of lots and railroad make it different.
 - That neighborhood is in transition.
 - It's important to allow some innovation, have some flexibility and rely on public process.
 - Residents want resort rentals.
- Jim
 - Major parcels of land could come together.
 - Wants to get plan finalized.
- Nancy
 - Good points about not applying new zones.
 - Vision is like Spokane Avenue for Area B.
- Anne
 - Neighborhood is still 70-80% residential.
 - Wants predictability for people who have made an investment in the area.
 - Conditional uses allow flexibility.
 - Concerned with Neighborhood Mixed-Use Transitional land use district potentially being applied to areas zoned WR-2 later on.
 - Manufacturing is a concern.

6) Next Steps

- Further discuss implementation.
 - Steering Committee would like to see flexibility and predictability with zoning districts.
 - The next meeting will be scheduled for the week of November 3rd.

END OF NOTES



PLANNING SURVEYING ENGINEERING DESIGN

1111 E. Broadway
Missoula MT 59802
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www.wgmgroup.com

MEETING RECORD

MEETING DATE: 11/7/14
PROJECT NAME: Whitefish Highway 93 West Corridor Plan
PROJECT NO.: 13-03-03
SUBJECT: Steering Committee Meeting #9
BY: Kate Dinsmore
ATTENDEES: Steering Committee: Anne Shaw Moran, Nancy Woodruff, Ryan Zinke (phone), Hunter Homes, Cora Christiansen, Doug Reed, Ken Stein
City of Whitefish Planning Staff: Dave Taylor, Wendy Compton-Ring
Planning Consultants: Nick Kaufman, Kate Dinsmore, Bruce Lutz
Public: Bruce Boody, Rhonda Fitzgerald, Brian Wood, Kellie Danielson

The following items were discussed during the meeting:

- 1) Approve Meeting Notes from 10/20 Meeting
 - Anne clarified her comments on the Peace Park. She was questioning whether a rental subdivision was needed for an RV park. A rental subdivision should not be a conditional use in the Peace Park. She is also supportive of flexibility on the Idaho Timber site but not without limitations.
 - A motion to approve the minutes with Anne corrections was passed.
- 2) Implementation Options
 - Options for implementation were discussed at the last meeting including the proposed WI-T and WT-3 zoning districts, PUD's, and existing zoning districts.
 - Comments from Kellie Danielson, President/CEO of Montana West & Flathead County Economic Development Authority, were shared. She supports the transitional zoning.
- 3) Review of Dave Taylor's Memo
 - Dave reviewed his memo that was in response to comments from the last meeting. The memo addresses a recommendation that existing zoning districts and PUD's be used instead of the proposed WI-T and WT-3 districts.
 - Hunter supports the new zoning. His client wants the highest and best use for the property and the new zoning models enable his client to move forward. His client would like development that is beneficial city-wide, county-wide, and state-wide and the new zoning would allow for his vision. He has soft commitments for light manufacturing and wants the option for residential, potentially above the manufacturing.
- 4) Revise Model Zoning Districts

- Bruce Boody, who is working for the owner of the Idaho Timber site, is in favor of the two proposed zoning districts, but recommends some changes in the language. Currently, hotels and motels are a conditional use in the WT-3 district within the strip of land that extends 300' from the low water mark of the Whitefish River. This does not allow enough developable space. The 300' could potentially extend from the top of bank rather than the low water mark.
- A Phase I was completed for the Idaho Timber site and there was no reason to complete a Phase II.
- Ryan - Area B is different than Area A. The artisan manufacturing special provisions were too restrictive, specifically 'B', 'G', 'H', and 'I'. There is a public process with a Conditional Use Permit (CUP). With the PUD process, it can be called spot zoning. The CUP process allows for mitigation of public concern.
- Hunter - 'I' is too restrictive. His client is interested in rooftop dining/seating to take advantage of the river and views. Restricting dining to the ground floor does not fit that vision.
- Ryan - He would like to strike 'G', 'B', 'H', and 'I' and use the CUP process.
- Dave - The limit on retail was to make sure that the retail is ancillary to the manufacturing.
- Ryan - If a large product is manufactured, such as sinks or tubs, the floor space needs to be larger because the product takes up more floor space so it should be reviewed as part of the CUP.
- Anne - There's a conflict between residential and artisan manufacturing. It's primarily (80%) a residential neighborhood so the City Council put two neighborhood representatives on the steering committee. She has a problem with taking out the performance standards. Adding additional zoning districts allows the districts to be applied all over the city. The WR-3 zoning is adequate and the WR-4 zoning is an interesting option. The residential land owners are concerned about change.
- Ryan - The neighborhood is 80% residential but is changing to rental from owner occupied.
- Ken - Many owners on the north side of the highway see change. It's residential but moving away from residential.
- Cora - If we don't change zoning, then the Idaho Timber is stuck with industrial zoning which is more likely to affect the neighborhood. There can't be improved uses unless the special provisions are there.
- Anne - The special provisions are in artisan manufacturing only.
- Ken - Special provision 'I' is too restrictive by only allowing food and drinks on the ground floor.
- Doug - Only allowing parking in the back of buildings is too restrictive and doesn't match the existing uses.
- Hunter - The plan needs to be as welcoming as possible to potential uses.
- Nancy - There's a difference between Area B and Idaho Timber. With tweaks the special provisions work. The provisions could be more relaxed along the river.
- Ken - Area B needs some flexibility. There needs to be a CUP process or other avenue for businesses in Idaho Timber.
- Ryan - Parking in rear of buildings will not work. The parking in front should be mitigated with landscaping.
- Cora - We decided on a CUP for sandwich shops. Does this require a new zoning district? Could we add sandwich shops to WB-3 as a conditional use?
- Dave - A CUP is required for artisan manufacturing.
- Anne - Ian and I did not support sandwich shops.
- Ryan - The process should be a conditional use permit and not a PUD because of issues with spot zoning. There needs to be a process for a CUP and there needs to be some degree of certainty for developers investing money.
- Cora - She prefers a PUD for short-term rentals in Area B.
- Ken - Some people have more vision than others so you can't put restrictions on zoning and limit their visions for the future.

- Nick – A PUD limits the uses that can be included. Only uses from the base zoning may be included in a PUD.
- Ryan – Motioned to strike 'G', 'H', and 'I' from the special provisions and amend 'B' from "Uses that create any objectionable byproducts..." to "Uses that create excessive, objectionable byproducts..."
- Ken seconded the motion.
- Motion passed. 5 ayes and 2 nays. Nancy and Anne were opposed.
- Hunter – Asked Rhonda about the Whitefish Landing from the Downtown Master Plan which she mentioned at the previous meeting.
- Rhonda – It's an extensive idea across the river from the Idaho Timber site. It could be mirrored on the other side of the river.
- Hunter – Idaho Timber is an opportunity for short-term and long-term income for the city.
- Nancy – How does the WRB-2 differ from the WT-3?
- Dave – No artisan manufacturing.
- Rhonda – The city council does not need new districts/classifications. The WRB-2 is preferred to WI-T because it's not open-ended. Area B could be changed from WR-3 to WR-4 with added conditional uses. Idaho Timber could be WRB-2 with an interior zoned WI. Use zones you already have and understand. Area B should be similar to Spokane between 4th and 6th.
- Anne – Existing zoning classifications provide predictability. The new zoning is wide open and the residents don't want to be a guinea pig for the new districts.
- Doug – How does that impact the business incubators?
- Hunter – Need zoning that would allow business incubators that provide jobs and businesses that aren't in this neighborhood such as a hotel/restaurant, brewery, and microdistillery. Site needs flexibility and is close to downtown and the golf course. WI-T and WT-3 would work for the property with some tweaks.
- Anne – Is there a site layout for Idaho Timber?
- Hunter – No, the owner wants confidence that the uses can be permitted.
- Brian - Potential uses on the Idaho Timber site all match uses in the corridor plan and existing districts won't accommodate the new Idaho Timber owner.
- Dave – WR-3 and WR-4 are almost identical. WT-3 is based on the ~~WT~~WR-43 with a few conditional uses added.
- Nancy – She is in favor of transitional districts. With WR-4 zoning, someone could buy multiple lots and build a large apartment complex with no public process. She wants flexibility for the Idaho Timber site and doesn't want it all to be housing.
- Hunter – His client wants it to have some residential and be community oriented with a river walk.
- Ken – He likes the transitional zones but is not opposed to WR-4 on north side of the highway.
- Rhonda – The WR-4 zone along Spokane that has a residential look and feel could potentially be due to the architectural review standards, Old Town South District.
- Dave – There was input from the Architectural Review Standards Committee and they did not recommend any changes.
- Cora – She has problems with WR-4. None of the existing zones allow us to change. She is concerned about density and doesn't want a large apartment building with short-term rentals, but supports short-term rentals in general.
- Dave – At steering committee's request, short-term rentals are included.
- Cora – She wants short-term rentals but not hundreds of units
- Anne – She is more comfortable with WI-T zoning than WT-3 zoning but wants to use existing zoning districts for Area B. Doesn't want to include WR-2 on page 68 in the Neighborhood Mixed-Use Transitional land use designation as an applicable zoning district. It causes issues with predictability.
- Anne moved to strike WR-2 from the Neighborhood Mixed-Use Transitional designation.

- Ryan seconded the motion.
- Motion passed unanimously. 6 ayes 0 nays.
- Ryan moved to adopt the WT-3 zoning district in Area B.
- Cora seconded the motion.
- Rhonda – Sandwich shops and coffee shops are more commercial. They are downtown uses and not what she thinks the neighborhood expects.
- Cora – A CUP is required.
- Bruce – It was decided at a previous meeting to have these types of uses.
- Dave – Those uses are included in response to the steering committee.
- Nancy – Why are sandwich shops specifically called out?
- Dave – Reviewed the definition which is included in the plan.
- Hunter – Would this restrict restaurants?
- Brian – He wants to change language in WT-3 regarding hotels and motels to include accessory uses to hotels and motels. The Idaho Timber client would like to have a restaurant without any size restrictions.
- Motion passed. 5 ayes 1 nay. Anne voted against.
- Nancy – What about WI-T along the river?
- Brian – You don't want to have industrial uses next to the river so want the WI-T and WT-3.
- Nancy – She wants to tweak the 300' zone along the river.
- Rhonda – Doesn't think that WR-4 and WT-3 are that similar.
- Motion to amend language on page 107 for hotels and motels from "Whitefish River north of Highway 93" to "Whitefish River north of First Street"
- Motion passed unanimously. 6 ayes and 0 nays.
- Hunter moved to add accessory uses and allow development 300' from the Whitefish River buffer. The language would be changed from "Hotels and motels are permitted within a portion of the Whitefish River frontage area, said frontage area being a strip of land 300 feet wide and lying southwesterly of, and contiguous to the low water mark of the Whitefish River north of First Street" to "Hotels and motels, including their accessory uses, are permitted within a portion of the Whitefish River frontage area, said frontage area being a strip of land 300 feet wide and lying southwesterly of the requisite buffer area along the Whitefish River north of First Street."
- Ryan seconded the motion.
- The motion passed. 5 ayes and 1 nay. Nancy voted against the motion.
- Bruce and Brian need to come back with a definition for the appropriate development area for hotels and motels.

5) Determine Recommendation for Planning Board

- Nancy – She wants the Planning Board to look at special provisions that were removed.
- Cora moved to recommend the plan to the Planning Board.
- Hunter seconded the motion.
- The motion passed. 5 ayes 1 nay.
- Anne voted against the motion but stated there was lots of good work in the plan. She can't support WT-3 in Area B. She has less of a concern with WT-3 in Idaho Timber.

END OF NOTES

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ORDINANCE NO. 15-___

An Ordinance of the City Council of the City of Whitefish, Montana, amending Whitefish City Code Section 7-3-9, to require vendor special permits to sell any goods, wares, merchandise, food or services within the waters two hundred feet (200') from Whitefish City Beach, City designated swimming areas and City docks.

WHEREAS, the City of Whitefish is a self-government charter city with general and self-government powers under the Montana Constitution and State law; and

WHEREAS, the State of Montana holds legal title to the bed of Whitefish lake from low-water mark to low-water mark on behalf of the people of Montana, who have the constitutional right to enjoy and have access to the natural splendors of Montana and the right to a clean and healthful environment; and

WHEREAS, MCA Section 75-7-201 expresses State policy that the natural lakes of Montana are high in scenic and resource values and that the conservation and protection of these lakes is important to the continued value of lakeshore property as well as the State's residents and visitors who use and enjoy the lakes and confers upon local governments the primary public role in establishing policies to conserve and protect lakes and lakeshore to maintain the public health, welfare and safety; and

WHEREAS, in 2005, the City of Whitefish annexed Whitefish Lake from low-water mark to low-water mark by Resolution No. 05-25, upon the State of Montana's petition for annexation, as the owner and holder of the State's navigable water bodies; and

WHEREAS, on June 16, 2014 and November 3, 2014, the Whitefish City Council held public work session regarding commercial activities on Whitefish Lake and congestion concerns raised for the health, welfare and safety of the general public around city beach and its designated swimming area and docks;

WHEREAS, at the April 6, 2015 City Council meeting, the City Council gave direction to staff to make a report and seek a recommendation from the Board of Park Commissioners concerning commercial activity restrictions on the waters at City Beach, designated swimming areas and docks to the City Council; and

WHEREAS, at the April 14, 2015 public meeting of the Board of Park Commissioners, the Park Board reviewed and considered an oral and written staff report concerning commercial activity at City Beach and following public comment and the Park Board's deliberation, voted unanimously to recommend to the City Council an amendment to WCC §7-3-9 to prevent commercial activity in the waters within two hundred (200') of the Whitefish City Beach area, the designated swimming areas and docks, as provided in WCC §7-3-5(C)(4); and

WHEREAS, at the public hearing held by the City Council on May 4, 2015, the City Council reviewed and considered oral and written staff reports and public input, and approved the Ordinance to amend WCC §7-3-9 to prevent commercial activity in the waters within two hundred feet (200') of Whitefish City Beach and the designated swimming areas and docks; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt the proposed amendment to WCC §7-3-9.

NOW, THEREFORE, be it ordained by the City Council of the City of Whitefish, Montana, as follows:

Section 1: Title 7, Chapter 4, Section 9 of the Whitefish City Code is hereby amended to provide as follows, with additions shown underlined and deletions shown with strikethrough:

7-3-9: **VENDORS; SPECIAL PERMITS:** Vendors of any kind or nature are hereby prohibited and it is declared unlawful for such vendors to hawk or sell or attempt to sell any goods, wares, merchandise, food or services within the boundaries of any of the city's public parks, and the waters within two hundred feet (200') of Whitefish City Beach, and the designated swimming areas and docks, except by permit authorized and obtained from the director of the parks and recreation department, or in his or her absence, and individual designated by the director. The director's refusal to issue such a permit may be appealed to the park board, and an unsuccessful applicant shall be informed of the right to appeal to the park board. If a vendor's proposal is part of a larger event that includes other proposed vendors and that will include nonpark land, for which the city manager is authorized to consider a special event permit, then the vendor's proposal shall be determined in connection with the city manager's consideration of a special event permit.

Section 2: All other provisions of Title 7, Chapter 3 and Section 9 of the Whitefish City Code shall remain unmodified.

Section 3: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 4: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA,
ON THIS _____ DAY OF _____, 2015.

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

April 23, 2015

Mayor Muhlfield and Whitefish City Council
City of Whitefish
Whitefish, Montana

Mayor Muhlfield and Members of Whitefish City Council,

Recommendation to Address Increased Commercial Use on Whitefish Lake

Introduction/History

The Whitefish City Council held work sessions on June 16, 2014 and November 3, 2014 regarding proposed regulations of commercial activities on Whitefish Lake. Discussions during both work sessions identified concerns and potential solutions for a multitude of issues, such as launching and permitting, congestion and safety, commercial vending on water, commercial vending on and around City Beach, sign permitting, educational signage, zoning, enforcement, and parking. As well, the Parks and Recreation Director with Council representation held two work group meetings with a group of members from both the community and city staff. On April 6, 2015 Council gave direction to staff to seek a recommendation from the Park Board of Commissioners for the regulation of commercial activity on and within 200' of City Beach. During the April 14, 2015 Park Board meeting, the Park Board of Commissioners unanimously approved to amend 7-3-9 of the Whitefish City Code to include no vending in the waters within 200' of Whitefish City Beach, and the roped swimming areas and docks, to match language previously established in 7-3-5 C.4. of the Whitefish City Code.

Current Report

Currently, 7-3-9 of the City Code reads, "Vendors of any kind or nature are hereby prohibited and it is declared unlawful for such vendors to hawk or sell or attempt to sell any goods, wares, merchandise, food or services within the boundaries of any of the City's public parks except by permit authorized and obtained from the director of the parks and recreation department, or in his or her absence, and individual designated by the director."

7-3-5 C.4. of the City Code reads, "The use or consumption of alcoholic beverages and the possession of an open container of an alcoholic beverage shall be lawful and permitted as follows: [...] 4. The consumption of alcoholic beverages in compliance with state law on the surface waters of Whitefish Lake, excluding the public area known as Whitefish city beach, the waters within two hundred feet (200') of Whitefish city beach, and the roped swimming areas and docks."

Financial Requirement

There is no financial requirement at this time.

Recommendation

Staff respectfully recommends that Council amend Whitefish City Code 7-3-9 to read, "Vendors of any kind or nature are hereby prohibited and it is declared unlawful for such vendors to hawk or sell or attempt to sell any goods, wares, merchandise, food or services within the boundaries of any of the City's public parks, and the waters within two hundred feet (200') of Whitefish City Beach, and the designated swimming areas and docks, except by permit authorized and obtained from the director of the parks and recreation department, or in his or her absence, and individual designated by the director."

Sincerely,

Maria Butts, Parks and Recreation Director



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ORDINANCE NO. 14-__

An Ordinance of the City Council of the City of Whitefish, Montana, amending Zoning Regulations in Whitefish City Code Section §11-2L-1 WB-3 General Business District, Intent and Purpose, clarifying the boundaries of the Old Town Central District and Old Town Railway District to make them consistent with the Old Town Central District and Old Town Railway District boundaries of the Architectural Review Standards.

WHEREAS, in response to a request from the City Council, the Whitefish Planning & Building Department initiated an effort to amend the Zoning Regulations to address inconsistencies in the city code between the architectural review standards and the purpose and intent of the WB-3 District in regard to sub-area boundaries; and

WHEREAS, in response to the proposal to amend Title 11, Chapter 2, in the Whitefish City Code, the Planning and Building Department prepared Staff Report WZTA 15-02, dated April 16, 2015; and

WHEREAS, at a lawfully noticed public hearing on April 16, 2015, the Whitefish Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA 15-02, invited public comment, and thereafter recommended approval of the proposed text amendments; and

WHEREAS, at a lawfully noticed public hearing on May 3, 2015, the Whitefish City Council received an oral report and a written report from Planning staff, reviewed Staff Report WZTA 15-02, and letter of transmittal, invited public input, and approved text amendments, as amended, attached as Exhibit "A;" and

WHEREAS, it will be in the best interests of the City of Whitefish and its inhabitants to adopt the proposed text amendments.

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

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

Section 2: Staff Report WZTA 15-02 dated April 16, 2015, together with the May 4, 2015 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact is hereby adopted as Findings of Fact.

Section 3: An amendment to Whitefish City Code Section 11-2L-1, WB-3 General Business District, Intent and Purpose, amending the language as provided in the attached Exhibit "A", with insertions shown in red and underlined, is hereby adopted.

Section 4: In the event any word, phrase, clause, sentence, paragraph, section or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS _____ DAY OF _____, 2015.

John M. Muhlfield, Mayor

ATTEST:

EXHIBIT "A"

Whitefish City Code Title 11, Chapter 2, Article L, Section 1 ZONING REGULATIONS – ZONING DISTRICTS Article L. WB-3 General Business.

Section 11-2L-1 of WB-3 be amended as follows:

11-2L-1 Intent and Purpose

- The WB-3 district is a broad commercial district intended to accommodate financial, retail, governmental, professional, institutional, and cultural activities. The WB-3 district also encompasses two (2) unique commercial areas which require special considerations: the Old Town Central District (~~Railway to Third, Baker to Spokane~~ Central Avenue between 4th Street and Depot Street, the west side of Spokane Avenue between 4th Street and 3rd Street, both sides of Spokane Avenue 3rd Street to Depot Street, the east side of Baker Avenue between 4th Street and 3rd Street, and both sides of Baker Avenue between 3rd Street and Railway Street), and the Old Town Railway District (~~Railway to Second, Miles to Lupfer~~ Railway Street to 3rd Street, and Miles Avenue to both sides of Lupfer Avenue). This zoning classification is not intended for general application throughout the Whitefish area.

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



May 4, 2015

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

Re: Zoning Text Amendment – WB-3 General Business District, Intent and Purpose: WZTA 15-02

Honorable Mayor and Council:

Summary of Requested Action: This application is a request by the city of Whitefish for a zoning text amendment to amend §11-2L-1 WB-3 General Business District, Intent and Purpose, clarifying the boundaries of the Old Town Central District and Old Town Railway District to make them consistent with the Old Town Central District and Old Town Railway District boundaries of the Architectural Review Standards.

Planning Board Recommendation: The Whitefish City-County Planning Board held a public hearing on April 16, 2015. Following this hearing, the Planning Board unanimously recommended approval of the amendments.

City Staff Recommendation: Staff recommended approval of the text amendment to the Planning Board.

Public Hearing: At the public hearing, no one from the public commented on this item.

This item has been placed on the agenda for your regularly scheduled meeting on May 4, 2015. Should Council have questions or need further information on this matter, please contact the Whitefish City-County Planning Board or the Planning & Building Department.

Respectfully,

A handwritten signature in blue ink, appearing to read "David Taylor", is written over a light blue horizontal line.

David Taylor, AICP, Director

Att: Draft Minutes, April 16, 2015 Planning Board Meeting
4-16-15 Planning Board Staff Report

c: w/att Necile Lorang, City Clerk

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
APRIL 16, 2015**

**CALL TO ORDER AND
ROLL CALL**

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

There were no people in the audience.

**APPROVAL OF
MINUTES**

Ken S. moved and Melissa seconded to approve the March 19, 2015 minutes with amendments. The motion passed unanimously.

**COMMUNICATIONS
FROM THE PUBLIC
(ITEMS NOT ON THE
AGENDA)**

None.

OLD BUSINESS:

A request by Danette Sefcak of Whitefish Handcrafted Spirits for a Conditional Use Permit to start a handcrafted micro-distillery. The property is located at 704 E. 13th Street, Unit C, and can be legally described as Lot A of American Bank Subdivision and Lot 1 of Columbia Avenue Addition in S36 T31N R22W.

Ken M said the applicants have withdrawn their application.

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

A request by the City of Whitefish for an amendment to Article L, WB-3 General Business District, Intent, 11-2L-1, to more clearly define the boundaries of the Old Town Central and Old Town Railway sub-districts.

**STAFF REPORT
WZTA 15-02
(Taylor)**

Director Taylor reviewed his staff report and findings.

Staff recommended adoption of the findings of fact within staff report WZTA 15-02 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

John asked Taylor why on Kalispell between 2nd and 3rd Street it the Old Town Central extends into residential zoning. Taylor said the person who is building the motel on Block 46 owns the whole block and in the future he might finish building the rest of the block so they wanted to keep the standards the same on the full block.

APPLICANT/AGENCIES

PUBLIC COMMENT None.

BOARD DISCUSSION

MOTION Ken S moved and Melissa seconded to adopt the findings of fact within staff report WZTA 15-02.

VOTE The motion passed unanimously. The matter is scheduled to go before the Council on May 4, 2015.

**PUBLIC HEARING 3:
AMENDMENT OF
WHITEFISH CITY
CODE TITLE 13, LAKE
AND LAKESHORE
PROTECTION
REGULATIONS** A request by the City of Whitefish for an amendment to Title 13 – Lake and Lakeshore Protection Regulations to remove references to the former extraterritorial planning jurisdiction and amend §13-4-1 regarding the Whitefish Lake and Lakeshore Protection Committee.

**STAFF REPORT
WLTA-15-01
(Minnich)** Planner II Minnich reviewed her staff report and findings.
Staff recommended adoption of the findings of fact within staff report WLTA-15-01 and for **approval** to the Whitefish City Council.

APPLICANT/AGENCIES

**BOARD QUESTIONS
OF STAFF** Melissa asked about the penalty amounts we have set in section 13-4-5 and Taylor said there are set under State Law. Ken M asked after we get the data next year for the 5 year average for the high water mark does this need to be done every year. Taylor said no it would be every 5 years as it would be too expensive for the property owners to have to move the stakes every year.

PUBLIC COMMENT None.

MOTION Melissa moved and John seconded to adopt the findings of fact within staff report WLTA-15-01, with Option 1 “For properties along Whitefish Lake located outside of the Whitefish City Limits, these regulations ~~also~~ govern any work which extends below the low water elevation of 2996.44 msl ~~which has been annexed by the City of Whitefish.~~”

VOTE The motion passed unanimously. The matter is scheduled to go before the Council on May 18, 2015.

NEW BUSINESS None.

ADJOURNMENT Ken S made a motion to adjourn the meeting at

**PROPOSED CODE AMENDMENT
WB-3 SUB-DISTRICTS BOUNDARIES
STAFF REPORT #WZTA-15-02
APRIL 16, 2015**

This is a report to the Whitefish City Planning Board and the Whitefish City Council regarding a request by the City of Whitefish to amend §11-2L-1 WB-3 General Business District, Intent and Purpose, clarifying the boundaries of the Old Town Central District and Old Town Railway District to make them consistent with the Old Town Central District and Old Town Railway District boundaries of the Architectural Review Standards.

A public hearing is scheduled before the Whitefish City Planning Board on April 16, 2015 and a subsequent hearing is set before the City Council on May 4, 2015. Draft regulations are below for Board review and action.

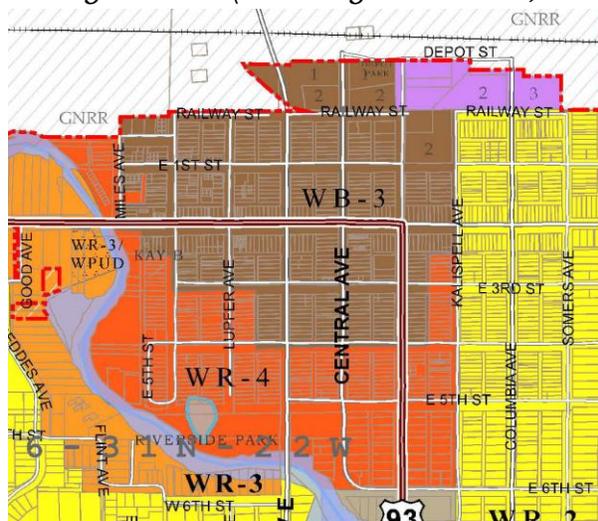
BACKGROUND INFORMATION

This housekeeping amendment modifies the Intent and Purpose of the WB-3 General Business District to clarify the boundaries of the two unique commercial areas within the WB-3 zone, the Old Town Central district and the Old Town Railway district, which both have some unique development requirements in the WB-3 code. Some confusion has arisen because the Architectural Review Standards, which are adopted as part of the zoning code, also define the Old Town Central and Old Town Railway districts, but the map and text boundaries are not consistent with the description in the WB-3 intent.

The WB-3 zone intent has this statement:

The WB-3 district also encompasses two (2) unique commercial areas which require special considerations: the Old Town central district (Railway to Third, Baker to Spokane), and the Old Town railway district (Railway to Second, Miles to Lupfer).

What is not clear in the WB-3 boundary descriptions is whether the boundaries include property on both sides of the named streets. The Architectural Review Standards are more exact, and define the districts as follows:

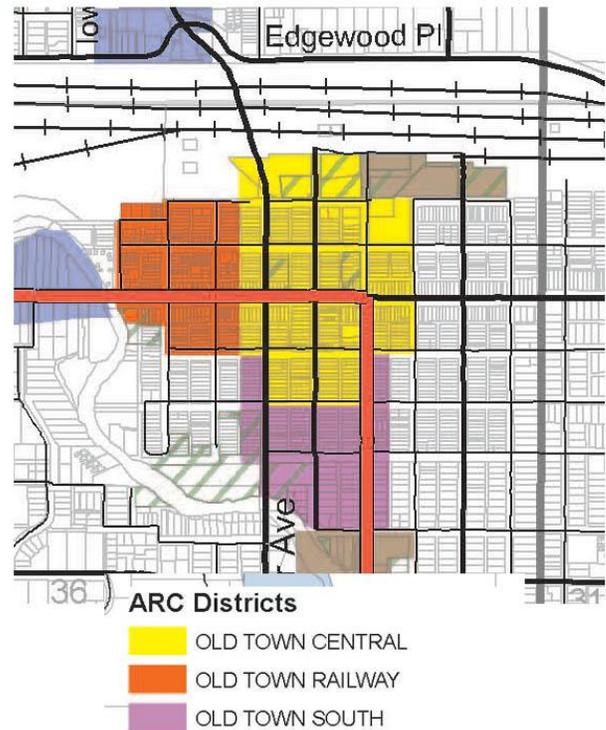


Staff: DT

The Central District is located on Central Avenue between 4th Street and Depot Street, west side of Spokane Avenue between 4th Street and 3rd Street, both sides of Spokane Avenue 3rd Street to Depot Street, east side of Baker Avenue between 4th Street and 3rd Street, both sides of Baker Avenue between 3rd Street and Railway Street.

The Railway District is located on Railway Street to 3rd Street and the east side of Miles Avenue to Lupfer Avenue.

Staff is proposing minor changes to Section 11-2L-1, Intent and Purpose, to rectify the inconsistencies.



RECOMMENDED CODE AMENDMENTS

- Section 11-2L-1 of WB-3 be amended as follows:

11-2L-1 Intent and Purpose

- The WB-3 district is a broad commercial district intended to accommodate financial, retail, governmental, professional, institutional, and cultural activities. The WB-3 district also encompasses two (2) unique commercial areas which require special considerations: the Old Town Central District (~~Railway to Third, Baker to Spokane~~ Central Avenue between 4th Street and Depot Street, the west side of Spokane Avenue between 4th Street and 3rd Street, both sides of Spokane Avenue 3rd Street to Depot Street, the east side of Baker Avenue between 4th Street and 3rd Street, and both sides of Baker Avenue between 3rd Street and Railway Street), and the Old Town Railway District (~~Railway to Second, Miles to Lupfer~~ Railway Street to 3rd Street, and Miles Avenue to both sides of Lupfer Avenue). This zoning classification is not intended for general application throughout the Whitefish area.

REVIEW OF ZONING TEXT AMENDMENT REQUIREMENTS

The following considerations from Section 11-7-10(E) are required to be addressed in order to guide both the Planning Board and the City Council when considering an amendment to the zoning regulations or the official map:

CONSIDERATIONS FROM SECTION 11-7-10E.	Staff Analysis/Comments
Conformity to the Growth Policy	<p>There are a number of goals/policies supporting the use of architectural design standards and unique downtown districts within the Whitefish City-County Growth Policy. These include the following:</p> <p><i>Land Use Goal #1:</i> "Preserve and enhance the character and qualities and small town feel and ambience of the Whitefish community through an innovative and comprehensive growth management system."</p> <p><i>Land Use Goal #5:</i> "Protect and preserve the special character, scale and qualities of existing neighborhoods while supporting and encouraging attractive, well-designed, neighborhood compatible infill development."</p> <p><i>Land Use Goal #6:</i> "Plan for healthy, efficient, and visually attractive corridors along major transportation routes through the community."</p>
Project Designed to Lessen Congestion in the Streets	Not applicable.
Historical and established use patterns and recent change in use trends weighed equally, not one to the exclusion of the other.	The proposed code amendment seeks to create development boundaries based on historic and established use patterns consistent with Architectural Review district boundaries.
Security from Fire, Panic, and Disasters	Not applicable
Promote Health and General Welfare	General health and welfare is improved where city zoning regulations are consistent and confusing items eliminated.
Provide Adequate Light and Air	This criterion is not applicable to this code amendment.
Prevent Overcrowding of Land and Avoid Undue Concentration of People	This criterion is not applicable to this code amendment.
Facilitate Adequate Provisions for Transportation, Water, Sewerage, Schools, Parks and Other Public Requirements	This criterion is not applicable to this code amendment.

CONSIDERATIONS FROM SECTION 11-7-10E.	Staff Analysis/Comments
Reasonable Consideration to the Character of the District	The purpose of Architectural Design Standards and Zoning Sub-districts is to consider the character of district and the entire community. The attached recommendations give careful consideration to maintaining the character of the city.
Reasonable Consideration to the Peculiar Suitability of the Property for Particular Uses	This criterion is not applicable to this code amendment.

Conserve the Value of Buildings	Having consistent and character based design standards and development standards helps maintain property values in downtown Whitefish
Encourage the Most Appropriate Use of the Land throughout the Municipality	Zoning district boundaries by nature encourage the most appropriate use of land in a municipality

FINDINGS:

1. Whereas the district sub areas Old Town Central and Old Town Railway exist in both the zoning regulations and the architectural review standards and are currently defined differently ; and
2. Whereas the proposed code amendment rectifies inconsistencies in the Old Town Central District and Old Town Railway District sub area boundaries between the zoning code and the architectural review standards; and
3. Whereas zoning regulations that are consistent and clear benefit the public and the development community;
4. We find that it is in the best interest of the City of Whitefish to modify Section 11-2L-1 of the City of Whitefish Zoning regulations as proposed.

OVERALL RECOMMENDATION

Staff recommends that the Whitefish City Planning Board **approve** recommended code changes set forth in this staff report, subject to the above findings, and transmit same to the Whitefish City Council for further action.

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Resolution No. 15-__

A Resolution of the City Council of the City of Whitefish, Montana, amending the 2009 Weed Management Plan and approving the 2015 Whitefish Weed Management Plan, Invasive Species Guide and Resource Manual.

WHEREAS, by Resolution No. 09-06, the Whitefish City Council adopted the Whitefish Weed Management Plan 2009, Invasive Species Guide and Resource Manual, providing management practices for eradication of local noxious weed species for the 218 acres of City-owned property; and

WHEREAS, the City of Whitefish Parks and Recreation Department is charged with the responsibility to manage noxious weeds within City parks and properties and reported their findings that the 2009 Weed Management Plan is dated and insufficient to meet the needs of the City to the Whitefish Board of Park Commissioners; and

WHEREAS, at the July 8, 2014 and August 12, 2014 public meetings of the Board of Park Commissioners, the Park Board reviewed and considered an oral and written staff report concerning necessary amendments to the 2009 weed plan, and following public comment and the Park Board's deliberation, discussed the weed management plan specific to challenges arising at Soroptimist Park and at the August Park Board meeting, the Park Board unanimously voted to recommend to the City Council the repeal of Resolution No. 09-06 adopting the 2009 weed plan, leaving the weed plan to the discretion of the Parks and Recreation Department; and

WHEREAS, at the September 2, 2014 City Council meeting, the City Council reviewed and considered oral and written staff reports and public input, considered the recommendation of the Park Board, and directed staff to revise the weed plan believing that there was value to the weed plan as a whole and that a revision would be more effective; and

WHEREAS, as directed, city staff brought the 2009 weed plan to the Whitefish Weed Advisory Committee at its September 23, 2014 meeting and the Committee began the initial revisions of the 2009 weed plan, completing its final revisions in April 7, 2015 as amendments to the 2009 weed plan for the Park Board's review and City Council's consideration; and

WHEREAS, at the April 14, 2015 public meeting of the Park Board, the revisions to the plan were presented to the Board as recommended by the Whitefish Weed Advisory Committee and the amendments were approved unanimously by the Park Board with its recommendation to the City Council for its approval; and

WHEREAS, at the public hearing held by the City Council on May 4, 2015, the City Council reviewed and considered oral and written staff reports and public input, and following its deliberation approved the updated 2015 Whitefish Weed Management Plan, Invasive Species Guide and Resource Manual, as attached with additions shown underlined and deletions shown with strikethrough; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the amendments as the 2015 Whitefish Weed Management Plan, Invasive Species Guide and Resource Manual.

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

Section 1: The 2015 Whitefish Weed Management Plan, Invasive Species Guide and Resource Manual, attached hereto as Exhibit "A" is hereby approved.

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 May, 2015.

John Muhlfeld, Mayor

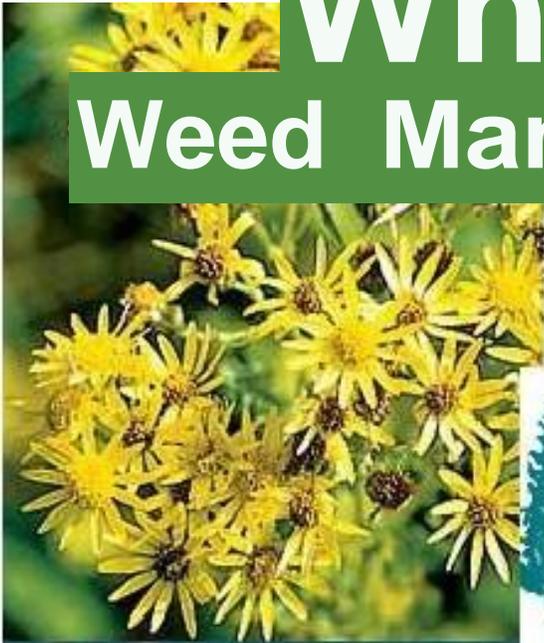
ATTEST:

Necile Lorang, City Clerk

Whitefish Weed Management Plan

Updated
2015

Invasive
Species
Guide and
Rescue of
Whitefish



OBJECTIVE

Invasive Species Guide and Resource Manual

May, 2008

April 14, 2015

Prepared by Dru Dennison, ISA Certified Arborist / Neighborhood Resource Officer

The objective of this manual is to assist the City of Whitefish Parks & Recreation Department in managing city owned properties.

This management plan encompasses developed parks, trails, and undeveloped areas by establishing a systematic program to prevent, control, or eliminate potential spread of noxious spread of noxious weeds on city property. This program will ensure the city is in compliance with City of Whitefish Municipal Code 4-3-2 regulating noxious weeds.

This is a living document that will be regularly updated by the Parks and Recreation Department in collaboration with the Park Board.

The goal of the Park Board and Parks and Recreation Department is to maintain all parks while abiding by safe practices established by the EPA and Department of Agriculture.

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INTRODUCTION

The Montana Noxious Weed Control Act was established in 1948 to protect Montana from destructive noxious weeds. The act was amended in 1991 and established a set of criteria for the control and management of noxious weeds in Montana.

There has been a tremendous expansion of invasive plant species across the United States, including Montana. New problem noxious weed species arrive in Montana every year. Noxious weeds are defined by this Act as being any exotic plant species which may render land unfit for foraging, agriculture, livestock, wildlife, or other beneficial uses that may harm native plant material.

