



**CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
MONDAY, JUNE 1, 2015
5:30 TO 7:00 PM**

1. Call to Order

2. **5:30 p.m. – CLOSED EXECUTIVE SESSION –**
 - a) Pursuant to Section 2-3-203 (4) - Quarterly litigation update and strategy with City Attorney
 - b) 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.

3. Adjournment

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the City Council at its regular session to be held on Monday, June 1, 2015, at **7:10 p.m.** at City Hall, 402 East Second Street.

Ordinance numbers start with 15-11. Resolution numbers start with 15-12.

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) COMMUNICATIONS FROM THE PUBLIC – (This time is set aside for the public to comment on items that are either on the agenda, but not a public hearing or on items not on the agenda. City officials do not respond during these comments, but may respond or follow-up later on the agenda or at another time. The Mayor has the option of limiting such communications to three minutes depending on the number of citizens who want to comment and the length of the meeting agenda)
- 4) COMMUNICATIONS FROM VOLUNTEER BOARDS
- 5) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council’s action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Minutes from the May 18, 2015 City Council special session (p. 19)
 - b) Minutes from the May 18, 2015 City Council regular session (p. 20)
 - c) Ordinance No. 15-09; An Ordinance amending the Whitefish City Code Title 2, Title 12, Title 13 and Title 14 pertaining to the Lake and Lakeshore Protection Regulations, remove references to the extraterritorial planning jurisdiction, the Whitefish City-County planning board, and Blanchard Lake, and define city limits (Second Reading) (p. 41)
 - d) Ordinance No. 15-10; An Ordinance creating the Whitefish Lake and Lakeshore Protection Committee as a standing committee in Title 2, Chapter 16, to the Whitefish City Code and repealing Section 13-4-1 of the Whitefish City Code (Second Reading) (p. 51)
 - e) Resolution No. 15-___; A Resolution adopting the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (p. 54)
 - f) Resolution No. 15-___; A Resolution further amending Resolution No. 11-05, which established an Ad Hoc Cemetery Committee, to extend the duration of the Committee through June 30, 2016 (p. 175)
- 6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
 - a) Consideration of an application from Cattail Farms, LLC for a Conditional Use Permit for an accessory apartment at 448 LaBrie Drive (p. 178)
 - b) Consideration of an application from Keith & Julie Hansen, Rod & Trish Teske, and Steve & Kelly Roslinski for a Conditional Use Permit to construct an accessory apartment 634 Somers Ave (p. 210)

- c) Consideration of a request from High Point on 2nd, LLC to amend Condition No. 12 of the Preliminary Plat approval and the Preliminary Plat for the High Point on Second subdivision (formerly known as Second Street Residences subdivision) regarding the condition for a through street to East 2nd Street (p. 234)

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration of awarding the construction contract for the Birch Point Lift Station to Sandry Construction in the amount of \$398,000.00 (p. 253)
- b) Consideration of awarding the construction contract for 2015 street overlays to LHC, Inc. in the amount of \$446,468.98 (p. 257)

8) COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 262)
- b) Other items arising between May 27th and June 1st
- c) Resolution No. 15-14; A Resolution relating to \$7,183,000 Tax Increment Urban Renewal Revenue Refunding Bonds, consisting of \$3,591,500 Series 2015A Bond and \$3,591,500 Series 2015B Bond; Authorizing and directing the issuance, confirming the sale and prescribing the form and terms thereof and the security therefor (p. 265)
- d) Resolution No. 15-___; A Resolution authorizing matching funds for planning grant applications to the Treasure State Endowment Program (TSEP) And Renewable Resource Grant And Loan Program for wastewater/septic Preliminary Engineering Reports For The East Lakeshore Drive and Lion Mountain Areas (p. 347)

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Letter from Pat LaTourelle regarding proposed tax increases and City Hall/Parking Structure (p. 354)
- b) Discuss and approve schedule for appointing a replacement for Councilor John Anderson (p. 356)

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



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

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

Adopted by Resolution 07-09
February 20, 2007

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May 27, 2015

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

Mayor Muhlfeld and City Councilors:

Monday, June 1, 2015 City Council Agenda Report

There will be a work session on Tuesday at 5:30 p.m. for an executive session on the quarterly litigation update and a personnel matter. Food will be provided.

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

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

- a) Minutes from the May 18, 2015 City Council special session (p. 19)
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- c) Ordinance No. 15-09; An Ordinance amending the Whitefish City Code Title 2, Title 12, Title 13 and Title 14 pertaining to the Lake and Lakeshore Protection Regulations, remove references to the extraterritorial planning jurisdiction, the Whitefish City-County planning board, and Blanchard Lake, and define city limits (Second Reading) (p. 41)
- d) Ordinance No. 15-10; An Ordinance creating the Whitefish Lake and Lakeshore Protection Committee as a standing committee in Title 2, Chapter 16, to the Whitefish City Code and repealing Section 13-4-1 of the Whitefish City Code (Second Reading) (p. 51)
- e) Resolution No. 15-___; A Resolution adopting the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (p. 54)
- f) Resolution No. 15-___; A Resolution further amending Resolution No. 11-05, which established an Ad Hoc Cemetery Committee, to extend the duration of the Committee through June 30, 2016 (p. 175)

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

Items a and b are administrative matters. Items c through f are legislative matters.

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

- a) Consideration of an application from Cattail Farms, LLC for a Conditional Use Permit for an accessory apartment at 448 LaBrie Drive (p. 178)

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

Summary of Requested Action: Cattail Farms LLC is proposing to construct an accessory apartment 448 LaBrie Drive. The property has a new single family home under construction and is zoned WR-2 (Two-Family Residential District). The Whitefish Growth Policy designates this property as "Urban".

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with four (4) conditions set forth in the attached staff report.

Public Hearing: The applicant spoke at the public hearing on May 21, 2015 and no one else spoke. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on May 21, 2015 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with four (4) conditions as contained in the staff report and adopted the staff report as findings of fact.

There is a full staff report and other documents in the packet.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the testimony at the public hearing and the recommendations from the staff and Planning Board approve a Conditional Use Permit for an accessory apartment at 448 LaBrie Drive with four conditions and the Findings of Fact in the staff report.

This item is a quasi-judicial matter.

- b) Consideration of an application from Keith & Julie Hansen, Rod & Trish Teske, and Steve & Kelly Roslinski for a Conditional Use Permit to construct an accessory apartment 634 Somers Ave (p. 210)

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

Summary of Requested Action: Hansen, Teske and Rosinski are proposing to construct an accessory apartment 634 Somers Ave. The property has an existing single family home and is zoned WR-2 (Two-Family Residential District). The Whitefish Growth Policy designates this property as “Urban”.

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

Public Hearing: No one spoke at the public hearing on May 21, 2015. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on May 21, 2015 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with six (6) conditions as contained in the staff report and adopted the staff report as findings of fact.

There is a full staff report and other documents in the packet.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the testimony at the public hearing and the recommendations from the staff and Planning Board approve a Conditional Use Permit to construct an accessory apartment 634 Somers Ave with six conditions and the Findings of Fact in the staff report.

This item is a quasi-judicial matter.

- c) Consideration of a request from High Point on 2nd, LLC to amend Condition No. 12 of the Preliminary Plat approval and the Preliminary Plat for the High Point on Second subdivision (formerly known as Second Street Residences subdivision) regarding the condition for a through street to East 2nd Street (p. 234)

From Senior Planner Wendy Compton-Ring’s staff report:

Request:

The developer of the High Point on Second (fka Second Street Residences) preliminary plat would like to amend Condition #12 concerning the most easterly road (Ponderosa Court) in order to design the road to terminate in a ‘T’ intersection with E. 2nd Street.

Background:

The Whitefish City Council approved the preliminary plat for the High Point on Second subdivision on June 2, 2014. This neighborhood consists of 62 dwelling units (54 single family detached units and 8-townhouses in four buildings). The project was

approved subject to 28 conditions with three phases. The applicant has been working on their engineering plans and anticipates constructing improvements and submitting an application for final plat in the near future.

Condition of approval #12 states the following:

“Ponderosa Court shall not terminate in a cul-de-sac. Prior to final plat approval for Phase III, Ponderosa Court shall be constructed as a through road, either by connecting back to Armory Road or to the east and intersect with E. 2nd Street. The final location and alignment shall be approved by the Public Works Department.”

The original plan indicated this road would terminate in a cul-de-sac; however, this plan did not meet the Subdivision Regulations, the City’s Engineering Standards nor the Fire Department requirements. The City requested the applicant evaluate either constructing the road to the west back to Armory Road extension or have the road go the east and work with the neighbor to the east to then return the road to E 2nd Street at a location further to the east of the main hill. The conditions also required Public Works Department to approve the final location and its design.

The developer would like to amend Condition #12 in order to construct Ponderosa Court to the south and have the road end in a ‘T’ intersection with E 2nd Street. The applicant has found that the grade is too steep to west to connect with Armory Road extension and the other option of working with the neighbor to the east has not come to fruition, as the two parties have not been able to open a dialogue to discuss the project.

Originally staff was not supportive of the road intersecting with E 2nd Street, as there were sight distance concerns for residents exiting the subdivision and those traveling west-bound on E 2nd Street. However, staff would point out that detailed engineering and review had not occurred at the time of preliminary plat to see if this option was viable and E 2nd Street had not been reconstructed. The applicant has indicated that the location of the road can meet all the sight distance requirements.

Staff supports the request to amend condition #12 in order to intersect Ponderosa Court with E 2nd Street and have the final design approved by the Public Works Department.

A notice was mailed to adjacent land owners within 300-feet of Lot 7 on May 11, 2015. A notice of the public hearing was published in the *Whitefish Pilot* on May 13, 2015. As of the writing of this report, we received no public comments.

There is a full staff report and other documents in the packet.

RECOMMENDATION: Staff respectfully recommends the Council, after considering the testimony at the public hearing and the recommendations from the staff and Planning Board approve an amendment to Condition No. 12 of the

Preliminary Plat approval and the Preliminary Plat for the High Point on Second subdivision (formerly known as Second Street Residences subdivision) as follows:

12. Ponderosa Court shall not terminate in a cul-de-sac. Prior to final plat approval for Phase III, Ponderosa Court shall be constructed as a through road, ~~either by connecting back to Armory Road or to the east and intersect with~~ to E. 2nd Street. The final location and alignment shall be approved by the Public Works Department.

And based on the following findings of fact:

Finding 1: This neighborhood, consisting of 62 dwelling units (54 single family detached units and 8-townhouses in four buildings), was approved by the Whitefish City Council on June 2, 2014. The project was approved subject to 28 conditions with three phases.

Finding 2: A legal notice was placed in the *Whitefish Pilot* on May 13, 2015 and public notice was mailed to property owners within 300-feet on May 11, 2015. As of the writing of this report, no public comments were received.

Finding 3: The proposed road location meets the Whitefish Subdivision Regulations, the Whitefish Engineering Standards and the Fire Department Standards because the applicant is not proposing long dead-end road and the road is providing connectivity to the larger transportation system.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

- a) Consideration of awarding the construction contract for the Birch Point Lift Station to Sandry Construction in the amount of \$398,000.00 (p. 253)

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

The Public Works Department opened bids for the Whitefish Birch Point Lift Station Project on May 26th. This memo is to recommend the City Council award a construction contract to the low bidder, Sandry Construction, in the amount of \$398,000.

The Birch Point Lift Station project includes earthwork associated with installation of the new lift station, installation of the new lift station, and demolition/removal of the existing lift station. The Birch Point Lift Station earthwork must be completed prior to construction of the south side of the Skye Park Bike/Pedestrian Bridge project. The existing lift station would have been buried under about six feet of fill created by the bridge project. The Birch Point Lift Station became a priority wastewater improvement due to the need for an emergency backup generator. It has been considered a high risk lift station due to its lack of an emergency generator and location near the Whitefish River. The existing lift station was constructed in 1975.

Two bids were received from local contractors, with both bids above the engineer's estimate of \$207,640. No bid irregularities were found in any of the bids. The low amount of the engineer's estimate is due to the timing of the estimation, done in April of 2013. At the time, we were in the midst of easement negotiations with the neighboring property. We were hoping to avoid the high cost of shoring for the deep lift station construction. We were not successful in our easement negotiations, so the price reflects the increased costs due to the need for extensive sheet piling. Work is scheduled to begin in June and to be completed within 45 calendar days. The bid tab for the project is attached.

This project will be funded through our Wastewater Fund. In addition to the construction cost of \$398,000, there will be construction management fees of approximately \$20,000. Therefore, the total project cost is \$418,000. These costs will be incurred in the coming fiscal year and adequate funds are included in the FY16 Preliminary Budget.

RECOMMENDATION: Staff respectfully recommends the City Council award the construction contract for the Birch Point Lift Station to Sandry Construction in the amount of \$398,000.00

This item is a legislative matter.

- b) Consideration of awarding the construction contract for 2015 street overlays to LHC, Inc. in the amount of \$446,468.98 (p. 257)

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

The Public Works Department opened bids for the Whitefish Overlay Project on May 15th. This memo is to recommend the City Council award a construction contract to the low bidder, LHC Inc., in the amount of \$446,468.98.

The overlay project allows the inclusion of 15% recycled asphalt in the asphalt mix. After review of the inclusion of the recycled asphalt product, the Public Works Department and our consultant, Robert Peccia and Associates, are comfortable with this overlay mix specification. We have attached a map of streets to be overlaid as part of this project.

Three bids were received from local contractors, with 2 bids below and 1 bid above the engineer's estimate of \$532,600. No bid irregularities were found in any of the bids. Work is scheduled to begin in June, once school is out, and to be completed within 45 calendar days. The bid tab for the project is attached.

This project will be funded through our street maintenance fund. These costs would be incurred in the coming fiscal year and adequate funds are included in the FY16

Preliminary Budget. The project is an accumulation of three years of overlay needs and funding.

RECOMMENDATION: Staff respectfully recommends the City Council award the construction contract for 2015 street overlays to LHC, Inc. in the amount of \$446,468.98.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

- a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 262)
- b) Other items arising between May 27th and June 1st
- c) Resolution No. 15-14; A Resolution relating to \$7,183,000 Tax Increment Urban Renewal Revenue Refunding Bonds, consisting of \$3,591,500 Series 2015A Bond and \$3,591,500 Series 2015B Bond; Authorizing and directing the issuance, confirming the sale and prescribing the form and terms thereof and the security therefor (p. 265)

On April 20, 2015, the City Council approved proceeding to issue a Tax Increment refunding bond with First Interstate Bank and Glacier Bank to refinance the existing 2009 Tax Increment Bond that has interest rates between now and 2020 at 4% - 4.625% (refunding principal amount of bonds is approximately \$7,200,000). This bond can be done quickly to lock in low interest rates of approximately 2.5%. The City Council also approved that night to issue a new Tax Increment bond with First Interstate Bank and Glacier Bank later this year or in early 2016 to provide new money and funding for the City Hall/Parking Structure – the amount of that bond issue will depend on the timing of when we issue bonds and what the final cost of the City Hall/Parking Structure project is.

On May 18, 2015, the City Council approved Resolution No. 15-11 which set out the parameters for the Tax Increment Refunding Bonds for a maximum aggregate principal amount of refunding bonds at \$7,400,000, the interest rate not to exceed 3.25%, and other particulars. The Resolution also authorized the Mayor, Finance Director, and I to sign Bond Purchase Agreements with Glacier Bank and First Interstate Bank for their respective 50% shares of the bond issue. A copy of the executed Resolution No. 15-11 is provided in the packet with this report for your reference.

On May 21, 2015, we locked the interest rate for the refunding bonds at 2.62% and signed the Bond Purchase Agreements at that rate with the two banks. I am including a copy of the signed Bond Purchase Agreements in the packet with this report.

Our Bond Counsel of Dorsey and Whitney of Missoula, MT and Minneapolis, MN has prepared the final bond resolution with all of the details of the \$7,183,000 Tax

Increment Refunding Bonds, Series 2015 (A and B) for the final Council action on the TIF Refunding Bonds. Important points to note in the resolution are:

- On page 4 of the Resolution, the Original Purchaser of the 2015 Bonds are identified as Glacier Bank (Series 2015A) and First Interstate Bank (Series 2015B).
- The cost and allocation of sources and uses are shown on page 8 in Section 1.05.
- On page 10 of the Resolution in Section 2.02 and on the top of each bond (top of pages A-1-3 and A-2-3), it clearly states that these bonds are not General Obligation Bonds and our taxing powers to levy taxes are not pledged to repay the bonds. The bonds are called Revenue Bonds and the source of revenues are Tax Increment Revenues, not new or additional property taxes.
- In Section 3.01 on page 12, the interest rate is shown as 2.62% and each bank gets one-half of the total bond issue or \$3,591,500 each.
- Section 3.06 on page 15 allows us to redeem or prepay the bonds as we want. However we do not want to retire all of the principal amount of the bonds before July, 2015 because as soon as all of the 2015 bonds are retired, we will no longer collect any tax increment from our 1987 Tax Increment District.
- Section 5 on page 17 allows us to issue additional bonds in the future (before July, 2020) if we meet certain conditions and tests.
- There are some important tax covenants in Section 10 on page 30 that the City Council should be aware of.

The refunding of the current outstanding 2009 TIF Bonds of \$9,365,000, with interest rates of 4% to 4.625% to a new 2015 TIF Refunding Bond in the amount of \$7,183,000 at 2.62% will result in saving \$414,114.14 of interest costs over the remaining five years of the TIF bond (\$386,134.45 in present value). The difference in the lower amount of principal bonds we are issuing compared to what is currently outstanding is because we are able to lower the required amount of debt service reserve funds kept on hand as security because over half of the original 2009 TIF Bonds have been paid off and retired since 2009. That lower amount of bonds mean less debt service reserve funds are required as shown on page 8 of the Bond Resolution.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution No. 15-14; A Resolution relating to \$7,183,000 Tax Increment Urban Renewal Revenue Refunding Bonds, consisting of \$3,591,500 Series 2015A Bond and \$3,591,500 Series 2015B Bond; Authorizing and directing the issuance, confirming the sale and prescribing the form and terms thereof and the security therefor.

This item is a legislative matter.

- d) Resolution No. 15-___; A Resolution authorizing matching funds for planning grant applications to the Treasure State Endowment Program (TSEP) And Renewable Resource Grant And Loan Program for wastewater/septic Preliminary Engineering Reports For The East Lakeshore Drive and Lion Mountain Areas (p. 347)

The Whitefish City Council previously held work sessions on the Whitefish Lake Institute's Septic Leachate Study on May 7, 2012 and on October 20, 2014. During those work sessions, priority areas for septic and wastewater treatment areas around Whitefish Lake were discussed and identified.

On January 20, 2015, at the request of the Whitefish Lake Institute, the City Council approved contributing funding of up to \$60,000.00 for two preliminary engineering report planning grants from the Treasure State Endowment Program (TSEP) and the DNRC Renewable Resource Grant and Loan Program (RRGL) that other eligible entities will submit for the following projects:

East Lakeshore Drive:

DNRC RRGL Planning Grant \$5,000 - \$15,000
TSEP Planning Grant up to \$15,000
Flathead Conservation District \$10,000
City of Whitefish \$25,000

For Lion Mountain :

DNRC RRGL Planning Grant \$5,000- \$15,000
TSEP Planning Grant up to \$15,000
Whitefish County Water District -letter in packet, administrative support
Lion Mountain HOA (possible individual contributions)
Underwood Estates HOA (possible individual contributions)
City of Whitefish \$ 35, 000

Mike Koopal and Lori Curtis of the Whitefish Lake Institute contacted me because the Treasure State Endowment Program requires that the City Council pass a Resolution which authorizes the matching funds for their grant applications. I have prepared such a Resolution based on similar resolutions in the past. I am also attaching a copy of the minutes from the January 20, 2015 meeting in the packet.

We have budgeted for the \$60,000 commitment in the FY16 Wastewater budget. We have budgeted \$70,000 to include funding for the Whitefish Lake Institute contract management costs as well as shown in the original Council motion from January 20th.