Noxious weeds provide poorer habitat for wildlife dependant on native vegetation. Proliferation of noxious weeds alters eco-system processes and threatens certain native species with extirpation. Loss of native vegetation can also lead to increased run-off and soil erosion. Thus, unmanaged noxious weeds threaten our economic livelihood and our biological heritage.

Weed control is part of property management. This plan is based on the desired plant species and communities, rather than on simply eliminating weeds. Preventative programs are implemented to keep the management area free of species that are not yet established. Priorities are set to reduce or eradicate weeds that have already established on the property, according to their impacts on land management goals for the property. Actions will be taken only with careful consideration. Soil type, slope, floodplain, or infestation are some issues to consider prior to proper management programs.

DESCRIPTION OF PROPERTY

BOUNDARIES: The management area is confined by the City limits of Whitefish, Montana.

RESOURCE BASE: Previous land use history was rural land converting to suburban residential property. The City of Whitefish owns and manages 219.95 acres of developed parks and undeveloped property.

BUDGET BREAKDOWN

The City of Whitefish owns 219.95 acres of city and park properties which the Parks Department maintains.

In order to successfully control noxious weeds on City-owned property, it is recommended that a weed spray program consist of **three** applications for the growing season. The initial management plan will be more expensive than the previous expenditure; however, the long range cost will be significantly lower.

The following application schedule is recommended:

Early Spring: This would target Spotted Knapweed, Diffuse Knapweed, Leafy Spurge (small infestations can be clipped & bagged), Canada Thistle, Orange/Meadow Hawkweed, St. Johnswort, Sulfur Cinquefoil, Field Bindweed, Tansy Ragwort, Oxeye Daisy, Common Tansy, Hounds-tongue, Tumble Mustard, Russian Thistle, Common Toadflax, Yellow Toadflax, Dyer's Woad, Tall Buttercup, Perennial Pepperweed, Purple Loosestrife, Whitetop, and Tamarisk. (Tansy Ragwort & Yellow Toadflax are difficult to identify in early spring)

Mid-Season: This would target Leafy Spurge, Orange Hawkweed, Field Bindweed, Tansy Ragwort, and Canada Thistle.

Fall Re-Growth: This would target Spotted/Diffuse Knapweed, Leafy Spurge, Canada Thistle, Field Bindweed, Tansy Ragwort, and Common Tansy.

MAP OF WEED INFESTATIONS

See Appendix D

MANAGEMENT GOALS AND WEED MANAGEMENT OBJECTIVES

The management goals and objectives for the City of Whitefish are to control and prevent the spread of noxious weed species and enhance public recreation and scenic beauty on city property, as well as improve public awareness through education efforts by the Weed Educational Outreach Committee. Left unmanaged, the spread of weeds will result in an irreversible infestation of noxious weeds on city property and fail to be in compliance with the city ordinance addressing noxious weeds.

A parcel specific survey should be conducted to determine the species and level of infestation. This survey is important to prescribe accurate and proper treatment and provide information if competitive bids are solicited for treatment of affected areas to avoid unnecessary costs to the city. The survey will provide an accurate assessment of sites on an individual basis as well as a collective representation of conditions of all parcels.

PRIORITIES FOR WEED MANAGEMENT

The most important weed management action is to prevent weeds from becoming established in the first place. Maintaining healthy native grasses and ground cover helps to prevent noxious weed invasion. Future infestations and elimination of noxious weeds can be obtained by using proper seed mixtures after site disturbance, spray timing, and repeat treatments on infested areas.

WEED SPECIES PRIORITIES

CATEGORY 1 NOXIOUS WEEDS

Category 1 weeds are weeds that are currently established and generally widespread in many counties of the state. Management criteria include awareness and education, containment and suppression of existing infestations and prevention of new infestations. These weeds are capable of rapid spread and render land unfit or greatly limit beneficial uses.

CITY OF WHITEFISH CATEGORY 1 NOXIOUS WEEDS

 Canada Thistle	 Leafy Spurge
 Common Tansy	 Oxeye Daisy
 Dalmatian Toadflax	 St. Johnswort
 Field Bindweed	 Sulfur Cinquefoil
 Houndstongue	 Whitetop
 Knapweed: Spotted/Diffuse/Russian	 Yellow Toadflax

Spotted knapweed is the most abundant noxious weed in Category 1 within the city of Whitefish, and it also poses the greatest threat to the plant community.

CATEGORY 2 NOXIOUS WEEDS

Category 2 weeds are weeds that have recently been introduced into the state or are rapidly spreading from their current infestation sites. These weeds are capable of rapid spread and invasions of lands, rendering lands unfit for beneficial uses. Management criteria includes awareness and education, monitoring and containment of known infestations and eradication where possible.

CITY OF WHITEFISH CATEGORY 2 NOXIOUS WEEDS

- | | |
|--|---|
|  Dyer's Woad |  Rush Skeletonweed |
|  Japanese Knotweed |  Tall Buttercup |
|  Orange/Meadow Hawkweed |  Tansy Ragwort |
|  Perennial Pepperweed |  Yellow Flag Iris |
|  Purple Loosestrife | |

CATEGORY 3 NOXIOUS WEEDS

Category 3 weeds are weeds that have not been detected in the city or may be found only in small, scattered, localized infestations. Management criteria include awareness and education, early detection and immediate action to eradicate infestations. These weeds are known pests in nearby states and are capable of rapid spread which renders land unfit for beneficial uses. Therefore, careful consideration must be taken to avoid spread from vehicles, animals, and other modes of travel from adjoining states.

CITY OF WHITEFISH CATEGORY 3 NOXIOUS WEEDS

- | | |
|---|--|
|  Common Crupina |  Salt Cedar |
|  Eurasian Watermilfoil |  Yellow Starthistle |
|  Flowering Rush | |

WEED MANAGEMENT ACTIONS

-  Increase public awareness through education efforts made by the Weed Educational Outreach Committee.
-  Proper design/establishment utilizing healthy native plant material.
-  Continual monitoring of all properties to ensure treatment success.
-  Prompt action upon presence of noxious weeds to prevent spread and establishment.
-  Use of long-term integrated pest management strategies (combinations of chemical, biological, and cultural treatment programs).

- ✂ Refinement of construction, road building, and logging practices.
- ✂ Reduction in the use of ornamentals that have the potential to escape into the wild.

WEED CONTROL

Integrated Weed Management (IWM) is a process by which one selects and applies a combination of management techniques (biological, chemical, mechanical, and cultural) that will control a particular weed species or infestation efficiently and affectively, with minimal adverse impacts to non-target organisms. IWM seeks to combine two or more control actions which will interact to provide better control than any one of the actions might provide. IWM does not necessarily require the eradication of all weed species or a particular infestation of weeds, although these might be objectives in some cases. IWM is species-specific, tailored to exploit the weakness of a particular weed species, as well as site specific and designed to be practical and safe.

MONITORING

Periodic observation of the weeds being managed is necessary to evaluate the effectiveness of a weed control program. If management objectives are not being met, weed control actions need to be monitored.

OPTION 1—HERBICIDES (ORGANIC OR INORGANIC)

Please be advised to consider the type of weed you are trying to control, along with your local soil, water table, and land use information before choosing any herbicide. If herbicides are a method you have chosen—always make sure to read the entire label of the product **before** getting started. It should be noted that many times there is no quick fix to a weed problem. A one-time effort is not going to make the weeds go away forever. Remember, too, that most noxious weeds have extensive root systems that contain food reserves allowing it to exist for long periods of time even if damage is inflicted on the main plant. Most of these weeds produce seeds that can remain in the soil, potentially growing into mature plants several years after the original plant is gone.

The herbicide and their label will indicate to the user when application is best. The herbicides we have recommended are mainly systemic herbicides (absorbed by either the roots or above ground parts of the plants, these herbicides move or are trans-located in the plant), which exhibit a chronic effect; that is the full effects may not show for a week or more after treatment.

CAUTION: An overdose on the leaves may kill the leaf cells more quickly **preventing** the herbicide to move throughout the plant tissue to the site of action! A general rule of thumb on when to apply these herbicides is when the plant is

young and actively growing: from mid-May to mid-July; and again in the fall (for most *perennial* weeds).

OPTION 2 – MOWING

When weeds are too numerous to pull, too large to effectively destroy by cultivation, or in an area where cultivation is impractical or impossible, they can be destroyed by mowing. This should be done before they produce seed and as close to the ground as possible. Perennial weeds usually require several cuttings before the food reserves in the roots are exhausted unfortunately, if done on a regular lawn cutting basis, certain weeds such as spotted knapweed, will adapt and grow closer to the ground, producing a flower an inch above the soil (resulting in no real weed control). If only a single cutting can be made, the best time is just prior to blooming.

OPTION 3 – BURNING

In situations where seed production has already occurred, burning can destroy some of the seeds. The effectiveness of burning depends on the duration and intensity of heat produced, plus the maturity and location of the seeds. Mature, dry seeds are more heat resistant than green seeds. Although intense heat will destroy most seeds remaining in plant heads, only burning surface debris can destroy a relatively small number of seeds on or below the solid surface. Most appropriate use of burning would be to burn selective patches of weeds that have -headed out by using a propane torch. The flame can be directed at the mature heads of the weeds and the undesirable side effects of burning can be largely avoided. This burning is one of the few effective methods of preventing dissemination of airborne seeds.

OPTION 4—WHAT ELSE? Is one method better than another? The following methods of control are all approved weed management practices. Best results can be obtained by *combining* several of these suggestions:

Prevention: This action involves not allowing noxious weeds to become established. It can be the most effective, economical and desired weed control practice. It involves use of: Certified seed, weed seed free hay, clean gravel, soil and fill dirt It can mean maintaining fence rows, irrigation ditches and all non-crop areas weed free. Be sure to RESEED disturbed soil.

Cultural: A combination of practices such as rotating crops, disrupting weed life cycles, planting competitive crops and altering planting dates. Burning is an option best considered before the plant is seeding; however, local burning regulations make this difficult to utilize at the appropriate time. Burning of

skeleton plants does not aid in control but mainly contributes aesthetically. Burning an area cannot prevent the seeds already in the soil from growing.

Mechanical: This involves using methods to physically remove target weeds. For instance, cultivation, hoeing, hand pulling, and mowing are commonly used.

Biological: This method employs the introduction and establishment of selected natural enemies of a particular weed species. It can include insects, fungi, animals, and diseases that attack the target weed while not affecting desired species. Effective bio-control depends on the use of several insects that attack different plant parts.

Chemical: The use of herbicides to control noxious weeds. Chemical control is the most commonly used method of weed control.

Integrated Pest Management (IPM): One control method itself seldom provides complete control. IPM is the detailed involvement utilizing all methods of weed control.

INTEGRATED WEED MANAGEMENT PLANS FOR HIGH-PRIORITY WEED SPECIES

CATEGORY 1 NOXIOUS WEEDS



SCIENTIFIC NAME: *Cirsium arvense* (L.) Scop

COMMON NAME: Canada Thistle

PRIORITY: High

DESCRIPTION: 1/2- 3/4ll purple flower head, stem is 1-4' tall.

CURRENT DISTRIBUTION: Disturbed sites, nutrient deprived.

DAMAGE & THREATS: Difficult to control, breaking roots by plowing increases the number of plants.

WEED MANAGEMENT OBJECTIVE: Provide healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide—moderately effective
- 2) Re-seeding—effective on follow-up
- 3) Cultivate—effective in combination with herbicide
- 4) Biological—affects seed production.





SCIENTIFIC NAME: *Tanacetum vulgare* L.

COMMON NAME: Common Tansy

PRIORITY: High

DESCRIPTION: Aromatic perennial, yellow flower heads 1/4-1/2" in flat topped dense clusters. Seeds are yellowish-brown.

CURRENT DISTRIBUTION: Introduced in the US as an ornamental and for medicinal purposes. Found along roadsides, waste areas, stream banks, and pastures.

DAMAGE & THREATS: Undesirable for livestock. Reduction in desirable plant material

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.



MANAGEMENT OPTIONS:

- 1) Hand pull—effective in small patches & new sites
- 2) Herbicide—moderately effective
- 3) Reseeding—effective as follow-up only.



SCIENTIFIC NAME: *Linaria dalmatica*

COMMON NAME: Dalmatian Toadflax

PRIORITY: High

DESCRIPTION: Flowers are yellow with orange bearded throat; reproduces by seed and underground root stalk. Leaves clasp the stem. Fruit is a two-celled capsule.

CURRENT DISTRIBUTION: Found along roadsides/rangeland.

DAMAGE & THREATS: Reduction in desired plant species, deep root system, and waxy leaf results in management difficulty.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hard-pull small patches
- 3) Biological limited availability.





SCIENTIFIC NAME: Convolvulus arvensis L.

COMMON NAME: Field Bindweed

PRIORITY: High

DESCRIPTION: Flowers are bell-trumpet shaped, white to pinkish, approximately 1 1/2 in diameter. Fruit is a small round capsule, usually four-seeded. Stems are 1-4' long.

CURRENT DISTRIBUTION: Found along roadsides, alleys, disturbed areas.

DAMAGE & THREATS: Widespread, difficult to eradicate due to an extensive root system that can penetrate 20' in depth. Seeds are viable for up to 50 years.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide—will contain infestations
- 2) Re-seeding effective in combination with herbicide
- 3) Hand pull – only small patches.





SCIENTIFIC NAME: Cynoglossum officinale

COMMON NAME: Hound's-Tongue

PRIORITY: High

DESCRIPTION: Dull reddish purple flower, bears 4 prickly nutlets (seeds), biennial, grows 1-4', leaves are alternate 1-12ll, 1-3ll wide, rough hairy flowers, reddish-purple.

CURRENT DISTRUCTION: Throughout the city limits.

DAMAGE & THREATS: Found in pastures, along roadsides, and disturbed habitats, toxic, contains toxic alkaloids that can cause liver damage to grazing animals. Nutlet breaks at maturity and clings to clothing or animals.



WEED MANAGEMENT OBJECTIVE: Ranges/pastures should be maintained to encourage production of grasses and high quality forage.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pulling effective in small patches / new sites
- 3) Cultivate



SCIENTIFIC NAME: *Centaurea maculosa*

COMMON NAME: Knapweed:
Spotted/Diffuse/Russian

PRIORITY: High

DESCRIPTION: Pinkish-purple flower, branched, 1-3' tall, stout taproot, flowering heads solitary at end of branches.

CURRENT DISTRIBUTION: Throughout city limits.

DAMAGE & THREATS: Reduction in desirable plant communities established on disturbed soil, competitive for soil moisture and nutrients.

WEED MANAGEMENT OBJECTIVE: Promote healthy, native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull





SCIENTIFIC NAME: Euphorbia esula L.

COMMON NAME: Leafy Spurge

PRIORITY: High

DESCRIPTION: Flowers are yellowish-green, small arranged in numerous small clusters and suspended by paired heart-shaped yellow-green bracts. The entire plant contains a milky juice.

CURRENT DISTRIBUTION: Brought to us as a seed impurity. It exists throughout the city limits.

DAMAGE & THREATS: Causes severe irritation of the mouth and digestive tract in cattle which may result in death. Capsules explode when dry, projecting seed up to 15'. Seeds are viable in soil up to 8 years.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide – will contain infestation
- 2) Re-seeding – effective as follow-up
- 3) Domestic animal – effective long-term containment.





SCIENTIFIC NAME: Chrysanthemum leucanthemum

COMMON NAME: Ox-eye Daisy

PRIORITY: High

DESCRIPTION: 10-24" tall, perennial, glabrous—sparsely hairy, flowers are white with yellow centers and bloom from June to August.

CURRENT DISTRIBUTION: Meadows, roadsides, and waste areas.

DAMAGE & THREATS: Reduction in desired plant species. Difficult to control except in rosette stage.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Re-seeding
- 3) Cultivate





SCIENTIFIC NAME: Hypericum perforatum

COMMON NAME: St. Johnswort

PRIORITY: High

DESCRIPTION: Flowers are bright yellow with $\frac{3}{4}$ all numerous flat topped cymes with five separate petals. Perennial reproduces by seeds or short runners.

CURRENT DISTRIBUTION: Found on sandy gravelly soils.

DAMAGE & THREATS: Contains a toxic substance which affects white haired animals.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.



MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Re-Seeding-limited effectiveness
- 3) Biological—cyclical, effective on some sites.



SCIENTIFIC NAME: *Potentilla recta* L.

COMMON NAME: Sulfur Cinquefoil

PRIORITY: High

DESCRIPTION: Light yellow flowers with five petals, leaves palmately compound, 1- 1 ½' tall. Leaves are hairy on underside.

CURRENT DISTRIBUTION:
Throughout city limits.

DAMAGE & THREATS: Found in disturbed areas such as roadsides and pastures.

WEED MANAGEMENT OBJECTIVE:
Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull small patches
- 3) Reseeding effective as follow-up





SCIENTIFIC NAME: Cardaria draba L.

COMMON NAME: Whitetop (Hoary cress)

PRIORITY: High

DESCRIPTION: Plants have many white flowers with flowers with four petals, giving the –white flat-topped appearance. Plants emerge in early Spring. Seed set by mid-summer.

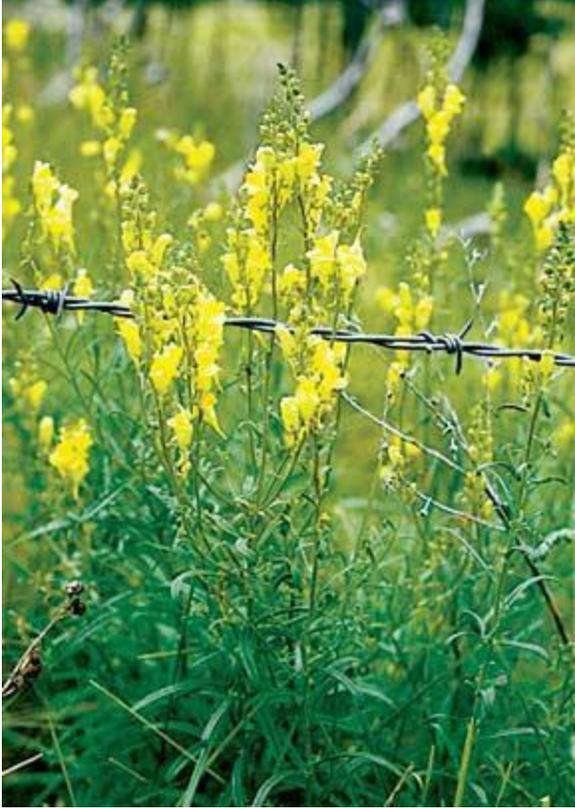
CURRENT DISTRIBUTION: Common on alkaline disturbed soils.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Hand pull – small, new sites
- 2) Herbicide – will contain infestations
- 3) Re-seeding – effective in combination with herbicide





SCIENTIFIC NAME: *Linaria vulgaris* mill.

COMMON NAME: Yellow Toadflax

PRIORITY: High

DESCRIPTION: Yellow flower with a bearded orange throat, 1-2' tall with pale green leaves.

CURRENT DISTRIBUTION: Throughout city limits on roadsides, waste places, and cultivated fields.

DAMAGE & THREATS: Aggressive invader especially rangelands displacing desirable grasses. Extensive root system makes this plant difficult to control.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide – will contain infestations
- 2) Hand pull – only very small patches
- 3) Biological – limited availability.



CATEGORY 2 NOXIOUS WEEDS



SCIENTIFIC NAME: *Isatis tinctorial*

COMMON NAME: Dyer's Woad

PRIORITY: Medium

DESCRIPTION: 12-14ft tall, winter annual, biennial or short-lived perennial. Flat top, yellow petals, black or purplish brown seed pods containing a single seed. Thick taproot up to 5'. Seedlings appear in fall and over the winter stay in the same stage.

CURRENT DISTRIBUTION: Found along roadsides and disturbed sites.

DAMAGE & THREATS: Spreads to rangeland and cropland by seed disbursement.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull
- 3) Reseeding





SCIENTIFIC NAME: *Polygonum cuspidatum*

COMMON NAME: Japanese Knotweed, Mexican Bamboo

PRIORITY: High

DESCRIPTION: Member of buckwheat family; herbaceous perennial; grows up to 10'. Stems smooth, stout and swollen at joints where the leaf meets the stem. Leaf size is approximately 6 inches long, 3-4 inches wide, broadly ovate, somewhat triangular and pointed at the tip. Minute greenish white flowers occur in summer with small winged fruits. It reproduces primarily by seed and vegetative means with long stout rhizomes.

CURRENT DISTRIBUTION: Found near water, utility right-of-ways, and old home sites. Will tolerate full shade, high salinity, high temperatures and drought.

DAMAGE & THREATS: It spreads quickly to form a dense thicket. Chokes native vegetation and alters the natural eco-systems. Poses a significant threat to riparian areas. Once established, populations are extremely persistent.

WEED MANAGEMENT OBJECTIVE: Control spread due to recent occurrence.

MANAGEMENT OPTIONS:

- 1) Hand pull young plants; removing all roots and runners preventing re-sprouting
- 2) Herbicide





SCIENTIFIC NAME: Hieracium aurantiacum

COMMON NAME: Orange Hawkweed

DESCRIPTION: Perennial herb up to 12ll, leaves are basal with 1 to 2 small leaves on bristly stem, plants contain milky juice, 5 to 30 Flowers are red-orange with notched upper margins.

CURRENT DISTRIBUTION: Throughout.

DAMAGE & THREATS: Range, cropland, invasive

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Pull (only for small patches)
- 3) Reseeding





SCIENTIFIC NAME: *Lepidium latifolium*

COMMON NAME: Perennial Pepperweed

PRIORITY: Medium

DESCRIPTION: 1-3' in height, bright green to gray-green leaves. Flowers are white, dense clusters, rounded, and flattened. Flowers early summer to fall.

CURRENT DISTRIBUTION: Wet areas such as ditches, roadside and croplands

DAMAGE & THREATS: Deep seated rootstocks make this weed difficult to control

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Cut/mow
- 3) Domestic animals (sheep/goats) reduces seed production





SCIENTIFIC NAME: Lythrum salicaria

COMMON NAME: Purple Loosestrife

PRIORITY: Medium

DESCRIPTION: Rhizomatous perennial with erect stem 6 to 8' tall. Leaves are simple rose-purple flowers have 5-7 petals.

CURRENT DISTRIBUTION:

Associated with moist marshy sites; escapes to aquatic sites, such as stream banks or shore lines of shallow ponds.

DAMAGE & THREATS: Can impede water flow in canals, ditches and ponds; reduced wildlife habitat.

WEED MANAGEMENT OBJECTIVE:

Promote healthy native plant communities and healthy aquatic sources.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull (small patches)
- 3) Reseeding





SCIENTIFIC NAME: Chondrilla Juncea

COMMON NAME: Rush Skeletonweed

PRIORITY: Medium

DESCRIPTION: Perennial 1-4' with yellow flowering heads scattered on branches $\frac{3}{4}$ in diameter, with 7-15 strap-shaped flowers. Surface of leaves and stems exude a milky latex when cut. Seeds are pale brown to nearly black. Body of seed is ribbed with tiny scaly projections above and terminated by a long beak with numerous soft white bristles. Leaves form in a basal rosette.

CURRENT DISTRIBUTION:

Roadsides, pastures, grain fields and disturbed sites.

DAMAGE & THREATS: Invasive in pastures and grain fields. Extensive root systems make it difficult to control sprawl.

WEED MANAGEMENT OBJECTIVE:

Promote healthy plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Pulling





SCIENTIFIC NAME: Ranunculus acris

COMMON NAME: Tall Buttercup

PRIORITY: Medium

DESCRIPTION: Hairy perennial reaching 3', yellow flowers 1 1/2 or more in diameter.

CURRENT DISTRIBUTION: Meadows and pastures.

DAMAGE & THREATS: Causes livestock poisoning

WEED MANGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull (small patches)





SCIENTIFIC NAME: Senecio
jacobaea

COMMON NAME: Tansy Ragwort

PRIORITY: High

DESCRIPTION: Biennial or short-lived perennial, from a taproot, 1-6'tall. Leaves 2-8ll long, 2-3 X pinnately lobed flower heads numerous yellow flowering occurs from July to September.

CURRENT DISTRIBUTION: Throughout pastures, rangeland.

DAMAGE & THREATS: Toxic to cattle and horses. Alkaloids which produce irreversible liver damage.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull
- 3) Biological – reseedling (as follow-up)





SCIENTIFIC NAME: Iris pseudoacorus

COMMON NAME: Yellow Flag Iris

PRIORITY: High

DESCRIPTION: Large dense colonies (similar to cattails) growing in wet areas 3-4' tall with several yellow flowers downward pointing.

CURRENT DISTRIBUTION: Grows in wet areas reproduces from seeds and rhizomes.

DAMAGE & THREATS: Causes skin irritations when hand pulling. Invasive, prohibiting water flow and recreation in ponds, streams and lakes.

WEED MANAGEMENT OBJECTIVE: Promote healthy aquatic ecosystems



MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull

CATEGORY 3 NOXIOUS WEEDS



SCIENTIFIC NAME: *Crupina vulgaris*

COMMON NAME: Common Crupina

PRIORITY: Not present in Whitefish

DESCRIPTION: Fall germinating annual, 1-3' high with several short flowering branches, and 1-5 flower heads on each branch. Heads are topped with pink, lavender or purple flowers. Stiff bristles encircle the broad end of the seed giving the appearance of a fishing dry fly. Flowering occurs from June to July.

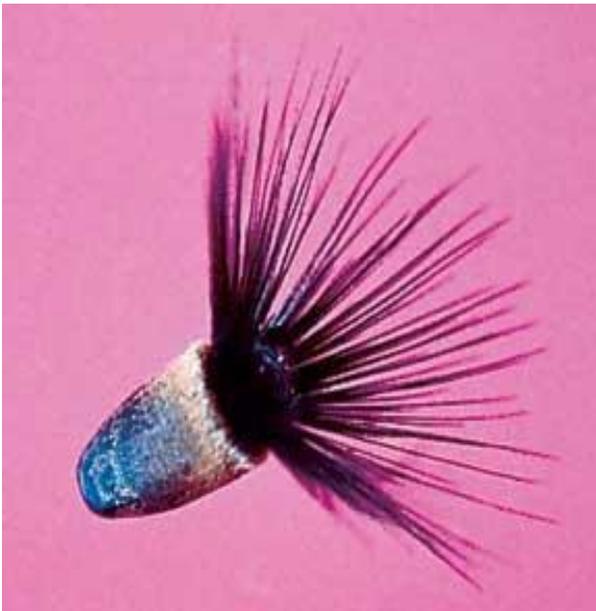
CURRENT DISTRIBUTION: Southern slopes in steep canyon grasslands, range, forest, and disturbed non-croplands.

DAMAGE & THREATS: Invasive to native areas.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:

1) Herbicide





SCIENTIFIC NAME: Myriophyllum spicatum

COMMON NAME: Eurasian Water Milfoil

PRIORITY: Not present in Whitefish

DESCRIPTION: Submersed perennial plant with finely dissected feather like leaves arrange in whorls of 4 around the stem. Stems may reach 10'. Flower stem is a rigid pink. Flowers spike up to 8ll erect above the water during flowering. Flowering is from June to August.



CURRENT DISTRIBUTION: Lakes, ponds and streams.

DAMAGE & THREATS: Forms dense mats interfering with water recreation and inhibiting water flow. Also spreads rapidly.

WEED MANAGEMENT OBJECTIVE: Promote healthy aquatic ecosystems.

MANAGEMENT OPTIONS:

- 1) Herbicide
- 2) Hand pull



SCIENTIFIC NAME: Botomus umbellatus

COMMON NAME: Flowering Rush

PRIORITY: Not present in Whitefish

DESCRIPTION: A perennial thick creeping rhizome. Leaves are erect or floating with opposite branch structure, up to 3 feet long. Stems are leafless green and triangular in cross section. The flower consists of three purplish brown bracts where the flower stalk attaches to the stem tip. The flowers are umbrella shaped pink to white clusters with three petals 1 inch in diameter.

CURRENT DISTRIBUTION: Not currently found in Whitefish. Grows near stream banks, in marshy areas and other wetland sites.

DAMAGE & THREATS: Invasive to native areas.

WEED MANAGEMENT OBJECTIVE: Promote healthy aquatic ecosystems and prevent plant from becoming established

MANAGEMENT OPTIONS:
2) Herbicide





SCIENTIFIC NAME: Tamarix ramosissima

COMMON NAME: Salt Cedar

PRIORITY: Medium

DESCRIPTION: Deciduous or evergreen

CURRENT DISTRIBUTION: Isolated locations

DAMAGE & THREATS: Used as ornamentals but have escaped & become naturalized along streams, canals, and lake shores. Severely limits wildlife biodiversity. Large plants can transpire at least 200 gallons of moisture per plant daily resulting in the drying out of ponds and streams.



WEED MANAGEMENT OBJECTIVE: Promote healthy native plant and aquatic communities.

MANAGEMENT OPTIONS:

- 1) Herbicide (Basal)
- 2) Biological
- 3) Cut/mow/pull



SCIENTIFIC NAME: Centaurea solstitialis

COMMON NAME: Yellow Starthistle

PRIORITY: Not present in Whitefish

DESCRIPTION: Annual 2-3' rigid branching winged stems cottony pubescence. Flower heads are yellow with sharp straw colored thorns. Appears as basal rosette in early spring. Leaves are deeply lobed with a pointed tip. Stem leaves are vertical, flat extensions along the stem.

CURRENT DISTRIBUTION: Throughout on roadsides/waste areas.

DAMAGE & THREATS: Can cause —chewing disease if fed to horses.

WEED MANAGEMENT OBJECTIVE: Promote healthy native plant communities.

MANAGEMENT OPTIONS:
1) Herbicide



APPENDIX A

NOXIOUS WEED OPTIMUM SPRAYING SCHEDULE																	
CATEGORY 1 CITY OF WHITEFISH NOXIOUS WEEDS				CATEGORY 2 CITY OF WHITEFISH NOXIOUS WEEDS		SUM	MER	FALL	CATEGORY 3 CITY OF WHITEFISH NOXIOUS WEEDS	SU	MMER	FALL	CITY OF WHITEFISH UNDESIRABLE WEEDS		SUM	MER	FALL
Canada Thistle	X	X	X	Dyer's Woad	X				Common Crupina (Asteraceae)	X		X	Baby's Breath	X			
Common Tansy	X		X	Japanese Knotweed	X				Eurasian Watermilfoil	X			Cheat Grass	X			
Dalmation Toadflax	X			Orange/Meadow Hawkweed	X	X			Flowering Rush	X			Common Yarrow	X			
Field Bindweed	X	X	X	Perennial Pepperweed	X				Salt Cedar	X			Creeping Bellflower	X			
Houndstongue	X			Purple Loosestrife	X				Yellow Starthistle	X			Dandelion	X			
Knapweed: Spotted/Diffuse/Russian	X	X	X	Rush Skeletonweed	X								Dane's Rocket	X			
Leafy Spurge	X	X	X	Tall Buttercup	X								Kochia	X			
Ox-Eye Daisy	X			Tansy Ragwort	X	X	X						Russian Thistle	X			
St. Johnswort	X			Yellow Flag Iris	X								Scentless Chamomile	X			
Sulfur Cinquefoil	X												Sow Thistle	X			
Whitetop	X												Tumble Mustard	X			
Yellow Toadflax	X												White Champion	X			
													White Cockle	X			
													Wormwood				

APPENDIX B

CITY OF WHITEFISH PROPERTIES: CITY & PARK

PARKS	SIZE	WEED CONTROL	MOWING	IRRIGATION
Armory Park	25 acres	√	√	√
Baker Park	3.25 acres	√	√	√
Baker Blvd	.16 acres	√	√	
Canoe Park	.60 acres	√	√	
City Beach & Overflow Parking Area	3.15 acres	√	√	√
Kay Beller Park	1 acre	√	√	√
Grouse Mountain Park	4 acres	√	√	√
Memorial Park	4.5 acres	√	√	√
Mountain Trails Park	3 acres	√	√	√
Riverside Park	4 acres	√	√	√
Soroptimist Park	1 acre	√	√	
Riverwood Park	4.6 acres	√	√	
Creekwood Park	4.75 acres	√	√	
Whitefish Library	1 acre	√	√	√
Cultural Arts Center	.5 acres	√	√	√
Viaduct	1 acre	√	√	
Park Shop	1 acre	√		
Greenwood Park	1 acre	√	√	
River Lakes Park	22 acres	√	√	
Edgewood Planting	1.0 acres	√	√	√
Sky Park	.34 acres	√		
Depot Park	1.8 acres	√	√	√
Total	88.65 acres			

BIKE PATH	SIZE	WEED CONTROL	MOWING	IRRIGATION
BNSF Loop	1.2 miles	√	√	
Edgewood	.4 miles	√	√	
Wisconsin	2.5 miles	√	√	
Hope Trail	.18 miles	√	√	
2 nd Street	.57	√	√	
Baker to Rygg	.15 miles	√	√	
Rocksund (Riverwood)	.50 miles	√	√	
Total	5.50 miles (6.24 Acres)			
CITY PROPERTIES	SIZE	WEED CONTROL	MOWING	IRRIGATION
Storm Drain Infiltration Site 2 nd Street	1.6 acres	√		
7 th & Kalispell Ave	.50 acres	√		
6 th & Central Ave	.25 acres	√		
City Shops (Including Road to Shop)	40 acres	√		
Sewage Treatment Plan Lawn	1 acre	√	√	√
Sewage Treatment Plant	60 acres	√		
Spokane Parking Lot	.25 acres	√	√	
Snow Lot	1.25 acres	√	√	
Total	104.85 acres			
ROAD RIGHT OF WAYS	SIZE	WEED CONTROL	MOWING	IRRIGATION
Murdock Lane & Ridgecrest Drive	.25 acres	√		
BNSF Loop Oregon Ave	.25 acres	√		
Scott Ave (Abandoned)	.12 acres	√		
Tenth Street	.34 acres	√		
Hwy 93 South/West	13 acres	√	√	√
Total	13.96 acres	√		

PROPOSED	SIZE	WEED CONTROL	MOVING	IRRIGATION
2009 Emergency Services Bldg	4.4 acres	√	√	√
2009 MDOT Lot	1.85 acres	√		
Total	6.25 acres			
Total City & Park Acreage	219.95 acres			

APPENDIX C

CITY OF WHITEFISH: CATEGORATION OF NOXIOUS WEEDS

CATEGORY 1	CATEGORY 2	CATEGORY 3	UNDESIRABLE
Canada Thistle	Dyer's Woad	Common Crupina (Asteraceae)	Baby's Breath
Common Tansy	Japanese Knotweed	Eurasian Watermilfoil	Cheat Grass
Dalmation Toadflax	Orange/Meadow Hawkweed	Flowering Rush	Common Yarrow
Field Bindweed	Perennial Pepperweed	Salt Cedar	Creeping Bellflower
Houndstongue	Purple Loosestrife	Yellow Starthistle	Dandelion
Spotted/Diffuse/Russian Knapweed	Rush Skeletonweed		Dane's Rocket
Leafy Spurge	Tall Buttercup		Kochia
Ox-Eye Daisy	Tansy Ragwort		Russian Thistle
St. Johnswort	Yellow Flag Iris		Scentless Chamomile
Sulfur Cinquefoil			Sow Thistle
Whitetop			Tumble Mustard
Yellow Toadflax			White Campion
			White Cockle
			Wormwood

APPENDIX D

4-3-1: DEFINITIONS:

NOXIOUS WEEDS: Any exotic plant species that may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses, or that may harm native plant communities¹.

Category 1: Category 1 is defined as noxious weeds that are currently established and are generally widespread in many counties of the state. Management criteria include awareness and education, containment and suppression of existing infestations and prevention of new infestations. These weeds are capable of rapid spread and render land unfit or greatly limit beneficial uses.

Canada thistle	(Cirsium arvense)
Common tansy	(Tanacetum vulgare)
Dalmation toadflax	(Linaria dalmatica)
Diffuse knapweed	(Centaurea diffusa)
Field bindweed	(Convolvulus arvensis)
Hound's tongue	(Cynoglossum officinale)
Leafy spurge	(Euphorbia esula)
Oxeye daisy	(Chrysanthemum leucanthemum)
Russian knapweed	(Centaurea repens)
St. John's wort	(Hypericum perforatum)
Spotted knapweed	(Centaurea maculosa)
Sulfur (erect) cinquefoil	(Potentilla recta)
Whitetop or hoary cress	(Cardaria draba)
Yellow toadflax	(Linaria vulgaris)

Category 2: Category 2 is defined as noxious weeds that have recently been introduced into the state or are rapidly spreading from their current infestation sites. These weeds are capable of rapid spread and invasion of lands, rendering lands unfit for beneficial uses. Management criteria include awareness and education, monitoring, and containment of known infestations and eradication where possible.

Dyers woad ²	(Isatis tinctoria)
Meadow hawkweed complex	(Hieracium pratense, H. floribundum, H. piloselloides)
Orange hawkweed	(Hieracium aurantiacum)
Perennial pepperweed ²	(Lepidium latifolium)

Purple loosestrife or lythrum	(Lythrum salicaria, Lythrum virgatum)
Tall buttercup	(Ranunculus acris)
Tamarisk (salt cedar)	(Tamarix)
Tansy ragwort	(Senecio jacobea)

Category 3: Category 3 is defined as noxious weeds that have not been detected in the state or may be found only in small, scattered, localized infestations. Management criteria include awareness and education, early detection and immediate action to eradicate infestations. These weeds are known pests in nearby states and are capable of rapid spread.

Common crupina	(Crupina vulgaris)
Eurasian water milfoil	(Myriophyllum spicatum)
Rush skeletonweed	(Chondrilla juncea)
Yellow flag iris ²	(Iris pseudacorus)
Yellow starthistle	(Centaurea solstitialis)

Undesirables: Not a high priority for treatment, but can get out of control if not watched.

Baby's breath ²	(Gypsophila paniculata)
Common yarrow ²	(Achillea millefolium)
Creeping bellflower ²	(Campanula rapunculoides)
Dandelion	
Dane's rocket	
Flowering rush ²	
Kochia ²	(Kochia scoparia)
Russian thistle	(Salsola iberica)
Scentless chamomile ²	(Matricaria perfrata)
Sow thistle	
Tumble mustard ²	(Sisymbrium altissimum)
White campion ²	(Silene alba)
White cockle	
Wormwood	(Artemisia absinthium)

Notes:

1. Species that have been removed from this chapter are quack grass, dodder, field scabious (blue buttons), Scotch bull thistle.
2. Species that have been added to this chapter.

(Ord. 07-10, 4-16-2007)

4-3-2: NUISANCE; MISDEMEANOR; MUNICIPAL INFRACTION:

Every owner of a lot or parcel of land within the city limits shall take such steps as are necessary, including, but not limited to, mowing, pulling, and applying herbicide (where lawful and appropriate) or biological controls (all of which steps are collectively referred to as "eradicate") to eradicate "noxious weeds" (as defined in this chapter) on such lot, and including any adjacent boulevard, greenstrip, borrow pit or roadside that is owned by the city or any other public agency. No owner of any lot or parcel within the city limits, or agent of such owner, shall permit noxious weeds on such lot or parcel, and including any adjacent boulevard, greenstrip, borrow pit or roadside that is owned by the city or any other public agency. The existence of such noxious weeds shall constitute a public nuisance. Any person violating this provision shall, upon conviction, be guilty of a misdemeanor, and shall be punished as set forth in section [1-4-1](#) of this code and in this chapter. Any person violating this provision shall be deemed to have committed a municipal infraction, and shall be assessed the civil penalty described in section [1-4-4](#) of this code. For each separate incident, the city shall elect to treat the violation as a misdemeanor or a municipal infraction, but not both. If a violation is repeated, the city may treat the initial violation as a misdemeanor and the repeat violation as a municipal infraction, or vice versa. Each day that a violation remains shall constitute a separate violation. (Ord. 09-20, 10-19-2009)

4-3-3: NOTICE TO ERADICATE:

Whenever the city discovers that noxious weeds exist on any lot or parcel subject to this chapter, the city shall notify the owner of the property in writing, or if no such person can be found, the city shall notice the person in control of the property, in writing. The notice provided by the city may take one of two (2) forms:

- A. The city may, in its discretion, identify in such notice the specific types of noxious weeds discovered, and identify the most effective eradication measures that are to be taken with respect to such weeds. Such notice shall require that the owner or person in control take such eradication measures within ten (10) days of the date that the notice is mailed. In lieu of immediate eradication, the owner or person in control may, within such ten (10) day period, enter into a written agreement, satisfactory to the city, providing for eradication measures within a time frame satisfactory to the city.
- B. The city may, in its discretion, notify the owner or person in control of the existence of noxious weeds, and require that such person, within ten (10) days of mailing of the notice, meet with a city employee to identify the types of weeds in existence and the most effective eradication measures, and agree in writing to take such eradication measures within a time frame satisfactory to the city.

Any notice provided pursuant to this section shall require that the owner or person in control eradicate such weeds on any adjacent boulevard, greenstrip, borrow pit or roadside that is owned by the city or any other public agency. The notice shall further inform the owner or person in control that upon the failure to eradicate such weeds within a specified time, the city may proceed to have such weeds eradicated and assess the cost thereof to the property involved. Finally, the notice shall provide that if because of age or physical disability the owner or person in control is unable to physically comply with the notice, they can, in writing, request assistance from the city, in which case the weed control advisory committee shall be contacted to provide volunteer assistance. If the city determines that the person making the request qualifies for such volunteer assistance, it shall delay any enforcement action so long as such person cooperates with the city and volunteers.

The notice described in this section shall be served by first class mail, postage prepaid. In case service by mail is not feasible, then the notice shall be published once a week for two (2) weeks in a newspaper in the city of Whitefish. The last date of publication shall be not less than seven (7) days prior to the date upon which the city commences the eradication of such weeds. (Ord. 07-10, 4-16-2007)

4-3-4: ERADICATION BY CITY OF WHITEFISH:

Upon the failure, neglect or refusal of any owner or person in control to eradicate noxious weeds growing, lying or located upon the property of the owner, including any adjacent boulevard, greenstrip, borrow pit or roadside that is owned by the city or any other public agency, the zoning administrator or designee may eradicate such noxious weeds, through the use of city employees or private forces. The zoning administrator or designee shall report to the city clerk the costs of such eradication. The city clerk shall make an additional charge of twenty percent (20%) to cover the city's administrative costs. The total costs shall be assessed against the lot or parcel of land from which or adjoining which the noxious weeds have been eradicated by action of the city. The city clerk shall cause the aforesaid cost to become a lien against the property involved. Nothing herein shall prevent the city from maintaining a civil action to recover all of such costs. (Ord. 07-10, 4-16-2007)

4-3-5: ENFORCEMENT:

If any person fails to comply with any provision of this chapter, or fails to comply with a notice delivered pursuant to section [4-3-3](#) of this chapter, or fails to comply with any written agreement executed by such person pursuant to section [4-3-3](#) of this chapter, such failure shall constitute a misdemeanor and a violation of this chapter, and shall also constitute a municipal infraction, and the zoning administrator or designee shall take any one of the following actions, as deemed appropriate:

- A. Issue a civil citation pursuant to section [1-4-5](#) of this code.
- B. Direct the city attorney to issue a civil complaint and summons.
- C. Direct the city attorney to initiate a criminal prosecution.

For each separate incident, the city shall elect to treat the violation as a misdemeanor, as a municipal infraction, or as a matter to be enforced through a civil action. If a violation is repeated, the city may treat the repeat violation differently than it treated the initial violation, and may utilize a different remedy. For the second and any subsequent violation with respect to the same property owner or person in control and the same property, the city may proceed immediately to eradication of such weeds as provided in section [4-3-4](#) of this chapter, without first notifying the owner or person in control and providing an opportunity for such person to eradicate the weeds. In such case the city shall recover the cost of eradication and recover administrative costs by creation of a lien against the property involved, or through a civil action, or both. (Ord. 09-20, 10-19-2009)

4-3-6: CONTINUING VIOLATION:

Every violation of this chapter shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof may be deemed to be a separate and distinct offense. The existence of a criminal, civil, or other remedy, or the pendency of a criminal, civil, or other proceeding, under the provisions of this chapter, shall not be construed to affect the right of the city to proceed with enforcement of any and all of the provisions hereof by whatever lawful means are available to the city. (Ord. 07-10, 4-16-2007)

April 24, 2015

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

Mayor Muhlfeld and Members of Whitefish City Council,

Recommendation to Approve Revisions Made to the Weed Management Plan

Introduction/History

The City of Whitefish Parks and Recreation Department manages noxious weeds within city parks and properties. Methods for weed management have been identified within the Weed Management Plan, adopted in 2009. During the 2014 July and August Park Board meetings, the Park Board of Commissioners discussed the weed management plan specific to challenges arising at Soroptimist Park. Both meetings offered a public comment on the topic. During the July meeting there were no public comments. During the August meeting there was public comment from Jan Metzmaker. Mrs. Metzmaker had held a neighborhood potluck to discuss weed concerns with the neighbors of Soroptimist Park. Mrs. Metzmaker stated that the majority of neighbors desired the park to be spray-free and offered suggestions of maintenance, such as more frequent mowing. During the August Park Board meeting, the Park Board moved unanimously to repeal Resolution 09-06, allowing for the Parks and Recreation Department to oversee weed management as needed. In September of 2014, the Parks and Recreation Department brought the Park Board's recommendation to repeal the 2009 Resolution adopting the Weed Management Plan to the Whitefish City Council. At that time, Council directed staff to revise the Weed Management Plan, stating that there was value to the plan as a whole and that a revision would be more effective than a repeal of the plan.

Current Report

The Whitefish Weed Advisory Committee met in September to begin the initial revisions of the Weed Management Plan and generated the final revisions in April 2015. Contextual revisions include allowing the document to become a living document that may be evaluated and updated regularly by the Parks and Recreation Department with approval by the Park Board of Commissioners; a statement of intent to abide by safe practices established by the EPA and Department of Agriculture; updated parkland acreage information; replacement of information considering a competitive bid process with information identifying in-house practices; revisions identifying the name change of the Weed Advisory Committee to the Weed Educational Outreach Committee; the replacement of "Dead Eye Site" and "Experimental Mowing" practices with practices identical to all other city parks; and the addition of Whitefish City Code 4-3-1 regarding weed management within the city. After all revisions had been reviewed by the Weed Advisory Committee, the committee unanimously approved the revised plan. During the April 14, 2015 Park Board meeting, the revisions to the plan were presented to the Park Board of Commissioners and were unanimously approved. These revisions have been provided in red-line format in your packet for your review.

Financial Requirement

There is no financial requirement.

Recommendation

Staff respectfully recommends that the Whitefish City Council approve the revisions to the 2009 Weed Management Plan.

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April 28, 2015

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

**Request for Authorization to Proceed with Construction Bidding for the
Central Avenue Water Project**

Introduction/History

The Public Works Department and our engineering design consultant, WGM Group, are wrapping up the design phase and requesting authorization to move forward with construction bidding for the Central Avenue Water Project. This project includes the replacement of water main from 3rd Street to 6th Street on Central Avenue. Drawings showing the project overview are attached. Design of the Central Avenue Water Project was started in August of 2014.

Current Report

This project includes the replacement of an old cast iron water main with lead joints that has had several leaks in the past few years. It can be difficult to access the water main for repairs since this section of Central Avenue was constructed with a concrete base, similar to the other downtown blocks. Over the past 10 years the City has been called out to fix about 8 water main leaks. In addition, about seven of the old water service lines had to be replaced due to leakage. At the south end of Central Avenue the road is slumping towards the river. TD&H Engineering has been monitoring the movement of the slump at the south end of Central Avenue over the past few years. They have recommended that the City eventually dead end Central Avenue at 6th Street. But this is a topic that we plan to discuss with the Council at another time. With the Central Avenue Water Improvements we will dead end the water line at the south end of Central Avenue to eliminate the risk of a future water break in the slump area.

This project is considered a priority by our Construction and Maintenance Supervisor, Jay Barranger, because of the history of water leakage and the presence of old lead joints. The main was probably constructed in the 1920's or 1930's.

The public works department has postponed major repairs to the road surface until the water main has been replaced. The poor condition of the block of Central between 3rd and 4th Street contrasts with the adjacent reconstructed downtown blocks. Construction is planned to take place in the fall shoulder season.

A complicating factor, that Rhonda Fitzgerald brought up at the last meeting, is that reconstruction of the block of Central Avenue between 3rd and 4th Street is a priority of the 2015 Downtown Business District Master Plan Update. In fact, I brought up the water project at meetings with Crandall and Arambula, and suggested that they include this block as a priority project. The problem is that the engineers have not designed a reconstruction of this block and the City has not yet allocated funds for reconstruction. Therefore, in order to add reconstruction of the 3rd to 4th Street block to the project, we would have to postpone the project a year and add approximately \$477,000 to the project budget (construction plus engineering).

The Council has a few options.

1. Option one would be to move forward with bidding the water project for construction this fall. This would allow the trench a year to settle prior to reconstructing the road. We would then have the engineer move forward with design of a total reconstruction of the 300 block of Central, including a tabled intersection at 4th Street. Completing the water improvement project first would benefit and shorten the schedule for the reconstruction of the 300 block during the shoulder season. However, splitting the project would add some mobilization costs. Our design consultant believes the additional mobilization costs would be minimal.
2. Option 2 would be to construct the water improvement project, patch the trenches and have our city crew pave over the driving lanes on the 3rd to 4th Street block (during the 2015 shoulder season).
3. Option 3 would be to postpone the water project, expand the engineering contract to include a total reconstruction of the 300 block, and do the entire project next year during the 2016 shoulder season.

The Public Works Department recommends that we move forward with the bidding 2015 Central Avenue Water Project. In addition to saving our crews the time and expense of

addressing water leaks, it would limit the liability of water damage to commercial businesses on this block. We would recommend that the Council consider reconstruction of the 300 block of Central Avenue during the following year.

Financial Requirement

Option 1. The engineer's pre-bid construction cost estimate of \$ 408,040 includes water main replacement with trench patches on Central Avenue from 3rd to 6th Street. The remaining engineering and construction management costs of \$8,000 will bring the total project cost to about \$416,000 (the design is 95% complete). The Public Works Department would do most the water line construction inspection in-house. The work is expected to occur in FY16. All costs will be paid out of the Water Fund, as proposed in the FY16 budget. The \$477,000 cost of the 300 Central block reconstruction would then be budgeted for the following year.

Option 2. Paving over the driving lanes of the 300 block would add about \$6,000 for about 88 tons of asphalt. Therefore, the total cost of the improvements would be \$416,000 plus \$6,000 or \$422,000.

Option 3. A combined Central Avenue Water Project (3rd to 6th Street) plus reconstruction of the 300 Block would cost about \$416,000 (water) plus \$477,000 for a total of \$893,000 (see the attached estimates). The \$416,000 cost is budgeted to come out of the water fund and \$250,000 is budgeted in the FY16 street fund for Central Avenue. Therefore, to fund the combined project the Council would need to allocate an additional \$227,000 from TIF towards the reconstruction.

Recommendation

Staff respectfully requests Council authorization to move forward with construction bidding for the Central Avenue Water Project. The department could then bring a proposed contract amendment to add engineering design for the reconstruction of the 300 block of Central Avenue to a future meeting.

Sincerely,



Karin Hilding, P.E., LEED A.P.
Interim Public Works Director

Opinion of Probable Costs



Project Name: Whitefish Water Improvements
 Project No.: 13-09-09
 Prepared By: DH
 Approved By: JLG
 Date: April 14, 2015

Description: **Central Avenue - Cost Estimate
 Water Main Replacement 3rd to 6th**

- Water Main Replacement- 3rd Street to Beginning of 6th Street Curve
- Existing Water Service Lines Replaced to the Curb Box
- Services Bored under Median
- Estimate Based on 95% Design Plans

Item Number	Description	Quantity	Unit	Unit Price	Total
Water Main Replacement: 3rd to 6th Street					
1	Mobilization	1	LS	\$ 15,000.00	\$ 15,000
2	Traffic Control	1	LS	\$ 10,000.00	\$ 10,000
3	8" C900 PVC Water Main	990	LF	\$ 58.00	\$ 57,420
4	Import Trench Backfill	740	CY	\$ 30.00	\$ 22,200
5	Connect to Existing Water Main	2	EA	\$ 1,200.00	\$ 2,400
6	8" MJ Water Main Bend	3	EA	\$ 600.00	\$ 1,800
7	8" Gate Valve w/ Valve Box	3	EA	\$ 1,600.00	\$ 4,800
8	8" x 6" MJ x FLG Tee	2	EA	\$ 600.00	\$ 1,200
9	6" Gate Valve w/ Valve Box	3	EA	\$ 1,200.00	\$ 3,600
10	8" x 6" PE Reducer	2	EA	\$ 400.00	\$ 800
11	Romac RC501 8" x 6" Reducing Coupling	1	EA	\$ 400.00	\$ 400
12	Fire Hydrant Assembly	3	EA	\$ 3,500.00	\$ 10,500
13	6" MJ Water Main Bend	2	EA	\$ 500.00	\$ 1,000
14	Pressure and Bacteriologic Testing	1	LS	\$ 3,000.00	\$ 3,000
15	Bore Services to West between 4th & 5th	260	LF	\$ 125.00	\$ 32,500
16	1" Service Line	825	LF	\$ 65.00	\$ 53,625
17	Connect Existing Service	30	EA	\$ 1,000.00	\$ 30,000
18	Abandon Existing Water Main	1	LS	\$ 2,500.00	\$ 2,500
19	Performance/Payment Bonds	1	LS	\$ 4,000.00	\$ 4,000
20	4" Thickness Asphalt Patch	1,840	LF	\$ 60.00	\$ 110,400
21	Concrete Curb and Gutter	180	LF	\$ 20.00	\$ 3,600
22	4" Concrete Sidewalk	50	SF	\$ 4.00	\$ 200
				Subtotal	\$ 370,945
				Construction Contingency	\$ 37,095
				CONSTRUCTION TOTAL	\$ 408,040

Opinion of Probable Costs



Project Name: Whitefish Street and Water Improvements
 Project No.: 13-09-09
 Prepared By: KB
 Approved By: JLG
 Date: April 28, 2015

Description: **Central Avenue: 3rd Street to 4th Street Improvements
 3rd Street to 6th Water Main Replacement**

- Street improvements similar to Central Avenue Downtown street enhancements
- Street reconstruction, sidewalks, lighting, landscaping and
- Water Main Replacement- 3rd Street to 6th Street
- Existing Water Service Lines Replaced to the Curb Box
- Cost estimate based on 95% design of water main replacement and schematic design of street improvements

Item Number	Description	Quantity	Unit	Unit Price	Total
1	Sub-Excavation and Stabilization	825	CY	\$ 45.00	\$ 37,125
2	Concrete Curb and Gutter	973	LF	\$ 20.00	\$ 19,460
3	Concrete Valley Gutter	536	LF	\$ 30.00	\$ 16,080
4	48" Combination Manhole Inlet	1	EA	\$ 3,200.00	\$ 3,200
5	30" Curb Inlet	5	EA	\$ 2,200.00	\$ 11,000
6	8" Storm Drain - SDR 35 PVC Pipe	120	LF	\$ 40.00	\$ 4,800
7	Asphalt Tact Coat	1	TON	\$ 1,000.00	\$ 1,000
8	Bituminous Surface Course - 4" Thickness	475	TON	\$ 75.00	\$ 35,625
9	Crushed Sub Base Course - 1 1/2" Minus 26" Thickness	1,420	CY	\$ 30.00	\$ 42,600
10	4" Concrete Sidewalk	460	SY	\$ 55.00	\$ 25,300
11	6" Thickness Concrete Driveway	75	SY	\$ 75.00	\$ 5,625
12	New Sign	6	EA	\$ 200.00	\$ 1,200
13	4" Solid Waterborne Striping	1	LS	\$ 2,000.00	\$ 2,000
14	4" Curb Underdrain	506	LF	\$ 6.00	\$ 3,036
15	Landscape	1	LS	\$ 20,000.00	\$ 20,000
16	Irrigation	1	LS	\$ 15,000.00	\$ 15,000
17	Stabilization Fabric	1,965	SY	\$ 2.00	\$ 3,930
18	Import Trench Backfill	260	CY	\$ 30.00	\$ 7,800
19	Connect to Existing Water Main	2	EA	\$ 1,800.00	\$ 3,600
20	8" PVC Water Main - SDR 35 PVC Pipe	990	LF	\$ 55.00	\$ 54,450
21	Import Trench Backfill	740	CY	\$ 55.00	\$ 40,700
22	8" MJ Water Main Bend	3	EA	\$ 600.00	\$ 1,800
23	8" Gate Valve w/ Valve Box	3	EA	\$ 1,600.00	\$ 4,800
24	8" x 6" MJ x FLG Tee	2	EA	\$ 600.00	\$ 1,200
25	6" Gate Valve w/ Valve Box	3	EA	\$ 1,200.00	\$ 3,600
26	8" x 6" PE Reducer	2	EA	\$ 400.00	\$ 800
27	Romac RC501 8" x 6" Reducing Coupling	1	EA	\$ 400.00	\$ 400
28	Fire Hydrant Assembly	3	EA	\$ 3,500.00	\$ 10,500
29	6" MJ Water Main Bend	2	EA	\$ 500.00	\$ 1,000
30	Pressure and Bacteriologic Testing	1	LS	\$ 3,000.00	\$ 3,000
31	Bore Services to West between 4th & 5th	260	LF	\$ 125.00	\$ 32,500
32	1" Service Line	825	LF	\$ 65.00	\$ 53,625
33	4" Thickness Asphalt Patch	1,200	LF	\$ 60.00	\$ 72,000
34	Performance/Payment Bonds	1	LS	\$ 2,000.00	\$ 2,000
35	Mobilization, Bonding and Submittals	1	LS	\$ 30,000.00	\$ 30,000
36	Traffic Control	1	LS	\$ 25,000.00	\$ 25,000
37	Pedestrian Control	1	LS	\$ 20,000.00	\$ 20,000
38	Construction Surveys and Material Testing	1	LS	\$ 20,000.00	\$ 20,000
				Subtotal	\$ 635,756
				Contingency	\$ 127,151
				CONSTRUCTION TOTAL	\$ 762,907
				Professional Services Budget	\$ 129,694
				PROJECT TOTAL	\$ 892,601

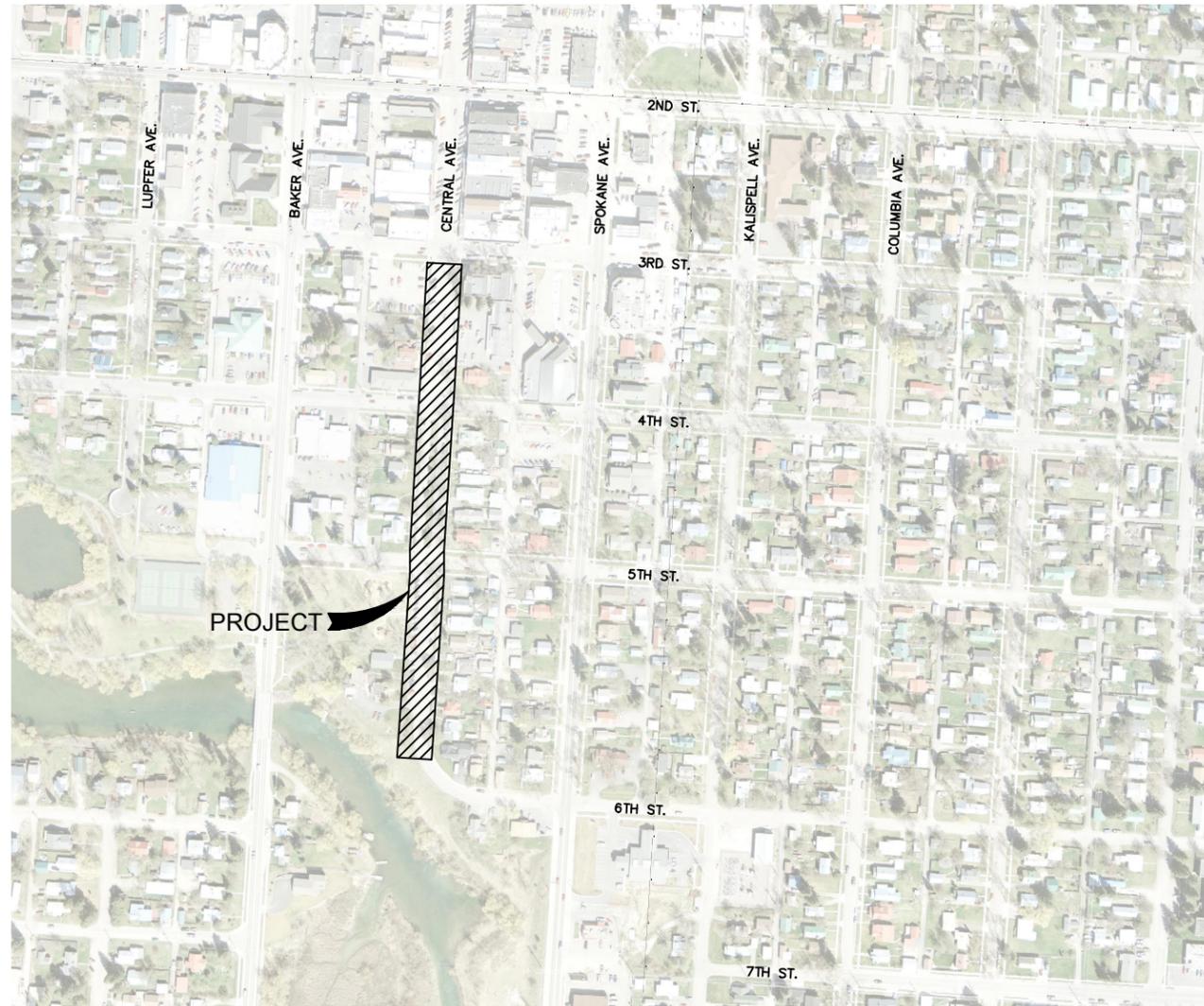
CENTRAL AVENUE WATER MAIN REPLACEMENT

6TH STREET TO 3RD STREET

WHITEFISH, MONTANA



1111 EAST BROADWAY
 MISSOULA, MONTANA 59802
 TEL: 406-728-4611
 FAX: 406-728-2476
 WWW.WMGROUP.COM



SHEET INDEX

- 1 COVER SHEET
- 2 LEGEND, GENERAL NOTES, AND ABBREVIATIONS
- 3 PROJECT OVERVIEW
- 4 WATER MAIN PLAN AND PROFILE
- 5 WATER MAIN PLAN AND PROFILE
- 6 WATER MAIN PLAN AND PROFILE
- 7 WATER MAIN DETAILS
- 8 WATER MAIN DETAILS
- 9 WATER MAIN DETAILS
- 10 WATER MAIN DETAILS
- 11 WATER MAIN DETAILS

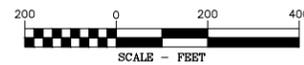
PRELIMINARY

PLOTTED: 3/18/2015
 SAVED: 3/18/2015



LOCATION MAP

VICINITY MAP



PREPARED FOR:



Know what's below.
 Call before you dig.

CALL 2-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

WGM GROUP, INC. ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL AND VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

COVER SHEET

CENTRAL AVENUE WATER MAIN REPLACEMENT

CITY OF WHITEFISH, MONTANA

REVISIONS:

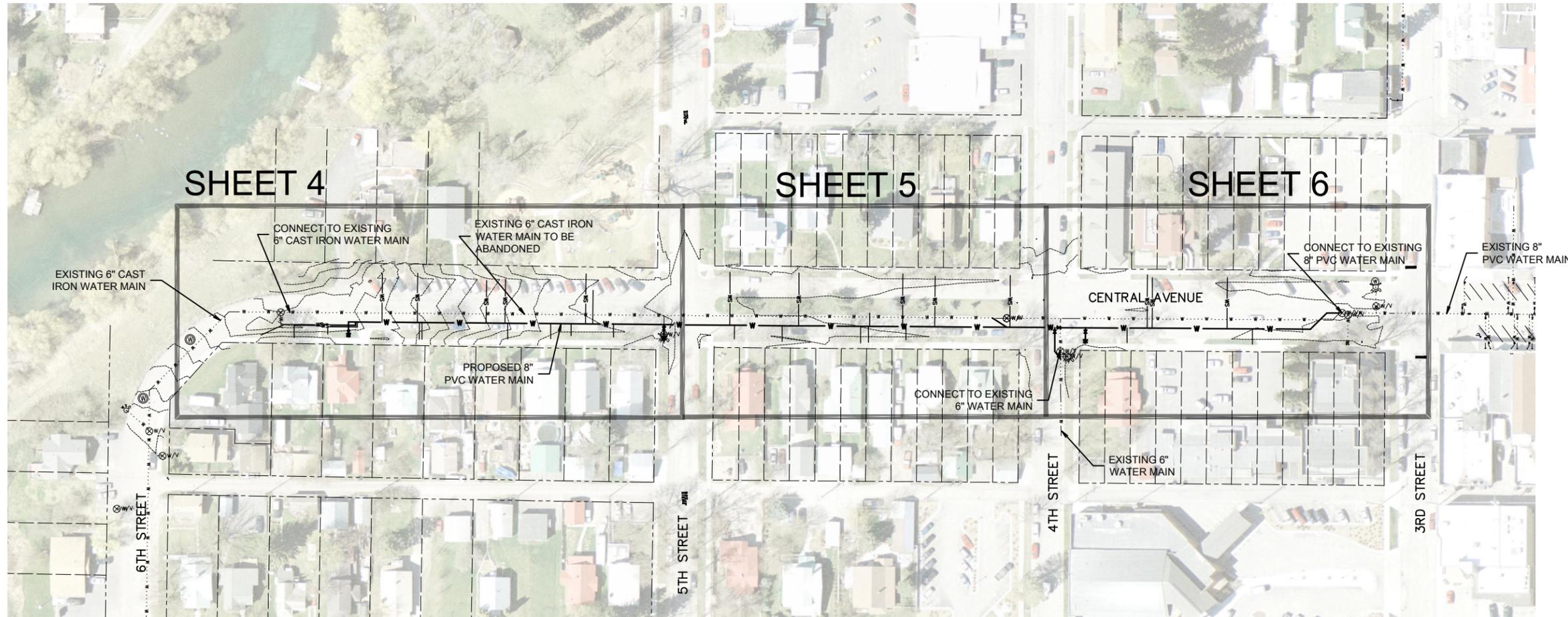
NO.	DESCRIPTION	DATE

PROJECT: 13-09-09
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 FILE PATH:
 W:\Projects\130909\CAD Data\Design
 LAYOUT: SHT1
 SURVEYED: ---
 DESIGN: DH
 DRAFT: CEG
 APPROVE: JLG
 DATE:

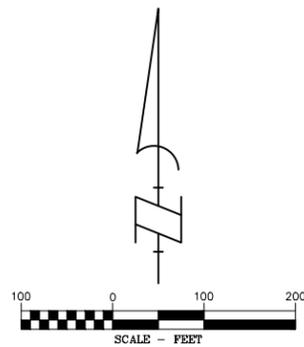
JANUARY 2015

95% REVIEW SET

SHEET **1 OF 11**



PROJECT OVERVIEW
CENTRAL AVENUE WATER MAIN REPLACEMENT
CITY OF WHITEFISH, MONTANA



CONTROL POINT COORDINATE TABLE				
POINT	NORTHING	EASTING	ELEVATION	DESCRIPTION
102	1552122.28	794775.10	3034.02	WGM RED PLASTIC CAP
103	1552121.33	794788.23	3033.97	WGM RED PLASTIC CAP
104	1551646.59	794774.29	3023.13	WGM RED PLASTIC CAP

BASIS OF BEARINGS:
GRID NORTH OF MONTANA STATE PLANE COORDINATE SYSTEM NAD83
(2011) (EPOCH: 2010.0000).

VERTICAL DATUM:
NAVD88

PRELIMINARY

PLOTTED: 3/18/2015
SAVED: 3/18/2015

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT: 13-09-09
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FILE_PATH:
W:\Projects\130909\CAD_Data\Design
LAYOUT: SH13
SURVEYED: ---
DESIGN: DH
DRAFT: CEG
APPROVE: JLG
DATE:

JANUARY 2015

95% REVIEW SET

SHEET **3 OF 11**

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MANAGER REPORT

April 29, 2015



DOWNTOWN PARKING

We have continued to explore options to add parking downtown or find better ways to use existing parking. Some options are described below.

1. Snow storage lot – some of the problems with using this lot were identified in the last Manager’s report – not enough millings on hand currently until Wisconsin Ave is milled this summer, landscaping and water costs, neighborhood concerns, distance from downtown.
2. An existing alternative is to improve use of existing parking that is closer to downtown than the snow storage lot. The parking lot to the north of the Library is currently unlimited, yet it is not heavily used. I have looked at that lot on four different dates since the last City Council meeting and of the 23-29 spaces currently in the City owned south half of that lot, there have only been 3-5 cars in the lot (noon three dates, 10:30 a.m. on another date). Perhaps Heart of Whitefish could let their business members know to have their employees park there. (I think employees will still tend to try to park closer, either in residential neighborhoods or by doing the 2 or 3 hour parking shuffle). We could also stripe the lot for 6 more parallel parking spots along the south edge of the lot for 19 total spaces in the lot (see attached map). A second option is to change the southwest portion of the lot to angle parking and make the south driving lane one way to get 21 total spaces (see Option 2 map attached).
3. Also in that same area, very few cars park on Depot Street east of the Depot. That road would handle 28-36 parallel spaces on both sides of the road with adequate driving lanes width.
4. A fourth option the City Council could consider is to restore the north half of the block of Central Avenue between Depot Street and Railway Street (see attached map) to long term parking rather than 2 hour short term parking. This parking area is used in the summer, but for the other $\frac{3}{4}$ of the year, it is basically very empty. This area was unlimited parking until a few years ago when the City Council changed that entire block to 2 hour parking along with designating the parking lot north of the O’Shaughnessy Center as 2 hour parking.

If the Council would like to schedule a future work session or talk about these options in a future City Council meeting, we can do so. I think the first option is to try to get employees of downtown businesses to use existing, unlimited and underused parking north of the Library and on Depot Street – it is closer than the snow storage lot and is already existing.

MEETINGS

Ad-hoc Cemetery Committee (4/22) – The Cemetery Committee met and made some recommendations to the City Council that will be forthcoming in a report at the May 18th City Council meeting.

City Hall Steering Committee (4/24) – The steering committee met and received an update from architect Ben Tintinger and Tony Martel of Martel Construction. Several issues were explored that needed decisions such as doing less basement level parking and being able to add additional parking spaces on the top level, eliminating the cross-over egress ramp on the top level of the parking structure, HVAC system options, City Hall basement size, issues with designing for the future third floor, and general questions. The committee appointed a sub-committee of Mayor Muhlfeld, Jen Frandsen, Rhonda Fitzgerald, Ian Collins, Chuck Stearns, Necile Lorang, and Sherri Baccaro to make the smaller level, decisions that need to be made on a regular basis. Milestone updates and decisions will still come to the full committee and the City Council. Richard Hildner was appointed as an alternate elected official. The sub-committee will meet every two weeks for these decision making meetings throughout the Design Development phase.

UPCOMING SPECIAL EVENTS

Clean the Fish – meet at Glacier Bank downtown – May 2, 2015

REMINDERS

Budget work session – May 26th at 5:30 p.m. Food will be provided.

Respectfully submitted,
Chuck Stearns, City Manager





Parallel parking allowed on both sides of Depot Street - hardly used

Google earth

feet
meters



Currently 13 straight in spaces

Can get 6 parallel spots on south side

Option 1 - 19 total spots



Google earth



Can get 10 angle spots

Can get 11 angle spots on south side if road is one way

Option 2 - 21 total spots

Amtrak long term parking



Could return these approximately 16 spots to long term parking instead of 2 hour parking

Google earth



ORDINANCE NO. 15-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, AMENDING ORDINANCE NO. 95-15 AND ORDINANCE NO. 11-13, THE ADMINISTRATIVE ORDINANCE GOVERNING THE COLLECTION AND REPORTING OF RESORT TAX REVENUES, PROVIDING FOR AN INCREASE IN THE RESORT TAX FROM 2% TO 3% PURSUANT TO VOTER APPROVAL AND REVISING THE USES OF THE RESORT TAX FOR THE INCREASED RATE

WHEREAS, Montana law delegates to the electors of a resort community the power to authorize their municipality to impose a resort tax within the corporate boundary of the City of Whitefish; and

WHEREAS, the electorate of the City of Whitefish passed a resort tax on November 7, 1995, which was subsequently enacted by Ordinance 95-15, Sections 3-3-1 through 3-3-12, Whitefish Municipal Code; and

WHEREAS, at the June 2, 2014 work session, the City Council considered the possible acquisition of a permanent land conservation easement on the 3,020-acre Haskill Basin property, a source of the City's municipal water supply from gravity diversions, and available public and private financing measures for the purchase of the conservation easement; and

WHEREAS, at a lawfully noticed public hearing on February 17, 2015, the Whitefish City Council reviewed the February 5, 2015 Memorandum #2015-003 prepared by City Manager Chuck Stearns and received an oral report from the City Manager, invited public input, and following its deliberations, approved Resolution No. 15-04, calling for a special election to be held on April 28, 2015, to submit to the City electors the question of whether to increase the existing resort tax from 2% to 3% effective July 1, 2015, primarily to protect and preserve water quality and quantity, including the source drinking water supply for the municipal water system through the acquisition of a conservation easement and other interests in and around Haskill Basin; and

WHEREAS, the Flathead County Election Administrator certified the results of the special election mail ballot measure and that by a vote of 1718 (83.72%) to 344 (16.28%), the electorate of the City of Whitefish passed an increase in the Resort Tax from 2% to 3% on April 28, 2015, primarily for the purposes of protecting and preserving water quality and quantity, including the source drinking water supply for the municipal water system of the City of Whitefish, through the acquisition of a conservation easement or other interests in and around Haskill Basin; and

WHEREAS, by the electorate approved ballot measure, resort tax revenues resulting from the 1% rate increase are to be used as follows: (i) 25% for property tax relief that is in addition to the existing property tax relief; (ii) 70% to secure and be pledged to the repayment of a loan or a bond to finance a portion of the costs of, or to otherwise pay for, the acquisition of the conservation easement or other interests, except that if such portion of resort tax revenues received in a fiscal year is more than is needed in that fiscal year for such loan or bond, the excess will be applied to additional property tax relief in the next fiscal year; and (iii) 5% for merchants' costs of administration; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt the proposed amendments to the City's Ordinance governing resort tax revenues.

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

Section 1: Section 3-3- Whitefish Municipal Code is modified as follows (underlining indicates additions; strikethrough indicates deletions):

TITLE 3 - BUSINESS AND LICENSE REGULATIONS
Chapter 3 - Resort Tax

3-3-2: RESORT TAX IMPOSED:

A. Tax Imposed: Pursuant to the elections held on November 7, 1995, November 2, 2004, and April 28, 2015, there is imposed a resort tax on the retail value of all goods and services sold, except for goods and services sold for resale, within the city by the following establishments:

1. Hotels, motels and other lodging or camping facilities;
2. Restaurants, fast food stores and other food service establishments;
3. Taverns, bars, nightclubs, lounges and other public establishments that serve beer, wine, liquor or other alcoholic beverages by the drink;
4. Destination ski resorts and other destination recreational facilities;
5. Establishments that sell luxuries shall collect a tax on such luxuries.

B. Rate Of Tax:

1. The exact rate of the resort tax is ~~two~~ three percent (23%). (Ord. 95-15, 12-18-1995)
2. The duration of the resort tax is twenty nine (29) years from its effective date, said effective date being February 1, 1996, and will expire January 31, 2025. (Ord. 95-15, 12-18-1995; amd. per correspondence dated 1-25-2010)

C. Duty To Collect: It is the duty of each operator of any of the establishments mentioned in this chapter to collect, upon sale, the tax herein imposed. (Ord. 95-15, 12-18-1995)

Section 2: Section 3-3-8 Whitefish Municipal Code is modified as follows:

3-3-8: USE OF TAX MONIES

The tax monies derived from the resort tax may be appropriated by the city council only for those activities, in those proportions, set forth below:

A. Property tax reduction for taxpayers residing in the city in an amount equal to twenty five percent (25%) of the 3% resort tax revenues derived during the preceding fiscal year;

B. Provision for the repair and improvement of existing streets, storm sewers, all underground utilities, sidewalks, curbs and gutters, in an amount equal to sixty five percent (65%) of the 2% resort tax revenues derived during the preceding fiscal year;

C. Bicycle paths and other park capital improvements in an amount equal to five percent (5%) of the 2% resort tax revenues derived during the preceding fiscal year;

D. Repayment of a loan or a bond to finance a portion of the costs of, or to otherwise pay for, the acquisition of the conservation easement or other interests, in and around Haskill Basin in order to protect and preserve water quality and quantity, including the source drinking water supply for the municipal water system of the City of Whitefish, in an amount equal to seventy (70%) percent of the 1% resort tax revenues to be received in a fiscal year, except that if such portion of resort tax revenues received in a fiscal year is more than is needed in that fiscal year for such loan or bond, the excess will be applied to additional property tax relief in the next fiscal year;

D. Cost of administering the resort tax in an amount equal to five percent (5%) of the 3% resort tax per year (as provided in subsection 3-3-5C of this chapter). (Ord. 95-15, 12-18-1995)

E. Section 3-3-5 (C) of the Whitefish City Code allows vendors to withhold the five percent (5%) Administration Fee described above and in Section 3-3-5. Therefore, given that the City receives revenue for only 95% of the Resort Tax

based on vendors' retail value of all applicable goods and services sold, the following distribution formulas apply to the City's receipt and use of tax monies:

- 1) Property tax reduction of twenty-five percent (25%)– 26.32% of 95% of Resort Taxes collected;
- 2) Repair and improvement of streets, etc. – was 68.42% of the 95% of the 2% Resort Tax, therefore, effective for Resort Taxes paid for July, 2015 and thereafter, 45.61% of the three percent (3%) Resort Tax collections will equal the same as the 65% of the prior 2% Resort Tax collections.
- 3) Bicycle paths and other park capital improvements – was 5.26% of the 95% of the 2% Resort Tax, therefore, effective for Resort Taxes paid for July, 2015 and thereafter, 3.51% of the three percent (3%) Resort Tax collections will equal the same as the 5% of the prior 2% Resort Tax collections.
- 4) Bond or loan for Haskill Basin conservation easement –effective for Resort Taxes paid for July, 2015 and thereafter as provided above, 24.56% of the three percent (3%) Resort Tax collections will equal the same as the 70% of the 1% Resort Tax collections, provided that if such amount exceeds the amount needed in a fiscal year for such bond or loan, then the excess will be applied to additional property tax relief in the next fiscal year.