RECOMMENDATION: Staff respectfully recommends the City Council approve a Resolution authorizing matching funds for planning grant applications to the Treasure State Endowment Program (TSEP) And Renewable Resource Grant And Loan Program for wastewater/septic Preliminary Engineering Reports For The East Lakeshore Drive and Lion Mountain Areas

This item is a legislative matter.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

- a) Letter from Pat LaTourelle regarding proposed tax increases and City Hall/Parking Structure (p. 354)

- b) Discuss and approve schedule for appointing a replacement for Councilor John Anderson (p. 356)

ADJOURNMENT

Sincerely,

A handwritten signature in blue ink that reads "Chuck". The signature is written in a cursive, slightly slanted style.

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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WHITEFISH CITY COUNCIL MINUTES
MAY 18, 2015
SPECIAL SESSION, 5:45 TO 7:00 PM

1. Call to Order

Mayor Muhlfeld called the meeting to order. Councilors present were Sweeney, Hildner, Frandsen, Barberis and Feury. Councilor Anderson was absent. City Staff present were City Manager Stearns, City Clerk Lorang, and City Attorney VanBuskirk.

2. Interviews

The Mayor and Council interviewed applicants Brian Averill and Doug Reed who were each applying to serve another term on the Resort Tax Monitoring Committee; and Rhonda Fitzgerald who was applying to serve another term on the Whitefish Convention & Visitors Bureau. Zak Anderson and Erica Terrell were also applying to serve another term on the Whitefish Convention & Visitors Bureau (WCVB), but not able to attend interviews, their letters of interest were included in the packet. Councilor Frandsen recused herself from questions or consideration of the applicants for the WCVB as her company does work for them. New applicants interviewed to serve on the Architectural Review Committee were Jillian Lawrance and Chad Phillips.

3. Public Comment – None.

4. Appointments

Councilor Hildner made a motion, second by Councilor Frandsen, to appoint both Brian Averill and Doug Reed each to another 3-year term each on the Resort Tax Monitoring Committee. The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Barberis, to reappoint Rhonda Fitzgerald, Zak Anderson and Erica Terrell each to another 3-year term on the WCVB. Councilor Frandsen recused herself from the vote. The motion passed with four (4) aye votes.

Councilor Frandsen made a motion, second by Councilor Sweeney, to appoint Jillian Lawrance and Chad Phillips each to a 2-year term on the Architectural Review Committee. The motion passed unanimously.

5. Adjournment - Mayor Muhlfeld adjourned the Special Session at 6:50 p.m.

Mayor Muhlfeld

Attest:

Necile Lorang, City Clerk

WHITEFISH CITY COUNCIL

May 18, 2015

7:10 P.M.

1) **CALL TO ORDER**

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

2) **PLEDGE OF ALLEGIANCE**

Mayor Muhlfeld asked Vanice Woodbeck to lead the audience in the Pledge of Allegiance.

3) **PRESENTATION – Mike Cronquist – Owner’s Representative for City Hall/Parking Structure project – update report (p. 90)**

From the report included in the packet, Mike Cronquist reported following Council’s approval of schematic design, Mosaic Architecture is working on design documents for a mid-June submittal. Construction documents; 50% will be issued the last week of June, 90% will be issued by the first week of September. By mid-summer they will be putting together the bid documents. The completion target date is December 2016. Other target dates - City Offices to be moved in August and building abatement and demolition is scheduled for August and September, then site preparation, excavation and piling work begins in September, followed by construction throughout the winter as outlined in the report in the packet. The report included decisions from the sub-committee meetings and issues discussed. City Manager Stearns called Council’s attention to the renderings starting on page 93 and said the mechanical room on top of the building is shown as a much lighter color but in reality will blend in better with overall building colors; it is lighter here for illustrative purposes. Mayor Muhlfeld said the sub-committee will be looking at cost-savings when it is possible; and Councilor Frandsen said by losing the pop-up over the Council chambers and adding skylights allowed more floor space for the future 3rd floor if it ever happens. Councilor Anderson clarified that the 3rd floor is not built with this construction.

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)

Steve Thompson, 545 Ramsey Avenue, made comments regarding Agenda Item 9b, he had a letter included in the packet on page 506. He encouraged the Council to submit comments to the Surface Transportation Board on the Draft EIS that need to be postmarked by June 23, 2015 (see letter in the packet on page 508). Steve said the proposal from Arch Coal to export coal to Asia will impact Whitefish rail traffic as they travel through Whitefish to their planned export terminals in Oregon and Washington. He said US 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.

Mayre Flowers, Citizens for a Better Flathead (CBF), 35 4th Street West in Kalispell, gave

two handouts to the Mayor and Council saying the first was a summary of Council actions on the Hwy 93W Corridor Plan at their last two meetings, and the second were comments from CBF. These two handouts have been appended to these minutes. She said the comments from CBF included changes they felt should be included in the final corridor plan for consistency, on pages 44, 45, 46, 51, 53, and 69. In addition CBF thinks that the proposed corridor plan acts more like prescriptive zoning rather than a framework for zoning, and Council should give that additional review in developing zoning for the area.

Marcus Duffy said he was here representing the Chamber of Commerce and thanked the Council for all they do. He announced the Whitefish High School Job Fair to be held on May 21st.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

a) Ad-hoc Cemetery Committee – Recommendation on location for new City Cemetery and to extend life of the committee (p. 113) (CD 24:14)

City Clerk Lorang who is serving as Chairman of the Committee, spoke from the report in the packet; the existing cemetery has been expanded by adding a columbarium (niche wall) and a memory wall. When the first columbarium is sold out, there is room to add more. In the Committee's recommendation they asked the Council to consider City land adjacent to the Wastewater Treatment Plant as a site that could be developed for a 2nd Cemetery; with the request to preserve and protect as many of the native trees as possible. The Committee recommended their term be extended through June 30, 2016; and requested the Council set aside \$20,000 in the FY17 Budget towards the development of a 2nd Cemetery either on the City's land or on other property if found. The Committee also asks that the City's Real Estate Committee keep in mind during their deliberation of the City's need of land for a 2nd Cemetery. Manager Stearns added the City had received 5 letters (1 in the packet and 4 after packet), from citizens opposing using the City's land next to the treatment plant for a cemetery; and he asked the Council if they would like to hold a public hearing to gather more public comment on location of a cemetery.

Councilor Feury made a motion, second by Councilor Anderson, to extend the term of the Committee through June 30, 2016. The motion passed unanimously. Staff will prepare a resolution extending the committee and bring it back for Council's consideration.

Mayor Muhlfeld asked the Council if they wanted a public hearing scheduled about the location of a 2nd Cemetery and the Council agreed. The Mayor asked about the notification process and Manager Stearns said the current zoning on the land allows a cemetery so there aren't any mailing requirements; staff will schedule a public hearing with the notices required. Mayor Muhlfeld thanked the committee for their work.

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 May 4, 2015 City Council special session (p. 125)
- b) Minutes from the May 4, 2015 City Council regular session (p. 126)
- c) City Clerk's request to correct City Council minutes from February 2, 2015 meeting (p. 157)
- d) Consideration of approving application from Cory Izett on behalf of The 1990 Feeny Family Trust and Heidi Schley for Whitefish Lake Lakeshore Permit (#WLP-15-W15) at 1656 and 1660 West Lakeshore Drive to install a new shared dock subject to 13 conditions (p. 160)

- e) **Consideration of approving application from Dave Stephens on behalf of San Diego Pinecone Ltd. for Whitefish Lake Lakeshore Permit (#WLP-15-W16) at 3500 & 3506 E. Lakeshore Drive to install a new buoy subject to 18 conditions (p. 178)**
- f) **Consideration of approving application from Cory Izett on behalf of Mark & Tara-Dawn Coney for Whitefish Lake Lakeshore Permit (#WLP-15-W17) at NHN West Shore Subdivision - no legal access road to install a new dock & floating trampoline subject to 15 conditions (p. 188)**
- g) **Ordinance No. 15-06; 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 (Second Reading) (p. 201)**
- h) **Ordinance No. 15-07; 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 (Second Reading) (p. 204)**
- i) **Ordinance No. 15-08; 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 (Second Reading) (p. 207)**
- j) **Resolution No. 15-___; A Resolution adopting the Whitefish Highway 93 West Corridor Plan as an amendment to the 2007 Whitefish City-County Master Plan (2007 Growth Policy) (p. 211) (CD 30:48)**

Councilor Sweeney made a motion, second by Councilor Feury, to remove Item 6j from the Consent Agenda and continue it to the next meeting, June 1, 2015. Councilor Sweeney asked Planning and Building Director Taylor if he had had the time to look at the comments brought forward by the CBF. Director Taylor said he was just seeing them for the first time along with the Council tonight. He said the text of the Plan was through recommendations of the Steering Committee, but in looking over the comments he said he did not have any issues with the changes proposed for those specific pages, (he corrected the last page for corrections to be page 70 not 69). **The motion passed unanimously.**

Councilor Feury made a motion, second by Councilor Hildner, to approve the Consent Agenda with the removal of Item 6j. 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) **Consideration of an application from Whitefish Credit Union to extend the Preliminary Plat for the Lookout Ridge subdivision for two years (WPP 10-10/WPUD 10-11) (p. 331) (CD 33:41)**

Senior Planner Compton-Ring spoke from the staff report in the packet saying this request is for the extension of a Preliminary Plat for a 139-lot subdivision on 267.7 acres located off of Big Mountain Road that Whitefish Credit Union has had title to since July 30, 2014. When the Council granted the first 2-year extension to the preliminary plat, the Credit Union was acting on behalf of the owner. Under Time Limits for Preliminary Plat Approval, City Codes provide that the Council may grant additional time “provided the subdivider can show continued good faith in working toward final plat.” Planner Compton-Ring said after only getting title in late July, 2014 there was

not time to plan or accomplish site work, but with the additional extension the Credit Union has established a plan to move the project toward final plat. A letter is in the packet from the neighboring property owners, the Iron Horse Homeowners Association, supporting the extension but they wanted it to be contingent upon the owner re-establishing the natural drainage that was disturbed by a major landslide in June, 2011. Planner Compton-Ring reminded the Council that state law prohibits additional conditions of approval added at the time of any extensions.

Mayor Muhlfeld opened the public hearing.

Bruce Boody, Landscape Architect, 301 E. 2nd Street, and as representative for the Credit Union, explained they got legal title to the property in July 2014, but existing legal claims prohibited them moving forward at the site. Those claims were not all resolved until October and November in 2014. The Credit Union has been committed all along to remediate the damage and the storm drainage on this property. The owners are in agreement with all of the findings of fact. Boody said professionals were on this property 3 ½ years prior to the first preliminary plat submittal, wildlife research and all the other issues up on this land and all the plat applications received unanimous approval. The Credit Union and their planning team feel if the plat is not extended, the value of the land could diminish 30, 40, or 50%. There is definitely value in having an existing preliminary plat. With an active preliminary plat on record, a new developer knows what they are buying – they may come through with a different layout because the market has changed; but without the plat it goes back to tract land. Boody said he personally felt the City has value in this preliminary plat as well because it provides view shed protection, timber management plan, and a wildlife protection plan, and that adds to valuable reasons to extend this plat. An extension allows the Credit Union the time to move forward with their remediation plans; with the extension the Credit Union has said they are ready to sign a contract with the original engineering and planning team of this project. Their plan includes starting remediation on the landslide area and have that completed by this winter; and they will be looking at drainage issues, weed control, and work towards getting approvals and permits from DEQ and their water rights. Moving forward with these plans continues to maintain the value of the property and gives a new developer more certainty. He said the Credit Union has been acting in good faith in working towards a final plat.

There being no further public comment, Mayor Muhlfeld closed the public hearing and turned it over to the Council for their consideration.

Members of Council had some discussion with Bruce Boody and Ryan Purdy, the attorney for the Credit Union.

Councilor Feury made a motion, second by Councilor Frandsen, to extend the Lookout Ridge preliminary plat for 24 months, expiring on June 21, 2017. The motion passed unanimously.

- b) Ordinance No. 15-09; An Ordinance amending the Whitefish City Code Title 2, Title 12, Title 13 and Title 14 pertaining to the Lake and Lakeshore Protection Regulations, remove references to the extraterritorial planning jurisdiction, the Whitefish City-County planning board, and Blanchard Lake, and define city limits (WLTA 15-01) (First Reading) (p. 347) (CD 49:10)**
- c) Ordinance No. 15-10; An Ordinance creating the Whitefish Lake and Lakeshore Protection Committee as a standing committee in Title 2, Chapter 16, to the Whitefish**

City Code and repealing Section 13-4-1 of the Whitefish City Code (First Reading) (p. 428)

Director Taylor said the staff report relates to both Ordinances 15-09 and 15-10. He reported that in July of 2014, the Montana Supreme Court eliminated the interlocal agreement between the city and Flathead County, returning jurisdiction of the county portion of Whitefish Lake to the County, except land within the City Limits, and eliminated the Whitefish Lake and Lakeshore Protection Committee. These two ordinances accomplish some housekeeping in the Lakeshore Regulations, along with some in Title 12 and 14, by removing all references to the extraterritorial jurisdiction and corrects language and creates a City Whitefish Lake and Lakeshore Protection Committee in Title 2. Director Taylor went through the specific changes that are highlighted in the staff report starting on page 359 in the packet, including new language on lakeshore permits. The low water elevation of 2996.44 included in the changes was direction given from Council at the March 2, 2015 Work Session. He also specifically discussed the mean high water number, not currently being changed, and they are recommending it stay at 3,000.79 at this time. Whitefish Lake Institute (WLI) proposed a different number based on their research, but State Law requires 5 years of statistics to change that number and WLI only have 4 years of statistics at this time. Staff's recommendation is that, if a new Lakeshore Protection Committee is created; after 5 years of data is collected by WLI, the Committee can revisit it and come back to the Council if they have recommendations for a change. The Planning Board held a public hearing on the Lakeshore Regulations, and following consideration, recommended approval as proposed by staff.

Mayor Muhlfeld opened the public hearing; stating that one public hearing will be held for both items 7b and 7c.

Ben Cavin, 2130 Houston Drive, read his letter into the record and it is appended to this packet. He disagreed with Regulation 13-2-5 B5 requiring permits for floating docks because they are not connected to the annexed lakebed.

Charlie Abell, 5 Woodland Place, said he has lived on the lake most of his life and was part of the team that got the initial lakeshore protection legislation into state law in 1975, and served on the local lakeshore protection committee for its first 9 years. In 1975, along with himself, the team included Frank Morrison, Gene Hedman, Jerry Hanson, and was carried through the legislature by Bob Brown. He spoke in support of these ordinances in front of the Council tonight to continue protection of Whitefish's gem, Whitefish Lake. He knew there would be people who both live and own property on the lake as well as those who don't own lakefront property, who will want to serve on the committee to protect the lake.

Marcia Sheffels, 450 Parkway Drive, said she was raised on Whitefish Lake and wanted to give accolades to the Mayor and Council and Staff for recreating the Lakeshore Protection Committee.

Koel Abell, 355 Lost Coon Trail, spoke in support of the proposed regulations and recreating the lakeshore protection committee as presented.

There being no further public comment, Mayor Muhlfeld closed the public hearing and turned it over to the Council for their consideration.

Councilor Hildner made a motion, second by Councilor Sweeney, to approve Ordinance No. 15-09; An Ordinance amending the Whitefish City Code Title 2, Title 12, Title

13 and Title 14 pertaining to the Lake and Lakeshore Protection Regulations, remove references to the extraterritorial planning jurisdiction, the Whitefish City-County planning board, and Blanchard Lake, and define city limits, on its first reading. Councilor Anderson noted a typographical error in the first sentence of 2-10-2:A, should remove the first “are” (page 349 in the packet). The maker of the motion and the second agreed to that correction. The motion passed unanimously.

Councilor Hildner made a motion, second by Councilor Frandsen, to approve Ordinance No. 15-10; An Ordinance creating the Whitefish Lake and Lakeshore Protection Committee as a standing committee in Title 2, Chapter 16, to the Whitefish City Code and repealing Section 13-4-1 of the Whitefish City Code; and correct the text in Section 3.A, (page 428) replacing “or” with “and” so that it reads “...., two (2) shall be lakefront property owners and residents within the corporate limits.....”

Councilor Frandsen offered an amendment, second by Councilor Sweeney, to add “or residents” at the end of Section 3.A so that it reads “...., and two (2) members shall reside outside the corporate limits of the City of Whitefish and shall be lakefront property owners or residents.” Councilor Frandsen said her intent is to include renters be allowed to serve on the committee. It was noted that the first amendment proposed in the motion above took out “or residents” and changed it to “and residents”. **The vote on the motion was one to five, Councilor Frandsen was the singular vote for the motion, the motion failed.**

The original motion with the text correction to Section 3.A passed unanimously.

- 8) **COMMUNICATIONS FROM CITY MANAGER** (CD 1:14:10)
- a) **Written report enclosed with the packet. Questions from Mayor or Council? (p. 433)**
None.
 - b) **Other items arising between May 13th and May 18th**

Manager Stearns asked if the Council had direction to staff to schedule a public hearing regarding possible fee increases at the ice rink as discussed earlier in the work session; Manager Stearns said there are publication requirements they have to meet. The Council agreed with setting it for July 6, 2015.

- c) **Consideration of selecting a realtor to act as the City’s realtor for property purchases and sales and leases (p. 437)**

From the report in the packet, Manager Stearns said a recommendation is coming forward from staff and the real estate advisors to select Chap Godsey as the City’s Realtor.

Councilor Anderson made a motion, second by Councilor Feury, to select Chap Godsey as the City’s Realtor. Councilor Feury thanked all those who applied; they had an excellent field of professionals to choose from. Councilor Sweeney asked if there was a timeframe to the agreement and Manager Stearns said, in the past, the contract is actually at the time of either a purchase or a sale of a property which is brought to Council for their consideration and approval, instead of a retainer contract. The relationship between the City and the Realtor will be up to the Council and whenever they think the time has come to request new proposals, they can give staff the direction to do so. **The motion passed unanimously.**

- d) **Quarterly Financial Report - 3rd Quarter FY15 (p. 451) (CD 1:20:08)**

Finance Director Smith reported from her staff report that the City continues to be in good financial condition and revenues and expenditures are tracking as expected at the end of the 3rd quarter which was March 31st. Her report explains minor deviations and highlights significant changes in cash balances from the prior year-to-date, and she reviewed those. She said departments are tracking well with the budget even though some events happen that are beyond their control. There were no questions from the Council and the Mayor thanked her for a clear and thorough report.

e) Resolution No. 15-11; Resolution relating to up to \$7,400,000 Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015; Authorizing the issuance and private negotiated sale thereof (p. 463) (CD 1:26:00)

Manager Stearns said this action is in a line of steps to finance the new City Hall and Parking Structure, following previous actions approved by Council and preceding the next steps that follows this one, which he describes in his staff report starting on packet page 475. Part of the funding for the project is in place by Council action on November 17, 2003 by Resolution 03-63 when Tax Increment Funds (TIF) started being set aside annually in a City Hall Construction Fund. That fund currently has \$2,124,145.54, and those dollars plus a new tax increment bond issue will be the primary funding sources for the project. In 2009 the Council approved a TIF bond that has a current interest rate between now and 2020 at 4% - 4.625%. The City's independent financial advisor, David MacGillivray of Springsted, Inc., recommends refunding and refinancing the existing TIF bond to save \$376,821.15 over the remaining five years of the bond; the refinancing will be done locally with First Interstate Bank and Glacier Bank on the remaining principal of approximately \$7,200,000 with a locked-in interest rate ranging from 2.5% to 2.67%, but not over 3.25%. Tonight's resolution, prepared by our Bond Counsel of Dorsey and Whitney, establishes "parameters" for that refund and refinancing. This resolution relating up to \$7,400,000 covers the remaining principal and related costs. The final resolution for this transaction with all the details will come before Council at the June 1, 2015 Council Meeting. Later this year staff will be bringing forward a resolution for the SID for the parking structure, and also the resolution for the new money funding the project.

Councilor Frandsen made a motion, second by Councilor Barberis, to approve Resolution No. 15-11; Resolution relating to up to \$7,400,000 Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015; Authorizing the issuance and private negotiated sale thereof. The motion passed unanimously.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 1:33:40)

a) Consideration of proposed budget for FY16 for Aquatic Invasive Species efforts - Mayor Muhlfeld (p. 482)

Mayor Muhlfeld said the report in the packet from Whitefish Lake Institute (WLI) is for Council to consider in the upcoming budget worksessions. Each task is described in detail in the WLI report in the packet, but a summary of requested funds by task is listed below, and is a \$5,000 decrease from requests of the last two years:

- \$5,000 Beaver Lake EWM Monitoring & Control
- \$5,000 Early AIS Plant Detection Monitoring and Survey of Nearby Lakes via NWMTLVMN
- \$5,000 eDNA Analysis of Local Lakes

- \$10,000 City Beach Boat Inspection Station (\$5,000 to City of Whitefish Parks and Recreation Department to extend the boat inspection station calendar window and the remaining \$5,000 to WLI to supervise and report on the program).
- \$5,000 Commercial Use Permit Program Implementation and Level II Training
- \$5,000 Support Browning Boat Inspection Station
- \$35,000 Total

Councilor Frandsen made a motion, second by Councilor Hildner, to include this report and consider the appropriations during the FY16 Preliminary Budget deliberations from the Water Fund. The motion passed unanimously.

b) Discussion and consideration of making comments on the Tongue River Railroad project Draft Environmental Impact Statement (p. 504)

Councilor Hildner said the Mayor, on behalf of the Council, sent a letter to the Surface Transportation Board (STB) encouraging local hearings on the proposed Tongue River Railroad and its effect in Whitefish and the surrounding area; and the STB instead distributed a Draft Environmental Impact Statement with the information that comments must be received or postmarked by June 23, 2015; and scheduled public meetings will be in Lame Deer, Ashland, Colstrip, Miles City and Forsyth. This is the same issue which Steve Thompson directed his comments to earlier this evening during Public Comment. Council Hildner thought the potential increased rail traffic an important issue and a response should formulated. The rest of the Council indicated their unanimous consensus and Mayor Muhlfeld said he would work with Manager Stearns on a response, Councilor Hildner could work with them as well, and it will be distributed to the Council before it goes out.

c) Discussion of options to support a “buy-local” campaign – Councilor Feury

Councilor Feury said this came to the forefront once again in the recent campaign for the 1% increase in the Resort Tax; a number of local businesses expressed their concern of that measure driving business out of Whitefish, and he, along with others, agree that could be a result of that increase. When the campaign committee reached out to those business, they agreed to seek measures that would mitigate those impacts as much as possible. He said it was not uncommon for cities to participate in buy local programs, and he thinks it would be a good investment for the City of Whitefish to do at this time; if the anticipated growth in the resort tax doesn't gain the funds necessary to pay for the measures now in place for the Haskill Basin Conservation District, the City would have to turn to its utilities' rate-payers to make up the difference, which we don't want to do. He would like the Council to consider a \$25,000 appropriation in the FY16 Budget for a buy local campaign. It would not be a typical buy local campaign but designed specifically for Whitefish's needs and be in partnership with the Whitefish Convention and Visitors Bureau, there may be money available from the budget from Trust for Public Lands, possibly the Heart of Whitefish and the Whitefish Chamber of Commerce. He said these groups have not had a chance to meet yet to vote on their commitment, but he has talked with representatives from those groups and they have indicated their support of the idea. He would like the City to be the lead organization in this campaign because the City has a lot at stake here. The shape and character of what that campaign

will look like will come together once the funding has been committed. He said the City's Attorney will be consulted regarding the way this has to be organized for the City's participation. He said his request tonight is for the Council to say whether or not they are in agreement with committing City Funds to this project. Some of the Council had questions and comments for Councilor Feury.

Councilor Frandsen made a motion, second by Councilor Anderson, to consider a \$25,000 appropriation during the FY16 Preliminary Budget deliberations from the TIF Fund. Councilor Feury said along with that he would like to have the City Attorney's opinion on the City's role as they partner with other organizations in this campaign. The motion passed unanimously.

d) Appointments – consideration of any appointments not made during Special Session prior to tonight's Regular Meeting (p. 53) (CD 1:49:57)

Mayor Muhlfeld said the following appointments were made during tonight's Special Session.

Resort Tax Monitoring Committee – Brian Averill and Doug Reed were both reappointed for another term.

Whitefish Convention and Visitors Bureau – Rhonda Fitzgerald, Zak Anderson and Erica Terrell were all reappointed for another term.

Architectural Review Committee – Jillian Lawrance and Chad Phillips were appointed as new members to this committee.

Council Comments:

Councilor Feury said he participated in the Wag Race over the weekend, a successful race with about 400 entries; he congratulated everybody that worked on it.

Councilor Hildner said he had the opportunity, along with Councilor Barberis and others, to tour the ice rink facility – it was impressive and a good learning experience. Councilor Barberis agreed with Councilor Hildner, it was a great opportunity to tour the ice rink, she really appreciated their time and efforts.

City Clerk Lorang asked the Council when they wanted to schedule interviews for the Lakeshore Committee and the Council decided they would interview on June 15th.

10) ADJOURNMENT (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority) (CD 1:53:58)

Mayor Muhlfeld adjourned the meeting at 9:03 p.m.

Attest:

Mayor John M. Muhlfeld

Necile Lorang, Whitefish City Clerk

CHANGES MADE TO WF HWY 93 CORRIDOR PLAN by the WF City Council

WHITEFISH CITY COUNCIL MINUTES

April 20, 2015

1. 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.
2. 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.
3. 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.
4. 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.
5. 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).

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6. 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.

7. 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.

8. 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.

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9. 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.

10. 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.

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

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12. 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.”**

13. 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.

Page 114-115

1. 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.
2. 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.

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

3. 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.

Page 115 minutes

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.

4. 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.

Page 116 minutes

WHITEFISH CITY COUNCIL MINUTES

May 4, 2015

1. Councilor Sweeney made an amendment, second by Councilor Frandsen, **to establish a**

3,500 square-foot footprint for all uses as the threshold in WT-3 for when a Conditional Use Permit (CUP) be required. Following discussion the vote on the amendment was tied with Councilors Sweeney and Frandsen voting for the amendment and Councilors Feury and Barberis voting against the amendment. Mayor Muhlfeld voted for the amendment and the amendment passed on a 3 to 2 vote.

P131 of minutes

2. Councilor Barberis made an amendment, second by Councilor Sweeney, **to add grocery stores/markets as a Conditional Use in WI-T, and limit them to a footprint of 5,000 square feet.** Following discussion the vote on the amendment was tied with Councilors Sweeney and Frandsen voting for the amendment and Councilors Feury and Barberis voting against the amendment. Mayor Muhlfeld voted for the amendment and the amendment passed on a 3 to 2 vote.
3. Councilor Feury made an amendment, second by Councilor Frandsen, to have **50% lot coverage in WT-3.** The amendment passed unanimously.

Page 132 of minutes

Councilor Sweeney made an amendment, second by Councilor Frandsen, to have the City initiate the plan to rezone Area B to the new transitional zoning. Following more discussion, Councilor Sweeney and the second, withdrew the amendment.

4. Councilor Feury made an amendment, second by Councilor Sweeney, that **the City initiate the process of developing the two transitional zones and we will go ahead and then decide, once the transitional zones have been developed and gone through the process, then the decision will be made as to how those zones be applied to the areas; whether it be initiated either by the City or the individual property owners.** The amendment was approved unanimously.

Councilor Barberis made an amendment to allow Artisan Manufacturing and Micro-Breweries in the WT-3 Zone. The amendment died for a lack of the second.

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5. Councilor Feury made an amendment, second by Councilor Frandsen, **to remove alcohol manufacturing from the definition of artisan manufacturing and add it as a Conditional Use in WIT.** The vote on the amendment was a tie vote with Councilor Feury and Frandsen voting for the amendment and Councilors Barberis and Sweeney voting against the amendment. Mayor Muhlfeld voted for the amendment and it passed on a 3 to 2 vote.
6. Vote on the original motion to **adopt Resolution No 15-08; 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),** as amended herein, was approved on a three (3) to one (1) vote, with Councilor Frandsen voting in opposition.

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WRR1 / meeting 5-18-15



To: Whitefish City Council

Re: Whitefish Highway 93 West Corridor Plan Planning Staff Report: Growth Policy Amendment WGPA 15-02

Date: May 18, 2015

Citizens for a Better Flathead is providing additional comments for your consideration prior to your final action on the Highway 93 West Corridor Plan tonight. We ask that you give consideration to the following:

- Additional changes to the final corridor plan proposed for adoption are needed to reflect amendments made by the council to the corridor plan at the 4/20/15 and 5/4/15.** While most of the changes were made to the sample zoning districts they were not made within the text of the corridor plan. The Highway 93 West Corridor Plan dated 5/18/15 posted on the city website, to be consistent with the amendments made by the city council, needs to include the following revisions: (note page numbers refer to the plan page numbers) Underlined text is to be added and strike through text needs to be removed.

Page 44 -- Changes needed

Recommended Land Uses

~~Residential Uses~~—(No short-term rentals)

~~Resort Residential~~—*Note that Whitefish Resort Residential zones include WRR1 and WRR2 which allow short-term rentals as permitted or conditional uses in conflict with council amendment to not allow short-term rentals in Area B*

~~Artisan Manufacturing~~—*Note that this was amended to be a conditional use in Area B*

~~Coffee Shops and Sandwich Shops~~—*Note that this use was limited to only the WIT area as a conditional use*

Permitted and conditional uses in the current zoning including:

Professional Offices

Personal Services

Suggested additional conditional uses in WT-3 sample zone:

Artisan Manufacturing (no alcohol production)

Page 45—Changes needed

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—(no short-term rentals)
- Professional Offices—Conditional Use
- Personal Services—Conditional Use
- ~~Resort Residential~~
- Artisan Manufacturing (no alcohol production)---Conditional Use
- ~~Coffee Shops and Sandwich Shops~~
- Professional Artist Studio and Gallery—Conditional Use

Page 46—Changes needed

Implementation Steps

1. Adopt new Neighborhood Mixed-Use Transitional land use designation.
2. ~~Consider new WT-3 zoning when requested by landowners.~~ The City will initiate the process of developing the two transitional zones and then a decision will be made as to how those zones will be applied to the areas.

(In Chart form in original document.)

Recommended Land Uses Growth Policy Land Use Zoning

Residential Uses—(no short-term rentals)

~~Resort Residential~~

Artisan Manufacturing (no alcohol production)---Conditional Use

~~Coffee Shops and Sandwich Shops~~

Permitted and conditional uses allowed in the current zoning including:

Professional Offices

Personal Services

Growth Policy Land Use

Current Designation:

High Density Residential

Recommended Designation:

Neighborhood Mixed-Use Transitional and High Density Residential

Zoning

Existing Zoning:

WR-3

Recommended Zoning:

WT-3 and WR-3

Page 51---Changes Needed

Recommended Land Uses

Recreational Facilities

Artisan Manufacturing—Conditional Use

Multi-Family Residential

Resort Residential

Nursing and Retirement Homes, Personal Care Facilities, Community Residential Facilities, Types I and II ---Conditional Use

Coffee shops and Sandwich Shops—Conditional Use

Private railway cars with living accommodations are allowed to park on rail lines not to exceed 30 days. No short term rentals are allowed on railcars.

Grocery stores/markets as a Conditional Use with a footprint limit of 5,000 square feet.

Permitted and conditional uses allowed in the current zoning

Page 53—Changes Needed

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—Conditional Use.
- 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 or the City 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.~~ The City will initiate the process of developing the two transitional zones and then a decision will be made as to how those zones will be applied to the areas.

Page 69---Changes Needed*

Earlier versions of this plan included limits to formula coffee shops and similar uses, but it was dropped in recent edits to the plan. Add to the definitions for the three proposed zoning districts the clarification that: **No formula retail, restaurant, or hotel/lodging is permitted under this plan or in zoning districts created to implement this plan.**

2. As you move forward with further consideration of this corridor plan and it's implementation it will be very important that the council keep in mind the following issues that we believe have not been adequately addressed by this planning process to date:

1. **How much more commercial is viable in Whitefish without harming the currently economically healthy and vibrant downtown core area?** The recently approved update to the Whitefish Downtown Master Plan allows the capacity to add 200,000 sq. ft. of new retail and commercial, and 90,000 sq. ft. of lodging.
2. **Although the West Highway 93 Corridor plan is required to be compatible and consistent with the downtown plan, the corridor plan does not even provide a review of this critical factor.** When will this review be done to assist with future zoning decisions in the corridor?

3. **What land use tools are most appropriate for limiting the proliferation of uses in a zoning district even if they are listed as conditional uses?** It has been suggested that the conditional use process can be used to control the proliferation of uses like breweries, but this is not necessarily true as once one conditional use is granted it can become an issue of violating due process if other similar requests are denied in the same zone.
4. **What incentives and standards can be built into new zones to be adapted for this plan area to better retain workforce/affordable housing and long-term rentals close to the city center?**
5. Given recommendations by the American Planning Association made part of the hearing record, **should the City of Whitefish to step back and look at a more comprehensive policy for where and where not micro breweries are appropriate within the city limits** and what standards need to be in place to address impacts this use can create.
6. **Take time to step back and look at how other areas in the state are defining Artisan Manufacturing.**
 - Artisan Manufacturing is only allowed in industrial zoned areas in Missoula. In Bozeman it may also be allowed outside of an industrial zone with a conditional use permit but only in business districts. (Note that Helena also only allows microbreweries in business districts).
 - There is NO provision for "ancillary retail" in Bozeman or Missoula in this Artisan Manufacturing zone. (Thus these zones are designed not to compete with downtown retail or to generate excess traffic in a residential area.)
 - There is no out door storage or operation allowed in the Artisan Manufacturing Districts in Bozeman and Missoula. Everything must occur in an enclosed building. Allowing outdoor storage even with screening, as the proposed Highway 93 West Corridor plan does, will further degrade the character of the neighborhood and existing homes. As the APA report notes; " The two basic rationales for storage restrictions are aesthetics and public health. Outdoor storage can be an uninviting eyesore, especially in pedestrian-oriented areas. And left unattended, production waste may produce foul odors and attract vermin."
7. Given other land use priorities including implementation of the recently adopted downtown master plan and addressing long-term concerns about incompatible zoning in some neighborhood areas or the emerging issue of proposed county zoning in the two mile area around the city to which little staff or council attention and time has been given, **what are the City's priorities and where should additional work on implementing this corridor plan fall on that priority list?**
8. **Parking and traffic are additional concerns that need to be addressed in standards and future zoning in this plan area.** In the plan for example it is proposed that parking be allowed in front yard setback and green belt areas. Smart growth principles call for

parking in the rear and given the recent upgrades of sidewalks and boulevards why would this plan allow for 40% parking in the green belt? Parking reductions should be reviewed as a tool to promote affordable housing. Parking standards in general need to be reviewed.

9. **Additional concerns and specific plan page numbers are included in our May 4th comments** and should be given additional review in developing zoning for this area.

- State law provides that your Growth Policy contain a list of conditions that will lead to the revision of the Whitefish Growth Policy. State law also distinguishes between the content and nature of growth policy and that of zoning. This proposed corridor plan however acts more like prescriptive zoning rather than a framework for zoning, which growth policies general provide. **This prescriptive zoning though a growth policy should be avoided and a point you should discuss with your county attorney to understand pros and cons of this practice so as to avoid future issues.**

76-1-601. Growth policy

(3) A growth policy must include:

(f) an implementation strategy that includes:

(i) a timetable for implementing the growth policy;

(ii) a list of conditions that will lead to a revision of the growth policy;

- **The Whitefish 2007 Growth Policy states that procedures and criteria for text and map amendments to the Growth Policy shall be set forth in the land development regulations, but a review of the code not show that this has ever been done. This oversight should be corrected.**
- **The Resolution before you tonight does not address these growth policy criteria for amendments and the staff report for this Growth Policy Amendment—WGPA 15-02--also fails to review or consider these criteria and thus this resolution before you is not consistent with your own regulations.**
- **The corridor plan prepared for you blurs the line between a growth policy amendment and pure zoning. A growth policy as set forth under statue and case law is to be comprised of goals and policies that can guide development of future zoning and subdivision regulations and applications of those regulations. In this case the proposed Whitefish Highway 93 West Corridor Plan is more of a detailed prescription of site-specific zoning rather than the broader and needed goals and policies.**

Quote from the 2007 Whitefish Growth Policy

“Amendments: This Growth Policy and the Whitefish Zoning Jurisdiction regulations shall provide that any person may apply for an amendment to the text of the Growth Policy. Provisions shall also be made for owners of real property or their authorized agents to petition for amendments to the Future Land Use Map. **All procedures and criteria for text and map amendments shall be set forth in the land development regulations,** but generally those criteria shall include:

- **A specific error was made in the Growth Policy that necessitates an amendment to the text or map in order to preserve a property right, or to preserve or achieve equal protection under the law.** (Example: A property may have been treated differently than a similarly situated property in the same general area under the same general conditions.)
- **Community conditions have changed to the degree that amendments to the map and/or text will facilitate achieving community goals and the overall vision of the citizens of Whitefish.** (Example: Increased infrastructure capacity may render a property or an entire area more advantageous for additional community growth.)
- **There is a clear, extraordinary community benefit** in terms of achieving goals, resolving problems or issues, or furthering the realization of the Whitefish community vision. (Example: A proposed amendment may produce desired community benefits such as affordable housing, bike and pedestrian trails, or a needed transportation corridor.)” p. 143-144 WFGP 2007

City Meeting 5-18-15

Benton C. Cavin
PO Box 965
Whitefish, MT 59937
(406)862-3733

Monday May 18, 2014

Mayor Muhlfeld & City Council
City of Whitefish
Whitefish, MT 59937

PUBLIC HEARING MAY 18, 2015
WHITEFISH LAKE
RE: DEFINE CITY LIMITS

Mayor Muhlfeld & City Council,

My name is Ben Cavin. I live at 2130 Houston Drive in the Houston Lakeshore Tract, formerly part of the donut.

Regarding your proposed ordinance redefining the city limits: I understand City position is that their 2005 annexation of Whitefish Lake included everything enclosed by the low water mark of Whitefish Lake vertically to the heavens. In other words, the water and air above, enclosed by the exterior perimeter of Whitefish Lake's low water mark is to be included in the city limits.

This is contrary to my understanding which has long been that city annexed the lakebed only and not the water and air above. Therefore, I take exception to proposed new Title 2 Regulation 13-2-5 B5 regarding requiring permits for floating docks as an illegal extension of City authority, since same are not connected to the City's annexed lakebed.

To support my position I point out:

1. DNRC letter dated 7/26/2005 to City of Whitefish, Packet page 415, consenting to annexation up to the low water mark. "Up to" indicates no City jurisdiction at elevations above low water mark.
2. State of MT letter August 30, 2005 to City of Whitefish, Packet page 417, with lengthy legal analysis proving fee simple State ownership of the **bed of Whitefish Lake** to the low water perimeter. Discussion is very clearly limited to the bed of Whitefish Lake and not the water or air above. Thus it is clear what the State of Montana was thinking at that time.
3. No other city has annexed a Lake in Montana per recent City Council meeting I attended. Thus there is no precedent in this regard for City of Whitefish to "hang its hat on" which implies to me there will be further litigation if this ordinance is approved by the City as written.

As you discuss this matter, I urge you to listen to the affected citizens.

Thank you.



Benton C. Cavin
Copy: Sean Frampton, Morrison and Frampton, Whitefish, MT

ORDINANCE NO. 15-09

An Ordinance of the City Council of the City of Whitefish, Montana, amending the Whitefish City Code Title 2, Title 12, Title 13 and Title 14 pertaining to the Lake and Lakeshore Protection Regulations, remove references to the extraterritorial planning jurisdiction, the Whitefish City-County planning board, and Blanchard Lake, and define city limits.