Section 3: Savings clause. If any section, subsection, paragraph, or sentence of this Ordinance is for any reason held to be unconstitutional or in violation of any law, such court decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 4: This ordinance shall take effect the later of thirty (30) days after its adoption by the City Council and signing by the Mayor or July 1, 2015, thereof.

PASSED AND ADOPTED ON FIRST READING BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS ____ DAY OF MAY, 2015.

PASSED AND FINALLY ADOPTED AT SECOND READING BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, THIS ____ DAY OF MAY, 2015.

JOHN M. MUHLFELD, MAYOR

ATTEST:

Necile Lorang, City Clerk

MEMORANDUM

#2015-013



To: Mayor John Muhlfield
City Councilors

From: Chuck Stearns, City Manager *Chuck*

Re: Staff Report – Ordinance implementing the increase of the Resort Tax from 2% to 3%

Date: April 29, 2015

Introduction/History

City officials have had discussions back to at least 2009 and likely before then with the F.H. Stoltze Land and Lumber Company regarding ways to preserve their timberlands in the Haskill Basin watershed for our water supply and for their timber management purposes. Some of their timberlands were sold and developed into subdivisions in the past. Development could increase sedimentation for our municipal water supply and if such development was not on a public sewer system, our water supply could be threatened as occurred when we had to shut down the water intake on 1st Creek in the past. However, the cost for the City to purchase a conservation easement on as much as 3,024 acres of land in the past was too high for us to afford.

The Trust for Public Land (TPL) became interested in this project in 2013 given their recent, successful efforts at protecting timberlands in the Swan/Blackfoot area and in Lincoln County. They entered into negotiations with the F.H. Stoltze Land and Lumber Company and negotiated an option for the purchase of a Conservation Easement for a net estimated cost of \$17,000,000.00, for 3,024 acres. The option for the Conservation Easement expires on December 31, 2015. The F.H. Stoltze Land and Lumber Company will also donate the difference between the value of the Conservation Easement appraisal (estimated at \$22,000,000) and the estimated \$17,000,000 cost.

Since that time, TPL, assisted by the Montana Department of Fish, Wildlife, and Parks, has secured a \$7,000,000.00 federal Forest Legacy grant and a \$2,000,000.00 Cooperative Endangered Species Conservation Fund Grant. That leaves \$8,000,000.00 of the estimated \$17,000,000.00 cost remaining to be funded in the local area of Whitefish.

At the request of the City for technical assistance, The Trust for Public Land presented a Financial Feasibility Study for local funding options at the September 15, 2014 City Council meeting and a copy of that report and presentation is in the packet with this report. At a work

session on February 2, 2015, TPL also presented the results of a statistically valid telephone survey of randomly selected Whitefish registered voters on various funding options for raising this \$8,000,000. At the end of the February 2, 2015 City Council meeting, the City Council directed staff to bring forward for consideration at the February 17th City Council meeting, a Resolution calling for a special election on April 28th to ask the voters to increase the Resort Tax by one percentage point, up to 3% (the maximum allowed under the Montana Code and the same exacted by the other seven resort communities in Montana), for the purposes of funding \$8,000,000 of the proposed Stoltze Conservation Easement to preserve water quality and water supply in the Haskill Basin watershed.

At the February 17, 2015 meeting, the City Council approved Resolution No. 15-04 which called for an election on April 28, 2015 to increase the Resort Tax from 2% to 3% in order to protect and preserve water quality and quantity, including the source drinking water supply for the municipal water system of the City of Whitefish, through the acquisition of a conservation easement or other interests in and around Haskill Basin.

Current Report

We verified with the Flathead County Elections Office that the referendum to increase the Resort Tax from 2% to 3% passed at the April 28th election by a margin of 1,718 (83.72%) in favor to 334 (16.28%) opposed.

The attached Ordinance will revise the City Code in order to implement the increase of the Resort Tax from 2% to 3%.

One other aspect that I decided to try to put into the code is how we have allocated the 2% Resort Tax in the past to the various uses, because vendors withhold 5% of the 2% Resort Tax and will continue to withhold 5% of the 3% Resort Tax. Therefore, we only receive as revenues, 95% of the 2% tax currently and will receive only 95% of the future 3% tax. You can see in the ordinance how we used to allocate the revenues as follows:

Property taxes – 25% of 2% equals 26.32% of 95% of 2% collected (i.e. divide .25 by .95)

Street – 65% of 2% equals 68.42% of 95% of 2% collected

Parks – 5% of 2% equals 5.26% of 95% of 2% collected

The percentages in the draft ordinance do add up to 100% for allocation of revenues received.

Financial Requirement

Because the purpose of an SRF loan is for water quality and water supply, we can get a SRF loan for the funding of the Haskill Basin Conservation Easement. . We will have to pledge both the Resort Tax revenues and water revenues as security for the SRF loan. If Resort Tax revenues are not enough, we will make up any deficits from water revenues and possible rate increases, but

the pro forma estimates that we did two months ago show that, over the 10 year period, Resort Tax revenues should be sufficient.

Recommendation

Staff respectfully recommends that the City Council approve an Ordinance amending Ordinance no. 95-15 and Ordinance no. 11-13, the administrative ordinance governing the collection and reporting of Resort Tax revenues, providing for an increase in the Resort Tax from 2% to 3% pursuant to voter approval and revising the uses of the Resort Tax for the increased rate.

Current Resort Tax City Code

Chapter 3 RESORT TAX

3-3-1: DEFINITIONS:

LUXURIES, MEDICAL SUPPLIES AND MEDICINE: Defined as set forth in Montana code 7-6-1501, and further in section [3-3-3](#) of this chapter.

RESORT TAX AND TAX: The resort tax passed by the electorate of the city and as enacted by this chapter. (Ord. 95-15, 12-18-1995)

3-3-2: RESORT TAX IMPOSED:

A. Tax Imposed: Pursuant to the election held on November 7, 1995, there is imposed a resort tax on the retail value of all goods and services sold, except for goods and services sold for resale, within the city by the following establishments:

1. Hotels, motels and other lodging or camping facilities;
2. Restaurants, fast food stores and other food service establishments;
3. Taverns, bars, nightclubs, lounges and other public establishments that serve beer, wine, liquor or other alcoholic beverages by the drink;
4. Destination ski resorts and other destination recreational facilities;
5. Establishments that sell luxuries shall collect a tax on such luxuries.

B. Rate Of Tax:

1. The exact rate of the resort tax is two percent (2%). (Ord. 95-15, 12-18-1995)
2. The duration of the resort tax is twenty nine (29) years from its effective date, said effective date being February 1, 1996, and will expire January 31, 2025. (Ord. 95-15, 12-18-1995; amd. per correspondence dated 1-25-2010)

C. Duty To Collect: It is the duty of each operator of any of the establishments mentioned in this chapter to collect, upon sale, the tax herein imposed. (Ord. 95-15, 12-18-1995)

3-3-3: LUXURIES TAX:

Each business subject to the tax shall collect the same on the retail value of all goods and services sold, except goods and services sold for resale, within the city by the establishments set forth in subsection [3-3-2A](#) of this chapter. All luxuries shall be taxed, and "luxuries" shall mean any gift item, luxury item or other item normally sold to the public or to transient visitors or tourists; but the term does not include food purchased unprepared or unserved, medicine, medical supplies and services, appliances, hardware supplies and tools or any necessities of life. The term luxuries shall be defined to include, but shall not be limited to:

Destination Ski Resorts And Other Destination Recreational Facilities:

- All goods and services
- Ski lift packages

Hotels, Motels And Other Lodging Or Camping Facilities:

- All goods and services sold
- Conference, convention or event room or space rentals
- Lodging based on rental periods of less than thirty (30) days
- Lodging for which the state bed tax is payable:
 - Bed and breakfasts
 - Campgrounds and RV parks
 - Condominium rentals
 - Hotels and motels

Luxuries:

Attractions:

- Arcades
- Bowling alleys
- Concerts
- Golf courses:

- Cart rentals
- Green fees
- Memberships
- Merchandise sales

- Movie and live theaters
- Rodeos

Rentals:

- Automobiles, trucks, trailers, RVs, etc.
- Conference, convention or event room or space rentals
- Golf, ski and sports equipment

Motorcycles, bicycles, ATVs, etc.
 Movie videos and games
 Snowmobiles, boats, jet skis, etc.

Retail sales of goods (excluding sales for resale) of:

Books, including used books other than as sold at garage sales
 Cameras and supplies
 Candles
 Clothing
 Curios, decorative boxes, decorative vases
 Cut flowers and floral arrangements, both living and nonliving
 Fake trees and plants
 Finished craft items, including those sold at arts and crafts fairs, other than those that are household furnishings
 Fireworks
 Gifts, gift tags, gift boxes, and wrapping paper
 Jewelry and art including decorative dishes and dishwares not used for meals
 Mail order and catalog sales
 Motorcycles, snowmobiles, jet skis, etc.
 Pets, pet supplies, and pet food
 Pictures and picture frames, posters, prints, handcrafted cards
 Records, tapes, CDs, videos, DVDs
 Secondhand stores and antiques
 Souvenir, imprinted and gift items
 Sporting goods including sold as used or on consignment, except when sold at a garage sale:

Bicycles except stationary fitness or exercise bicycles

Supermarket nonfood items:

Batteries and film
 Magazines and greeting cards including boxes of cards
 Makeup and makeup bags, lint brushes, cosmetics, tanning lotions
 Perfume, cologne
 Tobacco and tobacco products; matches, lighters, lighter fluid
 Toys

Services:

Guides and outfitters:

Hunting, fishing, rafting, horseback rides, etc.

Recreational services and labor

Restaurants, Fast Food And Other Food Service Establishments:

All goods and services sold, including delivery charges, but not tips

- Chips, nuts, and seeds, granola bars, jerky
- Foodstuffs intended for immediate human consumption
- Fraternal organizations which provide food and beverages or rent their facilities to the public and nonmembers
- Soda pop, gum and candy, including individual, bulk, and packaged candy quantities
- Vending machines

Taverns, Bars, Nightclubs, Lounges And Other Public Establishments Serving Beer, Wine, Liquor Or Other Alcoholic Beverages By The Drink:

- All alcoholic beverages, including beer and wine, sold by the drink or at retail
- All goods and services sold
- Private liquor stores
- (Ord. 11-13, 7-18-2011)

3-3-4: EXEMPTIONS TO TAX:

Notwithstanding section [3-3-3](#) of this chapter, sale or rental of the following goods and services shall be exempt from the tax:

Appliances:

- Computers and computer supplies including webcams
- Electronic communication and entertainment devices
- Kitchen counter devices (mixers, toasters, etc.)
- Stoves, refrigerators, freezers, washers, dryers, dishwashers, trash compactors
- Telephone equipment
- Vacuum cleaners

Food Purchased Unprepared Or Unserved:

- Food items eligible for purchase with food stamps (except soda pop or candy)
- Food items not purchased for immediate consumption; including a loaf of bread, noncarbonated drinks, fitness drinks for later consumption
- Vitamins

Hardware Supplies And Tools:

- Implements and supplies used in the construction, improvement, maintenance or repair of buildings and their furnishings
- Lawn and garden equipment and supplies

Hotels, Motels And Other Lodging Or Camping Facilities:

Lodging based on rental periods in excess of thirty (30) days

Medicine, Medical Supplies And Services:

Doctors, dentists, chiropractors, opticians

Medical supplies, items sold to be used for curative, prosthetic or medical maintenance purposes including exercise or fitness bicycles, fitness balls

Medicine, substances sold for curative or remedial properties, including nonprescription drugs

Psychologists, counselors, social workers

Therapeutic massage

Necessities Of Life:

Funeral directors

Supermarket nonfood items:

Baby and child care products:

Disposable diapers, powder, lotion, etc.

Cleaning supplies

Deodorant

Laundry detergent and bleach

Paper products

Personal hygiene:

Combs, brushes, sunblock, lip balm

Dietary supplements

Feminine hygiene: Kotex, tampax, douche

Soap and shampoo, lotions

Toilet paper

Toothpaste and mouthwash

Vitamins

Utilities:

Cable television

Montana Power

North Valley Refuse

PTI Communications

Pacific Power

Propane and heating oil

Other Items And Services:

Auto mechanical parts
 Automotive accessories
 Building contractors and tradesmen:

Plumbers, electricians, carpenters, roofers, drywallers, painters, masons, pest control,
 paving, excavating, HVAC, well drillers

Charcoal
 Contractor and homeowner equipment including vacuums and floor cleaners
 Craft items and supplies including posterboard
 Dishes and dishwares used for meals or cooking
 Furniture and home furnishings including lawn and patio furniture and used furniture
 Gambling revenues
 Gasoline
 Housewares and sundries
 Lawn, garden and landscaping supplies including flower plants with roots, compost
 Light bulbs
 Motor oil
 New and used car and truck sales
 Newspapers
 Nonprofit and charitable events:

Fraternal organizations which provide food and services only to members
 Nonprofit fundraisers
 School sports events

Other business and professional services:

Amtrak
 Appliance repair
 Auto repair and related services
 Bank charges and interest
 Car wash, towing
 Hair salons and barbers
 Health clubs
 House cleaning and janitorial services
 Insurance agents:

Health, life, auto, bonds

Interior decorators
 Landscaping, snow removal and lawn care
 Laundry, drycleaning and laundromats
 Movers and ministorage units
 Photo developing
 Preschools and childcare
 Printers and publishers
 Professional services:

Lawyers, architects, accountants, appraisers, engineers, tax services, surveyors

Real estate commissions
School bus services
Security brokers and financial managers
Shipping agents (UPS)
Taxidermist
Taxis
Travel agent fees
Upholstery shops
Veterinarians

Safe deposit boxes
School supplies
Stationery and office supplies
Street legal motorcycles
Tires
Wholesale merchandise purchased for resale at retail
(Ord. 11-13, 7-18-2011)

3-3-5: PAYMENT OF TAX:

A. Remittance:

1. The taxes collected by businesses in any month are to be remitted to the city on or before the twentieth day of the following month, or if such day falls on a Saturday, Sunday or holiday, then on the next business day.
2. For good cause shown in a written request of a taxpayer who would pay less than five dollars (\$5.00) a month, the city manager may extend the time for making returns and paying tax due. (Ord. 11-01, 2-22-2011)

B. Collection Duties And Responsibilities:

1. The officers responsible for receiving and accounting for the resort tax receipts are the city clerk and finance director.
2. The city manager and his agents shall be responsible for enforcing the collection of the resort tax and shall be responsible for overseeing the methods and procedures to be used in enforcing the collection of the resort tax. The city manager shall be entitled to use all lawful methods and procedures in enforcing the collection of resort taxes, including, but not limited to, random audits, correspondence demanding prompt payment, civil suits, initiating criminal prosecution and revocation of city business licenses.

- C. Administrative Fee: Each collecting merchant shall be entitled to withhold five percent (5%) of the resort tax collected to defray its cost for the administration of the tax collection. The administration fee may be withheld by the business at the time of remitting the tax to the city. Failure to withhold the fee shall constitute the waiver and forfeiture of the same. (Ord. 95-15, 12-18-1995)

3-3-6: RECORDS AND TAX FORMS:

- A. Forms; Confidentiality: The city shall provide each business in the city responsible for tax collection with the proper forms for reporting and remittance to the city. Remittance to the city of the resort tax shall be tabulated and accounted for on forms prescribed and furnished to the business by the city. The records and forms held by the city shall be confidential, and shall not be open to inspection by the public unless so ordered by the city council or a court of competent jurisdiction.
- B. Preservation Of Records: Every business required to collect and remit the resort tax shall keep and preserve for a period of not less than three (3) years all records necessary to determine the verity of the taxes remitted and shall make the same available for audit or inspection at all reasonable times. (Ord. 95-15, 12-18-1995)

3-3-7: AUDITS:

Periodic random audits shall be conducted under the direction of the city manager or his designated representative and all business operators shall cooperate in all respects in the conduct of the audits. Failure to cooperate shall constitute a violation of the provisions of this chapter. (Ord. 95-15, 12-18-1995)

3-3-8: USE OF TAX MONIES:

The tax monies derived from the resort tax may be appropriated by the city council only for those activities, in those proportions, set forth below:

- A. Property tax reduction for taxpayers residing in the city in an amount equal to twenty five

percent (25%) of the resort tax revenues derived during the preceding fiscal year;

- B. Provision for the repair and improvement of existing streets, storm sewers, all underground utilities, sidewalks, curbs and gutters, in an amount equal to sixty five percent (65%) of resort tax revenues derived during the preceding fiscal year;
- C. Bicycle paths and other park capital improvements in an amount equal to five percent (5%) of the resort tax revenues derived during the preceding fiscal year;
- D. Cost of administering the resort tax in an amount equal to five percent (5%) per year (as provided in subsection [3-3-5C](#) of this chapter). (Ord. 95-15, 12-18-1995)

3-3-9: PROPERTY TAX RELIEF FUND:

In the event the city receives more resort tax revenues than had been included in the annual municipal budget, it shall establish a municipal property tax relief fund, and all resort tax revenues received in excess of the budget amount must be placed in the fund. The entire fund must be used to replace municipal property taxes in the ensuing fiscal year. (Ord. 95-15, 12-18-1995)

3-3-10: QUESTIONS AND INTERPRETATION:

The city manager and his agents shall be responsible for answering questions regarding those goods and services that are subject to the resort tax, and for interpreting the terms of this chapter. In order to provide consistency, the city manager and his agents shall maintain a written file of all answers provided and interpretations rendered. The city manager, in his discretion, may seek advice and/or guidance from the city attorney or the city council. (Ord. 95-15, 12-18-1995)

3-3-11: APPEALS:

Any business may appeal to the city council any assessment of penalty or interest; provided, that notice of appeal in writing is filed with the city clerk within thirty (30) days of the serving or mailing of the determination of the amount of penalty and interest due. The city council shall, at the next regular city council meeting, fix the time and place for hearing the appeal and the city clerk shall cause notice in writing to be personally served by a peace officer upon the operator. The findings

and decision of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed for service of notice of hearing or by certified mail directed to the business operator's last known address. Any amount found to be due shall be immediately payable upon service of the findings and decision. (Ord. 95-15, 12-18-1995)

3-3-12: VIOLATION; PENALTY:

For the failure to report taxes due, failure to remit taxes due and other violations of this chapter, the following penalties may be imposed:

- A. A criminal penalty not to exceed a fine of one thousand dollars (\$1,000.00) or six (6) months' imprisonment, or both;
- B. The city may collect civil penalties if it prevails in a suit for the collection of resort taxes, not to exceed fifty percent (50%) of the resort taxes found due plus the costs (including any audit fees) and attorney fees incurred by the city in the action;
- C. A civil penalty imposed pursuant to section [1-4-4](#) of this code;
- D. A civil remedy of the revocation of the offender's city business license;
- E. Delinquent taxes shall bear interest at the rate of ten percent (10%) per annum.

For each separate incident, the city shall elect to treat the violation as either a misdemeanor pursuant to subsection A of this section, a suit for civil penalties pursuant to subsection B of this section, or a municipal infraction, pursuant to subsection C of this section. (Ord. 09-20, 10-19-2009)

RESOLUTION NO. 15-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ESTABLISHING ANNUAL GOALS FOR THE CITY.

WHEREAS, the City Council of the City of Whitefish is committed to the continuing advancement and improvement of the community, City, and City services; and

WHEREAS, the City Council has adopted annual goals since 1999; and

WHEREAS, the Mayor and City Council met in a work session with the City Manager on April 20, 2015 to establish short term, long term, and on-going goals for items needing more than two years to accomplish; and

WHEREAS, Exhibit "A", attached hereto, is a list of the above referenced goals which the Mayor, City Council, and City Manager established.

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

Section 1: The Whitefish City Council hereby approves the list of goals as provided in Exhibit A.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____, 2015.

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

Mayor/Council Short Term Goals (no particular order)	Mayor/Council Longer Term Goals (no particular order)	Mayor/Council Ongoing Goals (no particular order)	Staff Goals (no particular order)
Hwy 93 South Corridor Plan <u>Implement Downtown Master Plan and Hwy 93 West Corridor Plan</u>	Riverside Park protection and improvement for erosion	Economic Development – Public-Private Partnerships and targeted business assistance	MDT – Hwy 93 west project <u>Ped-Bike Master Plan update</u>
Downtown Parking	Whitefish River waterway development and improvement	BNSF – cleanup of CECRA site, maintain good relationship on all issues; <u>work on disaster preparedness</u>	Explore extent of waivers for utility contracts
City Hall planning	Open space funding	Whitefish Trail - work with Whitefish Legacy Partners	Long Term Financial Planning and Sustainability
Depot Park Phase II Redevelopment – including new restrooms at O'Shaughnessy Center	Climate Action Plan	Water quality improvements and projects (AIS, water rights , City Beach, Stormwater pond improvements)	Green Initiatives
Whitefish Lake – Retail uses – licensing and/or zoning	<u>Hwy 93 South Corridor Plan</u>	Affordable Housing	Recycling Improvements
New Cemetery development		Growth Policy Implementation Items	Maintenance Programs for City Facilities
Begin review of zoning code – district by district		Code Enforcement	Planning – in house priorities and text amendments
Stoltze Conservation Easement – completion and funding		<u>City Beach Parking</u>	<u>Northside Fire/Police Precinct Station</u>
Wisconsin Avenue Corridor Study			
Birch Point Quiet Zone			



MEMORANDUM

#2015-012

To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

Chuck

Re: Staff Report – City Council Goals

Date: April 22, 2015

Introduction/History

Since 1999, the Mayor and City Council have met in annual retreats or work sessions with the City Manager to discuss and establish short and long term goals. These goals are important in order to prepare the annual budget and work plan for the subsequent fiscal year.

Current Report

Mayor Muhlfeld and City Council members, met in a work session on April 6, 2015 with the City Manager, Assistant City Manager/Finance Director, and some Department Directors to review and set priorities among the choices for goals. In that work session, the Mayor and City Council established ten short term goals, four long term goals, eight on-going goals, and eight additional goals generated by and for the city's staff.

Financial Requirement

Until the budget is established, it is difficult to quantify the cost of resources for these goals. Most of the initial costs incurred for the goals will be city staff time to research, evaluate, and make recommendations on options for the Mayor and City Council. Ultimately, many of these projects involve capital and operating budgets to implement. As options are presented to the Mayor and City Council in the future, these options will typically have cost estimates prepared at that time.

Recommendation

City staff respectfully recommends that the City Council approve the resolution establishing short and long term goals.

Memo



To: Mayor Muhlfeld and City Councilors

From: Dana Smith, Finance Director *Dana*

Date: April 27, 2015

Re: Water & Wastewater Financial Plan and Rate Study Consultant Selection

Introduction/History

The City is anticipating new regulatory standards to be implemented by the Montana Department of Environmental Quality, which cannot be met with the existing City wastewater treatment plant. Therefore, a new treatment facility will be required under a mandated compliance schedule in future years. The exact timing and extent of the required improvements is unknown at this time, but are expected to be provided later this year. The water and wastewater financial plan and rate structure study was identified as an important step to determine the future funding of this and other future projects. The project also provides the City an opportunity to have the rate structure reviewed to ensure the City is charging fair and equitable rates to all users of the water and/or wastewater systems.

Current Report

The City provided notice of this study to the public through a request for qualifications with a deadline of December 22, 2014. Six firms submitted qualifications by the deadline, which included:

- Springsted Incorporated
- FCS Group
- Murtagh Engineering
- HDR Engineering
- AE2S
- Carl Brown Consulting

The selection committee consisting of Councilor Jen Frandsen, John Wilson (later replaced by Sherri Baccaro), Greg Acton, and I decided to interview the three top firms including Carl Brown Consulting, HDR Engineering, and AE2S. All three interviews took place on January 23, 2015. The selection committee was able to discuss the submittals and interviews immediately following the last interview of the day and came to a unanimous decision. The selection committee unanimously decided to recommend that the City Council select AE2S as the consulting firm for the Water and Wastewater Financial Plan and Rate Study.

Financial Requirement

A contract and scope of services (included in the packet) has been negotiated between AE2S and City staff in an amount not to exceed \$69,900 that would end on January 31, 2016. The City Attorney, Mary VanBuskirk has reviewed the contract. The cost of this project will be split evenly among the Water and Wastewater Funds, which have adequate appropriations available in the current fiscal year and the proposed FY16 budget.

Recommendation

Staff respectfully recommends that the City Council select AE2S as the consulting firm for the Water and Wastewater Financial Plan and Rate Study and authorize the City Manager to sign the contract in an amount not to exceed \$69,900 for these services.

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2015, by and between the **CITY OF WHITEFISH, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, PO Box 158, Whitefish, Montana 59937, hereinafter referred to as "City", and Advanced Engineering and Environmental Services Inc. (AE2S), 4050 Garden View Drive, Suite 200, Grand Forks, North Dakota 58201, hereinafter referred to as "Consultant".

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:** City agrees to hire Consultant as an independent contractor to perform for City services described in the Scope of Services attached hereto as Exhibit "A" and by this reference made a part hereof.
2. **Effective Date:** This Agreement is effective upon the date of its execution and will terminate on the 31st day of January, 2016.
3. **Scope of Work:** Consultant will perform the work and provide the services in accordance with the requirements of the Scope of Services.
4. **Payment:** City agrees to pay Consultant an amount not to exceed sixty-nine thousand nine hundred dollars (\$69,900) for services performed pursuant to the Scope of Services. Any alteration or deviation from the described work that involves extra costs will be performed by Consultant after written request by the City, and will become an extra charge over and above the contract amount. The parties must agree in writing upon any extra charges.
5. **Independent Contractor Status:** The parties agree that Consultant is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Consultant is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Consultant is not authorized to represent the City or otherwise bind the City in any dealings between Consultant and any third parties.

Consultant shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Consultant shall maintain workers' compensation coverage for all members and employees of Consultant's business, except for those members who are exempted by law.

Consultant shall furnish the City with copies showing one of the following: (1) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (2) proof of exemption from workers' compensation granted by law for independent contractors.

6. Indemnity and Insurance: Consultant shall indemnify, defend and save the City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any negligent act on the part of Consultant or Consultant's agents or employees. For this purpose, Consultant shall secure and furnish to the City primary, non-contributory minimum insurance coverage for commercial general liability in the amount of \$1,500,000 per claim.

Consultant shall secure and furnish to the City primary, non-contributory minimum professional liability insurance coverage in the amount of \$1,500,000 per claim. Consultant shall also provide Workers' Compensation coverage as required by Montana law.

Each policy of insurance required by this Section shall be in a form suitable to the City and shall provide for no less than 30 days' advance written notice to the City prior to cancellation. Such insurance required by this Section shall be primary and non-contributing to any other insurance or self-insurance maintained by the City. Such insurance shall not limit Consultant's liability under this Agreement. The City shall be listed as an additional insured on all policies except Professional Liability and Workers' Compensation policies. In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against the City. The City reserves the right to require complete certified copies of all such policies at any time.

Any modification or waiver of the insurance requirements required by this Agreement herein shall only be made with the written approval of the City Manager.

7. Professional Service: Consultant agrees that all services and work performed hereunder will be accomplished in a professional manner.

8. Compliance with Laws: Consultant agrees to comply with all federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA. Consultant will purchase a City business license.

9. Nondiscrimination: Consultant agrees that all hiring by Consultant of persons performing this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

10. Default and Termination: If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be

provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

11. Modification and Assignability: This document contains the entire agreement between the parties and no statements, promises or inducements made by either party or agents of either party, which are not contained in this written Agreement, may be considered valid or binding. This Agreement may not be enlarged, modified or altered except by written agreement signed by both parties hereto. The Consultant may not subcontract or assign Consultant's rights, including the right to compensation or duties arising hereunder, without the prior written consent of City. Any subcontractor or assignee will be bound by all of the terms and conditions of this Agreement.

12. Ownership and Publication of Materials: All reports, information, data, and other materials prepared by the Consultant pursuant to this Agreement are the property of the City. The City has the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. Any re-use without written verification or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to the Consultant. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the City.

13. Liaison: City's designated liaison with Consultant is Dana M. Smith, City Finance Director, City of Whitefish, 418 E. 2nd Street, Whitefish, MT 59937, 406-863-2405, dsmith@cityofwhitefish.org and Consultant's designated liaison with City is Shawn Gaddie, Financial Planning, AE2S Corporate Headquarters, 4050 Garden View Drive, Suite 200, Grand Forks, North Dakota 58201, 701-746-8087, Shawn.Gaddie@AE2S.com.

14. Applicability: This Agreement and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

CITY OF WHITEFISH, MONTANA
a municipal corporation

Advanced Engineering and Environmental Services, Inc (AE2S)
CONSULTANT (Type Name Above)

By: _____
Charles C. Stearns, City Manager

By: _____
Printed Name: Shawn Gaddie, P.E. _____
Printed Title: Division Manager _____

City of Whitefish, Montana
 2015 Water and Wastewater Rate Study
 Draft Scope and Fee Estimate
 March 30, 2015



Task Description	Budget Hours (All Labor Categories)	Labor Fees	Expenses	Total AE2S Fee
Task 1 Project Administration, Data Collection, and Kickoff				
1.1 Project Administration	11	\$1,857		\$1,857
1.2 Weekly Communications with Client (@1.5 hr/week)	14	\$2,338		\$2,338
1.3 Information Request and Data Review				
1.3.1 Development of Detailed Information Request	1	\$161		\$161
1.3.2 Data Review	6	\$861		\$861
1.3.3 Review Models and Establish Approach/Methodology	7	\$1,064		\$1,064
1.4 Kickoff Meeting (On-Site)	5	\$837		\$837
1.5 Kickoff Meeting - Travel	10	\$2,030	\$1,200	\$3,230
Task 1 Subtotal	44	\$9,148	\$1,200	\$10,348
Task 2 Water and Wastewater Cost of Service Analyses				
2.1 Review/Establish Test Year Budgets and User Classes	14	\$2,128		\$2,128
2.2 Develop/Review Functionalization, Classification, and Allocation Assumptions	32	\$4,592		\$4,592
2.3 Customize Rate Models	48	\$6,888		\$6,888
2.4 Review/Verify Results	10	\$1,554		\$1,554
2.5 Sensitivity Analysis, Regional Comparison	6	\$896		\$896
2.6 Preparation for Progress Meetings 1 and 2	9	\$1,351		\$1,351
2.7 Progress Meeting #1 - Review Water COSA Assumptions/Preliminary Results (Conf Call/GoToMeeting)	4.5	\$735		\$735
2.8 Progress Meeting #2 - Review Wastewater COSA Assumptions/Preliminary Results (Conf Call/GoToMeeting)	4.5	\$735		\$735
Task 2 Subtotal	128	\$18,879	\$0	\$18,879
Task 3 Water and Wastewater Rate Design				
3.1 Review Advantages/Disadvantages of Existing Water/Wastewater Rate Structures	6	\$896		\$896
3.2 Establish Rate Design Objectives	5	\$777		\$777
3.3 Assess Potential Rate Structure Adjustments based on COSA Results	5	\$777		\$777
3.4 Develop Rate Structure Alternatives	4	\$574		\$574
3.5 Assess Sensitivity of Rate Structure Analysis	4	\$574		\$574
3.6 Prepare materials for Progress Meeting #3	4	\$574		\$574
3.7 Progress Meeting #3 - Review Water and Wastewater Rate Design and COSA Rate Results (Conf Call/GoToMeeting)	3	\$490		\$490
Task 3 Subtotal	31	\$4,662	\$0	\$4,662
Task 4 Revenue Adequacy Evaluation				
4.1 Project Water and Wastewater System Revenue Requirements	14	\$2,128		\$2,128
4.2 Customize Spreadsheet Models	52	\$7,700		\$7,700
4.3 Preparation for Progress Meeting #4	5	\$777		\$777
4.4 Progress Meeting #4 - Discussion of Draft Revenue Adequacy Results	4.5	\$735		\$735
4.5 Develop Water Revenue Adequacy Scenarios (Up to Three)	13	\$2,135		\$2,135
4.6 Develop Wastewater Revenue Adequacy Scenarios (Up to Three)	13	\$1,715		\$1,715
4.7 Review/Verify Results	14	\$2,128		\$2,128
4.8 Preparation for Progress Meeting #5	3	\$490		\$490
4.9 Progress Meeting #5 - Final Revenue Adequacy Results/Scenario Discussion (Conf Call/GoToMeeting)	4.5	\$735		\$735
Task 4 Subtotal	123	\$18,543	\$0	\$18,543
Task 5 Documentation and Presentation of Results				
5.1 Preparation of Report				
5.1.1 Technical Memo - Water Study	16	\$2,744		\$2,744
5.1.2 Technical Memo - Wastewater Study	16	\$2,324		\$2,324
5.2 Preparation for Council Workshop Presentation	10	\$1,554		\$1,554
5.3 Travel for Council Workshop	10	\$2,030	\$1,200	\$3,230
5.4 Preparation of Rates Training/Overview Presentation for City Staff	11	\$1,533		\$1,533
5.5 Progress Meeting #6 - Review Draft Reports (Conf Call/GoToMeeting)	3	\$490		\$490
5.6 Travel for Final Results Presentation	10	\$2,030	\$1,200	\$3,230
5.7 Final Results Presentation	3	\$609		\$609
5.8 Preparation of Final Reports	10	\$1,262	\$500	\$1,762
Task 5 Subtotal	89	\$14,576	\$2,900	\$17,476
TOTAL PROJECT HOURS/EXPENSES	415	\$65,808	\$4,100	\$69,908

*Based on 2015 Billing Rates

**REQUEST FOR QUALIFICATIONS
FOR THE WATER AND WASTEWATER SYSTEMS FINANCIAL PLAN
AND RATE STRUCTURE STUDY
FOR THE CITY OF WHITEFISH, MONTANA**

NOTICE TO FINANCIAL/ENGINEERING CONSULTING FIRMS: Notice is hereby given by the City of Whitefish, Montana, that it will receive written statements of qualifications to prepare a long range Water and Wastewater Utility Financing Plan and Rate Structure Study.

Project Description: The City of Whitefish is a small resort town located in Northwest Montana with a population of 6,357 (2010 census). The City is anticipating new regulatory standards to be implemented by the Montana Department of Environmental Quality, which cannot be met with the existing City wastewater treatment plant and a new treatment facility will be required under a mandated compliance schedule.

The water and wastewater financial plan and rate structure study for the City of Whitefish shall include a rate structure analysis including review for compliance with Montana statutes, capital project financing analysis, and recommendations for the City moving forward. The consultant shall work with the Finance Director to ensure the plan can be updated as needed by City staff.

The City has prepared and maintained an internal rate analysis and can provide the necessary data to complete the rate structure study. The conceptual estimates for the capital improvement project for the wastewater treatment facility are expected to be available in late spring, 2015.

Information to be submitted by prospective firms in their statements of qualifications should include:

1. Firm Qualifications: This section should provide information establishing the firm as an organization which is experienced and competent in financial and rate plans for water and wastewater systems. The firm must be familiar with all applicable Montana law as it relates to water and wastewater systems. This section should include a list of similar financing and rate structure studies done by the firm. Please include operating capacity of the water and/or wastewater plants, as well as contact information for the water and/or wastewater facility.

The City also requests one copy of a financial plan and rate study report prepared by the firm for a community that is comparable in size to the City of Whitefish.

2. Key Personnel: This section shall include a list of the key personnel in the firm that would be assigned to the proposed project. Please include their backgrounds and their location. Also include a statement regarding any intention to sub-contract any portion of this study out to other firms.
3. Proposed Plan of Study: Please submit a general outline of the proposed plan of study, including information concerning the firm's ability to meet the City's proposed deadline of

mid-summer 2015 given the firm's workload and time constraints. This section shall also include information on the firm's proposed methods to accomplish the required work.

4. Additional Information: Any additional information that is relevant for City officials to consider in reviewing and comparing the firm's statements of qualifications.

The submitted documents shall be limited to ten pages or less, excluding resumes and the single copy of a sample plan and study described above.

Closing Date and Address: Five copies and one digital copy of written statements of qualifications clearly identified as "Water-Wastewater Financial Plan and Rate Structure Study" shall be submitted to the Finance Director, City of Whitefish, 418 E. 2nd Street, Whitefish, Montana 59937 on or before 1:00 PM local time on the 22nd day of December, 2014, at which time the statements of qualifications will be opened and read. A single copy of a sample plan and study may be submitted.

Selection Process and Contract Negotiations: All qualification statements submitted will be evaluated by the Financial Consulting Selection Committee appointed for this purpose. Three to five qualified candidates will be interviewed either orally or in writing by the Selection Committee at which time additional information may be requested. The scope of services and proposed costs will be discussed in more detail during the interview phase. The City's goal is to have a firm selected by January 31, 2014 so that the project can begin in February 2015.

The City of Whitefish reserves the right to select the firm and accept the proposal which the City Council deems is in the best interest of the City and to reject any proposals that the Council deems not to be in the best interest of the City for any reasons. The City's Finance Director, Dana Smith can be reached at (406) 863-2405 or dsmith@cityofwhitefish.org regarding questions.

Dated: November 24, 2014



Dana Smith, CPA
Finance Director

Staff Report



To: Mayor Muhlfeld and City Councilors
 From: Dana Smith, Finance Director
 Date: April 23, 2015
 Re: Third Quarter Financial Report for Fiscal Year 2015

This quarterly financial report provides a summary version of the financial results of the City through the third quarter of fiscal year 2015. The first section is an overview of the City’s financial condition specifically related to property tax supported funds. Subsequent sections provide further analysis and details of the third quarter ended March 31, 2015.

Financial Condition – Property Tax Supported Funds

An analysis of available cash in property tax supported funds provides an effective insight into the City’s financial condition. The following table lists the FY13 third quarter cash balance in column (a), the FY14 third quarter cash balance in column (b) and the FY15 third quarter cash balance in column (c) for comparison purposes.

Cash Balance in Property Tax Supported Funds

	<i>a</i>	<i>b</i>	<i>c</i>	<i>d (c-b)</i>
	Mar 31, 2013	Mar 31, 2014	Mar 31, 2015	One Year
	Cash Balance	Cash Balance	Cash Balance	Change
General	\$723,098	\$820,938	\$806,396	(\$14,542)
Parks & Recreation	(\$160,906)	(\$72,215)	\$127,451	\$199,666
Law Enforcement	\$132,283	\$36,035	(\$11,954)	(\$47,989)
Library	\$1,605	\$11,799	\$75,578	\$63,779
Fire & Ambulance	\$418,614	\$414,279	\$310,724	(\$103,555)
Building Code	\$20,669	\$176,267	\$113,017	(\$63,205)
	\$1,135,363	\$1,387,103	\$1,421,212	\$34,154

Total cash in property tax supported funds as of March 31, 2015 increased by \$34,154 or 2.5% compared to the balance on March 31, 2014. This increase is primarily due to the significant increase in the Parks & Recreation Department and the Library. The City continues to be in good financial condition and revenues and expenditures are tracking as expected with some minor deviations discussed within this report. The significant changes in cash balances from the prior year-to-date are discussed in detail below.

General Fund – The General Fund cash balance compared to the prior year decreased by \$14,542 or 1.77%. Despite the slight decrease in the cash balance, revenues and expenditures are tracking as expected. The FY15 adopted budget results in a decrease in the cash balance of the General Fund by year-end.

Parks & Recreation Fund – The Parks & Recreation cash balance has continued to improve during FY2015. The cash balance has increased by \$199,666, or 276%. The Department continues to strive to make each recreation program self-supporting and has demonstrated this through the continued change in the ice rink’s net revenues at the end of the third quarter. At March 31, 2014, expenditures exceeded revenues by about \$109,697, essentially making the ice rink rely on revenue and cash from other Parks Department activities/accounts. However, as of March 31, 2015, revenues exceeded expenditures by \$39,642. This change is a \$149,339 improvement in net revenues compared to the prior year. With the extension of the ice rink season, it is unknown what impact it may have on the net revenues due to fluctuations in costs, but this activity will likely be self-supporting in FY15.

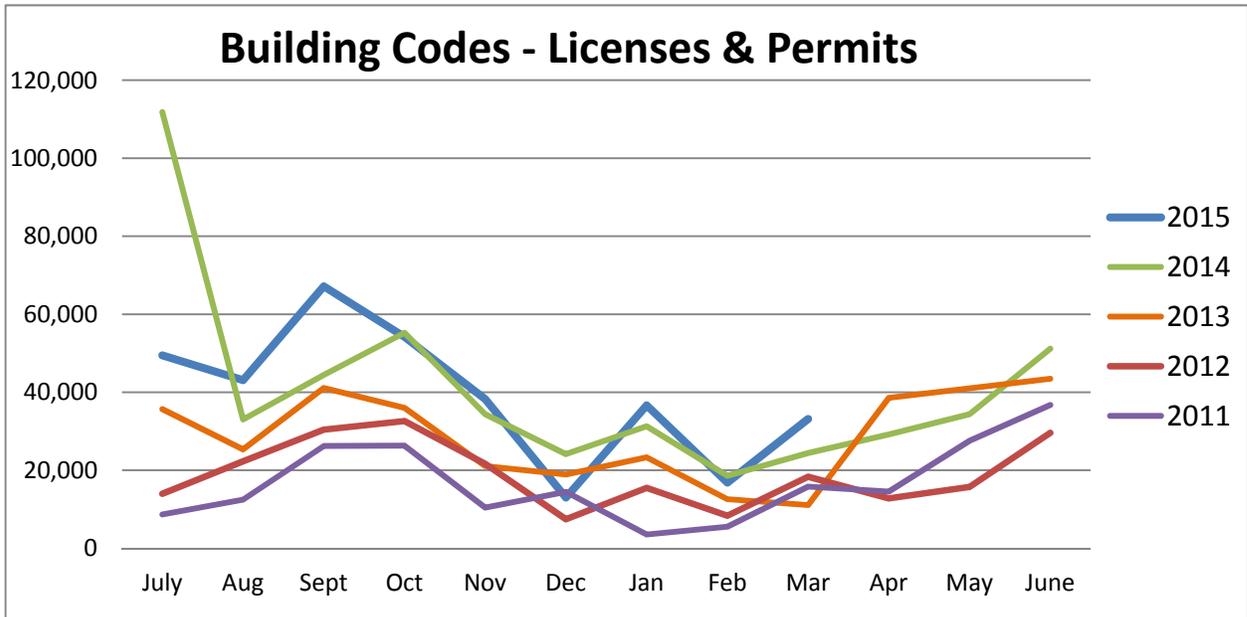
Law Enforcement Fund – As expected the Fund continues to see a decrease in the cash balance. This change is due to the FY14 and FY15 budgets both permitting the spending down of the fund’s cash balance. The negative cash balance noted as of March 31, 2015, is expected to be restored to a positive balance during the fourth quarter due to the collection of grant monies that have already been collected this month, but were expended in the third quarter. The timing difference for revenue collection and expenditures is typical for reimbursement grants. The COPS grant, including the School District’s contribution for the SRO, overtime reimbursements, and the receipt of an equipment grant that provided \$15,660 to-date for new video equipment in some of the patrol vehicles are the main grants that will offset expenditures of the third quarter.

Library Fund – The Library cash balance has increased by \$63,779 as of March 31, 2015, compared to the prior year. With the approved increase in property tax revenues in FY15, the Library has been able to begin building cash reserves to cover unexpected costs, such as the needed repairs and book replacements that occurred this winter due to frozen pipes and flooding in the Library building.

Fire & Ambulance Fund – Similar to the Law Enforcement Fund, the Fire and Ambulance Fund started the year off with a lower cash balance than prior years due to the use of cash on hand in FY14. The FY15 budget also anticipated a \$69,655 spend-down of cash balance. Compared to the prior third quarter, the Fire & Ambulance Fund has seen a decrease in cash of \$103,555, or 25%. The decrease of cash balance over what was anticipated is primarily due to increased repairs and maintenance of older equipment, repairs at the ESC, and the additional equipment (parts, tools, and supplies) needed for the two new fire apparatus to be used as response vehicles.

Building Code Fund – Although not directly supported by property tax revenues, in prior years the Building Code Fund received loans from the General Fund to support operations during the recession. The loans were essentially comprised of property tax revenue. Monitoring the financial condition of the Building Fund is important as it looks to repay the loan from the General Fund. With the continued higher revenue amounts (see below), the Building Fund is expected to pay-off a portion, if not all, of the remaining loan from the General Fund of \$171,669 at the end of FY15. Also, due to the expected balance of the loan remaining at year-end being small to none and in an attempt to accurately portray the cash balance in the property tax supported funds, the Building Fund will no longer be categorized as a property tax supported fund for FY16.

In July of FY14, the license and permit revenue in the Building Fund received an unusually large amount of revenue. This dramatic increase was the result of one significant project (high school) in the City that brought in approximately \$52,186 in licenses and permit revenue. When comparing the prior third quarter balances with this year's third quarter, a notable decrease in revenue occurred, as well as cash balance. Licenses and permit revenue, however, was at 84% of the budgeted revenue at the end of the third quarter in FY15 with revenues continuing to exceed expenditures. In addition, the cash balance in the Building Fund for the third quarter of FY15 is up 447% compared to FY13.



Financial Highlights

- The Columbia Falls Building Code Contract revenues are 24% higher than the prior year and are already at 132% of the FY15 Budget.
- Ambulance Service Charges are at 81% of the budgeted revenue and are comparatively the same as the third quarter of the prior year.
- Zoning Plan Review Fees are at 97% of the budgeted revenue to be received in FY15.
- The Resort Tax collections are up by \$105,874 or 6.2% compared to the prior year's third quarter.

Expenditure Review

The total expenditures in each fund at the end of the third quarter were at or below the expected percentage of budget authority to be used (75%). The following line-items will continue to be monitored as the expenditures incurred through the third quarter of FY15 were higher than expected:

- *General Fund*
 - As of March 31, 2015, the total Municipal Court expenditures are 67% of the budgeted appropriations. However, the Repair and Maintenance Services account is 174%, or \$1,415, over budget. This is due to unanticipated repairs required for the ESC building, which have been split between the Court, Police, and Fire & Ambulance.
 - The Cemetery Other Purchased Services account is 208% over budget at the end of the third quarter. This is due to the City providing the cost of installation for the donated memorial wall at the Cemetery. The overall Cemetery account is only 62% of the total budget at March 31, 2015.
- *Street Fund*
 - Stand By/Call Back Time was 136% of the budget at the end of the third quarter. However, the total spent to-date during FY15 was only \$538 more than the prior year. The budget from FY14 to FY15 reduced the available appropriations for this line-item by \$6,324.
 - Overtime for Ice and Snow Removal was 217% of the budget as of March 31, 2015. Compared to the prior year-to-date, the overtime for this line-item is \$5,864 more at the end of the third quarter 2015. However, overtime required for ice and snow removal is expected to vary based on the snow fall each year. The massive snow storm in early January 2015 had a remarkable amount of snowfall in a short time frame that required a considerable amount of overtime. This increase in costs will be somewhat offset by the lower fuel prices to-date.
- *Parks & Recreation Fund*
 - The City Beach Repairs and Maintenance Supplies account was 135% of the budget at the end of the first quarter. City Beach experienced some unexpected deck repairs that were made during the beginning of FY15. This account has remained the same since the first quarter, but it will likely increase when City Beach operations startup again for the summer of 2015. The overall program is at 65% of budgeted revenues, which is expected.
 - Bike & Pedestrian Path Repair & Maintenance Supplies is 118% of the budget as of March 31, 2015. However, this is only \$169 more than the amount spent for the first three quarters of FY14.
 - The Community Ice Rink is at 88% of the budget authority provided in the FY15 Budget, which would be expected with the season ending in April. However, the season has been extended this activity may exceed its budget authority by the end of the year. Other savings throughout the Parks & Recreation Department will likely make it so a budget amendment is not needed. Operating Supplies, Utility Services, and Repair & Maintenance Services are all over budget at 113%, 90%, and 131%, respectively. However, the actual dollar change from the prior year is an increase of \$6,461 for Operating Supplies, a decrease of \$16,722 for Utility Services, and a decrease of \$4,039 for Repair & Maintenance Services.

- *Library Fund*
 - Overall the Library Fund has only spent 60% of budgeted appropriations with revenue at 76%. However, the Repair & Maintenance Service line-item at the end of the third quarter total \$7,850.27 and was 374% of appropriations. The increased spending for this line-item is primarily due to the unanticipated flood damage that resulted from two separate frozen pipes this winter. The department is working with MMIA to submit a claim for the cost of the damage to the building and inventory.

- *Law Enforcement Fund*
 - Professional Services at mid-year total \$24,138 and is 345% of appropriations for this line-item. This is primarily due to the unanticipated legal costs associated with employment matters for the Police Department.

 - The Machinery & Equipment account is over budget as of March 31, 2015, however, that is due to an unanticipated equipment grant that provided the Department the opportunity to replace/update the videos in some of the patrol cars.

- *Fire and Ambulance Fund*
 - Despite having only spent 68% of the budgeted authority for FY15 and revenues tracking at about 74%, the Overtime expenditures at the end of the third quarter were 95% of the budget and have increased by \$23,933 from the prior year-to-date totals.

 - Repair & Maintenance Services for the Fire Protection and Rescue Services are over budget at 175% as of March 31, 2015. This over expending has occurred due to necessary repairs to the older fire engines, additional work on the brush truck, and other maintenance services needed for the Emergency Services Center. The Repair & Maintenance Services for Ambulance Services is also higher than expected at 161% of the budget at the end of the third quarter. The costs for this line-item include repairs to older equipment and other maintenance services needed for the Emergency Services Center, such as snow plowing, pest control, lawn maintenance, and unanticipated repairs to the ESC HVAC system.

- *Water Fund*
 - Overtime expenditures at the end of the third quarter total \$20,735 or 84% of the budgeted expenditures. Overtime expenditures as of March 31, 2015 are \$6,197 higher compared to March 31, 2014. The percentage of the budget spent is also increased due to the appropriations from FY14 to FY15 decreasing by \$4,649.

 - Repair & Maintenance Services as of March 31, 2015 were 270% of the total appropriations for that line-item. This is primarily due to the lightning damage at the water treatment plant that occurred during summer 2014. These expenses were submitted to the City's insurance provider for reimbursement.

○ *Sewer Fund*

- Overtime expenditures and Stand By/Call Back Time expenditures were 192% and 100% of the budget at the end of the third quarter. The Overtime expenditures year-to-date for FY15 were \$7,589 more than FY14. This is further compounded since the FY15 Budget is \$3,697 less than the FY14 Budget. The Stand/Call Back Time expenditures continue to be approximately the same as the prior year-to-date, but the FY15 Budget was reduced by \$2,517 compared to FY14 Budget.

Long-term Debt

Information below depicts the changes in long-term debt for the City of Whitefish from June 30, 2012 through March 31, 2015.

Outstanding Debt Summary						
	Rate/TIC	March 31 2015	June 30 2014	June 30 2013	June 30 2012	
Revenue Bonds						
TIF ESC	4.23%	\$ 9,365,000	\$10,715,000	\$ 12,020,000	\$13,285,000	
Water	~2.1%	\$ 3,033,000	\$ 3,272,000	\$ 3,740,000	\$ 4,261,000	
Sewer	~2.3%	\$ 2,745,218	\$ 2,638,764	\$ 2,328,000	\$ 2,788,000	
Special Assessments						
SID166	4.18%	\$ 795,000	\$ 795,000	\$ 865,000	\$ 935,000	
Intercap Loans						
Ice Rink	1.25%	\$ 79,363	\$ 110,575	\$ 62,697		
Police Vehicle	1.25%	\$ 10,935	\$ 16,339			
Fire Engine	1.25%	\$ 672,318	\$ 202,453			
Ambulance	1.25%	\$ 123,520	\$ 153,780			
Capital Lease		\$ 1,670	\$ 3,794	\$ 7,357		
Total		<u>\$ 16,825,924</u>	<u>\$ 17,907,705</u>	<u>\$ 19,023,054</u>	<u>\$ 21,269,000</u>	
	\$ Change	\$ (1,081,781)	\$ (1,115,349)	\$ (2,245,946)	\$ (1,093,000)	
	% Change	-6.0%	-5.9%	-10.6%	-4.9%	

The FY15 budget also includes the following additional debt that has not been incurred to-date: additional draws of \$114,546 on a Sewer revenue bond for the River Lakes Force Main Project, a Sewer revenue bond for \$996,527 for Phase II of the Whitefish West Project, and a Water revenue bond of \$472,700 also for Phase II of the Whitefish West Project. The revenue bonds for Phase II of the Whitefish West Project will likely be disbursed in FY16 as this phase of the project is anticipated to be completed in mid-summer of 2015.

Additional Detailed Analysis

The following discussion further highlights the attached spreadsheets.

General Fund Revenue (line 9 to 16)

Total General Fund revenues are at 77% of the FY2015 budget and have increased by 2% from the prior third quarter. The increase is primarily due to the growth in property tax revenue. Miscellaneous revenues, charges for services, and property tax relief transferred from the Resort Tax Fund have all decreased from the prior year-to-date with detailed analysis below.

Due to a timing difference, the miscellaneous revenues appear to have decreased in FY15 (J14) compared to FY14. However, the significance of the decrease is much less than depicted. The FY14 numbers include the FY13 Golf Course lease payment that would have typically been paid in June of the previous fiscal year, but was actually paid in July. Therefore, two payments were received in FY14.

When Resort Tax collections increase, the property tax relief also increases. However, due to more accurate budgeting of expected revenues in FY14, the actual property tax relief decreased. In FY13 the Resort Tax collections exceeded the budgeted revenue by a higher dollar amount, which increased the FY14 property tax relief by a significant amount. This occurs due to any amount collected over the budgeted revenues in a fiscal year being applied to property tax relief in the following year.

General Fund Expenditures, Net Revenue, & Cash (line 20 to 33)

Total General Fund expenditures are on track at 73% of the FY15 Budget. Expenditures are 8%, or \$243,974, higher than the end of the third quarter of FY14, which is primarily due to the approved increase in transfers from the General Fund to the Parks, Law Enforcement, and Fire/Ambulance Funds. Although revenues have increased, expenditures have also increased, but at a higher rate. These changes have resulted in expenditures exceeding revenues in the General Fund (H32). The \$102,461 spend-down of cash to-date this year is expected due to the FY15 budget allowing a \$344,102 spend-down of cash balance by year-end if all revenues were collected and all appropriations expended.

The General Fund cash balance was \$806,396 compared to \$820,938 at the end of the prior year's third quarter (see J33). The graph on page 1 of the spreadsheets shows the General Fund cash balance trends for the current year-to-date and the past 4 years. December, January, June, and July are months that tend to have higher cash balances due to the collection of property taxes. Building cash reserves the General Fund and all other property tax supported funds to a minimum of 10% or more each year is important to ensure an adequate cash balance throughout the year.

Other Property Tax Supported Funds (p.2, line 71 to 108)

The funds supported by property taxes have continued to see revenues exceeding expenditures. Revenues were at 71% of the budget, while expenditures were 66% of the budget at the end of the third quarter.

When compared to a year ago, these funds have an overall increase in cash with detailed discussion above for each fund. Also compared to the prior year third quarter balances, overall revenues and expenditures have increased. A significant portion of the increase in expenditures is attributed to the purchase of the Fire Department's new water tender and water pumper that have been financed via an INTERCAP loan. Other items that have had an impact include an increase of 0.8 mills for the Library in FY15, the growth in property tax mill value, and a steady revenue stream from the Building Department.

Other Tax, Fee, & Assessment Supported Funds (p.2, line 114 to 144)

These funds located on the second half of the second page of the spreadsheet, receive no general property tax support.

Resort Tax collections are at 86% of the budgeted revenues as of the end of the third quarter while expenditures are at 70% of appropriations.

Street and Alley operations are also in good financial condition with the revenues exceeding expenditures. The expenditures are 35% of the budgeted authority, which has led to a significant increase of net revenues compared to the prior year-to-date (see J123). The street overlay projects this spring will comprise two years' worth of work. Due to the timing of street overlays, the cash balance is expected to come down in the next few months will continue in to summer of 2015 (FY16).

Impact Fees have seen a \$53,507 decrease (J132) from the prior year revenues at the end of the third quarter. This decrease is due to a significant increase (approximately \$60,000) in impact fees collected from one project of considerable size in the City in FY14. When compared to FY13, the FY15 impact fees are 60% higher. Impact Fee expenditures will increase during the last quarter of the fiscal year when budgeted transfers to other funds will be recorded.

Enterprise Funds (p.3)

Metered water sales are up 4%, while wastewater service charges are up 8%. The revenue for both Water and Wastewater amounts were expected to grow this year due to the approved rate increase of 3.6% for Water and Wastewater rates, which became effective as of October 1, 2014.

Capital expenditures in the Water Fund are 40% higher and capital expenditures in the Wastewater Fund are 54% less than the prior year third quarter balance. These type of expenditures are expected to vary each year based on the number and timing of the approved projects. Progress on the Highway 93 West Phase II Utility Improvements Project has started again, as well as, many other capital improvement projects that were put on hold during the winter months. A total of \$3,333 of Water Impact Fees and \$436,522 of Wastewater Impact Fees have been spent during the first half of FY15 relating to these capital expenditures. An additional \$201,193 has been paid with the final amounts of Plant Investment Fees in the Water fund during the first quarter. Impact Fee payments are adjusted semi-annually so these figures will increase at the end of the fiscal year.

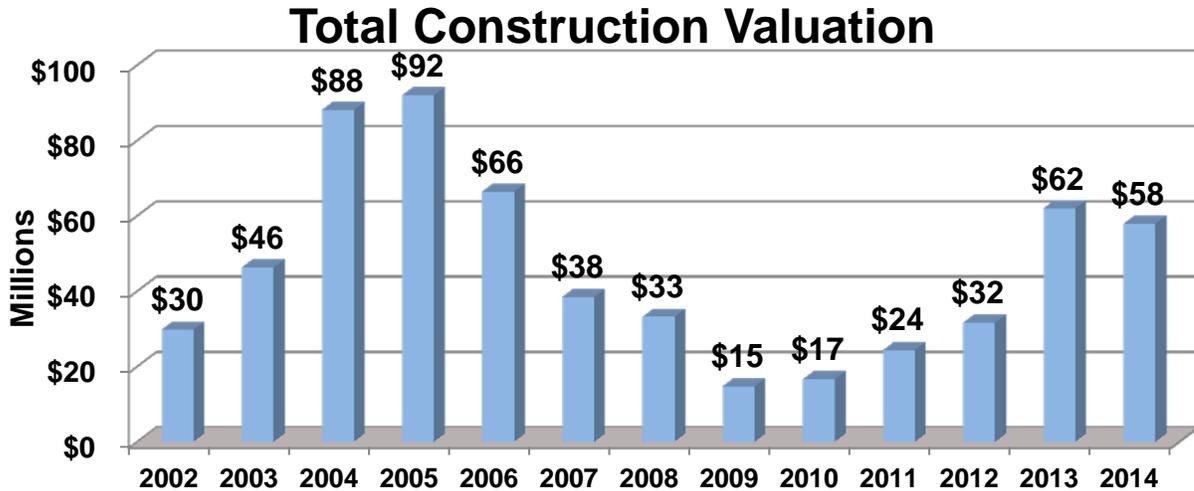
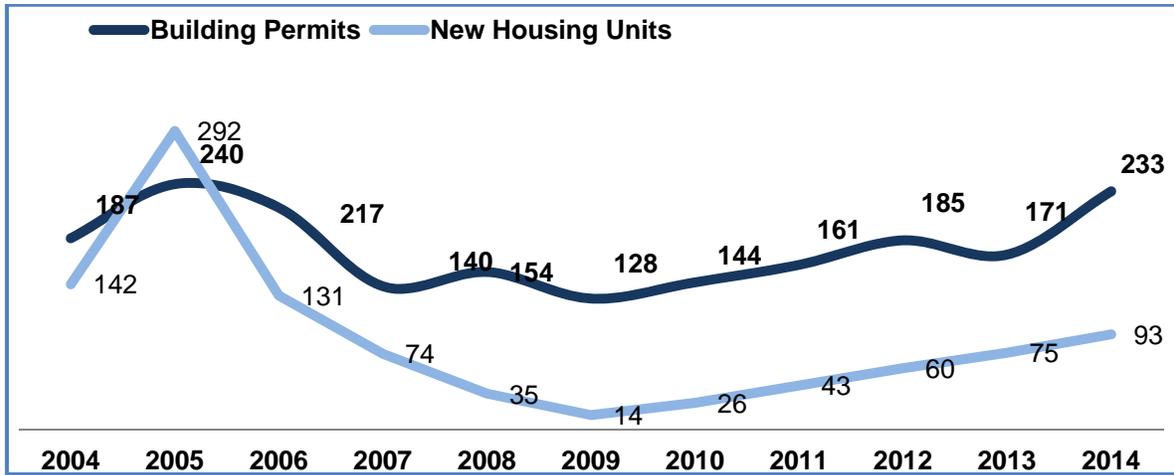
The increase in Solid Waste revenues has continued into the third quarter. Revenues collected totaled 75% of the FY15 budget on March 31, 2015. The expenditures are also tracking as expected with 75% of the available appropriations expended to date.

Economic Trends

Since the recession of late 2007, the City has experienced a slow, but steady recovery. Consumer spending and new housing are both key indicators of economic activity. At the end of the third quarter of FY15, economic growth continues to be evident through the increase in Resort Tax Collections and building permit revenue.

Compared to the collections through the third quarter of FY14, Resort Tax collections are up 6.23%, or \$105,874. The increase in collections is further broken down as follows: 7.8% increase in lodging, 5.02% increase in retail, and 6.8% increase in restaurants and bars. With consumers continuing to increase spending on luxury goods and services within the City limits, it is anticipated that the Resort Tax Collections for FY15 will exceed the prior year collections of \$2,087,995.

The following graph depicts the growth of new construction and the change in valuation within the City by calendar year.



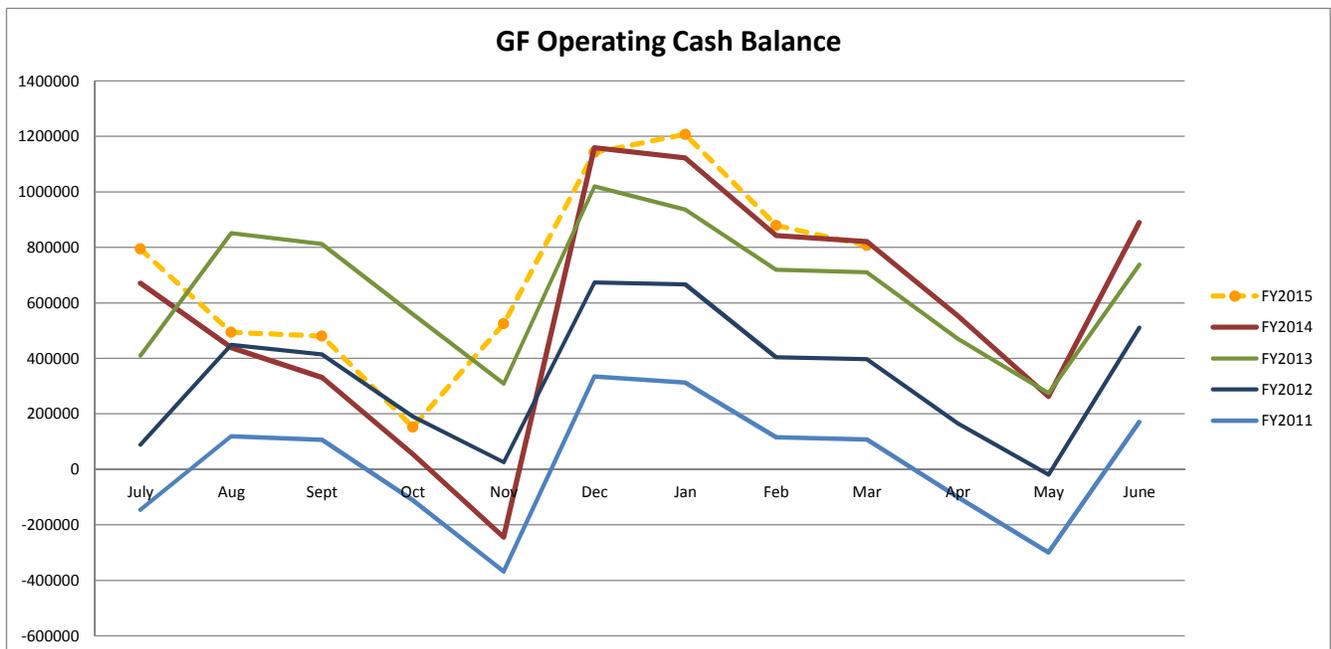
Please contact me if you have any questions regarding this report or the third quarter financial results.

City of Whitefish
 Quarterly Financial Review
 Third Quarter of Fiscal Year 2015
 July 1, 2014 - March 31, 2015

75% of Fiscal Year Complete



	YTD Mar 31, 2013		YTD Mar 31, 2014		YTD Mar 31, 2015		Chng Prev YR	% Chng Prev Yr
	Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Budget		
	General Fund Revenues							
Property Taxes	\$1,297,426	68%	\$1,327,537	69%	\$1,453,283	72%	\$125,746	9%
Total Licenses and Permits	\$45,159	76%	\$45,116	75%	\$47,775	79%	\$2,658	6%
Intergovernmental Revenue	\$577,765	76%	\$577,625	75%	\$605,825	74%	\$28,200	5%
Charges for Services	\$137,905	110%	\$207,154	100%	\$179,262	75%	(\$27,892)	-13%
Fines and Forfeitures	\$195,270	82%	\$162,822	64%	\$152,375	67%	(\$10,447)	-6%
Miscellaneous	\$15,958	44%	\$53,883	133%	\$18,021	38%	(\$35,862)	-67%
Investment Earnings	\$11,613	46%	\$17,644	88%	\$11,723	78%	(\$5,922)	-34%
Resort Tax & SID Revolving Transfer In	\$598,007	100%	\$693,432	100%	\$668,831	100%	(\$24,601)	-4%
Total General Fund Revenues	\$2,879,103	77%	\$3,085,214	61%	\$3,137,095	77%	\$51,881	2%
General Fund Expenditures								
Municipal Court	\$192,326	78%	\$193,747	69%	\$198,303	67%	\$4,555	2%
Prosecution Services	\$76,315	78%	\$86,885	89%	\$70,654	64%	(\$16,231)	-19%
Administrative Services	\$50,186	70%	\$56,563	69%	\$55,493	70%	(\$1,069)	-2%
Legal Services	\$24,402	68%	\$26,452	67%	\$28,242	66%	\$1,790	7%
Community Planning	\$193,280	64%	\$229,180	66%	\$243,890	61%	\$14,710	6%
Transfer to Park Fund	\$354,000	75%	\$452,250	75%	\$534,419	77%	\$82,169	18%
Transfer to Law Enforcement Fund	\$1,346,250	75%	\$1,383,750	75%	\$1,413,750	75%	\$30,000	2%
Transfer to Fire Fund	\$370,946	75%	\$431,250	75%	\$611,250	75%	\$180,000	42%
Transfer to Library Fund	\$25,778	75%	\$25,778	75%	\$25,778	75%	(\$0)	0%
Cemetery/Other	\$48,392	58%	\$109,726	92%	\$57,777	70%	(\$51,949)	-47%
Total General Fund Expenditures	\$2,681,875	73%	\$2,995,582	74%	\$3,239,556		\$243,974	8%
General Fund Revenues Less Expenditures	\$197,228		\$89,632		(\$102,461)		(\$192,094)	-214%
General Fund Operating Cash Balance	\$723,098		\$820,938		\$806,396		(\$14,542)	-2%
Prop Tax Supported Funds (no General) Net	\$26,135		\$272,331		\$412,808		\$140,477	
Prop Tax Supported Funds (no General) Cash	\$412,265		\$566,165		\$614,816		\$48,651	
Total General & Prop Tax Supported Funds Net	\$223,363		\$361,963		\$310,347		\$138,601	
Total General & Prop Tax Supported Funds Cash	\$1,135,363		\$1,387,103		\$1,421,212		\$34,110	



	A	D	E	F	G	H	I	J	K
68	Property Tax Supported Funds	Mar 31, 2013		Mar 31, 2014		Mar 31, 2015			
69		Dollars	% of Budget	Dollars	% of Budget		% of Budget	Chng Prev YR	% Chng Prev Yr
71	Parks and Rec Operating Cash Balance	(\$160,906)		(\$72,215)		\$127,451		\$199,666	276%
72	Parks, Rec & Community Services Revenues	\$937,243	63%	\$1,145,650	69%	\$1,224,871	72%	\$79,221	7%
73	Parks, Rec & Community Services Exp.	\$1,081,389	73%	\$1,105,060	71%	\$1,064,493	67%	(\$40,567)	-4%
74	Revenues less Expenditures	(\$213,059)		\$40,590		\$160,378		\$119,788	
76	Law Enforcement Operating Cash Balance	\$132,283		\$36,035		(\$11,954)		(\$47,989)	-133%
77	Law Enforcement Revenues	\$1,564,763	70%	\$1,455,998	66%	\$1,515,782	62%	\$59,784	4%
78	Law Enforcement Expenditures	\$1,502,212	67%	\$1,487,316	66%	\$1,544,976	63%	\$57,660	4%
79	Revenues less Expenditures	\$62,551		(\$31,319)		(\$29,194)		\$2,125	
81	Library Operating Cash Balance	\$1,605		\$11,799		\$75,578		\$63,780	541%
82	Library Revenues	\$133,420	64%	\$136,328	62%	\$159,418	76%	\$23,090	17%
83	Library Expenditures	\$136,793	68%	\$144,915	69%	\$140,626	60%	(\$4,288)	-3%
84	Revenues less Expenditures	(\$3,373)		(\$8,586)		\$18,792		\$27,378	
86	Fire & Ambulance Cash Balance	\$418,614		\$414,279		\$310,724		(\$103,555)	-25%
87	Fire & Ambulance Taxes, Penalty and Interest	\$353,386	68%	\$361,451	68%	\$396,779	72%	\$35,328	10%
88	Ambulance Services Revenue	\$724,300	85%	\$810,421	85%	\$807,552	81%	(\$2,869)	0%
89	Total Fire & Ambulance Revenue	\$1,976,375	54%	\$2,189,594	60%	\$2,697,513	74%	\$507,919	23%
90	Fire & Ambulance Expenditures	\$1,889,671	49%	\$2,093,278	54%	\$2,552,630	68%	\$459,352	22%
91	Revenues less Expenditures	\$86,704		\$96,315		\$144,883		\$48,568	
93	Building Codes Operating Cash Balance	\$20,669		\$176,267		\$113,017		(\$63,251)	-36%
94	Payable to the General Fund	(\$460,977)		(\$460,977)		(\$171,699)		\$289,278	63%
98	License and Permits Revenues	\$225,677	72%	\$378,674	122%	\$353,541	84%	(\$25,133)	-7%
99	Building Codes Expenditures without C. Falls	\$199,492	70%	\$224,953	73%	\$266,538	72%	\$41,585	18%
100	Columbia Falls Contract Revenues	\$26,175	101%	\$42,514	142%	\$52,891	132%	\$10,377	24%
101	Columbia Falls Contract Expenditures	\$28,223	74%	\$29,905	72%	\$21,946	73%	\$1,040	5%
102	Revenues less Expenditures	\$24,399		\$175,330		\$117,949		(\$57,381)	
104	Total Property Tax Supported Funds (not including General Fund)								
105	Total Property Tax Supported Cash	\$412,265		\$566,165		\$614,816		\$48,651	9%
106	Total Property Tax Supported Revenue	\$4,863,915		\$5,348,758		\$6,004,016		\$655,258	12%
107	Total Property Tax Supported Expenditures	\$4,837,780		\$5,076,427		\$5,591,208		\$514,781	10%
108	Revenues less Expenditures	\$26,135		\$272,331		\$412,808		\$140,477	
110	Other Tax, Fee & Assessment Supported Funds								
114	Resort Tax Operating Cash Balance	\$1,891,156		\$1,890,235		\$1,388,656		(\$501,579)	-27%
115	Resort Tax Collections	\$1,598,699	93%	\$1,697,049	88%	\$1,802,923	86%	\$105,874	6.2%
116	Resort Tax Investment Earnings	\$4,230	28%	\$6,155	103%	\$3,114	62%	(\$3,041)	-49%
117	Resort Tax Expenditures and Transfers	\$2,134,754	73%	\$1,955,193	64%	\$2,278,157	70%	\$322,965	17%
118	Revenues less Expenditures	(\$531,825)		(\$251,989)		(\$472,121)		(\$220,132)	
120	Street and Alley Operating Cash Balance	\$861,579		\$1,106,079		\$1,375,182		\$269,103	24%
121	Street and Alley Revenues	\$923,902	70%	\$958,830	72%	\$1,052,030	77%	\$93,201	10%
122	Street and Alley Expenditures	\$942,166	58%	\$880,154	51%	\$771,008	35%	(\$109,145)	-12%
123	Revenues less Expenditures	(\$18,264)		\$78,676		\$281,022		\$202,346	
125	Tax Increment Operating Cash Balance	\$2,092,239		\$2,027,778		\$1,693,155		(\$334,623)	-17%
126	Tax Increment Property Taxes, Penalty & Interest	\$3,024,309	72%	\$3,127,217	70%	\$3,453,564	75%	\$326,347	10%
127	Tax Increment Revenues	\$3,132,637	71%	\$3,235,068	70%	\$3,601,261	72%	\$366,193	11%
128	Tax Increment Expenditures & Transfers	\$3,114,179	49%	\$3,066,045	56%	\$3,907,672	64%	\$841,627	27%
129	Revenues less Expenditures	\$18,458		\$169,023		(\$306,411)		(\$475,434)	
131	Impact Fees Cash Balance	\$354,365		\$603,014		\$828,564		\$225,550	37%
132	Impact Fee Collections - Revenues	\$104,165	83%	\$220,158	171%	\$166,651	72%	(\$53,507)	-24%
133	Impact Fee Collections - Expenditures	\$0	0%	\$43,578	12%	\$2,650	0.3%	(\$40,928)	-94%
134	Revenues less Expenditures	\$104,165		\$176,580		\$164,001		(\$12,579)	
136	Street Lighting #1 Operating Cash Balance	\$58,261		\$42,869		\$51,203		\$8,333	19%
137	Street Lighting District #1 (Rsdntl) Revenues	\$50,987	77%	\$53,763	70%	\$56,679	74%	\$2,916	5%
138	Street Lighting District #1 (Rsdntl) Exp.	\$35,355	33%	\$74,268	78%	\$49,902	60%	(\$24,366)	-33%
139	Revenues less Expenditures	\$15,632		(\$20,505)		\$6,777		\$27,282	
141	Street Lighting #4 Operating Cash Balance	\$64,981		\$22,932		\$24,448		\$1,515	7%
142	Street Lighting District #4 (Cmmrcial) Revenues	\$42,648	74%	\$45,101	74%	\$48,918	73%	\$3,817	8%
143	Street Lighting District #4 (Cmmrcial) Exp.	\$48,103	54%	\$87,961	69%	\$54,805	60%	(\$33,156)	-38%
144	Revenues less Expenditures	(\$5,455)		(\$42,860)		(\$5,888)		\$36,973	

	A	D	E	F	G	H	I	J	K
150	Enterprise Funds	Mar 31, 2013		Mar 31, 2014		Mar 31, 2015			
151		Dollars	% of Budget	Dollars	% of Budget			Chng Prev YR	% Chng Prev Yr
152									
153	Water Operating Cash Balance	\$1,022,824		\$1,484,715		\$2,059,370		\$574,656	39%
154	Water - Metered Water Sales	\$1,887,243	81%	\$2,034,348	84%	\$2,122,481	85%	\$88,133	4%
155	Water - Operating Revenues	\$2,087,690	83%	\$2,166,659	86%	\$2,390,211	72%	\$223,551	10%
156	Water - Operating Expenditures	\$958,714	60%	\$1,040,189	65%	\$1,166,999	68%	\$126,810	12%
157	Operating Revenues less Expenditures	\$1,128,976		\$1,126,471		\$1,223,212		\$96,741	
159									
160	Non Operating Revenue	\$204,937	20%	\$101,407	30%	\$1,359	272%	(\$100,048)	-99%
161	Water Capital Expenditures	\$1,514,682	57%	\$237,759	18%	\$333,770	20%	\$96,012	40%
162	Water Debt Service	\$304,360	45%	\$271,388	50%	\$272,630	49%	\$1,243	0%
163									
164									
165	Wastewater Operating Cash Balance	\$427,010		\$849,786		\$1,347,968		\$498,182	108%
166	Wastewater - Sewer Service Charges	\$1,543,924	81%	\$1,627,169	79%	\$1,680,500	80%	\$53,331	8%
167	Wastewater - Other Operating Revenues	\$1,687,822	84%	\$1,645,321	79%	\$1,890,519	83%	\$245,198	12%
168	Wastewater - Operating Expenditures	\$991,168	61%	\$1,034,117	62%	\$1,023,934	58%	(\$10,183)	3%
169	Operating Revenues less Expenditures	\$696,654		\$611,204		\$866,585		\$255,381	
171									
172	Non Operating Revenue	\$65,192	11%	\$452,310	30%	\$205,566	13%	(\$246,743)	-55%
173	Wastewater Capital Expenditures	\$392,588	31%	\$609,580	29%	\$281,013	11%	(\$328,566)	-54%
174	Wastewater Debt Service	\$110,954	50%	\$97,195	33%	\$112,225	39%	\$15,030	15%
175									
176									
177	Solid Waste Operating Cash Balance	\$69,684		\$87,994		\$141,528		\$53,534	61%
178	Solid Waste Revenues	\$557,959	75%	\$579,666	77%	\$608,685	75%	\$29,019	5%
179	Solid Waste Expenditures	\$527,261	71%	\$565,193	77%	\$575,788	75%	\$10,595	2%
180	Revenues less Expenditures	\$30,698		\$14,473		\$32,897		\$18,425	
181									
182									
183	Capital Project Funds								
184									
185	City Hall Project Cash Balance	\$2,025,903		\$2,012,525		\$2,184,699		\$172,175	9%
186	City Hall Project - Revenues	\$253,830	95%	\$5,784	2%	\$254,106	98%	\$248,322	4293%
187	City Hall Project - Expenditures	\$0	0%	\$20,454	5%	\$322,108	32%	\$301,654	1475%
188	Revenues less Expenditures	\$253,830		(\$14,669)		(\$68,002)		(\$53,332)	

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September 8, 2014
Letter #2014-012

Daniel R. Elliot
Chairman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Dear Chairman Elliot and Members of the Surface Transportation Board:

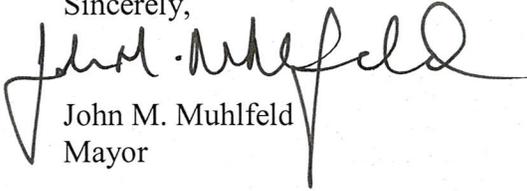
At our September 2nd City Council meeting, the Whitefish City Council authorized me to send this letter and the enclosed, adopted Resolution as a request to hold hearings in Whitefish and the surrounding area to consider the impact of additional coal railroad cars going through Whitefish when considering the approval of the Tongue River Railroad.