WHEREAS, in response to a request from the City Council, the Whitefish Planning & Building Department initiated an effort to amend the Lake and Lakeshore Protection Regulations and its administrative permit review process, to remove references to the extraterritorial planning jurisdiction, the Whitefish City-County planning board, Blanchard Lake, and streamline the administrative permit review process, and prepared Staff Report WLTA 15-01, 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 WLTA 15-01, invited public comment, and thereafter recommended approval of the proposed text amendments with one modification to WCC §13-1-3 as recommended by staff; and

WHEREAS, on April 28, 2015, the Flathead County Board of County Commissioners took action to assume jurisdiction of the County area surrounding Whitefish Lake, Lost Loon Lake and Blanchard Lake, adopted text amendments to County lakeshore regulations and rescinded the Whitefish City-County lake and lakeshore Regulations; and

WHEREAS, at a lawfully noticed public hearing on May 18, 2015, the Whitefish City Council received an oral report and reviewed the April 16, 2015 and May 18, 2015 Staff Report WLTA 15-01, and letter of transmittal dated May 11, 2015, 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 WLTA 15-01 dated April 16, 2015, and May 18, 2015, together with the May 18, 2015 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: An amendment to Whitefish City Code Titles 2, 12, 13 and 14 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 5: This Ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred or proceedings that began before the effective date of this Ordinance.

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. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

EXHIBIT "A"

Whitefish City Code Title 2 BOARDS, COMMISSIONS AND AD HOC COMMITTEES

Title 2 to be amended as follows:

2-1-2: SCOPE OF APPLICATION: Except for city council subcommittees, the provisions of this chapter shall apply to all committees of the city including, but not limited to, the board of adjustments, board of appeals, and the board of park commissioners, except as specific requirements of statute, the city charter or ordinance may otherwise provide. This chapter shall not apply to committees that have members who are appointed by agencies other than the city, ~~including, but not limited to, the city-county planning board and the lakeshore protection committee.~~ This chapter shall not apply to the Whitefish housing authority board of directors.

2-3-3: MEMBERSHIP:

- D. Vacancy: Pursuant to subsections A and B of this section, any vacancy on the board shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the board, ~~including the extraterritorial position.~~

2-10-3: MEMBERSHIP:

- A. Appointment; Compensation: The committee shall have seven (7) members who ~~are~~ either ~~residents of the Whitefish zoning jurisdiction area~~ reside within the corporate limits of the city of Whitefish, ~~are~~ employed or own a business in the city of Whitefish, or own property in the city of Whitefish. Members shall be appointed by the city council. Two (2) of the committee members shall be Montana licensed architects and one of the members shall be a licensed design professional (i.e., either architect, engineer or landscape architect). If, within the discretion of the city council, less than two (2) licensed architects or one licensed design professional, as described above, is identified after publication of a notice of position vacancy, the city council may make an appointment of an individual that is not a licensed architect or licensed design professional. No member of the committee shall concurrently serve on the Whitefish city council, the Whitefish ~~city-county~~ planning board or the Whitefish board of adjustment. No member of the committee with any interest in a project may sit in review of that project, or attempt to influence other members of the committee other than through the normal application and public meeting process. Committee members shall receive no compensation.

**Whitefish City Code Title 12
SUBDIVISION REGULATIONS**

Title 12 to be amended as follows:

12-8-1: DEFINITIONS:

MEAN HIGH WATER MARK: The mean average of the highest elevation of a lake of at least five (5) consecutive years, excluding any high levels caused by erratic or unusual weather or hydrologic conditions. A highest elevation caused by operation of a dam or other impoundment counts towards the establishment of the mean annual high water elevation. For the purpose of these regulations, the mean annual high water elevation for Whitefish Lake is three thousand and ~~six-tenths~~seventy nine-hundredths feet (3,000.~~679~~79) ~~mean-sea-level~~msl (NAVD 1988 ~~datum~~) which is equivalent to two thousand nine hundred ninety-seven feet (2,997.00') msl (GNVD 1929). The mean annual high water elevation on; Lost Coon Lake is three thousand one hundred four feet (3,104') msl (NAVD 1988), which is equivalent to three thousand one hundred and twenty one-hundredths feet (3,100.21') MSL (NGVD 1929) ~~based on the U.S. geological survey datum.~~

PLANNING BOARD: The Whitefish ~~city-county~~ planning board, formed pursuant to ~~Montana code~~ Title 76, Chapter 1, Montana Code Annotated.

**Whitefish City Code Title 13
LAKE AND LAKESHORE PROTECTION REGULATIONS**

Title 13 to be amended as follows:

13-1-3 JURISDICTION: These regulations govern any work which alters Whitefish Lake, Lost Coon Lake ~~and Blanchard Lake~~, and the land which is within twenty (20) horizontal feet of the mean annual high water elevation of these lakes. For properties along Whitefish Lake located outside of Whitefish City limits, these regulations govern any work which extends below the lower water elevation of 2996.44 msl. The mean annual high water elevation for Whitefish Lake has been established according to statute 75-7-202(4) at three thousand and seventy nine-hundredths feet (3,000.79') msl (NAVD 1988), which is equivalent to two thousand nine hundred ninety seven feet (2,997.00') msl (NGVD 1929). The mean annual high water elevation on Lost Coon Lake is three thousand one hundred four feet (3,104') msl (NAVD 1988), which is equivalent to 3,100.21 feet msl (NGVD 1929). ~~The mean annual high water elevation on Lost Coon Lake is three thousand one hundred four feet (3,104') msl (NAVD 1988), which is equivalent to 3,100.21 feet msl (NGVD 1929).~~

13-1-5 DEFINITIONS:

CITY LIMITS: The City Limits of Whitefish include all properties annexed into the city limits as well as Whitefish Lake to the Low Water elevation of 2996.44.

MEAN ANNUAL HIGH WATER ELEVATION: The mean average of the highest elevation of a lake of at least five (5) consecutive years, excluding any high levels caused

by erratic or unusual weather or hydrologic conditions. A highest elevation caused by operation of a dam or other impoundment counts towards the establishment of the mean annual high water elevation. For the purpose of these regulations, the mean annual high water elevation for Whitefish Lake has been established at three thousand and seventy nine-hundredths feet (3,000.79') msl (NAVD 1988), which is equivalent to two thousand nine hundred ninety-seven feet (2,997.00') msl (NGVD 1929). The mean annual high water elevation on Lost Coon Lake is three thousand one hundred four feet (3,104') msl (NAVD 1988), which is equivalent to three thousand one hundred and twenty one-hundredths feet (3,100.21') msl (NGVD 1929). ~~The mean annual high water elevation of Blanchard Lake is three thousand one hundred forty four and eight tenths feet (3,144.80') msl (1988 datum) which is equivalent to three thousand one hundred forty one feet (3,141') msl (1929 datum).~~

NATIVE PLANTS: A terrestrial plant species that has persisted within one hundred feet (100') of mean high water of Whitefish, ~~or~~ Lost Coon ~~or~~ Blanchard Lakes prior to influence by humans. A resource file on native plants is available from the jurisdictional planning office.

PLANNING BOARD: The Whitefish ~~city/Flathead County~~ planning board.

13-2-1 PERMIT REQUIRED: No person shall proceed with any work on, or alteration or disturbance of, a lake, lake bed, or lakeshore within city limits until he/she has obtained, and has physical possession of a valid "lakeshore construction permit" from the governing body~~city~~. The person who performs or authorizes such work, and the property owner, are responsible for assuring that a valid permit has been obtained ~~from the governing body~~.

13-2-5 APPLICATION REVIEW PROCEDURES:

A. Application: ~~Depending on the jurisdiction, a~~Any person seeking a lakeshore construction permit shall submit a complete application to the administrator of the planning office of the jurisdictional governing body~~City of Whitefish~~. The application shall be accompanied by a vicinity map with directions to the property, photographs of the shoreline (including docks and all structures in the lakeshore protection zone), a scaled site plan, detailed project drawings, and fee established by the governing body.

The applicant may be required to submit additional information where the administrator, lakeshore protection committee or governing body determines that additional information is necessary to adequately evaluate the proposal.

B. Application Procedure:

1. An applicant shall file an application with the administrator.
2. An application is deemed as accepted when a complete application, required accompaniments and fee are presented to the administrator. The application must be either signed by the property owner or a letter of authorization from the owner must be attached.

3. Upon acceptance of an application, the administrator shall either issue the permit or schedule it for review at the next regular meeting of the Whitefish lake and lakeshore protection committee depending on the type of permit.
- ~~4. The chairman shall be responsible to see that all pending applications are brought before the committee for comment and action.~~
- 5.4. The committee shall have up to sixty (60) days from the date of acceptance of the completed application to review and forward comments to the governing body for final action. If no comment is received after sixty (60) days, the application will be forwarded to the administrator for final action by the governing body with no comment. If the application is incomplete, the administrator or lakeshore protection committee shall notify the applicant within forty (40) days of receipt of the application. Incomplete applications will not be processed until resolved and deemed complete. This also applies to new applications on properties with active lakeshore violations.
- 6.5. Upon review and approval of a permit application ~~by the committee~~, the administrator may issue an administrative permit specifically for floating docks which do not exceed sixty feet (60') in length (including gangway), for shore stations, and for buoys, providing that such permit complies with all other regulation standards and does not require a variance. The administrator will notify the committee when these permits are issued.
- 7.6. Upon review and approval of a permit application, ~~The~~ administrator may also issue an administrative permit for burning in the lakeshore protection zone or for buried domestic water lines installed during low water when such activities are found by the administrator to have a minimal or insignificant impact on the lake or lakeshore and to comply with the construction standards found in chapter 3 of this title. The administrator will notify the committee when these permits are issued.

~~13-4-1 WHITEFISH CITY/COUNTY LAKE AND LAKESHORE PROTECTION COMMITTEE:~~

~~A. Creation, Composition And Compensation Of Members:~~

- ~~1. The Whitefish city/county lake and lakeshore protection committee is hereby created as a special planning board in compliance with section 75-7-211 Montana Code Annotated empowered to review and comment on all activities within the jurisdiction of the Whitefish lake and lakeshore protection regulations and shall be known as the lakeshore protection committee.~~

~~2. The committee shall consist of eight (8) voting members. Four (4) members shall constitute a quorum to conduct business.~~

~~3. City appointees and county appointees shall each initially be appointed to a staggered term of one, two (2) and three (3) years. Thereafter, each succeeding term shall be three (3) years. Vacancies during the term shall be filled by the appropriate governing body for the duration of the unexpired term.~~

~~4. The committee members shall serve without compensation.~~

~~B. Duties: The committee shall:~~

~~1. Advise and work with potential applicants.~~

~~2. Review and give recommendations on projects requiring a lakeshore permit.~~

~~3. Review and offer amendments to the lake and lakeshore regulations, to keep them current, to improve efficiency and to address problems.~~

~~4. Report violations to the proper authorities.~~

~~C. Organization: The committee shall organize and adopt bylaws pursuant to these regulations establishing the operating policies and procedures of the committee.~~

13-4-213-4-1: VARIANCES:

A. General Criteria

1. Minor Variances: Minor variances from the construction requirements or design standards of these regulations may be granted when the governing body determines the following conditions are met:

a. Due to unusual circumstances, a strict enforcement of such requirements and standards would result in undue hardship;

b. No reasonable alternatives exist which do meet the standards herein; and

c. Granting of the variance will not have adverse impacts on a lake or lakeshore in terms of section 13-2-6, "Policy Criteria For Issuance Of A Permit", of this title.

d. Alternatively to subsections A1a and A1b of this section, the granting of a variance would result in a general and universal public benefit.

2. Major Variances: A variance request shall be considered major when any of the following criteria are met:
 - a. The variance request does not meet the requirements of subsection A1 of this section;
 - b. The variance request deviates substantially from the construction requirements or design standards of these regulations; and
 - c. The variance request creates a major environmental impact.

B. Review Procedures:

1. Minor Variances:

- a. The lakeshore protection committee, if it so determines, shall recommend to the governing body that a minor variance(s) from these regulations should be granted as part of an application's approval.
- b. The governing body shall consider the lakeshore protection committee's recommendation and act upon the application. It may grant, modify or deny the variance request.

2. Major Variances:

- a. When the lakeshore protection committee determines that a major variance is required, it shall notify the governing body and applicant of said decision.
- b. The determination that a major variance is required shall cause to be prepared, by and at the expense of the applicant, an environmental impact statement. The environmental impact statement shall contain:
 - (1) Description of the proposed project;
 - (2) Description of, and the reason for, the major variance being considered;
 - (3) Description of existing conditions;
 - (4) Description of anticipated impacts as they relate to each of the policy criteria in section 13-2-6 of this title;
 - (5) Alternatives to the proposed project, which would not require a major variance; and

- (6) Any other information that may be required.
- c. Nine (9) copies of the environmental impact statement shall be submitted to the administrator.
- d. The lakeshore protection committee shall review the application for major variance and make a recommendation to the planning board.
- e. The planning board shall review the information and make a recommendation to the governing body.
- f. The governing body, upon receipt of all materials and recommendations, shall hold a public hearing on the proposed action. Notice of the time and place of the public hearing shall be published at least once in a newspaper of general circulation not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.
- g. Following the public hearing, the governing body shall act upon the application and may grant, modify or deny the variance request.

13-4-313-4-2: **AMENDMENTS:** These regulations may be amended. Prior to adopting any proposed amendment, the Whitefish city council shall hold a public hearing thereon. Notice of the time and place of the public hearing shall be published at least once in a newspaper of general circulation not less than fifteen (15) days nor more than thirty (30) days prior to the date of hearing. Records of amendments to these regulations shall be maintained by the governing body in a form convenient for use.

13-4-413-4-3: **LIABILITY:** The permittee shall not hold the governing body or any of its agents liable for any damage that may occur to his/her property as a direct or indirect result of the issuance of a permit.

13-4-513-4-4: **VIOLATIONS; PENALTY:**

- A. A person, partnership, association, company, corporation or contractor who violates the conditions of a permit issued under these regulations, fails to obtain a permit prior to performing work requiring a permit under these regulations, or who violates any provision(s) of these regulations, commits a misdemeanor, and on conviction may be sentenced to thirty (30) days in the city/county jail, fined five hundred dollars (\$500.00), or both. A person, partnership, association, company, corporation or contractor who violates the conditions of a permit issued under these regulations, fails to obtain a permit prior to performing work requiring a permit under these regulations, or who violates any provision(s) of these regulations, commits a municipal infraction, and is subject to the civil penalties provided in section 1-4-4 of this code. Each separate violation of these

regulations shall constitute a separate offense. For instance, each tree removed or violation of a different subsection requirement shall constitute a separate offense. Each day that the violation exists beyond a restoration deadline date shall constitute a separate offense. 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.

1. The conditions of a permit shall be considered to have been violated if work exceeds the scope and conditions of the permit in dimension, type or quality of materials, type of equipment used, or the extent of the work permitted.
 2. Fines and civil penalties collected under this section shall be paid to the general fund of the governing body, for the purpose of administering these regulations.
- B. In the event that any building, structure or improvement is erected, reconstructed, altered, converted, or maintained, or any building, structure, improvement, or land is used in violation of these regulations, the proper legal authorities of the jurisdictional governing body, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or occupancy of such building, structure, improvement or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure, improvement or land.

Whitefish City Code Title 14 FLOOD CONTROL

Title 14 to be amended as follows:

14-3-1: JURISDICTIONAL AREA: This title shall apply to all areas of special flood hazard within the jurisdiction of the city and those areas outside of the city ~~of Whitefish but within the extraterritorial zoning jurisdiction.~~

ORDINANCE NO. 15-10

An Ordinance of the City Council of the City of Whitefish, Montana, creating the Whitefish Lake and Lakeshore Protection Committee as a standing committee in Title 2, Chapter 16, to the Whitefish City Code and repealing Section 13-4-1 of the Whitefish City Code.

WHEREAS, the City Council enacted Title 2, Chapter 1, to the Whitefish City Code, by Ordinance No. 01-06, establishing memberships and organization of City boards and committees; and

WHEREAS, by WCC Section 2-1-2, the provisions of Title 2, Chapter 1, to the Whitefish City Code did not apply to the City-County Lake and Lakeshore Protection Committee as four of its members were appointed by Flathead County; and

WHEREAS, on April 28, 2015, the Flathead County Board of County Commissioners took action to assume jurisdiction of the County area surrounding Whitefish Lake, Lost Loon Lake and Blanchard Lake, adopted text amendments to County lakeshore regulations and rescinded the Whitefish City-County lake and lakeshore Regulations; and

WHEREAS, the City Council desires to adopt an Ordinance providing for the creation of the Whitefish Lake and Lakeshore Protection Committee as a standing committee of the City and establish its membership, powers, and duties, consistent with State law; and

WHEREAS, the City Council desires to amend Title 2 and repeal Section 13-4-1, and all Resolutions, Ordinances and Sections of the Whitefish City Code in conflict with the application of this Ordinance.

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

Section 1: STANDING COMMITTEE ESTABLISHED: Pursuant to and under the provisions of Sections 75-7-201, *et seq.*, Montana Code Annotated, the City Council of the City of Whitefish does create and establish the Whitefish Lake and Lakeshore Protection Committee as a standing committee of the City, consistent with State law by adding Title 2, Chapter 16, WCC, and repealing Section 13-4-1, WCC.

Section 2: PURPOSE, POWERS AND DUTIES: By this chapter, the City Council of the City of Whitefish grants and delegates to the Whitefish Lake and Lakeshore Protection Committee all of the rights, privileges, powers, duties, and responsibilities thereto appertaining. The Whitefish Lake and Lakeshore Protection Committee shall have such jurisdiction as provided by State law.

Section 3: MEMBERSHIP: The Whitefish Lake and Lakeshore Protection Committee shall consist of seven (7) members, to be appointed as follows:

- A. The Whitefish City Council shall appoint a total of six (6) members, two (2) members shall reside within the corporate limits of the City of Whitefish, two (2) shall be lakefront property owners and residents within the corporate limits of the City of Whitefish, and two (2) members shall reside outside the corporate limits of the City of Whitefish and shall be lakefront property owners.

- B. The seventh member shall be appointed by the Whitefish planning board, reside within the corporate limits of the City of Whitefish, and be a member of the planning board. He/she shall serve for a two (2) year term unless he/she requests removal or is removed by a majority vote of the planning board.

Committee members shall receive no compensation.

Section 4: TERMS: POSITIONS: Committee terms shall be two (2) years. There are hereby created positions numbered one (1) through seven (7) inclusive of the members of the Whitefish Lake and Lakeshore Protection Committee. Members serving on the effective date of this Chapter shall be assigned to positions that correspond with the following expiration dates:

<u>POSITION NUMBER</u>	<u>TERM EXPIRATION DATE</u>
1	December 31, 2017
2	December 31, 2017
3	December 31, 2017
4	December 31, 2017
5	December 31, 2018
6	December 31, 2018
7	December 31, 2018

As each of the above listed expiration dates has past, a member appointed to the position shall serve for a two (2) year term. Terms shall begin on January 1 following the initial expiration of the preceding term. At the discretion of the City Council, members may be appointed for more than one term.

Section 5: REMOVAL OF MEMBER: A member of the Whitefish Lake and Lakeshore Protection Committee may be removed from the committee by majority vote of the City Council for cause upon written charges and after a public hearing. Willful disregard of State statutes, City ordinances and the rules of procedure of the committee, or absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute cause for removal. Circumstances of the absences shall be considered by the City Council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chair or City staff member assigned to the Whitefish Lake and Lakeshore Protection Committee at least twenty-four (24) hours prior to any scheduled meeting.

Section 6: VACANCY: Pursuant to Sections 3 and 4, any vacancy on the Whitefish Lake and Lakeshore Protection Committee shall be filled by the City Council acting in a regular or special session for the unexpired term of the Position wherein the vacancy exists. The City Council may appoint members of the City Council to temporarily fill vacant positions on the Whitefish Lake and Lakeshore Protection Committee.

Section 7: ORGANIZATION: The Whitefish Lake and Lakeshore Protection Committee, at its first meeting after January 1 of each year, shall elect a chair and vice-chair for the next twelve (12) month period. Upon the absence of the chair, the vice-chair shall serve as chair pro tem. If a vacancy occurs in the chair or vice-chair positions, the committee shall elect a member to fill the vacancy at the next meeting.