The BNSF Hi-Line rail line goes through Whitefish and we are a division point on the BNSF rail line. It is our understanding the approval of the Tongue River Railroad could lead to a significant increase in rail car traffic through Whitefish. This projected increase, along with other increased rail traffic from the Bakken oil fields is affecting Amtrak service to our community. Also, past derailments have spilled toxic materials in Whitefish Lake and we are very concerned about possible derailments affecting our area and Glacier National Park.

We believe it is the responsibility of the Surface Transportation Board to ensure that communities such as Whitefish do not bear additional costs or have our economy and environment negatively affected by such increased rail traffic from the proposed Tongue River Railroad. Our community lacks adequate funding for additional infrastructure, including quiet zones, associated with increased rail traffic. The costs of increased rail traffic should be borne by the producers or causes of those costs and communities such as Whitefish should not have to use taxpayer funds to mitigate the effects of increased rail traffic.

Please consider the impacts on Whitefish and other communities and hold hearings on the proposed Tongue River Railroad and its effects in Whitefish and the surrounding area. Thank you for considering our perspective and request.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Muhlfeld". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

John M. Muhlfeld
Mayor



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

April 17, 2015

Re: Docket No. FD 30186, Tongue River Railroad Company, Inc.—Rail Construction and Operation—in Custer, Powder River and Rosebud Counties: **Issuance of Draft Environmental Impact Statement and Notice of Public Comment Period and Meetings**

Dear Reader:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide you with your copy of the Draft Environmental Impact Statement (Draft EIS) for the proposed construction and operation of the Tongue River Railroad.

This Draft EIS analyzes the potential environmental impacts of the Tongue River Railroad Company's (TRRC) October 2012 revised application to the Board requesting authority to construct and operate a rail line in southeast Montana. In TRRC's December 2012 supplemental application, TRRC identified its preferred route for the proposed Tongue River Railroad as the 42-mile Colstrip Alternative, which would travel between Colstrip, Montana, and the Ashland/Otter Creek areas of Montana. The Draft EIS analyzes the environmental impacts of the proposed rail line and alternatives, including the No-Action Alternative.

Four cooperating agencies assisted OEA in the preparation of the Draft EIS: the U.S. Department of Agriculture, Agricultural Research Service; the U.S. Department of the Interior, Bureau of Land Management; the U.S. Army Corps of Engineers; and the Montana Department of Natural Resources and Conservation, representing all Montana State agencies.

HOW TO COMMENT ON THE DRAFT EIS

OEA and the cooperating agencies invite public comment on all aspects of the Draft EIS and are providing a 60-day public comment period, which begins when the U.S. Environmental Protection Agency issues a notice of availability in the *Federal Register* on April 24, 2015. Comments on the Draft EIS must be received or postmarked by June 23, 2015.

We will be hosting ten public meetings to receive comments on the Draft EIS during which interested parties may make oral comments in a formal setting and/or submit written comments. We will hold two meetings per day in each of the Montana communities of Lame Deer, Ashland, Colstrip, Miles City, and Forsyth. **Instructions on how to submit comments and the specific locations, dates, and times of the public meetings are attached to this letter in a separate Fact Sheet.** After your review of the Draft EIS, we appreciate your comments on ways we may improve

our analyses and correct errors that you see, your compliments on what we have done well, and your requests to supplement what you feel needs further work. The more specific your comments are, the better we will be able to respond to them.

You may choose a number of different methods to submit comments on the Draft EIS. During the 60-day public comment period, you may submit written comments electronically or by mail. You may also attend one or all of the public meetings held in the project area. You may offer oral comments and submit written comments while you are at the meetings. In addition, OEA will hold two online public meetings intended for people who cannot attend the public meetings in the project area, the details of which can be found on the Fact Sheet that follows this letter. We will consider all comments submitted with care and attention, no matter how you decide to comment. It is not necessary to attend a meeting—written and electronically submitted comments are just as important as oral comments.

WHERE TO FIND THE DRAFT EIS

The Draft EIS is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>, under "E-Library," then under "Decisions & Notices," beneath the date "04/17/15." Project-specific information on the Board's website may be found by placing your cursor on the "Environmental Matters" button, then clicking on the "Key Cases" button in the dropdown menu. The Draft EIS is also available on the Board-sponsored project website at <http://www.tonguerivereis.com>.

OEA has distributed the Draft EIS through hard copy and CD-ROM mailings and has made the Draft EIS available to the public on the Board's website (www.stb.dot.gov) and the Board-sponsored project website (www.tonguerivereis.com). Printed copies of the Draft EIS are available for review in public libraries throughout the project area. The list of libraries where you may find the Draft EIS is on the Fact Sheet that follows this letter.

If you wish to receive a copy of the Draft EIS or have questions about where to find the Draft EIS, please call 1-866-622-4355 and leave your name, address, and phone number.

WHAT HAPPENS AFTER THE COMMENT PERIOD CLOSES

After the close of the public comment period on the Draft EIS, OEA and the cooperating agencies will prepare a Final EIS in response to comments on the Draft EIS. The Final EIS will also set forth OEA's final environmental mitigation recommendations. The issuance of the Final EIS completes the Board's environmental review process.

The Board will then issue a final decision on the proposed project based on the entire environmental record, including the record on the transportation merits, the Draft EIS, the Final EIS, and all public and agency comments received. In this final decision, the Board will decide whether to approve the proposed rail line, deny it, or approve it with mitigating conditions, including environmental conditions. The cooperating agencies may also issue separate decisions, approvals, or denials related to the proposed rail line. No project-related construction may begin until a Board decision granting rail line construction and operation has been issued and become effective.

OEA appreciates the efforts of all interested parties who have participated in this environmental review. We look forward to receiving your comments.

Sincerely,

A handwritten signature in black ink, reading "Victoria Rutson". The signature is written in a cursive style with a large initial "V" and "R".

Victoria Rutson
Director,
Office of Environmental Analysis

FACT SHEET

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is implementing an outreach effort to ensure that the public, agencies, and communities have the opportunity to actively participate and comment on the Draft EIS and the Board's environmental review process. Comments on the Draft EIS must be received or postmarked by June 23, 2015.

Beginning on June 8, 2015, OEA and the cooperating agencies will host 10 public meetings in the project area to receive public comments on the Draft EIS during which interested parties may make oral comments in a formal setting and/or submit written comments. OEA will begin each meeting with a 30-minute open house followed by a brief overview of the proposed project and environmental review process. The overview will be followed by a formal comment period during which each interested individual will be given several minutes to convey his or her oral comments. The dates, locations, and times of the public meetings are shown below:

- June 8, 2015, 2:00–4:00 pm and 6:00–8:00 pm at St. Labre Indian School, 1000 Tongue River Road, Ashland, MT
- June 9, 2015, 2:00–4:00 pm and 6:00–8:00 pm at Miles Community College, Room 316, 2715 Dickinson Street, Miles City, MT
- June 10, 2015, 2:00–4:00 pm and 6:00–8:00 pm at Colstrip High School, 5000 Pinebutte Drive, Colstrip, MT
- June 11, 2015, 2:00–4:00 pm and 6:00–8:00 pm at the Northern Cheyenne Tribal Building, Council Chambers, 600 South Cheyenne Ave, Lame Deer, MT
- June 12, 2015, 2:00–4:00 pm and 6:00–8:00 pm at Forsyth High School, 917 Park Street, Forsyth, MT

In addition, OEA will hold two online public meetings intended for people who cannot attend the public meetings in the project area. All interested individuals must register to attend the online public meeting and preregister to provide formal comments. OEA will begin the online public meeting with a brief overview of the proposed project and environmental review process. The overview will be followed by a facilitated formal comment session during which individuals that have preregistered will be given several minutes to convey his or her oral comments. If time permits, the facilitator will allow other interested individuals who did not preregister to provide oral comments. Interested individuals can participate in the meetings via phone, computer, or both. The online public meetings will be held at the following date and times:

- June 17, 2015, 12:00–3:00 pm and 6:00–9:00 pm (Eastern Time).
- To register for the online public meeting, visit www.tonguerivereis.com. Additional meeting information and dial-in instructions will be provided at registration.

Recorded Comments: A court reporter will be present to record oral comments during the public meetings. If time permits, the court reporter will be available at the conclusion of the formal segment of the meeting to record oral comments from individuals not interested in addressing the meeting as a whole. All meeting transcripts will be available on the project website after the meetings.

Written Comments: Comment forms will be provided at the public meetings. Completed forms will be accepted at the meetings or the forms can be submitted later by mail. Any interested party may submit written comments on the Draft EIS regardless of whether they participate in any of the 10 public meetings and provide oral comments. Comment forms or written letters may be mailed to:

Ken Blodgett
Attention: Environmental filing, Docket No. 30186
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Electronic Comments: Comments may be submitted electronically on the Board-sponsored project website, www.tonguerivereis.com. It is not necessary to mail written comments that have been submitted electronically. Please refer to **Docket No. 30186** when submitting comments.

Library Distribution: OEA has distributed the Draft EIS to the libraries listed below and requested that the entire Draft EIS be made publicly available in their reference sections.

Bicentennial Library of Colstrip
417 Willow Ave
Colstrip, MT 59323

Big Horn County Public Library
419 North Custer Avenue
Hardin, MT 59034

Dr. John Woodenlegs Memorial Library
1 College Drive
Lame Deer, MT 59043

Henry Malley Memorial Library
102 S Lincoln
Broadus, MT 59317

Miles City Public Library
1 S 10th Street
Miles City, MT 59301

Judson H. Flower Jr. Library (Miles Community College)
2715 Dickinson Street
Miles City, MT 59301

Rosebud County Library
201 North 9th Avenue
Forsyth, MT 59327

Deadline: Written comments on the Draft EIS must be postmarked by June 23, 2015.
Electronically filed comments must be received by June 23, 2015.

All comments received—written, submitted electronically, or transcribed—will carry equal weight in helping to complete the EIS process and guide the Board in making a decision on this matter.

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Docket No. 30186

Tongue River Railroad Company (TRRC) Construction and Operation of a New Rail Line in Southeast Montana

Lead Agency: Surface Transportation Board (Board). **Cooperating Agencies:** U.S. Department of Agriculture (USDA) Agricultural Research Service; U.S. Department of the Interior Bureau of Land Management (BLM); U.S. Army Corps of Engineers (USACE); and Montana Department of Natural Resources and Conservation, representing all Montana State agencies.

Proposed Action: Approval of TRRC's proposal to construct and operate a rail line to transport low-sulfur, subbituminous coal from mine sites that could be developed in Rosebud and Powder River Counties, Montana, including the proposed Otter Creek Mine. The build alternatives under consideration are located in Custer, Rosebud, Powder River, and Big Horn Counties, Montana. The final location would depend on the build alternative licensed. The cooperating agencies' federal actions would include BLM's decision and USDA's decision to issue linear right-of-way grants for the proposed rail line to pass through federally managed lands under the Federal Land Policy and Management Act, USACE's decision to issue a discharge permit under section 404 of the Clean Water Act of 1977, and a permit to perform work or place a structure in navigable waters under Section 10 of the Rivers and Harbors Act of 1899.

Abstract: TRRC proposes to construct and operate a 42-mile rail line (the Colstrip Alternative) between Colstrip, Montana and the Ashland and Otter Creek areas of Montana. The Board's Office of Environmental Analysis (OEA) and the cooperating agencies have prepared this Draft Environmental Impact Statement (EIS), which analyzes the environmental impacts that could occur if TRRC were to construct and operate the proposed rail line. This Draft EIS analyzes the environmental impacts of ten build alternatives and the No-Action Alternative. Any of the build alternatives could have minor to highly adverse impacts on the following resources: transportation, greenhouse gases and climate change, noise, biological resources, water resources, visual resources, cultural and historical resources, land resources, geology and soils, socioeconomics, and environmental justice. All other resources would experience negligible impacts. OEA has included draft recommended mitigation measures in this Draft EIS. These mitigation measures will be considered by the Board as potential conditions if the Board decides to grant TRRC authority to construct and operate the rail line.

Comment Period: The public and any interested parties are encouraged to make written comments on all aspects of this Draft EIS. All comments must be submitted within the comment period, which will close on June 23, 2015.

Contacts: Written comments on the Draft EIS may be submitted to:

Ken Blodgett
Surface Transportation Board
395 E Street, S.W.
ATTN: Office of Environmental Analysis
Docket No. 30186

Comments may also be submitted electronically on the project website, www.tonguerivereis.com. It is not necessary to mail written comments that have been submitted electronically. Please refer to Docket No. 30186 when submitting comments. Further information about this project can be obtained by calling OEA's toll-free number at 1-866-622-4355 (telecommunications device for the hearing impaired is 1-800-877-8339). This Draft EIS is available for viewing and downloading on the Board's website, www.stb.dot.gov, and on the Board-sponsored project website, www.tonguerivereis.com.

Public Meetings: In addition to receiving written comments, OEA will host 10 public meetings on this Draft EIS during which interested parties may make oral comments in a formal setting and/or submit written comments. OEA will begin each meeting with a 30 minute open house followed by a brief overview of the proposed project and environmental review process. The overview will be followed by a formal comment period. A court reporter will be present to record these oral comments. If time permits, the court reporter will be available at the conclusion of the formal segment of the meeting to record oral comments from individuals not interested in addressing the meeting as a whole. Meeting transcripts will be available on the project website after the meetings. Meetings will be held at the following locations, dates, and times.

- June 8, 2015, 2:00–4:00 pm and 6:00–8:00 pm at St. Labre Indian School, 1000 Tongue River Road, Ashland, MT
- June 9, 2015, 2:00–4:00 pm and 6:00–8:00 pm at Miles Community College, Room 316, 2715 Dickinson Street, Miles City, MT
- June 10, 2015, 2:00–4:00 pm and 6:00–8:00 pm at Colstrip High School, 5000 Pinebutte Drive, Colstrip, MT
- June 11, 2015, 2:00–4:00 pm and 6:00–8:00 pm at the Northern Cheyenne Tribal Building, Council Chambers, 600 South Cheyenne Ave, Lame Deer, MT
- June 12, 2015, 2:00–4:00 pm and 6:00–8:00 pm at Forsyth High School, 917 Park Street, Forsyth, MT

In addition, OEA will hold two online public meetings intended for people who cannot attend the public meetings in the project area. All interested individuals must register to attend the online public meeting and pre-register to provide formal comments. To register for the online public meetings, visit www.tonguerivereis.com. Additional meeting information and dial-in instructions will be provided at registration. OEA will begin the online public meeting with a brief overview of the proposed project and environmental review process, followed by a facilitated formal comment session. If time permits, the facilitator will allow other interested individuals who did not pre-register to provide oral comments. Interested individuals can participate in the meeting via phone, computer, or both. The meeting transcripts will be available on the project website after the meetings. The online public meetings will be held on the following date and times:

- June 17, 2015, 12:00–3:00 pm and 6:00–9:00 pm (Eastern Time).

Questions and Answers: Draft Environmental Impact Statement for the Tongue River Railroad

History of the Tongue River Railroad Cases

Is this the same proceeding that has been at the agency since the 1980s?

No. There have been four Tongue River Railroad Company (TRRC) projects—Tongue River I, II, III, then revised Tongue I—filed before the Surface Transportation Board (the Board) and the Board’s predecessor agency, the Interstate Commerce Commission (ICC). The proceedings have similarities, but each one has involved distinct environmental reviews and decisions by the agency. Here is a summary:

In 1986, the ICC granted approval for TRRC to build and operate an 89-mile rail line between Miles City, MT and two endpoints near Ashland, MT. This proceeding is known as Tongue River I.

TRRC did not build the rail line that ICC approved in Tongue River I. TRRC later applied for authority to build an extension that would extend approximately 42 miles from Ashland, MT south to Decker, MT. That proceeding is known as Tongue River II. In 1996, ICC was abolished and authority for licensing rail constructions passed to the newly created Surface Transportation Board. Also in 1996, the Board approved one of the alternatives considered in Tongue River II.

TRRC did not build the rail line that the Board approved in Tongue River II and later applied for authority to build and operate the Western Alignment, a 17.3-mile alternate route for a portion of the route already approved in Tongue River II, in a proceeding known as Tongue River III. The Board approved Tongue River III in 2007.

In 2011, the U.S. Court of Appeals for the Ninth Circuit reviewed the Board’s environmental analysis in Tongue River III and decided that the Board should revisit the environmental baseline data and the cumulative impacts analysis. Following this decision, TRRC informed the Board that it no longer intended to build the extension approved in Tongue River II or the revised route approved in Tongue River III.

In 2012, the Board dismissed Tongue River II and Tongue River III and reopened Tongue River I. The Board required TRRC to submit a revised application to explain its current proposal. The Board also decided to conduct a new environmental review of the proposed rail line.

The Board's Office of Environmental Analysis (OEA) is responsible for ensuring the Board's compliance with the National Environmental Policy Act (NEPA) and has prepared this Draft Environmental Impact Statement (EIS) for public review and comment.

TRRC's Proposed Action

What is the proposed project?

TRRC has submitted an application with the Board to construct an approximately 42-mile common carrier rail line in eastern Montana. The proposed rail line would extend between Ashland and Colstrip, Montana. It would be constructed primarily to move coal from the Otter Creek Mine, if that mine is permitted.

How many trains does TRRC propose to operate over its rail line?

TRRC proposes to provide rail service to the proposed Otter Creek Mine near Ashland, MT. TRRC estimates that traffic on the proposed line would consist of approximately 7.4 trains per day to and from the mine (3.7 trains in each direction).

Would any commodities other than coal move on the TRRC rail line?

It is possible that the proposed rail line could be used to transport commodities other than coal. Currently, however, the transportation of coal from the proposed Otter Creek Mine is the primary proposed use of the rail line. OEA also considered the possibility that other coal mines could be proposed and developed in the area. In this Draft EIS, OEA analyzed the potential environmental impacts of rail traffic from the proposed mine and other mines that could potentially be developed in the future.

The Role of the Surface Transportation Board

What is the Board's role in the project?

The Board is the federal agency with licensing authority over construction and operation of rail lines in the interstate rail network. In order to construct and operate the proposed rail line, TRRC would have to receive approval from the Board.

Does the Board consider environmental impacts when it makes its decision?

Yes. NEPA requires every federal agency to consider potential environmental impacts before making any major decision. The purpose of this Draft EIS is to inform the Board of the likely environmental impacts of its decision and to involve the public.

When will the Board makes its decision?

The Board cannot make its final decision on TRRC's application until the environmental review process is complete, which means that the Draft EIS is issued, the public review and comment period has closed, and the Final EIS is issued. After the environmental review process is complete, the Board can then decide whether to approve, deny, or approve with conditions (including environmental mitigating conditions) TRRC's application.

Alternatives

What alternatives are analyzed in this Draft EIS?

NEPA requires that federal agencies consider alternatives to a proposed project in their environmental review. In this Draft EIS, OEA analyzed the potential environmental impacts of 11 alternatives. Ten of the alternatives are different rail alignments that could be built (called the "build alternatives" in the EIS). OEA also considered the potential impacts of not constructing the proposed rail line (called the "no-action alternative" in the EIS). TRRC's preferred alternative is the Colstrip Alternative. OEA has not yet identified its preferred alternative. It will do so in the Final EIS.

Could the proposed rail line move more coal than the 20 million tons from the proposed Otter Creek Mine?

Yes. Right now, the proposed Otter Creek Mine is the only coal mine that has been planned in the area that the proposed rail line would serve. However, it is possible that additional coal mines could be developed in the area if the proposed rail line is constructed. In addition to the proposed Otter Creek Mine, the Draft EIS considers the environmental impacts of trains moving coal from new mines that could be developed in the future at the Poker Jim Creek-O'Dell Creek and Canyon Creek deposits, which are located near the project area.

How many trains could travel on the proposed rail line?

Future rail traffic would depend on many factors, including demand for coal, regulation of coal, coal export capacity, and which alternative, if any, is approved. Rail traffic would also vary over time. TRRC stated that the average rail traffic would be 7.4 trains per day (3.7 trains in each direction). If additional mines are developed in the project area and if new export terminals in the Pacific Northwest are constructed, then OEA predicted that rail traffic could be as high as 18.6 trains per day (for build alternatives going north) or 26.7 trains per day (for build alternatives going south) by the year 2030.

What about the number of project-related trains that would move over other rail lines--are you looking at the environmental impacts of those trains?

Yes. OEA used a computer model to predict where the trains from the proposed rail line would travel and to identify rail lines that would experience an increase in rail traffic. The model identified segments of rail where the volume of traffic could increase beyond the Board's thresholds for environmental analysis (an increase of eight trains per day or more for areas in compliance with national air quality standards and an increase of three trains per day or more for areas not in compliance with national air quality standards). OEA analyzed the potential environmental impacts that could occur on these rail segments due to increased rail traffic.

What is the construction schedule proposed by TRRC?

The precise construction schedule will depend upon which alternative, if any, is approved. Longer alternatives and alternatives requiring large changes to topography would generally take longer to construct than shorter alternatives and alternatives that would require less cut and fill. Assuming a construction season of 8 months per year, construction of any build alternative would range from 20 months over a period of 2.5 years to nearly 50 months over approximately 6 years, depending on the alternative. TRRC has indicated that a year-round schedule may be considered if project economics and conditions dictate. Assuming a year-round construction schedule, the construction duration would range from 16 to almost 40 consecutive months depending on the alternative. TRRC indicated that the proposed rail line could be constructed and operational by the time that coal production from the Otter Creek Mine would begin, which is estimated to be no earlier than 2018. The timing and sequence of rail line construction would depend on funding, final design, and permit conditions.

NEPA Process

How did OEA determine the scope of the EIS?

To assist in determining the scope of this Draft EIS, OEA involved the public, government agencies, tribal organizations, and other interested parties. OEA also revisited the alternatives proposed in Tongue River I.

How does the mitigation process work?

For certain potential environmental impacts, TRRC has proposed voluntary mitigation measures. OEA has recommended additional preliminary mitigation measures based on available information, consultations with appropriate agencies, and the environmental analysis presented in this Draft EIS. These preliminary mitigation measures could be imposed by the Board in addition to TRRC's voluntary mitigation measures. OEA invites

public and agency comments on these proposed mitigation measures and suggestions for any additional mitigation that might be reasonable to impose. OEA will make its final recommendations on mitigation to the Board in the Final EIS. The Board will then make its final decision regarding the proposed rail line and any conditions it might impose.

How would we know that the proposed mitigation would actually happen?

If the Board decides to approve an alternative for construction and determines that mitigation is necessary, the Board could require TRRC to report to OEA and other federal and state agencies on the progress of, implementation of, and compliance with the mitigation measures.

Noise and Vibration

If the Board approved a build alternative, would people living near the proposed rail line hear the trains?

Yes. Several factors affect the distance at which noise can be heard: location, hearing sensitivity, wind, temperature, topography, and intervening buildings. To assess the potential impacts of noise from the proposed rail line, OEA identified the locations of residences, schools, hospitals, churches, retirement homes, and other places along the line that could be sensitive to noise. These places are called “sensitive noise receptors.” OEA used a computer model to predict the locations along the proposed rail line where noise from the trains would exceed OEA’s thresholds for analysis and identified the sensitive noise receptors in these locations. OEA found that operation of any alternative, except for the Decker East Alternative, would have adverse impacts for at least one sensitive noise receptor. The Colstrip Alternative would have the most noise impacts because there are a large number of residents along the existing Colstrip Subdivision. Project-related trains operating on existing rail lines (downline rail traffic) could cause adverse noise impacts between Fargo, ND and Willmar, MN.

Air Quality

Would construction and operation of the proposed rail line affect air quality?

OEA modeled the potential effects of the proposed rail line on air quality in the project area. OEA found that construction and operation of the proposed rail line would not cause the concentrations of nitrogen dioxide, carbon monoxide, lead, particulate matter, or sulfur dioxide in the air to exceed the national standards for air quality. The addition of the project-

related trains to existing rail traffic could adversely affect air quality along some existing rail lines outside of the project area, but would not cause concentrations of pollutants in the air to exceed national standards.

Would construction and operation of the proposed rail line contribute to climate change?

To assess the impact of the proposed rail line on climate change, OEA calculated how much carbon dioxide would be emitted by construction equipment and the locomotives on the rail line and how much carbon dioxide could be emitted by burning the coal that would be transported on the rail line. OEA found that the direct greenhouse gas emissions from construction and operation of the proposed rail line would be equivalent to between 80,000 and 185,000 metric tons of carbon dioxide per year, depending on which alternative, if any, is approved and on the future traffic levels.

The indirect impact of adding new coal to the international coal market could result in a change in global greenhouse gas emissions ranging from a decrease of 1.7 million metric tons of carbon dioxide equivalent per year to an increase of 81 million metric tons of carbon dioxide equivalent per year. OEA's model predicted that a decrease in greenhouse gas emissions could occur because the coal from the Tongue River area would replace some of the coal and other fossil fuels already being consumed. The decrease would occur if no new mines other than the proposed Otter Creek Mine are developed in the project area and if no new coal export terminals are approved and constructed on the west coast. OEA's model predicted that the maximum increase in greenhouse gas emissions of 81 million metric tons per year would occur if new mines were to develop in the future in the Tongue River area and if new export terminals were to be approved and constructed on the west coast.

Coal Dust

Would the coal dust from rail cars affect human health?

OEA analyzed the risks of airborne coal dust and determined that exposure would be within applicable standards and guidelines. The aggregate concentration of all types of particulate matter, including airborne coal dust, would be below air quality standards for particulate matter. OEA also analyzed how coal dust could affect human health if it were to be ingested by humans or to make its way into soil or water. OEA found that the concentrations of all of the chemical components of coal dust would be below the screening levels for human exposure in soil, dust, water, and fish. OEA concluded that coal dust from rail cars on the proposed rail line would not affect human health.

How would the transport of coal affect water quality?

OEA analyzed the potential effect of coal dust from rail cars on the proposed rail line that could make its way into surface waters. OEA found that coal dust constituents in surface water would be below screening levels for ecological exposure, except for barium. The conservative analysis assumptions overestimate the amount of barium that would actually be found in surface waters such that actual barium concentrations would be lower and below screening levels.

Biology

What federally listed threatened and endangered species are in the study area?

Four federally listed endangered species could use habitats near the proposed rail line: black-footed ferret, interior least tern, whooping crane, and pallid sturgeon. Two candidate species for listing—the greater sage-grouse and Sprague’s pipit—could use habitats near the proposed rail line. Among these species, only the greater sage-grouse was documented in the project area during the biological surveys that OEA conducted in 2013. Overall, OEA concluded that the proposed rail line could have minor impacts on endangered and candidate species, but that these impacts would not adversely affect the species or cause the populations of these species to decline.

How would the proposed rail line affect the greater sage-grouse?

The areas that support the highest sage-grouse densities are known as “core habitat areas” for sage-grouse and are a high priority for conservation in Montana. Although OEA documented a small population of greater sage-grouse in the study area, the proposed rail line would not affect any core habitat areas. OEA concluded that the proposed rail line would not cause a decline in greater sage-grouse.

How would the proposed rail line affect big game in southeastern Montana?

Big game species are common in the study area and the populations are not vulnerable to decline. Although construction of the proposed rail line would change or degrade some big game habitat, habitat would remain abundant. Big game species would adapt to changes in the landscape and to operation of the proposed rail line.

Would fencing and rail operation limit wildlife movement?

Yes. Rail operation and fencing could constrain wildlife movement. Small animals might not cross the rail line, which could limit their ability to breed or to find food and water.

Fences along the right-of-way could impede the movement of larger species, especially antelope. However, Montana law requires large right-of-way fence openings along grazing lands and wildlife would be able to make use of these openings. In addition, TRRC would design the right-of-way fence to allow movement of wildlife, including big game, across the right-of-way.

How would the spread of noxious weeds be managed?

If the Board were to approve the proposed rail line, TRRC would consult with the county weed districts for Rosebud, Big Horn, Custer, and Powder River Counties to develop a program to minimize the introduction and spread of noxious weeds. This program could include construction measures such as the use of sterile ballast, weed-free seed straw, mulching, and hydroseeding materials.

Water

How would the proposed rail line affect the Tongue River floodplains?

The proposed rail line would cross the floodplain of the Tongue River and other bodies of water. TRRC would design the proposed rail line to maintain floodplain connectivity. TRRC would consult with county floodplain administrators when designing bridge crossings of streams and the Tongue River.

How would the proposed rail line affect fish passage in streams and rivers?

None of the alternatives that the Board is considering would change the connectivity of any fish-bearing stream or river. The build alternatives would cross fish-bearing streams with either bridges or culverts. Most of the alternatives would cross fish-bearing streams and rivers with free-span bridges. These bridges would not require permanent structures in the channel. The Decker Alternative and the Decker East Alternative would cross the Tongue River and may require support structures in the river channel. OEA expects that these structures, if required, would not affect the connectivity of the Tongue River. The build alternatives would also cross fish-bearing streams with culverts designed to allow fish passage. TRRC would comply with Montana state laws that require protecting streams and rivers and maintaining connectivity.

How would the proposed rail line affect water quality?

The proposed rail line could cross or approach several surface waters that are considered impaired by Montana Department of Environmental Quality. Construction and operation could transport fine sediments and other pollutants to surface waters. Construction impacts

would be short-term and temporary. TRRC would obtain a Montana Pollutant Discharge System permit and a 401 water quality certification.

Would construction and operation of the proposed rail line consume water?

Construction of the proposed rail line would use some groundwater and/or surface water. The withdrawals would be small compared to available water sources. TRRC would make all withdrawals under state-authorized water right allocations and would not reduce the amount of available water beyond what is already authorized by the Montana Department of Natural Resources and Conservation.

Visual

How did OEA evaluate the impacts on the visual landscape?

OEA assessed the landscape's visual features relative to the region's visual character and determined the importance of these features to sensitive viewers. OEA prepared conceptual illustrations of the visual impacts of the proposed rail line at key observation points.

How would the proposed rail line affect the visual landscape?

Construction and operation of the proposed rail line would affect the visual landscape because it would affect existing features and introduce new features into the viewshed. During construction, equipment and workers would be visible. After construction, changes to the landscape, the rail line itself, and trains travelling on it would be visible. The project area is largely rural and undeveloped, so the addition of new features would be noticeable. The extent of the visual impacts would depend on the build alternative and on the vantage point of the viewer in relation to the rail line. OEA found that the Tongue River Alternative, the Tongue River Road Alternative, and the Moon Creek Alternative would have the greatest visual impacts because they are the longest alternatives that the Board is considering.

Cultural Resources and Tribal Consultation

Is OEA consulting with tribes?

Yes. OEA consulted with 21 federally recognized tribes through the scoping process, consultation and under Section 106 of the National Historic Preservation Act. OEA consulted with one tribe under government-to-government consultation. OEA held two meetings and monthly conference calls with tribal representatives and other consulting parties under the Section 106 process, which included updates on the Draft EIS process.

Numerous tribes participated in cultural resource field surveys and provided input on tribal resources in the field.

How was the cultural survey work done?

For tribal and archaeological resources surveys, OEA organized seven eight-member survey teams to conduct field surveys. Each survey team included four tribal members and four OEA archaeologists. Participants from 15 different tribes rotated their participation among the seven field survey teams.

In order to identify built historic resources, OEA's federally qualified architectural historians reviewed maps and previously recorded site forms, interviewed landowners or managers, conducted a windshield survey along public roads, and conducted a pedestrian or all-terrain vehicle field survey along private roads, trails, or cow paths.

Safety

What are the fire hazards and how would they be mitigated?

Although exhaust sparks and hot brake shoe fragments can cause wildfires, rail-induced wildfires rarely occur in Montana. The risk of wildfires along all build alternatives would be low, with slightly higher risks in some small areas of the northern alternatives. TRRC would have to comply with Montana laws to reduce risks by clearing tracks, plowing fireguards, burning vegetation within the fireguards, and developing a wildfire management plan.

Would the increased train traffic cause delay and affect safety on roadways?

OEA predicted that rail traffic on the proposed rail line would have a small impact on grade-crossing delay. The Decker Alternative and the Decker Easter Alternative would have the greatest impact on traffic and safety at crossings. These two alternatives would cross Highway 314, where OEA predicted that train traffic could result in as much as one accident every 11 years under the scenario with the highest number of trains per day.

Recreation

How would rail construction and operation affect hunting?

Rail construction activities could temporarily disturb wildlife near the rail line but OEA does not expect a long-term impact on hunting. The proposed rail line would create a barrier that would restrict access across the right-of-way. Hunters would have to use road crossings to obtain access to the other side of the right-of-way.

Land Use

How would cattle get to water and grazing lands where the rail line crosses property?

TRRC would install cattle passes and private at-grade crossings to help cattle move across the right-of-way where properties have been divided. TRRC would work with landowners to identify appropriate locations for these crossings.

Socioeconomics

How many construction workers would move into the project area?

Project-related construction would draw workers to the area, increasing demand for local housing and public services but also increasing state and local tax revenues. OEA estimates that up to 238 construction workers could move to the four-county area during the peak construction period. The new construction workers would increase the total population of Custer, Rosebud, Powder River, and Big Horn Counties by about 0.6 percent. The long-term population and economic trends would not be affected.

Downline Impacts

How did OEA determine the destination of the trains?

Because there were so many variables that needed to be considered to determine where the trains would move, OEA used a computer model called the Integrated Planning Model (IPM). The model determines the least overall cost for meeting U.S. electric demand. In determining the least cost solution, IPM identifies where each coal plant obtains the coal that it consumes and how much it will consume. The model determines the amount of coal and thus the number of trains needed to transport the coal. Inputs to the model included coal production and transportation costs, national and international coal distribution patterns, and economic and regulatory uncertainties such as low natural gas prices and carbon dioxide emission regulations that could affect coal markets in the future. OEA developed three coal production scenarios (low, medium, and high) based on its projections of which mines could be developed under different conditions and how much coal they would produce. OEA then developed 21 different scenarios for future coal production in the project area. Each of the 21 scenarios would result in a different level of rail traffic and different routings of trains.

What did OEA learn about coal destinations and volumes from its modeling?

OEA's modeling predicted that under most scenarios most of the coal from the Tongue River area would go to power plants in the Midwestern United States. OEA found that approximately the same number of coal trains would travel from the Powder River Basin to the Pacific Northwest with or without the proposed rail line. The amount of coal exported to overseas markets would depend on construction of new export ports, not on construction of the proposed rail line.

Did OEA assess all the impacts on every rail line that project-related trains might operate?

No. OEA used a model to predict where trains from the proposed rail line would operate. The model found that most of the traffic from the proposed rail line would displace coal trains from other places. The model identified some rail lines that would experience a net increase in traffic due to the addition of project-related trains. OEA assessed the potential environmental impacts that could occur because of increased rail traffic on rail lines that would experience an increase beyond the Board's thresholds for environmental analysis. This Draft EIS does not consider impacts on rail lines that would not experience a net increase in rail traffic because of construction and operation of the proposed rail line or that would experience an increase less than the Board's thresholds for environmental analysis.

Would the coal carried over TRRC go to China?

The proposed rail line would carry coal from the proposed Otter Creek Mine near Ashland, MT to a connection with the interstate rail network. OEA's model predicted that this coal would then be transported primarily to power plants in the Midwest. OEA predicted that it generally would not be economical to export coal from the proposed Otter Creek Mine because this coal has a lower energy content than coal available from other mines in the Powder River Basin. OEA also considered the possibility that additional coal mines could be developed in the Tongue River area. If new mines were developed, some of this coal could be transported to the west coast for export to China or other countries in Asia. OEA found, however, that the total volume of coal trains that would move to ports in the Pacific Northwest from the Powder River Basin would be the same regardless of whether or not the proposed railroad is approved and constructed.