Section 8: MEETINGS; RULES AND REGULATIONS: Four (4) members of the Whitefish Lake and Lakeshore Protection Committee constitute a quorum to conduct business. Not less than a quorum of the committee may transact any business or conduct any proceedings before the committee. The concurring vote of four (4) members of the committee shall be necessary to decide any question or matter before the committee, except a motion for a continuance and motions to elect a chair and vice-chair may be decided by a simple majority vote of the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the City Charter, ordinances and resolutions. Meetings of the committee shall be held at the call of the chair and at such other times as the committee may determine. All meetings shall be open to the public.

Section 9: EXPENDITURE AUTHORIZED: The Whitefish Lake and Lakeshore Protection Committee shall not have authority to make any expenditures on behalf of the City or disburse any funds provided by the City or to obligate the City for any funds except as has been included in the City budget and after the City Council shall have authorized the expenditure by resolution, which resolution shall provide the administrative method by which funds shall be drawn and expended.

Section 10: WCC Section 13-4-1 is hereby repealed, and the remaining sections are renumbered.

Section 11: All resolutions, ordinances and Sections of the Whitefish City Code and parts thereof in conflict with the application of this Ordinance are hereby repealed.

Section 12: 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 13: This Ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred or proceedings that began before the effective date of this Ordinance.

Section 14: 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:

Necile Lorang, City Clerk

RESOLUTION NO. 15-__

A Resolution of the City Council of the City of Whitefish, Montana, adopting 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 received 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 seek 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 as amended; and

WHEREAS, on May 18, 2015, at a lawfully noticed public hearing, the Whitefish City Council, took public comment, removed the item from the consent agenda and directed staff to make some minor additional changes suggested by Citizens for a Better Flathead, and postponed action until June 1.

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to adopt a Resolution 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: Staff Report WGPA-15-02 dated January 15, 2015, together with the May 4, 2015 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: The City Council of the City of Whitefish, Montana, hereby adopts the Whitefish Highway 93 West Corridor Plan, attached hereto and incorporated herein by reference, as an amendment to the 2007 Growth Policy.

Section 4: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____, 2015.

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN



PREPARED BY:



MAY 26, 2015
PROJECT NO. 130303

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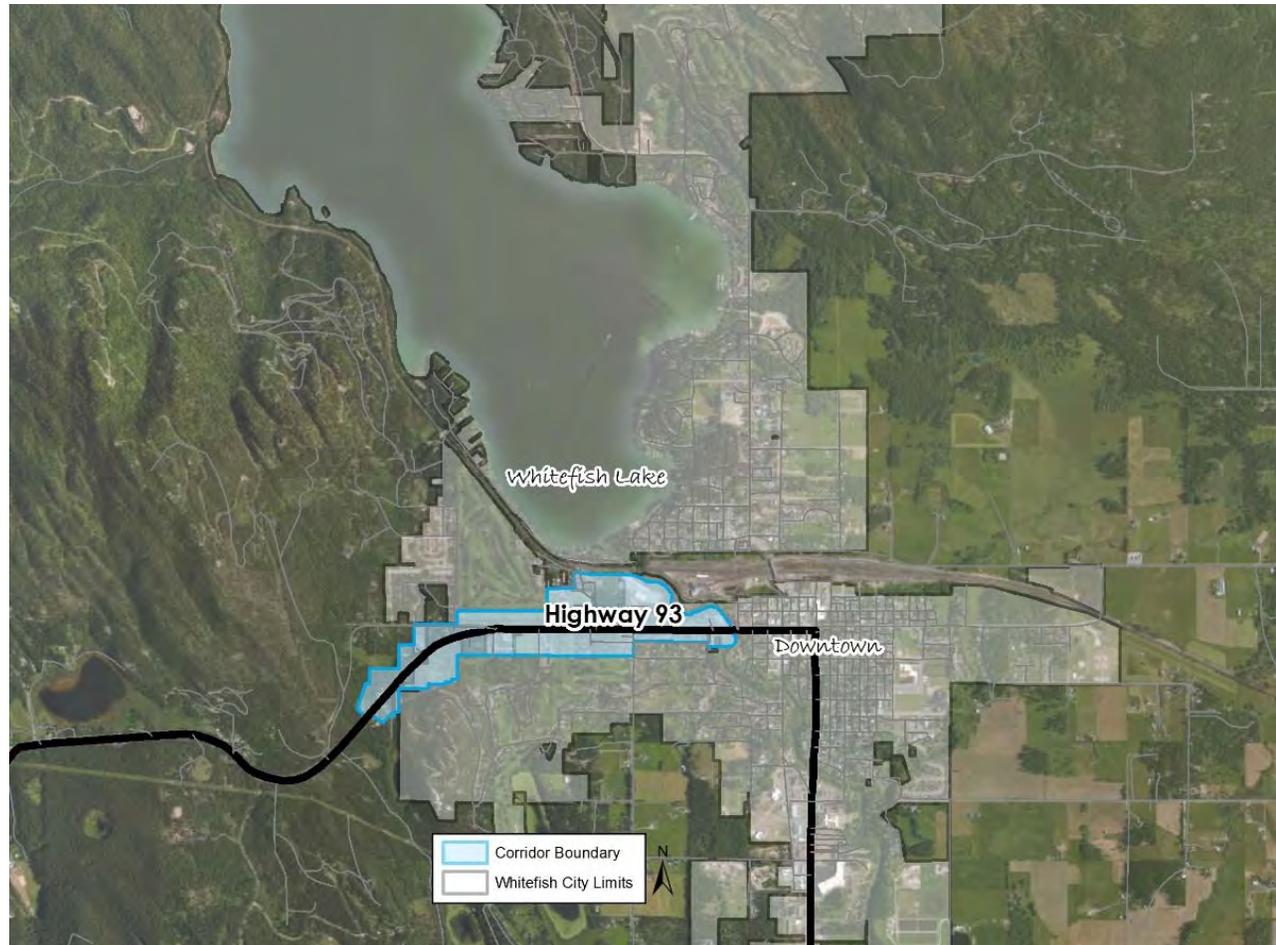
PROJECT DESCRIPTION

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

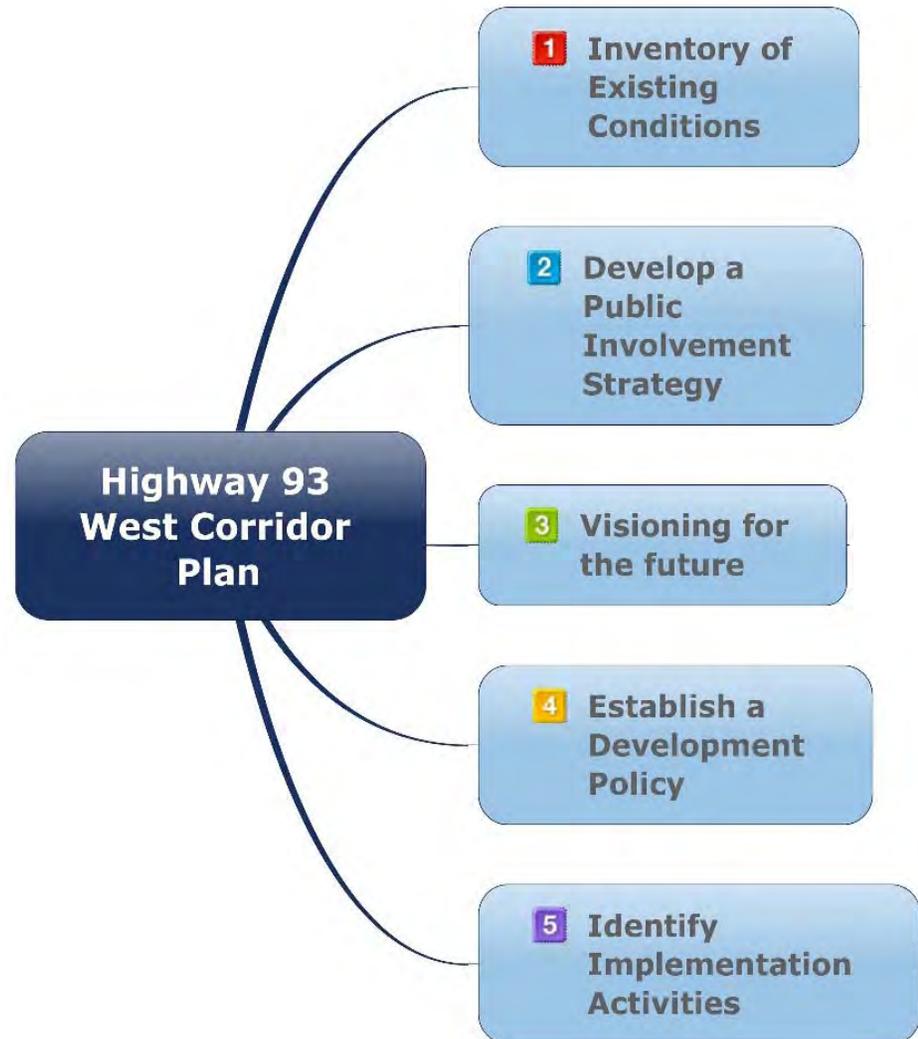
The planning process was divided into five phases.

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.

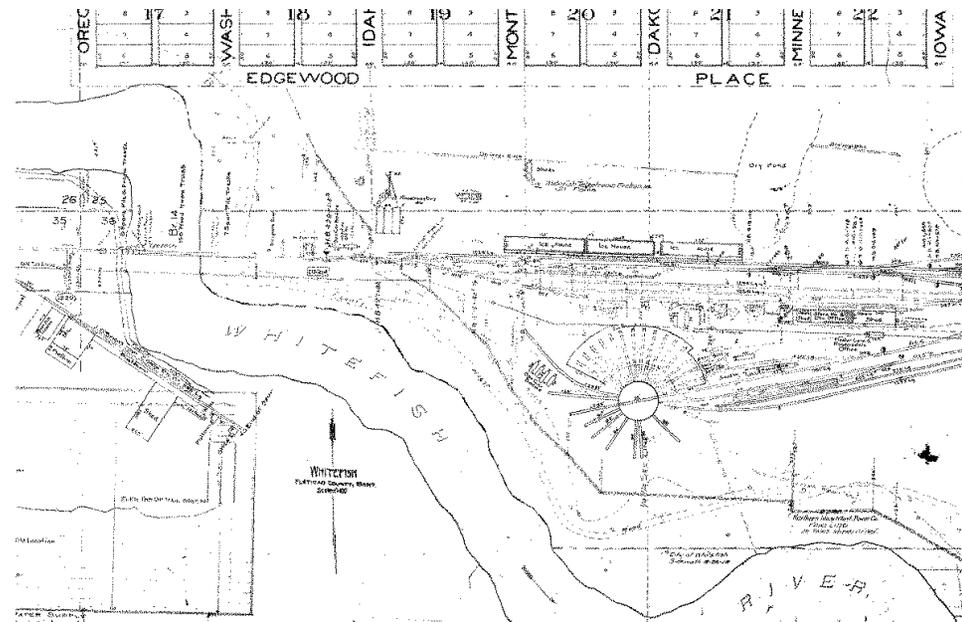
IMPORTANT LAND USES

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.

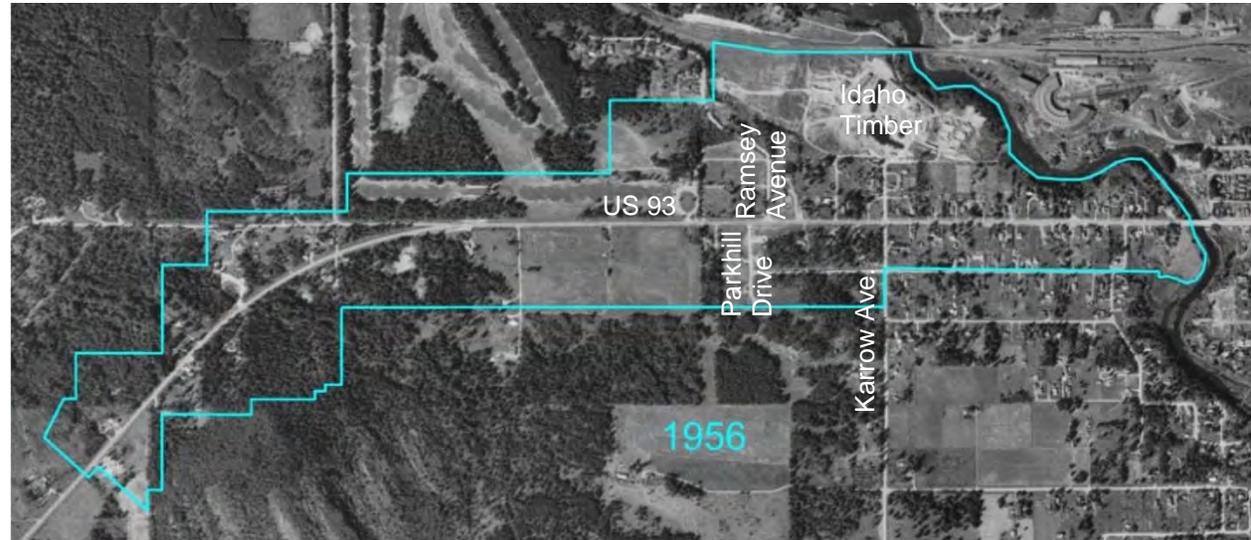


In 1946 after World War II, the rural land west of Karrow Avenue began to show signs of residential development especially in the area west of State Park Road. Additional timber was cleared west of Karrow Avenue and south of US Highway 93 West while utilization of the mill site increased in response to the nation-wide demand for lumber.

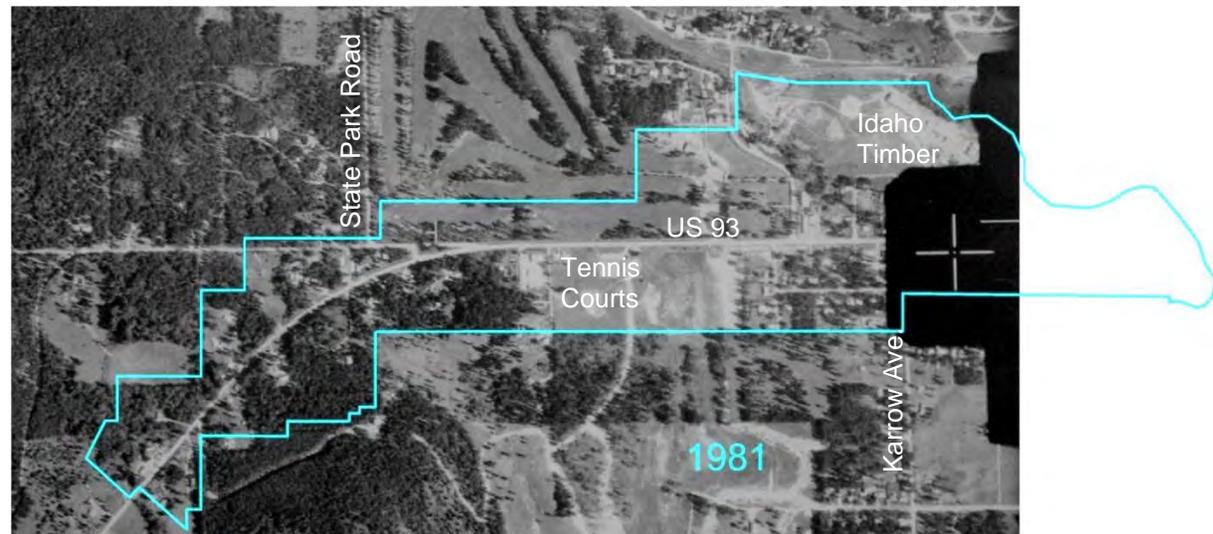


I. Corridor Context: Analysis of Existing Conditions

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.

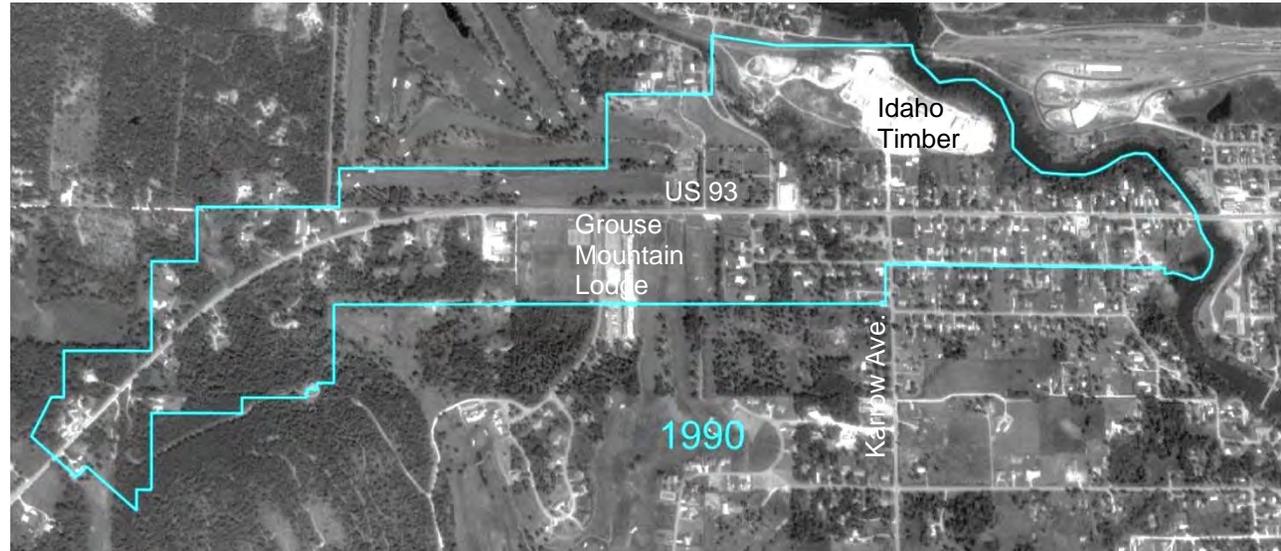


By 1981, the golf course had expanded south of US Highway 93 West and there was increased development northwest of the intersection of US Highway 93 West and State Park Road. The golf course north of US Highway 93 West was renovated while mill site activity seemed to be more concentrated in the north 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

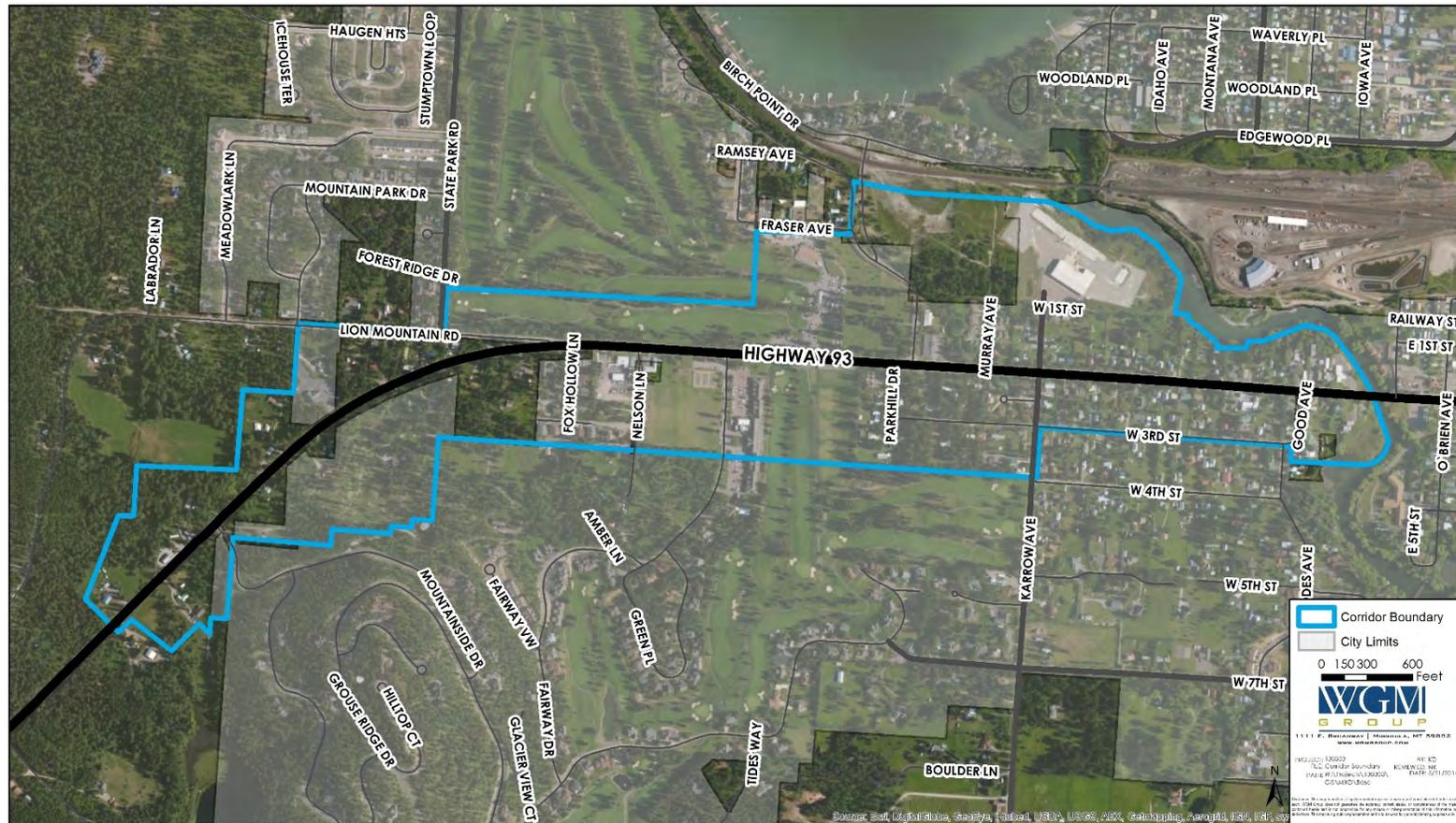
One of the most important attributes of the US Highway 93 West Corridor is its position as a gateway into the community of Whitefish and the Flathead Valley for travelers coming into the area from Canada and northwestern Montana. Tourists flock to Whitefish for skiing and other outdoor recreation as 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.

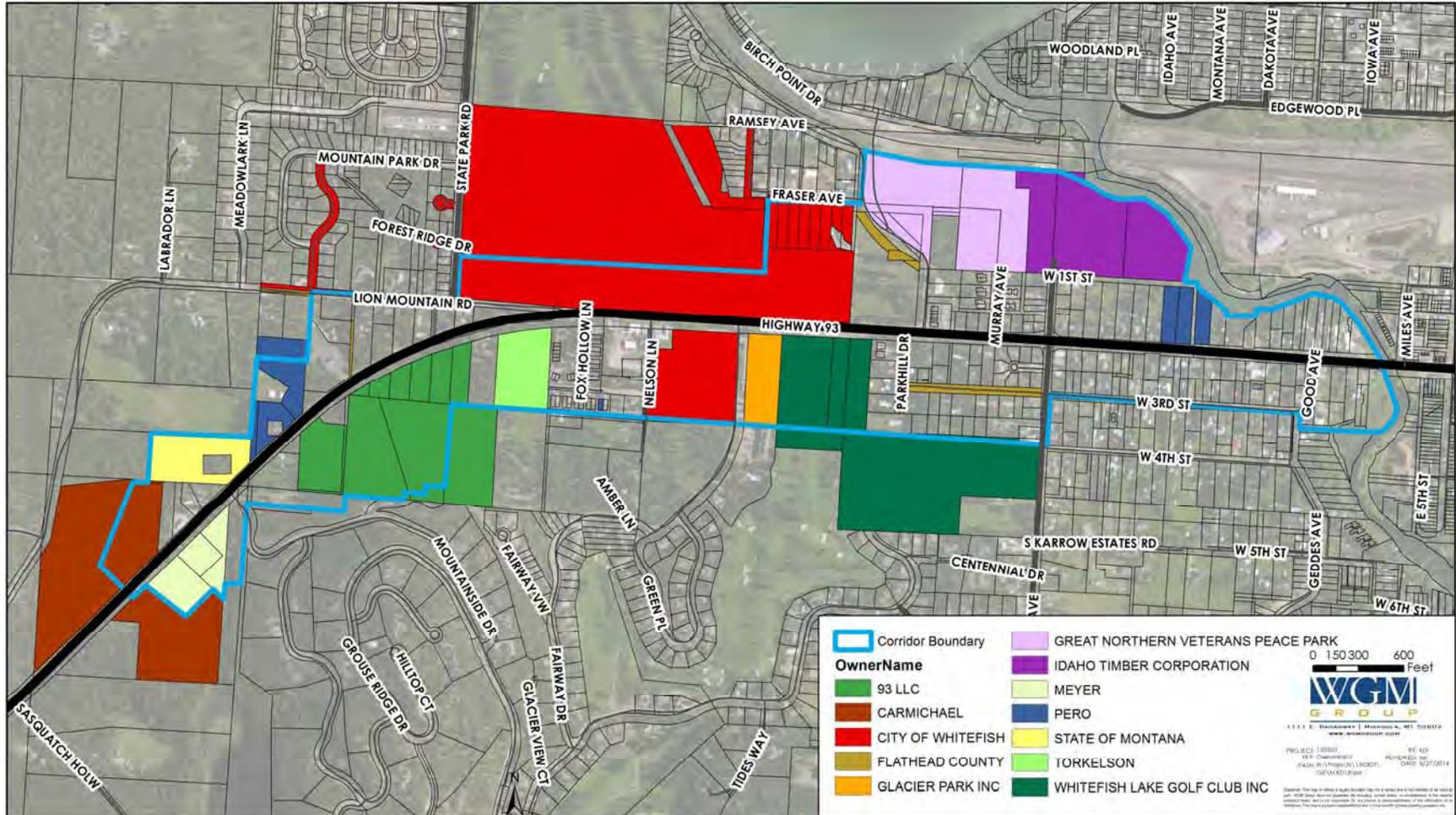


WHITEFISH HIGHWAY 93 WEST CORRIDOR PLAN

I. Corridor Context: Analysis of Existing Conditions

Ownership

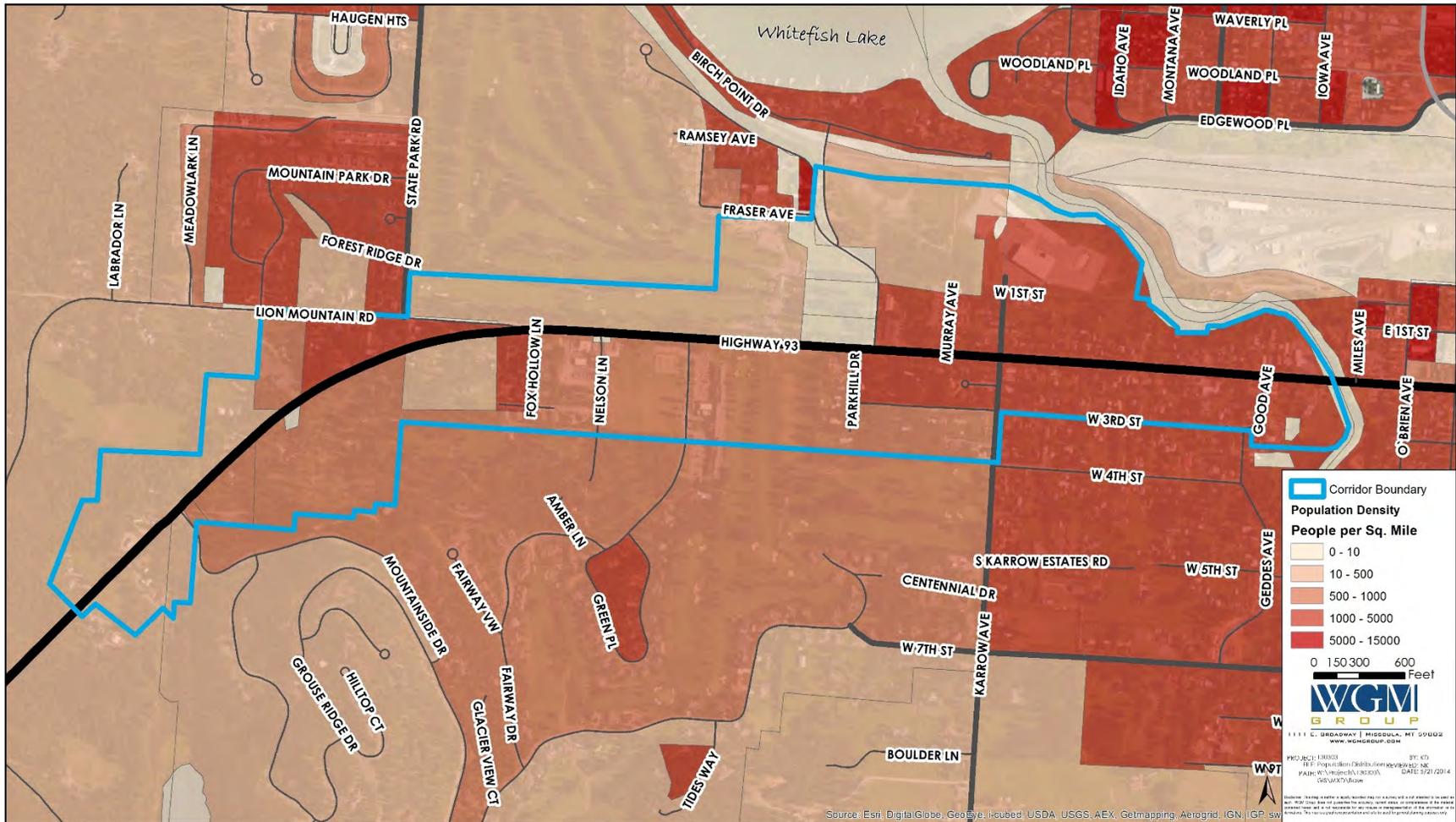
Major property owners with over three acres of property within or adjacent to the corridor are identified in the map below.



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.

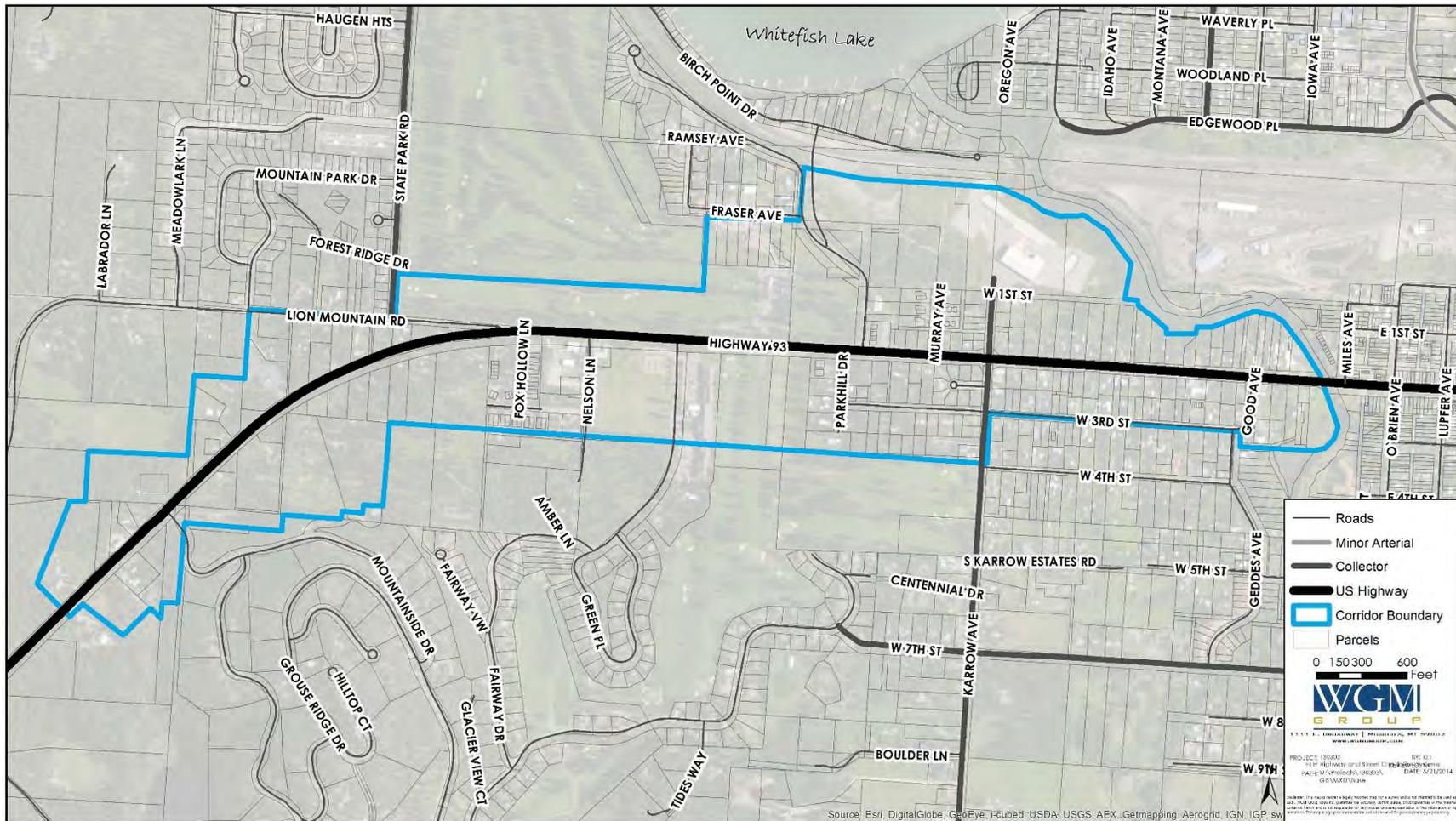


I. Corridor Context: Analysis of Existing Conditions

Infrastructure

Highway and Street Circulation Systems

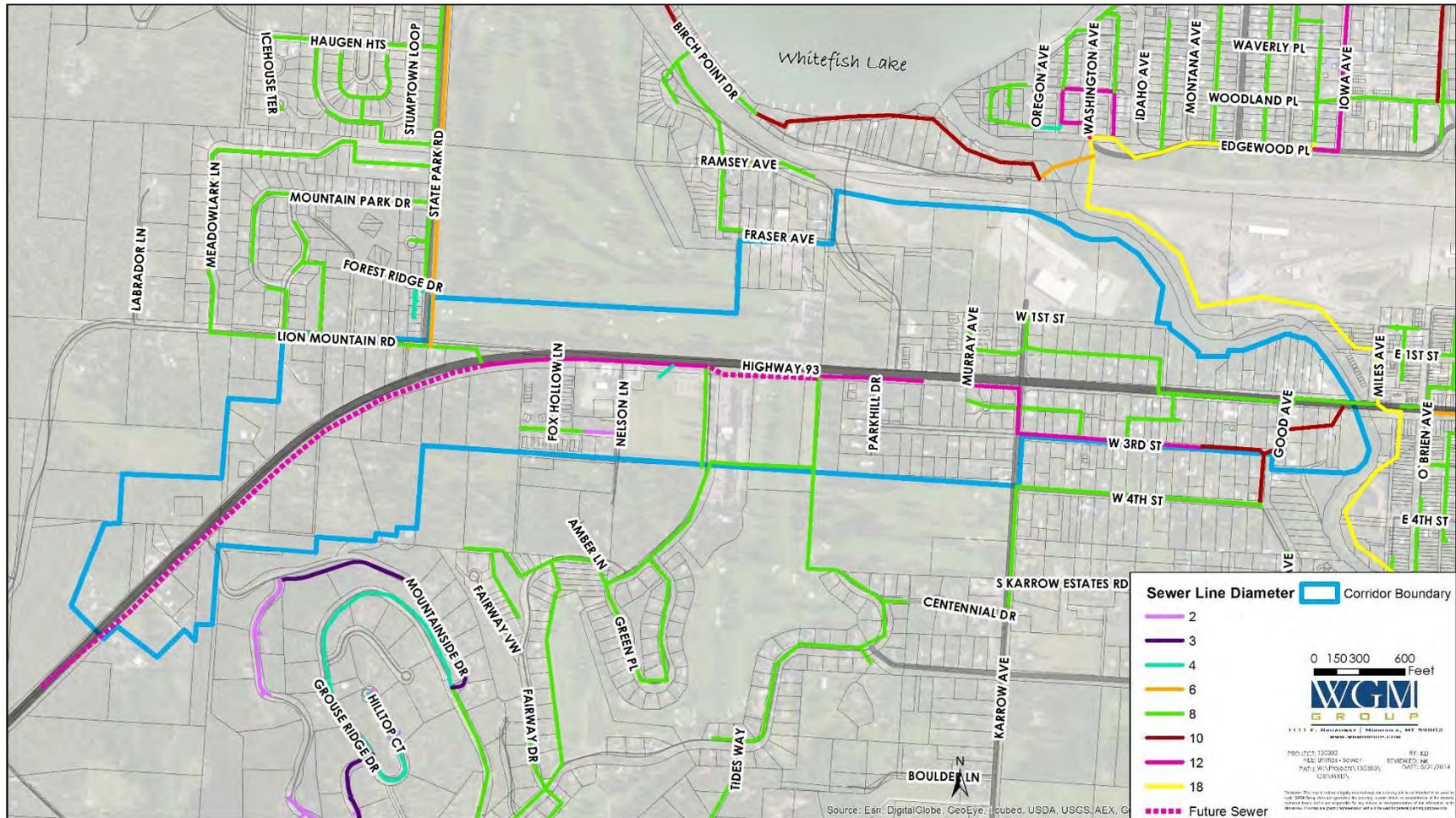
The corridor is bisected by US Highway 93 West, which is a National Highway System route between Canada and Mexico, and leads directly into downtown Whitefish. State Park Road and Karrow Avenue are north-south collector streets within the corridor, providing local circulation. Private and public local streets provide access to individual residences and businesses, however portions of the corridor lack connectivity through a grid road network.



I. Corridor Context: Analysis of Existing Conditions

Sewer

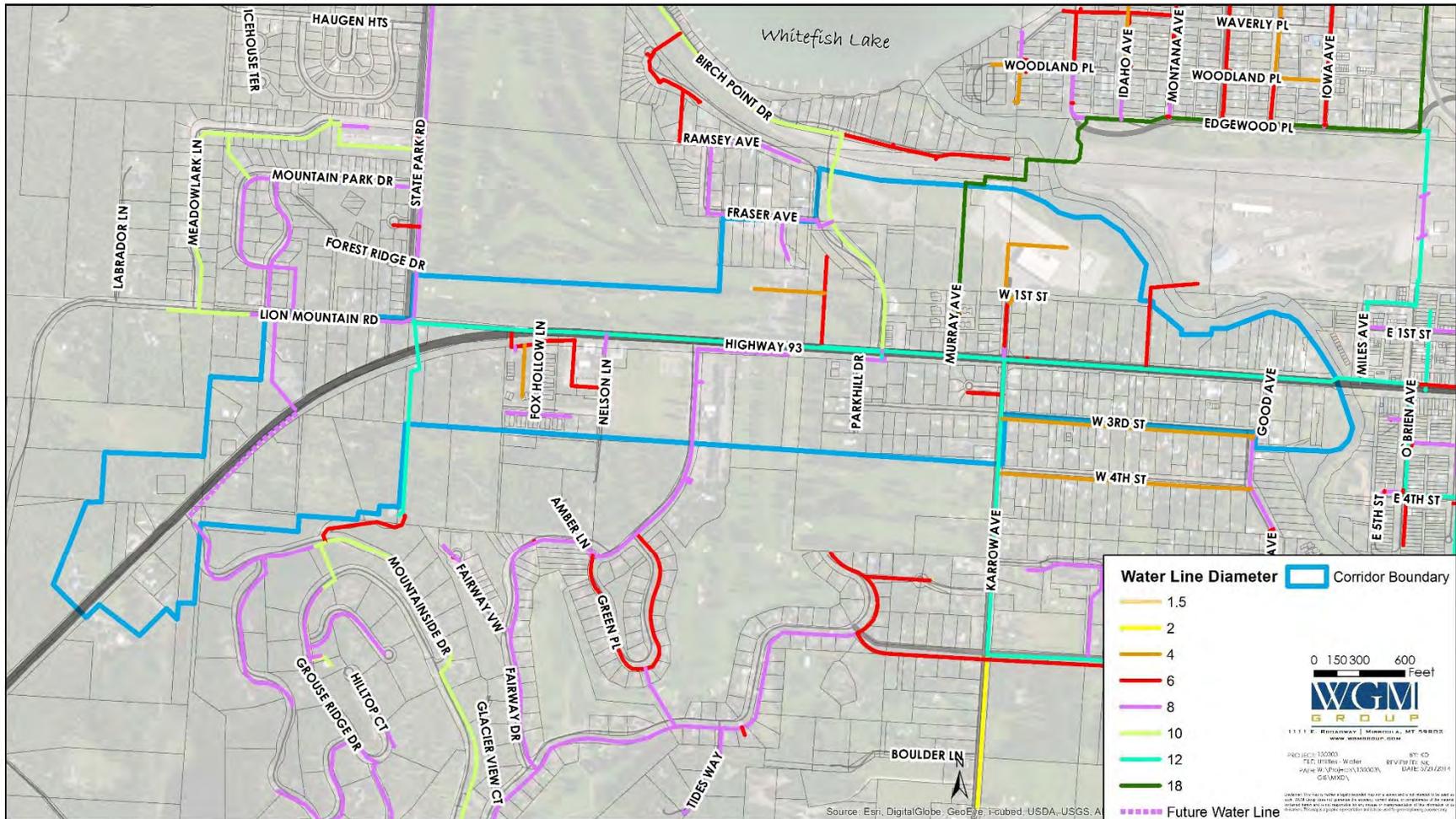
Land within the corridor is generally served by public sanitary sewer east of State Park Road. The City is replacing and upsizing the existing 8-inch mains to 12-inch mains along US Highway 93 West with the reconstruction project to accommodate future growth. Sewer is expected to be extended west of State Park Road with the proposed 93 LLC subdivision.