If project-related trains would not move west to the proposed new ports, does that mean that railroads other than project-related could haul coal west?

Yes. OEA's model predicted that because the current export terminals are at capacity, the total volume of coal train traffic that would move to the Pacific Northwest would depend on the approval and construction of one or more export ports in that region. If one or more new

ports are approved and constructed, OEA predicted that coal from the Powder River Basin in Wyoming and Montana would be transported by rail to these ports for export. The amount of coal that would be transported to the ports would depend on the port capacity.

Does this Draft EIS consider the environmental impacts of railroads other than project-related trains hauling coal west?

No. This Draft EIS considers the potential impacts that could occur if the Board were to grant approval for construction and operation of the proposed rail line. The Draft EIS considers the direct impacts that could occur within the project area and the indirect impacts that could occur due to increased train traffic outside of the project area. OEA used the IPM to predict where train traffic could increase if the proposed rail line were approved and constructed. The model predicted that rail traffic would not increase on rail lines to the west of the project area because of construction and operation of the proposed rail line. Traffic on rail lines west of the project area could increase in the future, but this increase would occur whether or not the proposed rail line is approved and constructed.

Would communities in the west still see additional coal trains even if the Board should deny TRRC's proposal?

OEA's model predicted that the volume of coal train traffic that would operate over rail lines to the west of the project area in the future would be the same whether or not the proposed rail line is approved and constructed. If one or more of the proposed export terminals in the Pacific Northwest is approved and constructed, then OEA predicted that rail traffic would increase over these rail lines. This would occur even if the Board were to deny TRRC's application.

Why didn't OEA decide to hold public meetings on the Draft EIS in Missoula, Montana and other communities that requested meetings?

OEA decided to hold public meetings on the Draft EIS in several communities in the project area that could experience environmental impacts because of construction and operation of the proposed rail line. OEA's analysis indicates that communities to the west of the project area would not experience a net increase in rail traffic because of construction and operation of the proposed rail line. Therefore, these communities would not experience environmental impacts because of TRRC's proposal. OEA determined that it would be infeasible to hold public meetings in every community through which project-related trains could travel and that the environmental analysis would not benefit from holding meetings in areas that would not experience any environmental impacts from the proposed project.

What routes would the project-related trains take to move east?

The specific routes that project-related trains would take would depend on which, if any, alternative the Board approves. It would also depend on which coal mines, if any, are

developed in the future and on the international coal market. OEA predicted that, if a northern route were to be approved, most of the new net rail traffic would travel east from Nichols, MT and Miles City, MT through Glendive, MT, Mandan ND, Fargo, ND, and Wilmar, MN. Some of these trains would continue on to Chicago, IL by way of St. Paul, MN, La Crosse, WI, and Aurora, IL. If a southern route were approved, OEA predicted that most of the new net rail traffic would move from Spring Creek, MT, through Dutch, WY, Donkey Creek, WY, Edgemont, SD, Crawford, NE, and Alliance, NE. These trains would continue to move east toward Chicago.

How many project-related trains would move east?

OEA identified 13 existing rail segments that could experience an increase in rail traffic of eight trains per day or more if the proposed rail line were approved and if new coal mines are developed in the future in addition to the proposed Otter Creek Mine. These segments are located in Montana, Wyoming, North Dakota, Minnesota, and Nebraska. If no new coal mines are developed in the project area aside from the proposed Otter Creek Mine, then none of the segments downline of the proposed rail line would experience an increase of eight trains per day or more.

Does this EIS consider the environmental impacts of the project-related trains moving east?

Yes. OEA predicted where trains from the proposed rail line would travel and where train traffic could increase because of these new trains. OEA identified rail line segments that could experience an increase in rail traffic that could exceed the Board's thresholds for analysis. OEA then analyzed the potential environmental impact that could occur from the increased rail traffic on these rail lines.

Cumulative Impacts

How did OEA decide which projects to analyze?

OEA determined that 18 projects could contribute to cumulative impacts. These projects could occur in the same timeframe as the proposed rail line. These projects include existing coal mines, proposed and potentially induced coal mines, other energy development projects, land management projects, and construction projects. The impacts of these projects could overlap with the impacts of the proposed rail line.

What would be the cumulative impacts of the proposed rail line and other projects?

OEA determined that the cumulative impacts of the proposed rail line and the other projects that OEA identified could affect grade-crossing safety, grade-crossing delay, air quality,

greenhouse gases and climate change, biological resources, water resources, visual resources, cultural resources, geology and soils, paleontological resources, land use and recreation, energy resources, and socioeconomics.

S.1 Introduction

This summary addresses the key elements of the development of this Draft Environmental Impact Statement (EIS), the project history and setting, the build alternatives, the no-action alternative, and major conclusions regarding environmental impacts.

S.1.1 Purpose and Need

The Tongue River Railroad Company (TRRC) states that the main purpose of the proposed project is to construct and operate a common carrier rail line primarily to transport coal from mine sites that could be developed in Rosebud and Powder River Counties, Montana, including the proposed Otter Creek Mine. Rail access to these mines would make it possible to transport coal from the area, which is among the largest remaining undeveloped reserves of low sulfur, subbituminous coal in the United States.

The proposed rail line involves an application by TRRC for a license or approval from the Surface Transportation Board (Board) to construct a common carrier rail line as part of the interstate rail network. The proposed rail line is not a federal government-proposed or sponsored project. Thus, the purpose and need is informed by both TRRC's goals and the Board's enabling statute.¹ Construction and operation of new rail lines requires prior authorization by the Board under 49 United States Code (U.S.C) § 10901(c). Section 10901(c) is a permissive licensing standard. It now directs the Board to grant construction proposals *unless* the Board finds the proposal "inconsistent with the public convenience and necessity (PC&N)."² Thus, Congress presumes that rail construction projects are in the public interest unless shown otherwise.³

¹ See Alaska Survival v. STB, 705 F.3d 1073, 1084-85 (9th Cir. 2013).

² Although the statute does not define the term *public convenience and necessity*, historically, a three-part test has been used to evaluate that term: whether an applicant is financially fit to undertake proposed construction and provide the proposed service; whether there is public demand or need for the proposed service; and whether the proposal is in the public interest and will not unduly harm existing services.

³ See N. Plains Res. Council v. STB, 668 F.3d 1067, 1091-92 (9th cir.2011); Mid States Coalition for Progress v. STB, 345 F.3d 520, 552 (8th Cir. 2003); Alaska R.R. - Constr. and Operation Exemption – Rail line Between North Pole and Delta Junction, Alaska, FD 34658, slip op. at 5 (STB served January 5, 2010). Congress first relaxed the section 10901 standard in the Staggers Rail Act of 1980, Pub. L. No. 96-448, 96 Stat. 1895. Before 1980, Congress directed ICC, the Board's predecessor agency, to scrutinize rail construction proposals closely to prevent excess rail capacity. ICC was to issue a license only if it found that the PC&N "require" the construction. See former 49 U.S.C. § 10901(a) (1978); see, e.g., Chesapeake & Ohio Ry. v. United States, 283 U.S. 35, 42 (1931). In the Staggers Act, Congress made it easier to obtain agency authorization for a new line by providing that ICC need only find that the PC&N "permit," as opposed to "require," the proposed new line. See former 49 U.S.C. § 10901(a) (1995); H.R. Rep. No. 1430, 96th Cong., 2d Sess. 115-16 (1980), reprinted in 1980 *U.S.C.C.A.N.* 4147-48. With ICCTA, Congress completed its policy shift, directing that the Board "shall" issue construction licenses "unless" the agency finds a proposal "inconsistent" with the PC&N. See 49 U.S.C. § 10901(c).

S.1.2 Project History and Setting

On October 16, 2012, TRRC filed an application with the Board requesting authority to construct and operate an approximately 83-mile common carrier rail line between Miles City, Montana, and two terminus points near Ashland, Montana: one near the previously planned Montco Mine and another at the proposed Otter Creek Mine.

On December 17, 2012, TRRC filed a supplemental application to supersede its October 16, 2012 application. In this application, TRRC identified its preferred route for the Tongue River Railroad as the 42-mile Colstrip Alternative between Colstrip, Montana, and the Ashland/Otter Creek areas of Montana.

The proposed rail line would be located in Custer, Rosebud, Powder River, and Big Horn Counties, Montana, depending on the build alternative licensed. This four-county area is primarily rural with a few populated areas. Most of the land in the project area is privately owned and used for grazing. Interspersed throughout the area are lands administered by the U.S. Department of the Interior, Bureau of Land Management; U.S. Department of Agriculture; U.S. Forest Service; and State of Montana, as well as locally administered recreational facilities. The Northern Cheyenne Indian Reservation borders the west side of the Tongue River in the project area near Ashland.

S.2 Draft EIS and Final EIS Process

This Draft EIS was prepared by the Board's Office of Environmental Analysis (OEA)—the office responsible for conducting the environmental review process, independently analyzing environmental data, and making environmental recommendations to the Board as part of the Board's licensing process. OEA will consider all comments received on this Draft EIS and respond to substantive comments in the Final EIS, which will include OEA's final recommended environmental mitigation. OEA will identify its preferred alternative in the Final EIS. The Board will consider the entire environmental record, the Draft and Final EISs, all comments received, and OEA's environmental recommendations in making its final decision on TRRC's application.

S.2.1 Scoping and Consultation

S.2.1.1 Scoping

To help determine the scope of the EIS, OEA involved the public, government agencies, tribal organizations, and other interested organizations. On October 22, 2012, OEA published the following items in the *Federal Register* (Fed. Reg.) (77 Fed. Reg. 64592).

- Notice of Intent to Prepare an EIS
- Notice of Availability of the Draft Scope of Study for the EIS

- Notice of Scoping Meetings
- Request for Comments on the Draft Scope of Study for the EIS

OEA distributed a postcard that introduced TRRC's proposed rail line, announced OEA's intent to prepare an EIS, and advertised scoping meetings to the residents of Powder River, Custer, and Rosebud Counties. OEA sent letters providing similar information to elected officials; federal, state, and local agencies; tribal organizations; and other potentially interested organizations. OEA published notice of scoping meetings in several newspapers, including the *Miles City Star Newspaper* and *Billings Gazette*.

In November 2012, OEA held 10 public scoping meetings in Lame Deer, Forsyth, Ashland, and Miles City, Montana. About 525 people attended, including citizens; tribal members; representatives of organizations; elected officials; and officials from federal, state, and local agencies. OEA also met with federal and state cooperating and consulting agencies to discuss the scope of this EIS. The scoping comment period, initially scheduled to close on December 6, 2012, was extended until January 11, 2013, in response to a number of requests. OEA considered all input received during the scoping process. On March 22, 2013, OEA published the Final Scope of Study for the EIS (78 Fed. Reg.17752) on the Board's website and on the Tongue River Railroad EIS website. Additionally, OEA mailed the notice of the availability of the Final Scope of Study to about 2,940 individuals, agencies, and other interested parties. The Final Scope of Study directed OEA's analysis for this Draft EIS.

S.2.1.2 Cooperating Agencies

Four cooperating agencies provided input into the development of this Draft EIS and will continue to work with OEA throughout the public comment period and issuance of the Final EIS.

- U.S. Army Corps of Engineers
- U.S. Department of the Interior, Bureau of Land Management
- U.S. Department of Agriculture, Agricultural Research Service
- Montana Department of Natural Resources and Conservation, representing all Montana State agencies.

S.2.1.3 Agency Consultation

OEA consulted with appropriate federal, state, and local agencies during the preparation of this Draft EIS. For example, OEA held meetings with Montana Fish, Wildlife & Parks, U.S. Fish and Wildlife Service, Montana Department of Natural Resources and Conservation, U.S. Department of Agriculture, Bureau of Land Management, and the Montana Natural Heritage Program to discuss wildlife fieldwork methods in December 2012 and throughout 2013. OEA held numerous meetings and teleconferences with the State Historic Preservation Office and the Advisory Council on Historic Preservation regarding cultural and historic

resources. OEA also solicited input from the U.S. Environmental Protection Agency on several resource areas. OEA has met with agencies in person and through teleconferences throughout the development of this Draft EIS.

S.2.1.4 Tribal Consultation

OEA consulted with tribal organizations throughout the development of this Draft EIS. Executive Order 13175 requires that federal agencies conduct government-to-government consultations with federally recognized Indian tribes in the development of federal policies, as does Section 106 of the National Historic Preservation Act. In December 2012, OEA initiated government-to-government consultations with 20 federally recognized tribes having current and ancestral connections to the region. The Northern Cheyenne and Oglala Sioux Tribes indicated that they wanted to consult on the broader range of impacts considered under the National Environmental Policy Act as part of the environmental review process. The Oglala Sioux did not enter into government-to-government consultation but continued to participate in Section 106 consultation. In April 2013, OEA held a consulting party meeting on the Northern Cheyenne Reservation in Lame Deer, Montana. The meeting included representatives from the tribes, as well as nontribal consulting parties. In February 2014, OEA held a second meeting with Section 106 consulting parties, tribal representatives, federal and state agency representatives, and other interested parties in Billings, Montana.

In addition to face-to-face Section 106 meetings, OEA has held monthly conference calls with tribal representatives and other consulting parties. These conference calls addressed the Section 106 process and provided updates on the EIS process. OEA also consulted with the tribes on field surveys and ensured that tribal members were represented on each archaeological field survey team. OEA provided relevant information, including survey results, directly to the tribes. OEA provided meeting transcripts and summaries of monthly calls on the Board's website and TRRC's EIS website.

S.3 Alternatives

After revisiting the alternatives previously considered by the Board in its earlier Tongue River proceedings and the alternatives proposed in scoping comments, OEA identified 10 build alternatives for detailed study in this Draft EIS. OEA also analyzed the No-Action Alternative under which no rail line would be built. Five of the build alternatives are primary routes, and five offer an eastern variation of the primary routes that shifts the route to the east in the Ashland area (Figure 1 and Table 1).⁴

⁴ OEA developed the eastern variations in response to a scoping comment from the Northern Cheyenne Tribe requesting a route as far as possible from the eastern boundary of the Northern Cheyenne Indian Reservation and the Tongue River.

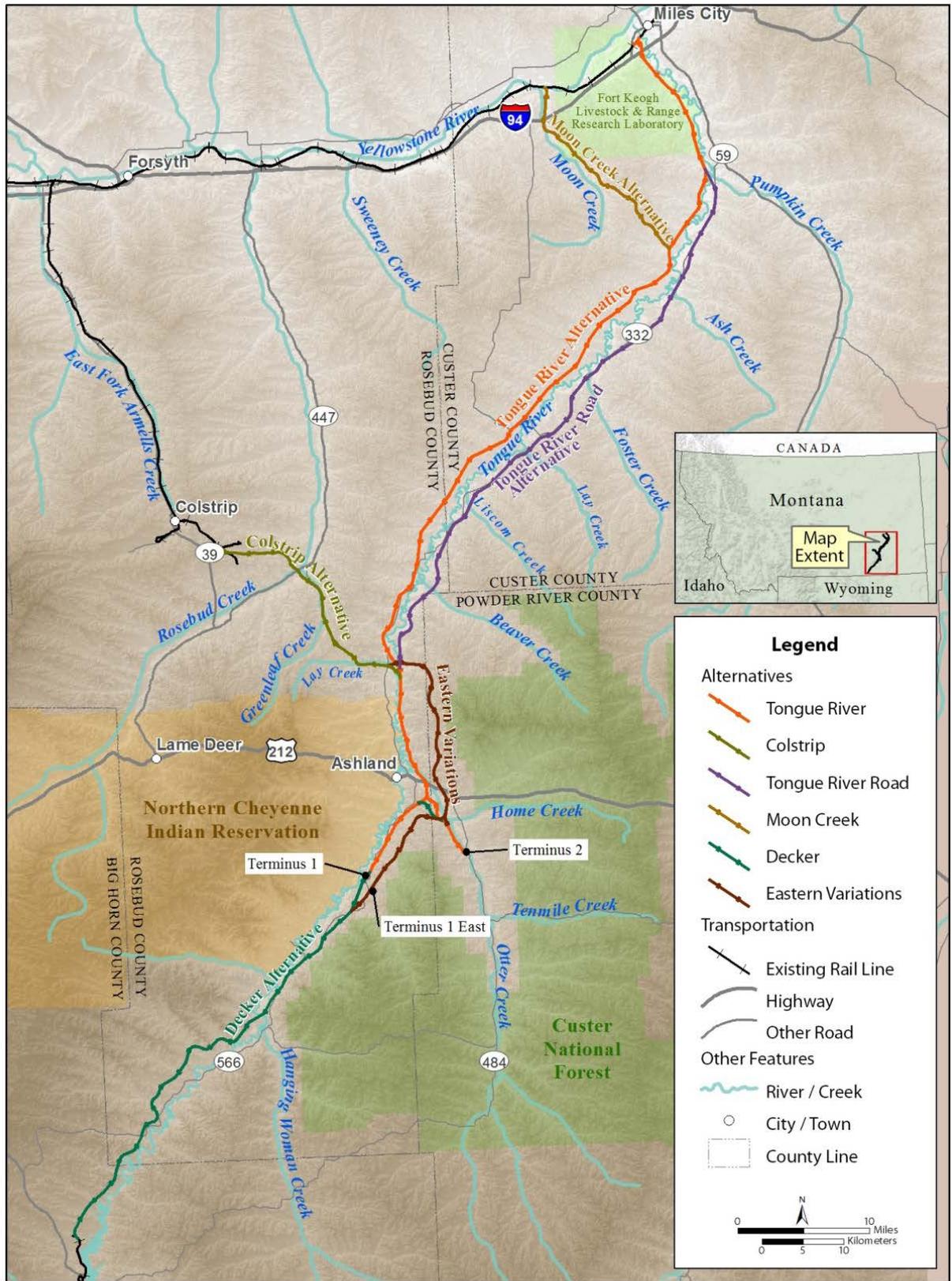


Figure 1. Project Area

Table 1. Build Alternatives: Routes, Variations, and Length

Build Alternative	Primary Route and Variation Combinations	Length (miles)^a
Tongue River	Tongue River Alternative	83.7
Tongue River East	Tongue River Alternative + Eastern Variation ^b	86.3
Colstrip	Colstrip Alternative ^c	42.3
Colstrip East	Colstrip Alternative + Eastern Variation ^c	45.4
Tongue River Road	Tongue River Road Alternative	83.7
Tongue River Road East	Tongue River Road Alternative + Eastern Variation	85.9
Moon Creek	Moon Creek Alternative	82.1
Moon Creek East	Moon Creek Alternative + Eastern Variation	84.7
Decker	Decker Alternative	51.1
Decker East	Decker Alternative + Eastern Variation (partial) ^d	49.6

Notes:

^a Total track length, including Terminus Points 1 and 2

^b The eastern variation includes the Ashland East Variation segment and the Terminus 1 Variation segment

^c Length does not include 29.7 miles of the existing Colstrip Subdivision

^d All build alternatives would approach from the north, with the exception of the Decker Alternatives, which would approach from the south. Because of this, only a portion of the eastern variation can be used for Decker East Alternative.

Each of the build alternatives would connect an existing BNSF Railway Company (BNSF) main line to two terminus points.

- Terminus 1 would serve the primary routes at the site of the previously proposed Montco Mine, about 8 miles south of Ashland. Terminus 1 East would serve the eastern variations and would be located southeast of Terminus 1.
- Terminus 2 would serve any build alternatives and be located at the site of the proposed Otter Creek Mine, about 7 miles southeast of Ashland.

The Tongue River Alternatives, Colstrip Alternatives, Tongue River Road Alternatives, and Moon Creek Alternatives would approach their terminus points from the north. These build alternatives are collectively referred to as the *northern alternatives*. The Decker Alternatives would approach both terminus points from the south but would access Terminus 2 from the north. These build alternatives are collectively referred to as the *southern alternatives*.

The Colstrip Alternatives would travel north along the existing Colstrip Subdivision to reach the BNSF main line. The Colstrip Subdivision is an approximately 30-mile BNSF rail line that runs north from Colstrip and connects to the BNSF main line along the Forsyth Subdivision near Nichols, Montana. Although the Colstrip Subdivision is capable of supporting coal trains in its existing condition, TRRC would likely upgrade all sections of the Colstrip Subdivision track. All work is anticipated to be contained within the existing BNSF right-of-way. TRRC would conduct routine inspections of the Colstrip Subdivision track and structures to determine the need for the proposed upgrades, which could be incrementally implemented and might or might not be concurrent with construction of one of the Colstrip Alternatives, assuming that one of these build alternatives is licensed.

S.4 Major Conclusions

OEA has conducted an extensive review of the environmental impacts that could result from construction and operation of the proposed rail line. Based on consultation with federal, state, and local agencies; input provided by organizations, citizens and tribes; and its own independent environmental analysis, OEA has reached the following conclusions about the impacts of the build alternatives.

In general, the longer build alternatives would have more impacts across more resource areas, and the shorter build alternatives would have fewer impacts. Longer build alternatives would require construction of a longer right-of-way. The total right-of-way area of the build alternatives would range from 2,040 to 4,234 acres. The Tongue River Alternatives, Tongue River Road Alternatives, and Moon Creek Alternatives would be on the upper end of this range. The Decker Alternatives and Colstrip Alternatives would be on the lower end of the range. The average width of the right-of-way would range from 367 to 455 feet. The Decker Alternative would be on the upper end of the range and the Tongue River East Alternative would be on the low end of the range.

Aside from the impacts associated with length and total acreage, the build alternatives would have similar impacts with the exception of noise and environmental justice impacts.

- **Noise.** The Colstrip Alternatives would have the most noise impacts (94 sensitive receptors would be adversely affected under the high coal production scenario in the year 2030). This is because a large number of residents live along the existing Colstrip Subdivision (89 under the high coal production scenario in the year 2030). By comparison, between one and five sensitive receptors would be adversely affected by other build alternatives. OEA is recommending that the Board impose operation-related mitigation measures where receptors along the new line would experience adverse noise impacts. These measures would require TRRC to employ mitigation at receptors along the new line where noise would exceed the Board's regulatory threshold for analyzing noise impacts. TRRC would also be required to identify measures to reduce sounding of the train horns on the existing Colstrip Subdivision.
- **Environmental justice.** Noise impacts described above would lead to high and adverse noise impacts on minority and low-income populations along the Colstrip Subdivision. Either of the Colstrip Alternatives would have the most impacts on environmental justice populations. OEA is recommending that the Board impose operation-related mitigation measures specific to these noise impacts. These measures would require TRRC to employ mitigation at receptors where noise thresholds would be exceeded and to identify measures to reduce horn sounding.

OEA also reached conclusions on the following resources.

S.4.1 Coal Production and Markets

Numerous public comments asked whether there is demand for Tongue River coal⁵ and how the proposed rail line would contribute to the development of new coal mines and to the transport of that coal out of the Powder River Basin. To address those issues and support the impact analyses, OEA modeled marketable coal production, rail traffic, and national and international coal distribution patterns. OEA's analysis also examined the impacts on coal markets from economic and regulatory uncertainties with a focus on low natural gas prices and carbon dioxide emission regulations.

OEA developed three coal production scenarios to determine impacts on rail transportation. The lowest scenario included only the proposed coal production tonnage as described in TRRC's supplemental application. The medium and high production scenarios are based on the available coal resources in the Tongue River region; the current and projected coal market demand in the United States and internationally; and associated transportation costs, routes, and export terminals.

OEA modeled 21 primary sensitivity scenarios based on three sets of variables across four analysis years (2018, 2023, 2030, and 2037), including three sensitivity analysis scenarios for carbon dioxide (CO₂) regulations and natural gas production and six No-Action Alternative scenarios based on the three sets of variables and sensitivity analysis scenarios.

- Either a northern alternative or southern alternative.
- Three coal production scenarios (low, medium, and high).
- Three levels of coal export capacity in the Pacific Northwest (zero, medium, and high).
- Three sensitivity scenarios to analyze market conditions with new CO₂ regulations and fluctuating natural gas prices.

The modeled volume of rail traffic that would result from the proposed rail line, including transport to mines that would be stimulated by the proposed rail line, ranges from 7.4 to 18.6 trains per day for the northern alternatives and 7.4 to 26.7 trains per day for the southern alternatives, including outgoing trains loaded with coal and empty returning trains. OEA concluded that the northern alternatives would be more economically viable in general because they would have shorter distances to key markets.

Production of Tongue River coal would increase total U.S. coal production, on average, by 1.4 million tons per year (2018 to 2037). If Pacific Northwest coal export capacity does not

⁵ The term *Tongue River coal* in this context refers to coal from the proposed Otter Creek Mine and coal from other mine sites that could be induced by the development of the proposed rail line. Although the Tongue River is part of the Powder River Basin, for purposes of this analysis, OEA uses the term Tongue River coal to refer specifically to coal from the proposed Otter Creek Mine and areas where construction of the proposed rail line could induce new mining. Tongue River coal is geographically distinct from coal mined elsewhere in the Powder River Basin, most of which is extracted south of the Tongue River in Wyoming. The term *Powder River Basin coal*, in this context, refers to all coal produced in the Powder River Basin, including Tongue River coal.

expand, Tongue River coal, with its lower transportation and production costs, would primarily displace other Powder River Basin coal destined for markets in the Upper Midwest. While rail traffic would increase locally near the mines, traffic on downline routes would not change considerably. The incremental addition of train traffic from the proposed rail line would be small compared to the total train traffic along the BNSF main line.

OEA considered an expansion in Pacific Northwest coal export capacity as reasonably foreseeable because of proposed terminal construction and expansion. On an annual basis, exports between 0 and 53 percent of annual coal produced from the proposed Otter Creek Mine and the Poker Jim Creek–O’Dell Creek and Canyon Creek Mines, which could be induced by the development of the proposed rail line, would be expected (Figure 2). Exports would occur under six of the 21 primary sensitivity scenarios; no exports would occur under 15 of these scenarios. The maximum export (53 percent) would occur if the southern alternatives are developed with high coal production rates and high terminal capacity growth. Tongue River coal exports would be low across all scenarios because other Powder River Basin coals with higher heat content would be more competitive for export. In other words, the same amount of rail traffic would flow from the Powder River Basin to the Pacific Northwest if coal export capacity is expanded, with or without the proposed rail line.

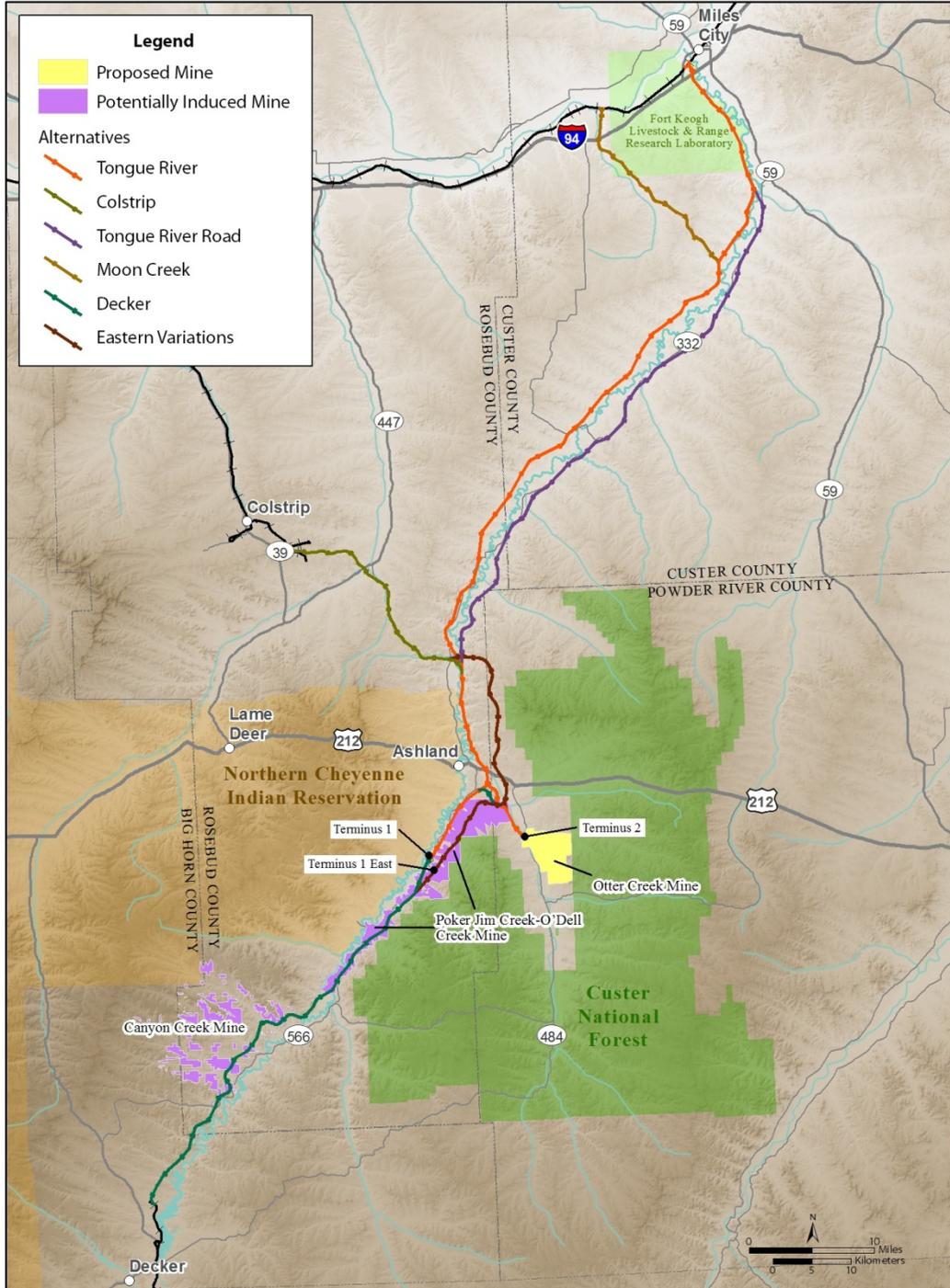


Figure 2. Proposed and Potentially Induced Mines

S.4.2 Greenhouse Gases

OEA analyzed the accumulated net contribution of each build alternative to greenhouse gas (GHG) emissions that would result from direct impacts related to construction and operation of the proposed rail line. OEA determined that accumulated direct emissions would range from 1.6 to 3.7 million metric tons of carbon dioxide equivalent (MMTCO_{2e}). Accumulated direct emissions (2018 to 2037) from the northern alternatives would range from 2.4 to 3.7 MMTCO_{2e} and from the southern alternatives would range from 1.6 to 2.9 MMTCO_{2e}, depending on the level of production.

OEA also analyzed indirect impacts related to downline rail traffic and international shipping, cumulative GHG contributions of the proposed and potentially induced mines, and coal combustion (i.e., life-cycle emissions). OEA determined that the northern alternatives, high coal production, high terminal capacity growth scenarios would result in the highest net GHG emissions (Scenario 11). The northern alternatives, low coal production, zero terminal capacity growth scenario would result in the lowest GHG emissions (Scenario 3). Accumulated net GHG emissions (2018 to 2037) would range from a reduction of 1.7 MMTCO_{2e} to an increase of 81 MMTCO_{2e} across all build alternatives.

To put these emissions in context, accumulated direct GHG emissions from the proposed rail line would be equivalent to the annual GHG emissions from approximately 16,800 to 39,000 passenger vehicles over 20 years. Indirect accumulated GHG estimates would range from a small net reduction in emissions—equivalent to removing 17,600 passenger vehicles from the road for 20 years—to adding 855,000 vehicles for 20 years.

OEA concludes that direct GHG emissions from the proposed rail line would be negligible. OEA also concludes that net annual life-cycle emission impacts would range from a negligible positive impact to a minor adverse impact.

OEA is recommending that the Board impose mitigation measures to avoid or minimize emissions of GHGs from construction of the proposed rail line. OEA is not recommending additional measures because the Board generally does not impose operating limitations and OEA determined that there are no other reasonable mitigation measures for operation over a relatively short rail line. OEA is not recommending mitigation measures for indirect or cumulative life-cycle GHG emissions impacts, construction and operation of the proposed and potentially induced mines, or coal combustion. These impacts are not direct impacts of the proposed rail line and the Board has no jurisdiction or authority over the proposed and potentially induced mines or the combustion of coal by power plants.

S.4.3 Access for Field Surveys

In order to conduct field surveys for wetlands, wildlife, fish, cultural resources, visual resources, and noise, OEA made a substantial effort to gain access to all private property along the rights-of-way. OEA developed a protocol for contacting and coordinating with

landowners using U.S. Environmental Protection Agency guidelines. OEA contacted approximately 400 property owners along the rights-of-ways, including businesses, individuals, ranches, various organizations (e.g., schools, the voluntary fire department, and lands that were put into trusts), and federal, state, and local agencies.

In 2013, OEA was granted land access by 132 landowners and denied access by 90 landowners. OEA did not receive any response from 182 landowners. As a result, OEA gained access to 280,165 acres, or approximately 46 percent of the total area requested. OEA did not receive access to approximately 333,642 acres, or approximately 54 percent of the total area requested. OEA conducted an additional season of field surveys for cultural resources in 2014 because some landowners, who had not provided access in 2013, offered OEA access in 2014. OEA subsequently sent letters to all landowners in the project area and received land access from 160 landowners to conduct cultural resources surveys, was denied access from 81 landowners, and did not receive any response from 163 landowners. As a result, OEA gained access to 335,569 acres, or approximately 55 percent of the total area requested for purposes of cultural resources surveys. OEA did not receive access to 278,311 acres, or approximately 45 percent of the total area requested. Because the additional access was specifically for cultural resources surveys, OEA focused on properties within the cultural resources study area. OEA received access to approximately 51 percent of the archaeological and tribal resources area of potential effects and approximately 50 percent of the built resources area of potential effects.

S.4.4 Impacts in the Study Area

Although OEA assessed impacts on the full range of relevant resources, the public raised concerns about specific resource areas. Impacts and conclusions for these resource areas of interest are summarized in the following sections. The impacts and conclusions for all resources are summarized in Table 2, provided at the end of this summary.

S.4.4.1 Air Quality

Construction of any build alternative would not generate air pollutant concentrations that would violate the National Ambient Air Quality Standards (NAAQS) or the Montana Ambient Air Quality Standards (Montana AAQS). Operation is not expected to generate air pollutant concentrations that would violate federal and state air quality standards. OEA concludes that these impacts would be negligible. OEA is not recommending that the Board impose mitigation measures for air quality. However, TRRC has proposed voluntary mitigation measures to reduce air emissions.

S.4.4.2 Coal Dust from Rail Cars

In response to concerns expressed by the public, OEA analyzed the potential human health and environmental impacts of coal dust blowing off rail cars. OEA concluded that coal dust from trains on the proposed rail line would not harm human health or the environment. OEA

predicted the potential concentration of coal dust in the air and found that it would be below the standards for particulate matter in the NAAQS and the Montana AAQS to protect human health.⁶ OEA also analyzed the movement of potentially harmful trace elements in coal (such as mercury, lead, and arsenic) in the environment to determine if these chemicals could pose a risk to people or the environment in the project area. OEA found that concentrations of the constituents of coal dust estimated in soil, dust, water, and fish would be below screening levels⁷ for human exposure for all pathways. OEA also found that estimated concentrations of coal dust in soil, sediment, and surface water would be below screening levels for ecological exposure, with the exception of barium in surface water. OEA's analysis, however, overestimated the amount of barium that would actually be found in surface waters so that actual barium concentrations resulting from the proposed rail line would be lower and below screening levels.

OEA concludes that the impacts of coal dust would be negligible, although there could be minor nuisance impacts in some locations. OEA is not recommending that the Board impose mitigation measures for coal dust.

S.4.4.3 Noise and Vibration

Construction of any build alternative is not expected to generate adverse noise impacts except at one receptor located on the Ashland East Variation if pile driving were to occur at night. OEA considers impacts at this one location to be moderately adverse. Operation of any build alternative, except for the Decker East Alternative, would result in adverse noise impacts under the high production scenario. For any build alternative except the Colstrip Alternatives, one to five sensitive receptors would be affected by additional train traffic. Either of the Colstrip Alternatives would affect the most sensitive receptors (from 70 to 75), most of which are on the existing Colstrip Subdivision. OEA is recommending that the Board impose operation-related mitigation measures where receptors would experience adverse noise impacts in order to reduce impacts.

Vibration levels would not exceed regulatory thresholds during construction and operation of any build alternative. Vibration is not expected to cause damage to buildings. Therefore, vibration impacts associated with construction and operation of the proposed rail line would be negligible.

S.4.4.4 Biological Resources

Construction and operation impacts on wildlife and vegetation would generally be greater under the longer build alternatives and less under the shorter build alternatives. Construction

⁶ The National Ambient Air Quality Standards (NAAQS) are set by the U.S. Environmental Protection Agency as authorized by the Clean Air Act, amended in 1990. The Montana Ambient Air Quality Standards (Montana AAQS) are enforced by the Montana Department of Environmental Quality.

⁷ Screening levels are established by the U.S. Environmental Protection Agency and other federal agencies to determine whether additional assessment is required to determine health and ecological impacts.

of any build alternative would involve clearing the right-of-way and removing large areas of habitat. Any build alternative would cross fish-bearing streams and affect fish passage.

The number of rail-caused wildfire occurrences and burn areas in Montana is low, according to fire start data from the Montana Department of Natural Resources. Based on a wildfire risk assessment, OEA concluded that wildfire risk along any build alternative would be low. However, small areas along any build alternative except the Decker Alternatives could have higher wildfire risks.

The black-footed ferret, interior least tern, whooping crane, and pallid sturgeon are the federally listed threatened and endangered species that could be affected by the proposed rail line. In addition, the red knot and northern long-eared bat are currently proposed to be listed as threatened. The greater sage-grouse and Sprague's pipit are candidate species that could be affected. However, with the exception of the greater sage-grouse, none of these species was documented during the 2013 baseline surveys.

OEA concludes that construction and operation of the proposed rail line would result in minor adverse impacts on special-status species. Additionally, OEA concludes that there would be minor adverse impacts on common species of fish, vegetation, and wildlife whose populations are secure. OEA is recommending that the Board impose mitigation measures to reduce these impacts.

S.4.4.5 Wetlands

Construction of any build alternative would affect wetlands. Construction of the Tongue River Road East Alternative would affect the most wetland acres (33.3), and the Colstrip Alternative, Decker Alternative, and Decker East Alternative would affect the fewest wetland acres (8.1, 9.5, and 8.6 acres, respectively). OEA concludes that the filling of these wetlands would be an adverse impact and is recommending that the Board impose mitigation measures to reduce impacts.