I. Corridor Context: Analysis of Existing Conditions

Water

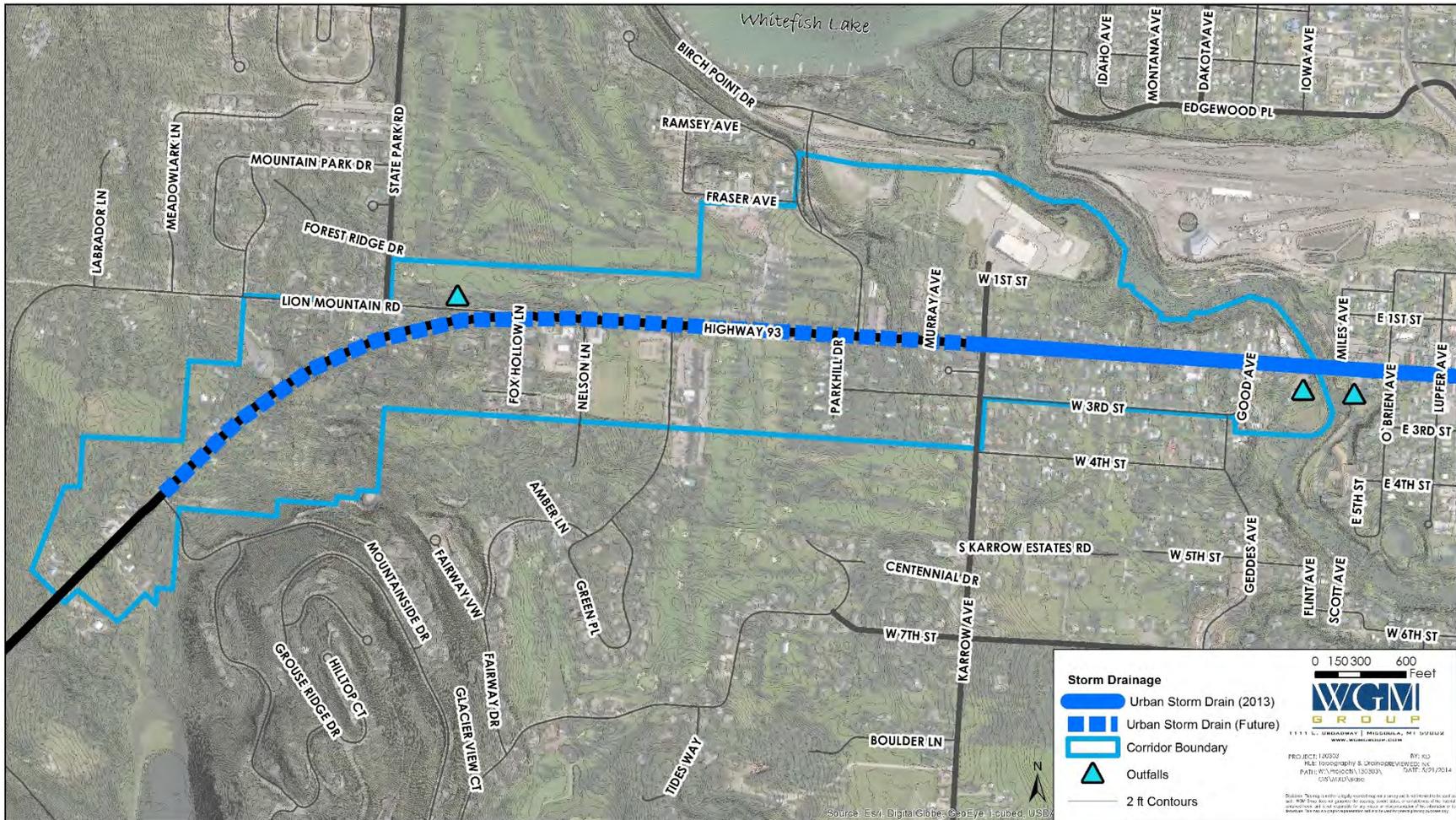
A public water system serves land within the corridor extending to Mountain View Drive. The City is replacing and upsizing the existing 6-inch mains to 12-inch mains along US Highway 93 West to accommodate future growth. West of State Park Road, a new water line will be installed along US Highway 93 West as part of the MDT US Highway 93 West reconstruction project.



I. Corridor Context: Analysis of Existing Conditions

Topography and Drainage

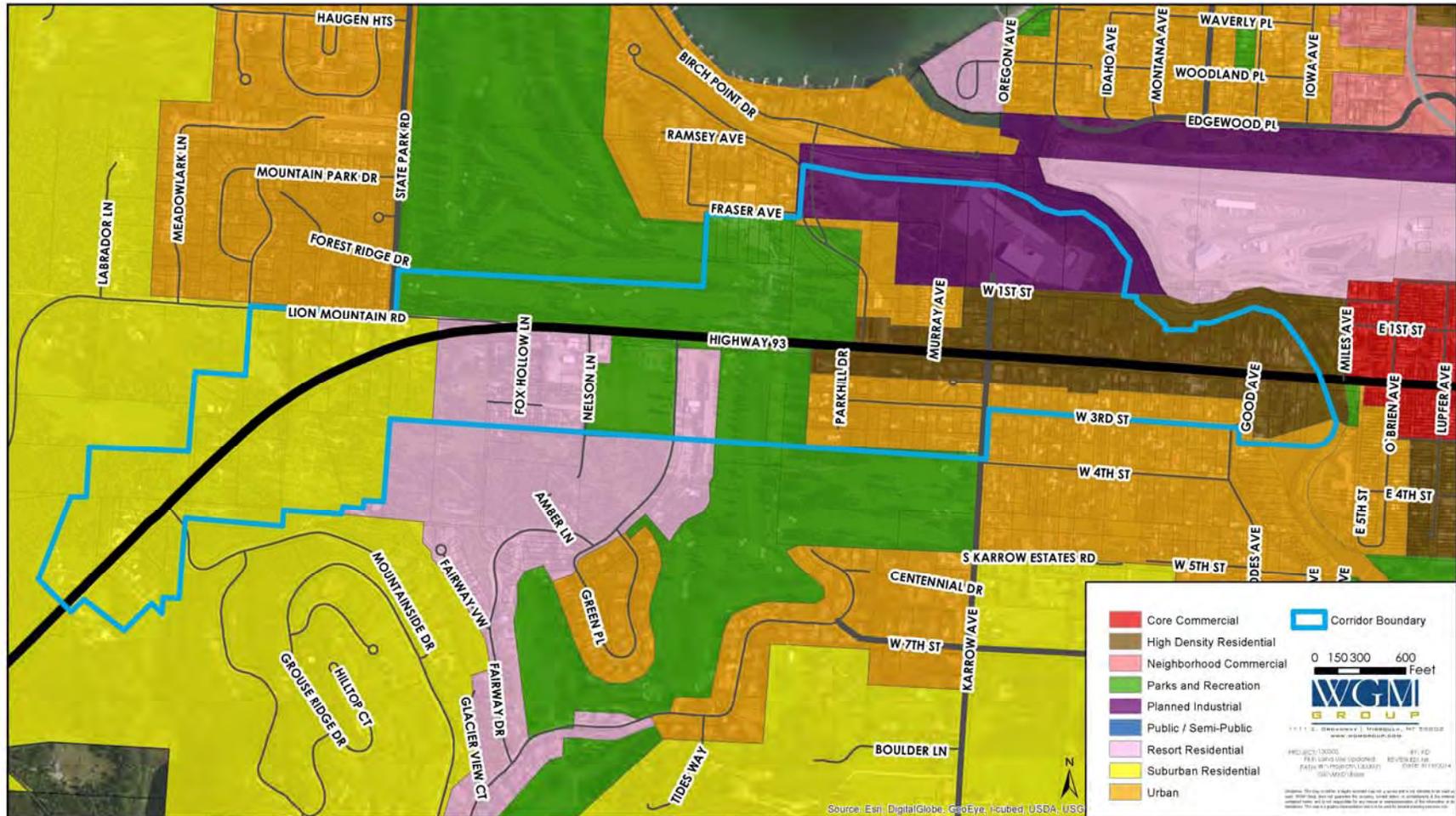
Topography within the corridor is generally rolling terrain sloping toward the Whitefish River. The land begins to climb steeply west of State Park Road. Soils are generally poor-draining silts and clays, necessitating storm drain infrastructure. Existing drainage facilities are limited to roadside ditches 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

Future Land Use – 2007 City of Whitefish Growth Policy

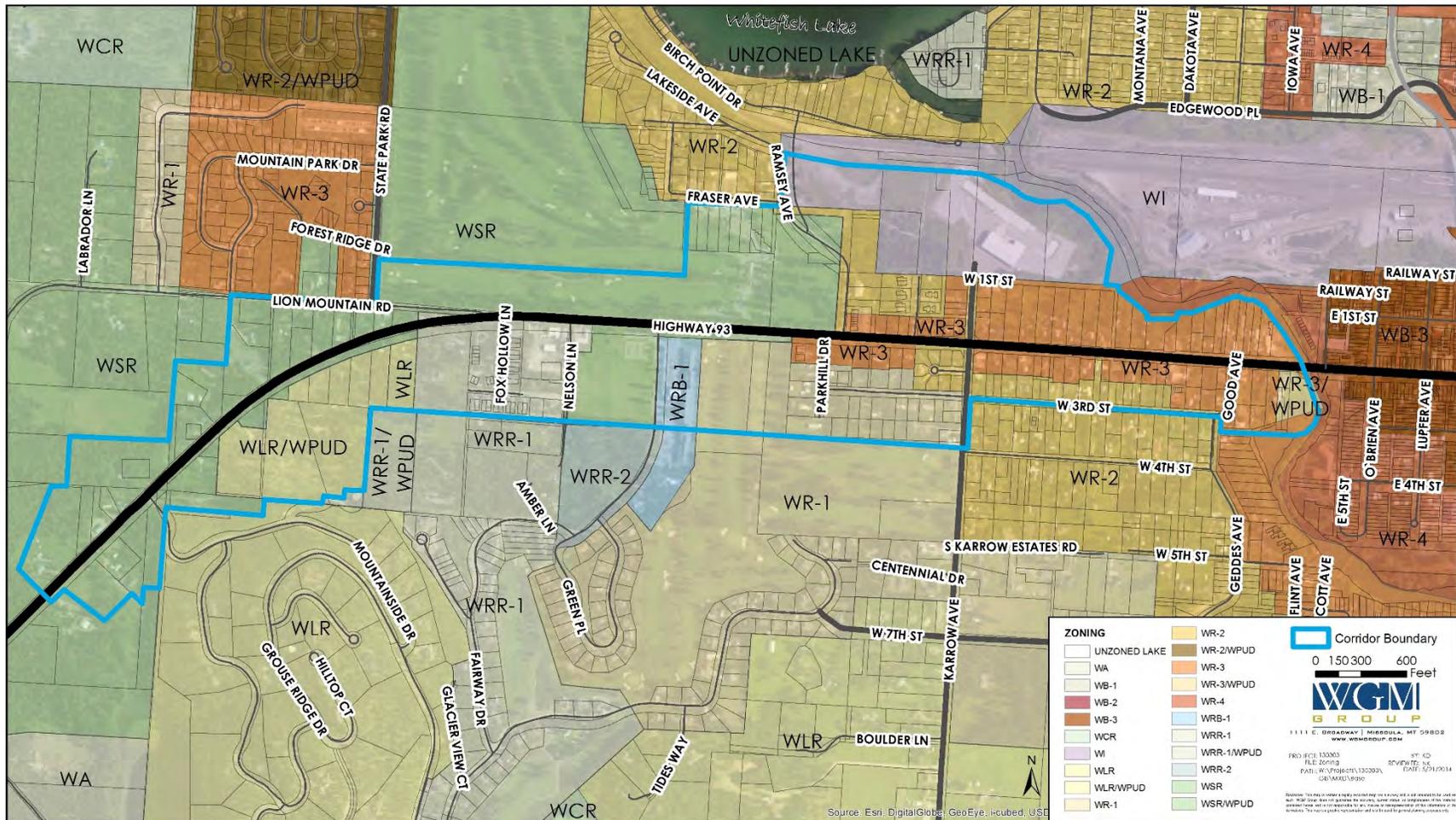
The 2007 Growth Policy anticipated continued residential development along the US Highway 93 West corridor with continued industrial use at the Idaho Timber site and continued open space and recreational facilitation at the golf course and municipal ball fields along with resort commercial. Higher density residential development was proposed closer to the core and along the highway frontage. Suburban residential was proposed beyond State Park Road.



I. Corridor Context: Analysis of Existing Conditions

Zoning

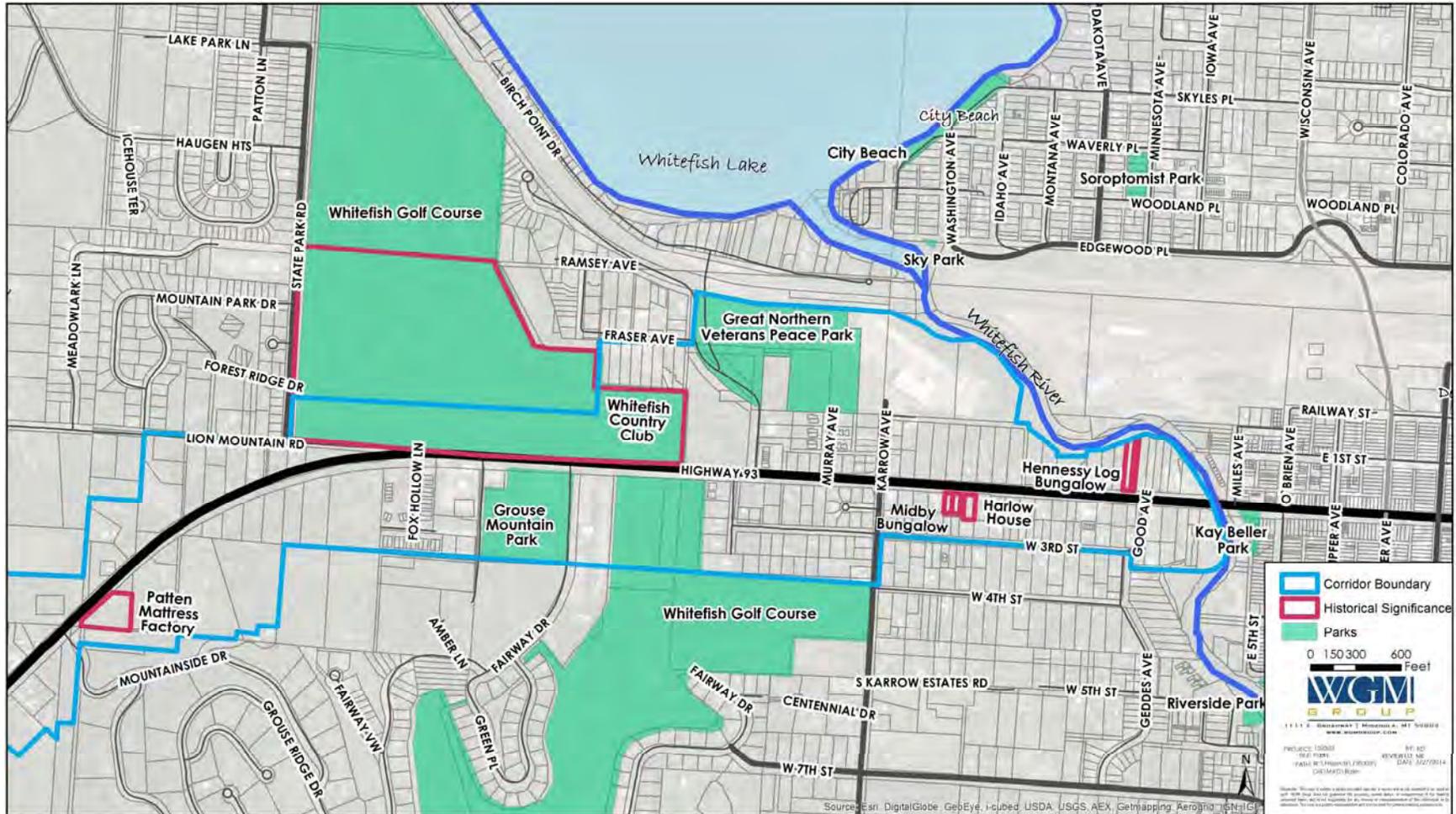
The zoning within the corridor is primarily residential. There are a number of non-conforming commercial or conditionally permitted professional office uses along US Highway 93 West. The prevalent zoning districts within the US Highway 93 West Corridor are Suburban Residential (WSR), Low Density Multi-family 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

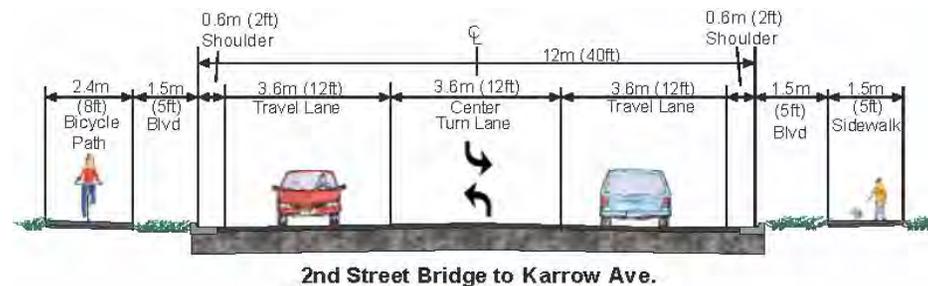
The City of Whitefish's building regulations state the current editions of the building, electrical, plumbing and mechanical codes and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Labor and Industry (or its successor), as set out 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

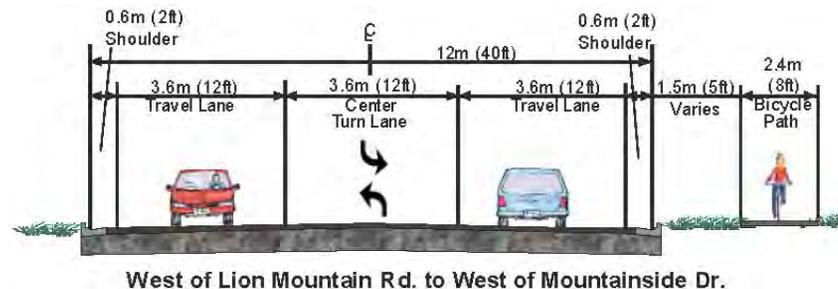
The Whitefish Downtown Business District Master Plan (to be updated in 2015) identifies opportunities to increase the vitality of the downtown business district. It builds upon existing assets and historic character, capitalizes on significant land uses and features the natural environment. The plan 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

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.