S.4.4.6 Land Use

The longer build alternatives would require more right-of-way acreage than the shorter build alternatives and would have greater impacts on land use and recreation. Construction and operation of any build alternative would affect land use mainly by converting land to railroad use, displacing capital improvements (e.g., moving or demolishing residences and other buildings that are in the right-of-way, closing water wells, relocating roads), and separating contiguous properties. Even with the implementation of OEA's recommended mitigation measures, OEA concluded that these adverse impacts would range from moderate to high and is recommending that the Board impose mitigation measures to reduce impacts.

Construction and operation would also affect recreational resources by introducing visual and noise disturbances. Additionally, acquiring and converting recreational land to right-of-way could limit access to recreational land on either side of the right-of-way. Even with the

implementation of OEA's recommended mitigation measures, OEA concluded that these impacts would range from minor to moderately adverse and is recommending that the Board impose mitigation measures to address impacts.

S.4.4.7 Cultural Resources

All of the build alternatives would result in similar types of cultural resource impacts because each would require clearing railroad footprint within the rights-of-way.

- **Archaeological resources.** The Tongue River Road Alternatives and Moon Creek Alternatives would affect the most archaeological resources based on the sensitivity of archaeological sites and the total acreage (both surveyed and unsurveyed). The Decker Alternatives would affect the fewest archaeological resources.
- **Tribal resources.** OEA acknowledges that tribes possess special expertise in identifying cultural resources with religious and cultural significance. OEA invited 21 federally recognized tribes with ancestral ties to the area to join the field surveys and identify tribal resources. Fifteen tribes participated in the surveys during two field seasons. In these surveyed areas, which covered portions of all build alternatives, OEA determined that each build alternative would affect from three to eight sites. Tribal members found the most tribal resources on the Decker Alternatives and the fewest on the Colstrip Alternative and Moon Creek Alternative. OEA did not estimate tribal resources in unsurveyed areas because tribal resources are not necessarily based on factors such as topography, soils, or distance from water.
- **Built resources.** The Tongue River Road Alternative and Colstrip Alternative would affect the most built resources in the right-of-way (including intact buildings, such as ranch houses, and constructed features on the landscape, such as irrigation ditches) and the Moon Creek East Alternative and Decker Alternatives would affect the fewest built resources.

OEA concludes that adverse impacts from construction and operation of the proposed rail line would be moderate and is recommending that the Board impose measures to mitigate these impacts.

S.4.4.8 Environmental Justice

Operation of the proposed rail line would result in high and adverse noise impacts on minority and low-income populations. Either of the Colstrip Alternatives would have high and adverse noise impacts on both minority and low-income populations under all coal production scenarios. Under the high production scenario, either of the Colstrip Alternatives would affect 70 to 75 sensitive receptors in populated census blocks, of which more than 83 percent are located in minority populations. OEA is recommending that the Board impose mitigation measures to reduce these impacts.

OEA concludes that the Tongue River Alternative, Tongue River Road Alternative, Moon Creek Alternative, and Decker Alternative would have disproportionately high and adverse noise impacts on minority populations under the high coal production scenarios with zero, medium, and high coal terminal capacity, although not on low-income populations. These build alternatives would affect five or fewer sensitive receptors. OEA is recommending that the Board impose mitigation measures to reduce these impacts. The Tongue River East Alternative, Tongue River Road East Alternative, Moon Creek East Alternative, and Decker East Alternative would have no environmental justice impacts.

S.4.5 Downline Impacts

Rail traffic from the proposed rail line for either the northern or southern alternatives would merge on to main lines running east and west to final destinations. The additional traffic on these main lines could have impacts that extend beyond the study area. OEA determined that the high production scenario, which is estimated to occur in 2030 or subsequent years, is the only production scenario that could cause the estimated increase in rail traffic to exceed OEA's analysis thresholds. OEA analyzed 15 downline rail segments and reached the impact conclusions described in the following subsections.

S.4.5.1 Transportation

The maximum estimated increase in downline project-related rail traffic on the northern or southern alternatives, which is estimated to occur in 2030 or subsequent years, would have a minor adverse impact on estimated accident frequency on downline segments, on the free flow of vehicle traffic across downline at-grade crossings, and on the average predicted accident interval for grade crossings. OEA concludes that the adverse impacts on rail safety and grade-crossing delay and safety would be negligible to minor and does not recommend that the Board impose mitigation measures.

S.4.5.2 Air Quality

Downline emissions would not lead to a violation of the NAAQS in attainment areas or increase the severity of conditions in nonattainment areas. OEA concludes that these impacts would be negligible and does not recommend that the Board impose mitigation measures.

S.4.5.3 Noise and Vibration Impacts

Operation of the proposed rail line would result in downline adverse noise impacts at numerous receptors between Fargo, North Dakota and Willmar, Minnesota (Segment 20) for any northern alternative in the year 2030. OEA is recommending one mitigation measure for downline noise impacts on Segment 20 to reduce impacts.

S.4.5.4 Environmental Justice

OEA determined that downline high and adverse impacts on minority and low-income populations would be limited to noise impacts between Fargo, North Dakota, and Willmar, Minnesota (Segment 20). Of the affected receptors located along this segment, a disproportionate number are minority and low-income populations. OEA is recommending one mitigation measure to reduce downline noise impacts on minority and low-income populations on Segment.

S.5 Cumulative Impacts

OEA reviewed information on relevant past, present, and reasonably foreseeable projects and actions that could have impacts that coincide in time and space with the potential impacts of the proposed rail line. OEA identified 13 relevant projects, including three existing coal mines, three proposed or potentially induced mines, four land management projects, energy development projects on Bureau of Land Management-administered lands and private lands, and two construction projects. The impacts of these projects in combination with the impacts of the build alternatives could result in cumulative adverse impacts on grade-crossing delay, grade-crossing safety, air quality, greenhouse gases, biological resources, water resources, cultural and historic resources, visual resources, land resources, and socioeconomics.

S.6 Public Involvement

S.6.1 Public Meetings

OEA is holding 10 public meetings on the Draft EIS during which interested parties may make oral comments in a formal setting and/or submit written comments. OEA will begin each meeting with a 30-minute open house followed by a brief overview of the proposed project and environmental review process. During a formal comment period, each interested individual will be given several minutes to convey his or her oral comments. A court reporter will be present to record these oral comments. If time permits, the court reporter will be available at the conclusion of the formal segment of the meeting to record oral comments from individuals not interested in addressing the meeting as a whole. Meeting transcripts will be available on the project web site after the meetings. Meetings will be held at the following dates, times, and locations.

- June 8, 2015, 2:00 to 4:00 pm and 6:00 to 8:00 pm at St. Labre Indian School, 1000 Tongue River Road, Ashland, MT
- June 9, 2015, 2:00 to 4:00 pm and 6:00 to 8:00 pm at Miles Community College, Room 316, 2715 Dickinson Street, Miles City, MT

- June 10, 2015, 2:00 to 4:00 pm and 6:00-8:00 pm at Colstrip High School, 5000 Pinebutte Drive, Colstrip, MT
- June 11, 2015, 2:00 to 4:00 pm and 6:00 to 8:00 pm at the Northern Cheyenne Tribal Building, Council Chambers, 600 South Cheyenne Ave, Lame Deer, MT
- June 12, 2015, 2:00 to 4:00 pm and 6:00 to 8:00 pm at Forsyth High School, 917 Park Street, Forsyth, MT

In addition, OEA will hold two online public meetings intended for people who cannot attend the public meetings in the project area. All interested individuals must register to attend the online public meeting and preregister to provide formal comments. OEA will begin the online public meeting with a brief overview of the proposed project and environmental review process. The overview will be followed by a facilitated formal comment session during which individuals that have preregistered will be given several minutes to convey his or her oral comments. If time permits, the facilitator will allow other interested individuals who did not preregister to provide oral comments. Interested individuals can participate in the meeting by phone, computer, or both. The meeting transcripts will be available on the project website after the meetings. The online public meetings will be held at the following date and times:

- June 17, 2015, 12:00 to 3:00 pm and 6:00 to 9:00 pm (Eastern Time).
- To register for the online public meeting, visit www.tonguerivereis.com. Additional meeting information and dial-in instructions will be provided at registration.

Following the close of the comment period on the Draft EIS (June 23, 2015), OEA will issue a Final EIS that considers and responds to all substantive comments received on the Draft EIS. The Board will then issue a final decision based on the Draft and Final EISs and all public and agency comments in the public record for this proceeding. The final decision will address the transportation merits of the proposed project and the entire environmental record. That final decision will take one of three actions: approve the proposed project, deny it, or approve it with mitigation conditions, including environmental conditions.

S.6.2 Request for Comments on Draft EIS

In addition to holding public meetings, OEA is requesting written comments on the Draft EIS. The public and any interested parties are encouraged to submit written comments on all aspects of this Draft EIS. OEA will consider all timely comments in preparing the Final EIS, which will include responses to all substantive comments, OEA's final conclusions on potential impacts, and OEA's final recommendations on a preferred alternative and mitigation. The deadline for comments is June 23, 2015. When submitting comments on this Draft EIS, the Board encourages commenters to be as specific as possible and substantiate concerns and recommendations.

Recorded Comments. A court reporter will be present to record oral comments during the public meetings. If time permits, the court reporter will be available at the conclusion of the formal segment of the meeting to record oral comments from individuals not interested in addressing the meeting as a whole. All meeting transcripts will be available on the project website after the meetings.

Written Comments. Comment forms will be provided at the public meetings. Completed forms will be accepted at the meetings or the forms can be submitted later by mail. Any interested party may submit written comments on this Draft EIS regardless of whether they participate in any of the 10 public meetings and provide oral comments. Comment forms or written letters may be mailed to the following contact and address.

Ken Blodgett
Docket No. 30186
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, D.C. 20423

Electronic Comments. Comments may be submitted electronically on the Board-sponsored website, www.tonguerivereis.com. It is not necessary to mail written comments that have been filed electronically. Please refer to Docket No. 30186 when submitting comments.

Library Distribution. OEA has distributed this Draft EIS to the libraries listed below and requested that the entire Draft EIS be made publicly available in their reference sections.

Bicentennial Library of Colstrip
419 Willow Ave
Colstrip, MT 59323

Dr. John Woodenlegs Memorial Library
1 College Drive
Lame Deer, MT 59043

Henry Malley Memorial Library
101 S Lincoln
Broadus, MT 59317

Miles City Public Library
1 S 10th Street
Miles City, MT 59301

Judson H. Flower Jr. Library (Miles Community College)
2715 Dickinson Street
Miles City, MT 59301

Deadline. Written comments on this Draft EIS must be postmarked by June 23, 2015. Electronically filed comments must be received by June 23, 2015.

All comments received—written, e-filed, or transcribed—will carry equal weight in helping to complete the EIS process and guide the Board in making a decision on this matter.

Further information about the project can be obtained by calling OEA’s toll-free number at 1-866-622-4355 (telecommunications device [TDD] for the hearing impaired is 1-800-877-8339.

This Draft EIS is available for viewing or downloading on the Board’s website at www.stb.dot.gov or on the Board-sponsored project website at www.tonguerivereis.com.

Table 2 summarizes and compares potential impacts for each resource area as well as downline and cumulative impacts. The table does not include the No-Action Alternative because, under that alternative, existing conditions would remain the same and there would be no impacts.

Table 2. Summary of Impacts

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Right-of-Way Acreage	3,783	3,803	2,040	2,094	4,234	4,218	4,026	4,047	2,826	2,695
Total Miles	83.7	86.3	42.3	45.4	83.7	85.9	82.1	84.7	51.1	49.6
Transportation										
Rail Operations and Rail Safety										
Train accidents per year (high production scenario)	2.1	2.2	1.8	1.9	2.1	2.2	2.1	2.2	1.1	1.1
Impact conclusion: Operation would result in an increase in accidents and a minor adverse impact.										
Grade-Crossing Delay										
Number of new and existing grade crossings	4	3	9	8	5	4	4	3	3	3
Delay per 24-hour period (minutes) (high production scenario)	3.45	3.78	18.26	20.30	5.74	6.56	3.45	3.78	19.80	16.08
Impact conclusion: Operation would result in negligible impacts.										
Grade-Crossing Safety										
Average predicted intervals between accidents, new crossings (years) (high production scenario)	58	56	52	49	51	48	49	56	26	28
Impact conclusion: Construction and operation would result in a minor adverse impact except at the crossing of Highway 314, (Decker Alternatives), which would be a moderate adverse impact.										
Navigation										
Permanent impacts?	No	No	No	No	No	No	No	No	No	No
Impact conclusion: Construction and operation would result in negligible impacts.										

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Air Quality										
Exceedance of NAAQS or Montana AAQS	No	No	No	No	No	No	No	No	No	No
Impact conclusion: Construction and operation would result in a negligible impact for all air quality standards.										
Air Quality notes: NAAQS = National Ambient Air Quality Standards; Montana AAQS = Montana Ambient Air Quality Standards										
Greenhouse Gases and Climate Change										
Greenhouse Gases ^a										
Direct emissions	Railroad construction ^a (MMTCO _{2e})	1.2								1.1
	Net land use change releases from railroad construction (MMTCO _{2e}) ^a	0.3 – 0.5								0.2 – 0.4
	Operation of rail line segment, 2018-2037 ^a , (MMTCO _{2e})	0.9 – 2.0								0.3 – 1.4
	Total direct emissions (MMTCO _{2e})	2.4 – 3.7								1.6 – 2.9
	Net change in indirect life-cycle emissions, 2018-2037 ^a , (MMTCO _{2e})	-1.7 – 81								8.6 – 75
Impact conclusion: Direct GHG emissions from the proposed rail line would be negligible. Net annual life-cycle emissions would range from a negligible positive impact to a minor adverse impact.										
Greenhouse Gas notes: ^a For purposes of modeling accumulated net greenhouse gases, the Tongue River Alternative and Decker East Alternative were selected as proxies representative of the northern and southern alternatives, respectively MMTCO _{2e} = million metric tons of carbon dioxide equivalent										
Climate Change										
All build alternatives would have a low susceptibility to flooding, soil erosion, and increased wildfires caused by climate change.										
Impact conclusion: Adverse impacts both on the proposed rail line and on affected resources would range from minor to moderate.										

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Coal Dust										
Coal dust from trains on any build alternative would not harm human health or the environment.										
Impact conclusion: Operation would result in a negligible impact with minor nuisance impacts.										
Noise and Vibration										
Number of receptors adversely affected by construction	0	1 ^a	0	1 ^a	0	1 ^a	0	1 ^a	0	0
Number of receptors adversely affected by operation (low production)	1	0	1 + 34 ^b	0 + 34 ^b	1	0	1	0	0	0
Number of receptors adversely affected by operation (medium production)	1	0	1 + 65 ^b	0 + 63 ^b	2	1	1	0	0	0
Number of receptors adversely affected by operation (high production)	5	1	5 + 89 ^b	0 + 84 ^b	5	1	5	1	1	0
Impact conclusion: Construction would result in moderately adverse impacts at one location. Operation would result in adverse noise impacts.										
Noise notes:										
^a Assumes pile-driving occurs at night										
^b Larger number are receptors on the Colstrip Subdivision										

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Biological Resources										
Vegetation										
Total acres affected	3,700	3,744	1,899	1,978	4,100	4,111	3,953	3,998	2,753	2,634
High fire risk area	98	0	98	0	98	0	98	0	0	0
Impact conclusion: Construction and operation would result in minor adverse impacts on vegetation populations and minor adverse impacts on wildfire risk with areas of moderately adverse impacts along the northern alternatives.										
Wildlife										
Total wildlife habitat affected (acres) ^a	3,813	3,824	2,079	2,122	4,263	4,238	4,061	4,072	2,842	2,711
Mule deer habitat (acres) ^a	1,270	936	1,138	805	3,150	2,816	1,896	1,563	1,476	1,483
White-tailed deer habitat (acres) ^a	3,813	3,344	1,356	919	4,081	3,576	3,122	2,653	2,617	2,463
Antelope habitat (acres) ^a	224	244	211	231	535	555	224	244	328	263
Mule deer winter densities	1.17	1.19	0.67	0.63	1.35	1.35	1.22	1.25	0.97	1.00
White-tailed deer winter densities	1.02	1.03	0.13	0.12	1.07	1.08	0.83	0.84	0.58	0.60
Antelope winter densities	0.54	0.53	0.66	0.62	0.73	0.72	0.59	0.57	0.85	0.87
Raptor nest in right-of-way	1	1	0	0	0	0	1	1	1	1
Raptor nests within 2 miles	49	48	17	16	53	52	57	56	42	41
Active grouse lek within 4 miles	11	11	19	19	13	13	9	9	6	6
Peak male count in active lek	51	51	95	95	52	52	38	38	20	20
Daytime bird richness ^b	79	74	51	40	82	77	77	72	61	53
Daytime bird abundance ^c	11.72	10.26	13.18	9.37	12.01	10.28	11.40	9.74	11.63	10.00
Nighttime bird richness ^b	31	23	25	17	28	20	29	21	27	27
Nighttime bird abundance ^c	3.60	4.07	4.39	7.58	3.06	3.21	3.15	3.25	3.43	3.88
Reptile and amphibian richness	9	9	6	5	7	7	10	10	6	6
Impact conclusion: Construction and operation would result in some minor adverse impacts.										
Wildlife notes:										
^a Impacts include road relocations unless otherwise specified										

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
^b Total number of species recorded during point count surveys										
^c Total number of birds divided by the number of times surveyed, which varied according to alternative length and land access permission										
Fish										
Number of fish-bearing streams crossed	2	3	3	4	5	6	4	5	1	1
Track within 985 of fish-bearing stream (miles)	12.6	6.1	8.4	2.6	13.5	7.2	17.6	11.1	1.7	0.9
Impact conclusion: Construction and operation would result in some minor adverse impacts.										
Special-Status Species										
Greater Sage-Grouse										
Habitat (acres)	1,656	1,871	760	974	2,169	2,384	2,386	2,600	1,458	1,626
Leks within 4 miles of right-of-way	12	13	4	5	12	13	10	11	4	4
Active leks within 4 miles	1	1	0	0	2	2	2	2	0	0
Prairie Dogs										
Colonies in right-of-way	10	10	1	1	5	5	11	11	1	2
Colonies > 80 acres in right-of-way	1	1	0	0	3	3	0	0	0	0
Colonies within 0.5 mile	26	26	2	2	16	16	23	23	3	3
Habitat in right-of-way (acres)	51	51	1.5	1.5	50	50	45	45	1.5	1.6
Special-Status Raptors										
Nests in right-of-way	0	1	0	0	0	0	0	1	0	0
Nests within 2 miles of right-of-way	17	17	2	2	17	17	13	13	7	7
Wintering Bald Eagles										
Roosts within 1 mile of right-of-way	18	16	3	0	16	13	13	11	9	7
Concentration area within 1 mile	0	0	0	0	0	0	0	0	1	1
Species count within 1 mile	23	21	3	0	20	17	16	14	16	14

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Special-Status Birds										
Daytime bird richness ^b	4	4	1	1	6	6	4	4	2	2
Daytime bird abundance ^c	0.17	0.19	0.06	0.11	0.17	0.21	0.11	0.13	0.13	0.15
Nighttime bird richness ^b	5	3	4	2	4	2	4	2	3	3
Nighttime bird abundance ^c	0.12	0.11	0.19	0.33	0.11	0.10	0.10	0.08	0.12	0.14
Special-Status Vegetation										
Number of species with suitable habitat	8	8	7	7	7	7	7	7	7	7
Special-Status Fish										
Number of fish species potentially affected	6	6	1	1	6	6	1	1	1	1
Federally Listed Species Conclusions ^d										
Pallid sturgeon	NE	NE	NP	NP	NE	NE	NP	NP	NP	NP
Whooping crane	NLAE	NLAE	NP	NP	NLAE	NLAE	NLAE	NLAE	NP	NP
Interior least tern	NLAE	NLAE	NLAE	NLAE	NLAE	NLAE	NLAE	NLAE	NLAE	NLAE
Black-footed ferret	NLAE	NLAE	NP	NP	NLAE	NLAE	NP	NP	NP	NP

Impact conclusion: Construction and operation would result in some minor adverse impacts.

Biological Resources notes:

^a Impacts include road relocations unless otherwise specified

^b Total number of species recorded during point count surveys

^c Total number of birds divided by the number of times surveyed, which varied according to alternative length and land access permission

^d NE = no effect; NP = not present; NLAE = not likely to adversely affect

Water Resources

Surface Water

Number of surface waters crossed	145	167	62	82	169	189	157	179	113	113
Number of bridges	2	2	4	3	7	7	4	4	1	1
Number of culverts	127	147	54	73	111	130	127	147	100	100
Number of drainage structures	16	18	4	6	51	52	26	28	12	12

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Require an in-water support structure?	No	No	No	No	No	No	No	No	Yes	Yes
Impact conclusion: Construction and operation would result in adverse impacts.										
Groundwater										
Water wells in the right-of-way	7	5	9	7	10	8	7	5	1	1
Estimated water use for construction (million gallons)	396	591	297	390	592	677	587	783	726	737
Impact conclusion: Construction and operation would result in negligible impacts.										
Floodplains										
FEMA-designated floodplains (acres)	14	14	13	13	14	14	0	0	0	0
NRCS floodplains (acres)	112	64	88	42	113	65	105	57	13	9
Impact conclusion: Construction and operation would result in negligible impacts.										
Wetlands										
Total wetlands affected (acres)	28.8	32.3	8.1	18.4	31.4	33.3	26.3	29.8	9.5	8.6
Water Resources notes: FEMA = Federal Emergency Management Agency; NRCS = Natural Resources Conservation Service										
Impact conclusion: Construction would result in adverse impacts.										
Visual Resources										
All build alternatives would result in similar types of visual impacts and all would affect sensitive viewers. The longer build alternatives would have more impacts; the shorter would have fewer impacts.										
Impact conclusion: Construction would result in minor to moderate adverse impacts.										
Cultural and Historical Resources										
Areas highly likely to have archaeological sites in the right-of-way (acres)	2,164	2,220	1,028	1,106	2,532	2,547	2,366	2,422	1,150	1,097
Impact conclusion: Construction would result in moderate adverse impacts.										

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Land Resources										
Land Use										
Private land in right-of-way (acres)	2,969	2,856	1,949	1,870	3,680	3,582	3,177	3,065	2,237	2,026
Grazing land in right-of-way (acres)	3,443	3,477	1,670	1,767	3,807	3,805	3,575	3,610	2,170	2,011
Severed land in right-of-way (acres)	1,147	2,719	147	1,539	1,120	1,559	1,115	2,687	2,695	3,390
Special farmland in right-of-way (acres)	1,026	1,062	480	503	1,175	1,189	1,026	1,062	369	381
Conservation easement in right-of-way (acres)	422	422	0	0	2	2	422	422	0	0
DNRC-leased land in right-of-way (acres)	84	137	0	53	57	110	206	259	86	86
Private properties in right-of-way	42	32	36	25	49	39	45	35	21	20
Residences in right-of-way	1	1	1	1	1	1	2	2	0	0
Structures in right-of-way	5	19	5	19	5	19	13	27	0	0
Impact conclusion: Construction would result in moderate to highly adverse impacts.										
Recreation										
Number of affected recreational resources	6	6	2	2	6	6	4	4	4	4
Block Management Areas (acres)	1,177	1,177	273	302	349	349	1,122	1,122	0	0
Tongue River Ranch (acres)	229	229	0	0	0	0	229	229	0	0
Pumpkin Creek Ranch (acres)	0	0	0	0	53	53	0	0	0	0
Impact conclusion: Construction and operation would result in minor to moderate adverse impacts.										
Section 4(f) Resources										
Area of impact on Section 4(f) resource (Spotted Eagle Rec Area) (acres)	11	11	0	0	11	11	0	0	0	0

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Hazardous Waste Sites										
Proximate to a hazardous waste site	No	No	No	No	No	No	No	No	No	No
Impact conclusion: Construction and operation would result in negligible impacts.										
Land Resources notes: DNRC = Montana Department of Natural Resources and Conservation										
Geology and Soils										
Slopes steeper than 5% (percent of total)	37%	38%	37%	40%	35%	37%	35%	37%	50%	50%
Average earth moved per mile of track (million cubic yards)	0.58	0.92	0.82	1.44	0.88	1.21	0.84	1.18	1.61	1.92
Suitability of majority soil type for construction	Excellent	Excellent	Fair to poor	Fair to poor	Excellent	Excellent	Excellent	Excellent	Fair to poor	Fair to poor
Cut requirements (million cubic yards)	25.30	41.59	18.20	34.48	38.80	55.09	36.20	52.49	42.77	49.76
High sensitivity for paleo resources	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No
Impact conclusion: Construction and operation would result in negligible to minor adverse impacts.										
Energy Resources										
Diesel fuel for construction (million gallons)	12.41	18.47	10.01	13.56	18.37	22.00	18.13	24.20	21.46	21.47
Diesel fuel for operation, high production scenario (million gallons/year)	7.11	7.35	6.02	6.31	7.11	7.31	6.96	7.20	5.47	5.43
Transmission lines and pipelines crossed	4	4	1	1	3	3	5	5	1	1
Impact conclusion: Construction and operation would result in negligible impacts.										
Socioeconomics										
Loss of farm output in right-of-way	\$267,430	\$162,350	\$188,960	\$67,849	\$359,336	\$253,092	\$281,299	\$176,187	\$70,824	\$65,617

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Direct employment, total construction period	496	602	320	429	612	720	596	703	604	578
Total construction costs (million \$)	\$602	\$731	\$388	\$520	\$743	\$874	\$724	\$853	\$733	\$702
Impact conclusion: Construction and operation would result in both beneficial and moderately adverse impacts.										
Environmental Justice										
High and adverse impact on minority population?	Yes ^a	No	Yes ^b	Yes ^b	Yes ^a	No	Yes ^a	No	Yes ^a	No
High and adverse impact on low-income population? ^a	No	No	Yes ^b	Yes ^b	No	No	No	No	No	No
Environmental Justice notes:										
^a Noise impact under the high rail traffic scenario										
^b Noise impact under low, medium, and high coal production scenarios, with associated increases in rail traffic										
Downline Impacts										
Transportation										
Rail Operations and Rail Safety										
Little overall change in predicted accident frequency, although the locations of predicted accidents would be redistributed. Maximum increase in accident frequency would be 1.7 accidents, Segment 17 (Glendive, MT to Mandan, ND), northern alternative, high productions scenario. This increase in accidents would have a minor adverse impact.										
Grade-Crossing Delay										
Maximum increase in average delay time per crossing would be 7.44 seconds per vehicle, which is a negligible impact. Segment 6, southern alternative, high production scenario would result in a minor adverse impact.										
Grade-Crossing Safety										
Largest reduction in average predicted accident interval would be 30 years (from 123 years to 93 years between crossing accidents), Segment 6, (Spring Creek, MT to Dutch, WY) southern alternative, high production scenario. This would result in minor adverse impacts.										
Air Quality										
Locomotive exhaust emissions increases would not exceed conformity thresholds for carbon monoxide or nitrogen oxide for 15 segments. These impacts would be negligible.										
Emissions from motor vehicles delayed at crossings would be far below general conformity thresholds and these impacts would be negligible.										
Coal dust emissions would not violate ambient air quality standards. The impacts of coal dust would be negligible, but could result in minor nuisance impacts.										

Resource and Impact	Build Alternative									
	Tongue River	Tongue River East	Colstrip	Colstrip East	Tongue River Road	Tongue River Road East	Moon Creek	Moon Creek East	Decker	Decker East
Noise and Vibration										
Noise would exceed analysis thresholds on Segment 20 (Fargo, ND to Willmar, MN), northern alternatives, high production scenario, adversely affecting 2,934 receptors (1,205 for the No-Action Alternative).										
Environmental Justice										
Of the 2,934 noise-sensitive receptors in Segment 20 (Fargo, ND to Willmar, MN), 28% are in minority populations and 44% are in low-income populations.										

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Abbreviations and Acronyms

°C	degrees Celsius
°F	degrees Fahrenheit
µg/m ³	micrograms per cubic meter
µS/cm	microsiemens per centimeter
AADT	annual average daily traffic
AASHTO	American Association of State Highway and Transportation Officials
ACHP	Advisory Council on Historic Preservation
AD	Anno Domini
AMSL	above mean sea level
APE	area of potential effects
AQRV	air quality related values
AREMA	American Railway Engineering and Maintenance-of-Way Association
ARM	Administrative Rule of Montana
ARTC	Australian Rail Track Corporation
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BMA	block management area
BMP	best management practice
BNSF	BNSF Railway Company
Board	Surface Transportation Board
BP	years before present
C.F.R	Code of Federal Regulations
ca.	circa
CAFE EIS	Final EIS for Corporate Average Fuel Economy (CAFE) Standards, 2017(2025)
CASTNET	Clean Air Status and Trends Network
CCC	Civilian Conservation Corps
CDP	census-designated place
CEQ	Council on Environmental Quality

C.F.R.	Code of Federal Regulations
cfs	cubic feet per second
CMIP5	5th Coupled Model Intercomparison Project
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CRIS	Cultural Resource Information System
CWA	Clean Water Act
dB(A)	A-weighted decibels
DEM	digital elevation model
DNL	day-night average noise level
DNRC	Montana Department of Natural Resources and Conservation
DSITIA	Queensland, Australia Department of Science, Information Technology, Innovation and the Arts
Eco-SSLs	ecological soil screening levels
EDR	Environmental Data Resources
EIS	Environmental Impact Statement
ESA	Endangered Species Act
Fed. Reg	Federal Register
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FINDS	Facility Index Data System
FIRM	Flood Insurance Rate Map
FIRS	Federal Information Relay Service
Fort Keogh	Fort Keogh Livestock and Range Research Laboratory
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTI	fire threat index
FY	fiscal year
g	peak horizontal acceleration
g/m ² -mo	grams per square meter per month
gCO ₂ e/kWh	grams of carbon dioxide equivalent per kilowatt-hour
GHG	greenhouse gas

GIS	geographic information system
GPS	global positioning system
HAP	hazardous air pollutant
HGM	hydrogeomorphic
I-94	Interstate 94
ICC	Interstate Commerce Commission
IMPLAN	IMpact analysis for PLANning
IMPROVE	Interagency Monitoring of Protected Visual Environments
IPM®	Integrated Planning Model
kg/ha	kilograms per hectare
KOP	key observation point
kV	kilovolt
LCA	life-cycle assessment
L_{eq}	equivalent sound level
LOS	level of service
LUST	leaking underground storage tank
MAGICC	Model for the Assessment of Greenhouse Gas-Induced Climate Change
MCA	Montana Code Annotated
MCL	maximum contaminant level
MDT	Montana Department of Transportation
MEPA	Montana Environmental Policy Act
meq/l	milliequivalents per liter
$mg/m^2/day$	milligrams per square meter per day
MHS	Montana Historical Society
MMTCO _{2e}	million metric tons of carbon dioxide equivalent
MNHP	Montana Natural Heritage Program
Montana AAQS	Montana Ambient Air Quality Standards
Montana DEQ	Montana Department of Environmental Quality
Montana FWP	Montana Fish, Wildlife & Parks
Moss-Bennett Act	Archaeological and Historic Preservation Act of 1974
MOVES	Motor Vehicle Emissions Simulator
mph	miles per hour

MSHA	Mine Safety and Health Administration
MTCO ₂ e	metric tons of carbon dioxide equivalent
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NASA	National Aeronautics and Space Administration
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO ₂	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NONROAD	nonroad engines, equipment, and vehicles
NO _x	nitrogen oxides
NRCS	National Resource Conservation Service
OEA	Office of Environmental Analysis
OSHA	Occupational Health and Safety Administration
PAH	polycyclic aromatic hydrocarbon
PC&N	public convenience and necessity
PM ₁₀	particulate matter 10 microns or less in diameter
PM _{2.5}	particulate matter 2.5 microns or less in diameter
PPV	peak particle velocity
project	Tongue River Railroad Rail Construction and Operation Project
RfD	reference dose
RKOP	rendered key observation point
SAR	sodium absorption ratio
SFHA	special flood hazard area
SHPO	State Historic Preservation Officer
SO ₂	sulfur dioxide
SO _x	sulfur oxides
SR	State Route
SRMA	Special Recreation Management Area

SSL	soil screening level
SSUGRO	Soil Survey Geographic Database
SWOT	Strengths, Weaknesses, Opportunities and Threats
TMDL	total maximum daily load
TRDR	Tongue River Dam and Reservoir
TRECO	Tongue River Electric Cooperative
TRRC	Tongue River Railroad Company, Inc.
TSP	total suspended particulate
U.S.C.	United States Code
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USDOT	U.S. Department of Transportation
USEPA	U.S. Environmental Protection Agency
USFS	U.S. Department of Agriculture, Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
VdB	root-mean square velocity
VOC	volatile organic compound
VRM	Visual Resource Management
WIA	Wilson, Ihrig & Associates, Inc.
WSA	wilderness study area

The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.

Subject: urban sprawl
From: Michael Ober <mober@fvcc.edu>
Date: 5/4/2015 9:20 AM
To: "nlorang@cityofwhitefish.org" <nlorang@cityofwhitefish.org>

received
5-4-15
City Clerk's Office

Ever been to Vail? Aspen? Nothing but boutique shops and urban growth extending out from the city center. Don't let Whitefish become another ski city of expensive shops without any town heart. Concentrate growth in the downtown core area using existing footprints. Nobody wants to be greeted by miles of motel signboards in the approach to Whitefish. Just look at what happened to Calgary's southern end: an abysmal, ugly, relentless string of commercial blight. Save Whitefish from all that. Thanks.

Michael J. Ober

Ph: 406-756-3853
Fax: 406-756-3854
Cell: 406-890-9472

Subject: Future of Whitefish

From: StaceyB <staceyb@cyberport.net>

Date: 5/2/2015 9:44 PM

To: "nlorang@cityofwhitefish.org" <nlorang@cityofwhitefish.org>

received
5-4-15
City Clerk's Office

I say NO to the proposed retail/commercial sprawl including bars and taverns along the Highway 93 West corridor to Whitefish.

Whitefish is unique and so many visitors like it because it is not all sprawled out on either side of downtown. Please leave it that way!

Thank you for listening,
Stacey Bengtson
PO Box 172
West Glacier, MT 59936

Subject: whitefish future.

From: Kelly Ware <permakel@gmail.com>

Date: 5/3/2015 11:32 AM

To: nlorang@cityofwhitefish.org

received

5-4-15

City Clerk's Office

Please study up on Telluride and what they did. They did not allow any franchised national chains and to this day it remains an awesome town. You can always drive to Kalispell and people come to Whitefish to get away from their city strip mall industrialized life. Also, it will take dollars out of the valley. The more you promote local businesses the better long term. Whitefish is too pretty to expose to the sights and waste of box stores.

Kelly Ware

Whitefish Mountain pass holder.

Subject: Council Meeting May 4, 2015 Re: Whitefish Highway 93 West Corridor Plan

From: "glarsen68@frontier.com" <glarsen68@frontier.com>

Date: 5/1/2015 4:45 PM

To: "nlorang@cityofwhitefish.org" <nlorang@cityofwhitefish.org>

received
5-4-15
City Clerk's Office

To It is the City Council of Whitefish:

I would like to address a change that was made to the Highway 93 West Corridor Plan at the April 20th Council Meeting which impacts my property.

I own property at 25 W Second Street, it is on the south side of Highway 93 and falls between Good Avenue and the Veterans Memorial Bridge. Since I have been following the discussions for quite some time, my property has been shown as being in Section B, however, it was moved to Section A without a chance for public comments and there was very little discussion about it. In order to have it remain consistent with the use and feel of the area, I ask that it be moved back to Section B or that additional time for public comments be given to this change.

There appears to be concern having a residential feel like 3rd Avenue is. The area between Good Avenue and the Memorial Bridge consists of deep lots that back up to the river or to Power Sports West, a commercial business and does not resemble the residential feel of the 3rd Avenue neighborhood. Our property is more consistent with the north side of Highway 93 and Section B.

Your reconsideration of the Section change or additional time for public comment on the change would be appreciated. Please contact me if you have any questions.

Sincerely,

Gary Larsen

Phone: 425-239-4378

Email: glarsen68@frontier.com

Chuck Stearns

From: Steve Thompson <sthompsonmt@gmail.com>
Sent: Monday, May 04, 2015 4:31 PM
To: Chuck Stearns; John Muhlfeld; J Muhlfeld; Richard Hildner
Subject: comments re: Tongue River Railroad DEIS

To the Whitefish City Council,

I had hoped to speak tonight during public comment regarding the agenda item concerning development of the Tongue River Railroad and the potential impacts of open-car coal trains passing through Whitefish. Unfortunately, a schedule conflict prevents me from attending tonight's meeting.

The comment period on the Tongue River Railroad is open through June 23. I encourage the Council tonight to instruct staff to draft comments for consideration by the Council prior to the June 23 deadline.

As indicated in your Council Packet, the Surface Transportation Board declined to consider potential impacts of coal train traffic in western Montana, concluding that the project area would not experience a net increase in rail traffic because of construction and operation of the Tongue River Railroad. This conclusion is not shared by the Northern Plains Resource Council, the rancher conservation group in eastern Montana that for 30 years has been fighting condemnation of their members' land by the Tongue River Railroad.

The STB analysis basically concludes that the proposed coal mines in southeastern Montana that would be served by the new Tongue River Railroad would ship their coal back to the Midwest rather than Asia. This contradicts actual facts on the ground:

- Arch Coal, the proponent of the Otter Creek Coal Mine and co-owner of the Tongue River Railroad, has stated its intent to export Montana coal to Asia and in fact is one of the companies trying to develop coal export terminals on the West Coast.
- U.S. coal markets are shrinking due to competition from natural gas and renewables and new regulatory restrictions on the emission of climate-changing greenhouse gases from coal-fired power plants. Mines are contracting for economic reasons, and there's little reason to assume that the new mines that would be served by TRR would outcompete existing mines for the shrinking U.S. market.
- Montana's coal industry no longer trumpets energy independence. Instead, its public relations and political work is focused on the need for coal exports to Asia to remain afloat. In fact, the coal industry convinced the Legislature to create a \$1 million slush fund earmarked for litigation against other states that would try to restrict coal exports, specifically Washington and Oregon because of their reluctance to approve coal export terminals.

I could go on at length. My primary request tonight is that the Council and staff take a closer look at the Tongue River Railroad DEIS and consider submitting comments in June asking the federal government to consider impacts of increased coal traffic through western Montana. If TRR and West Coast coal export terminals are both approved, I think it's likely that Whitefish will experience an increase in coal train traffic and probably greater rail congestion, which will have a variety of neighborhood impacts, put a squeeze on Amtrak, and contribute that much more to global warming. I would be happy to share my research findings and assist the City in any way to prepare comments by the June 23 deadline.

Thank you for your consideration!

Steve Thompson

545 Ramsey Ave.

Whitefish, MT 59937