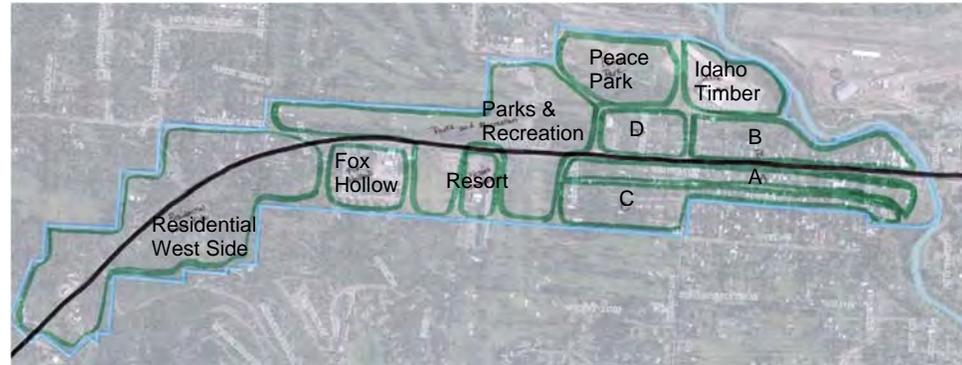
1. Residential West Side Character & Concerns

	Extremely Important	Moderately Important	Slightly Important	Not Important
Rural Character				
Trees & Vegetation				
Trails & Recreation				
Privacy				
Access				
Comment				

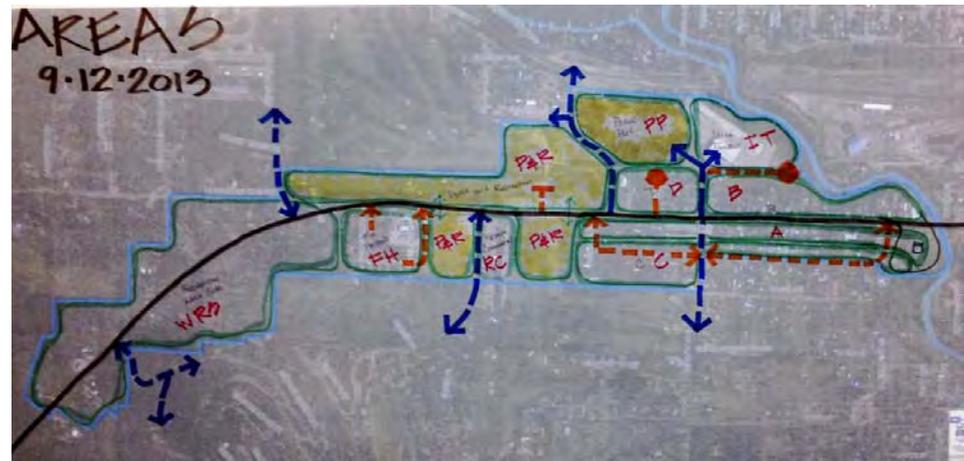
2. Residential West Side Land Use

	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				

Survey Page Example



Preliminary Concept Plan



Corridor Sub-District Sketch Map

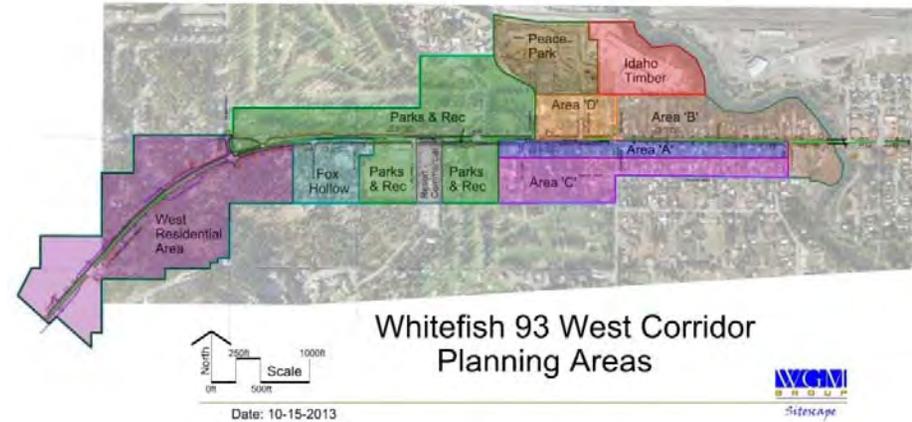
II. Public Involvement

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.

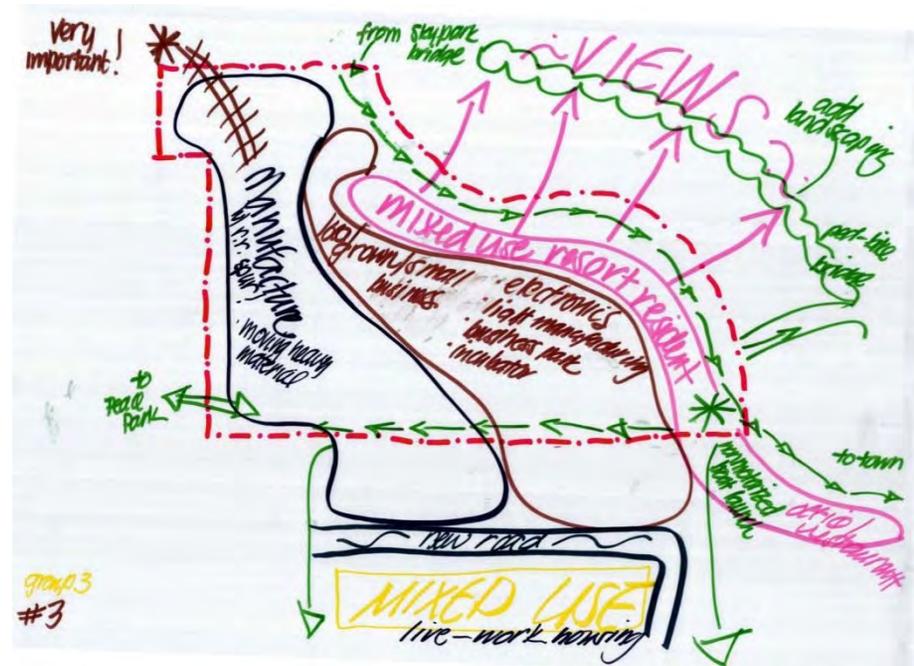
II. Public Involvement

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



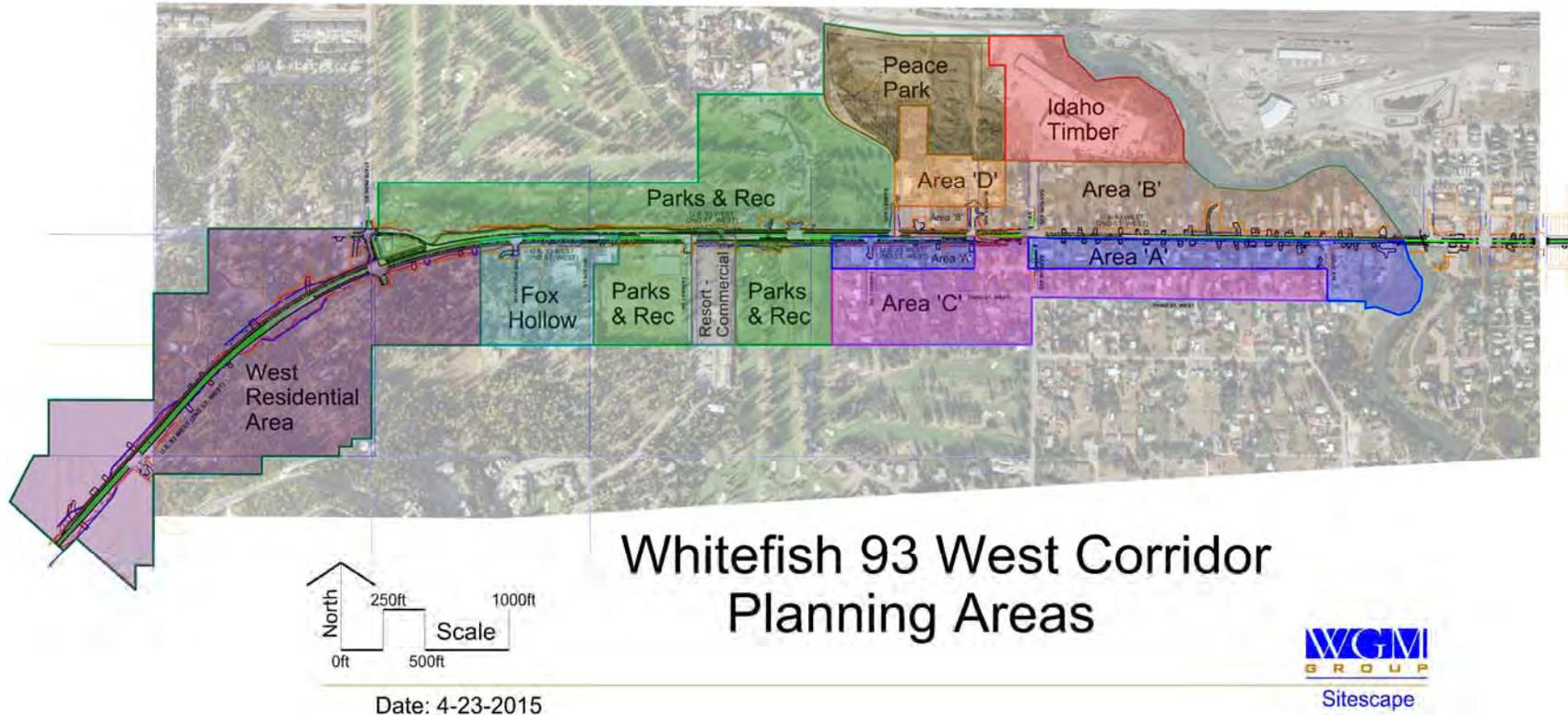
One of four concept site plans generated during the charrette

III. VISIONING FOR THE FUTURE & DEVELOPMENT POLICY

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.

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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

³ Sonoran Institute, RESTORE, 2014.

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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 12 acres and 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

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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

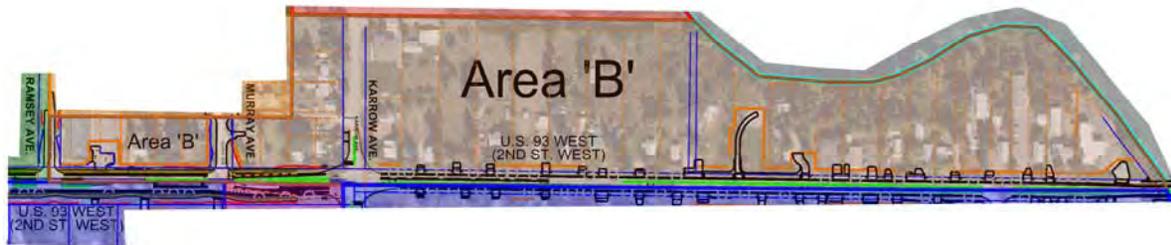
1. Guidelines can be addressed through the ARC Standards.

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

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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. 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. 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 23.6 acres and 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.
- 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.

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

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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
- Artisan Manufacturing
- Professional Artist Studio and Gallery

Resort residential and coffee shops and sandwich shops were recommended by the public and later removed by City Council. Alcohol production was also removed from the definition of artisan manufacturing by City Council. Professional artist studio and gallery was added by City Council. Short-term rentals were removed as a recommended use by City Council.

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 or the City at a suitable time to remain sensitive to existing uses. Through the progression of thought in the

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planning process, it was determined that the lots fronting on US Highway 93 West between Murray Avenue and Ramsey Avenue remain High 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. The City will initiate the process of developing the WT-3 zoning district. At such a time as the WT-3 are incorporated in to the Whitefish Zoning Code, the new WT-3 zoning district may be processed in Area B at the request of the City or the property owner.

Recommended Land Uses	Growth Policy Land Use	Zoning
Residential Uses Artisan Manufacturing* Permitted and conditional uses allowed in the current zoning including: Professional Offices* Personal Services* Professional Artist Studio and Gallery*	<u>Current Designation:</u> High Density Residential	<u>Existing Zoning:</u> WR-3
	<u>Recommended Designation:</u> Neighborhood Mixed-Use Transitional and High Density Residential	<u>Recommended Zoning:</u> WT-3 and WR-3

*Recommended as a conditional use.

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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-

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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

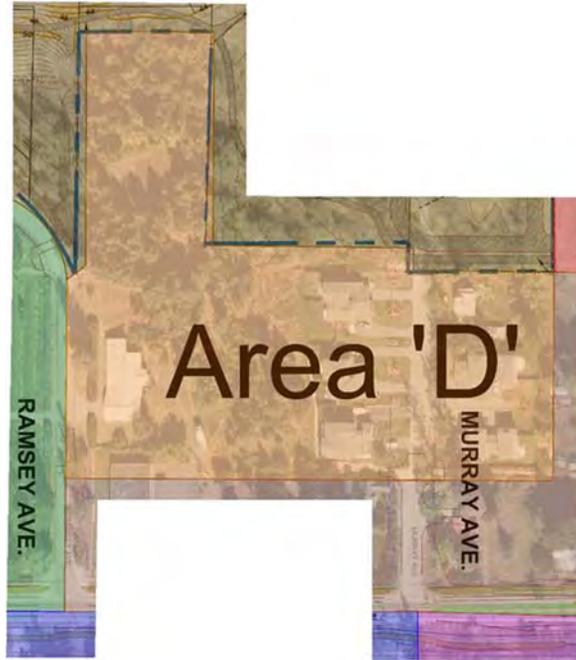
1. No action needed.

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

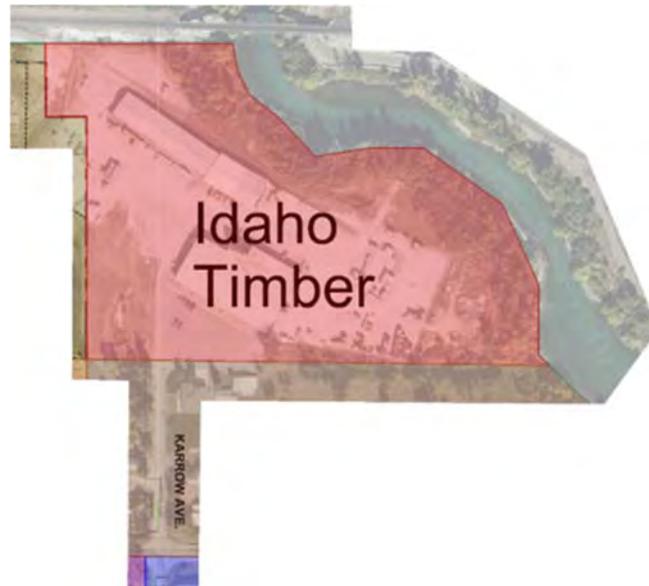
1. No action needed.

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.
- Microbreweries.
- Coffee Shops and Sandwich Shops (no “formula” businesses).
- Assisted Living Facilities.
- Private Railcar Storage.
- Small Grocery Stores.
- Limited Hotels.

Microbreweries, coffee shops and sandwich shops, assisted living facilities, private railcar storage, small grocery stores, microbreweries, and limited hotels were added as recommended land uses by City Council. No short term rentals are allowed on railcars.

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 or the City 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. The City will initiate the process of developing the WT-3 and WI-T zoning districts. At such a time as the WT-3 and WI-T are incorporated in to the Whitefish Zoning Code, the new WT-3 and WI-T zoning districts may be processed in Idaho Timber at the request of the City or the property owner.

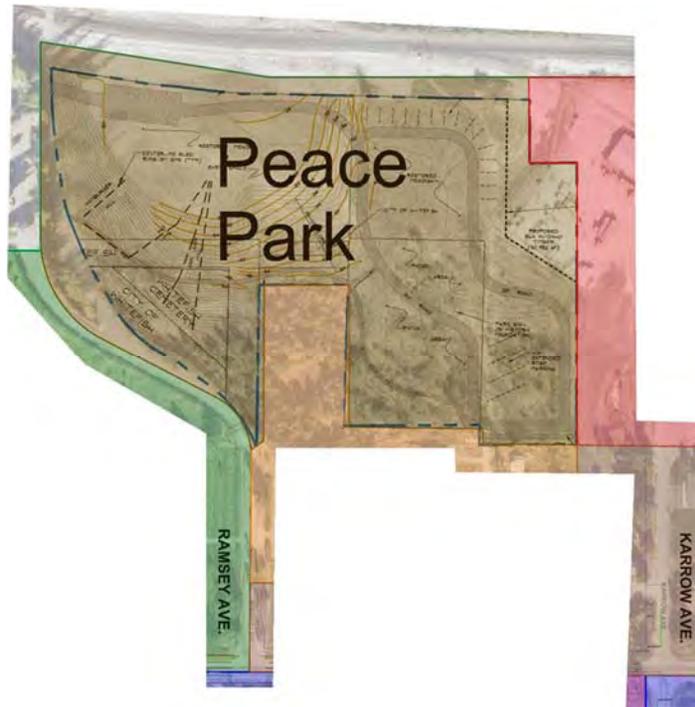
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Recommended Land Uses	Growth Policy Land Use	Zoning
Permitted or conditional uses and uses allowed through the PUD process in the current zoning Recreational Facilities Artisan Manufacturing* Multi-Family Residential Assisted Living Facilities* Small Grocery Store* Private Residential Railcar Storage* Limited Hotel* Microbreweries* Coffee Shops and Sandwich Shops*	<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

*Recommended as a conditional use.

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

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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

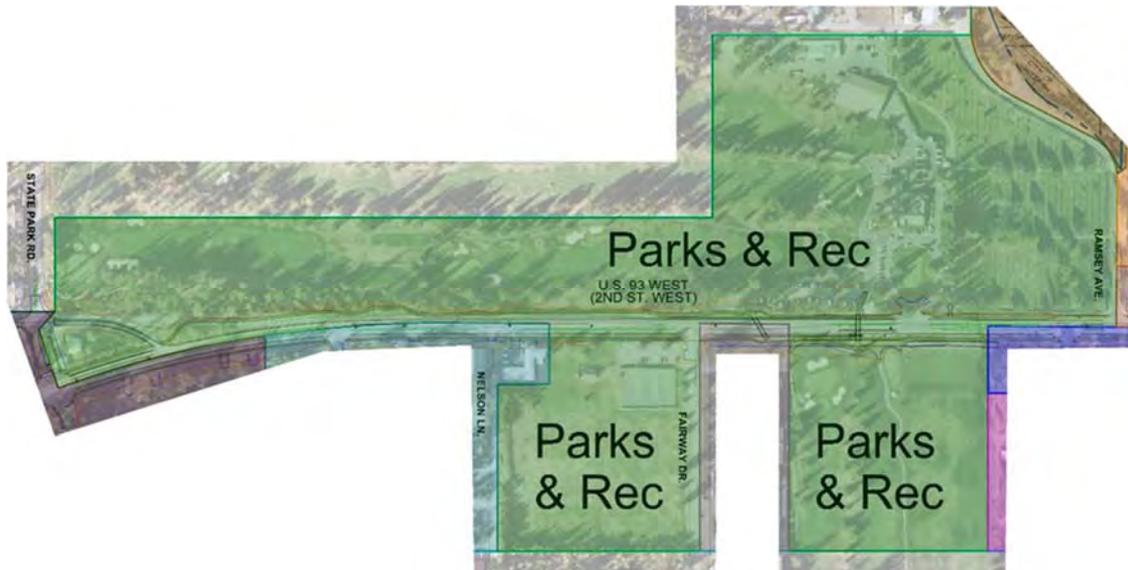
1. Change the growth policy land use designation from Planned Industrial to Parks & Recreation.
2. Request the founders of the Great Northern Veterans Peace Park to work with the City for a management plan for the park.
3. Re-zone the property to a Parks & Recreation Zoning District.

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

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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.

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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

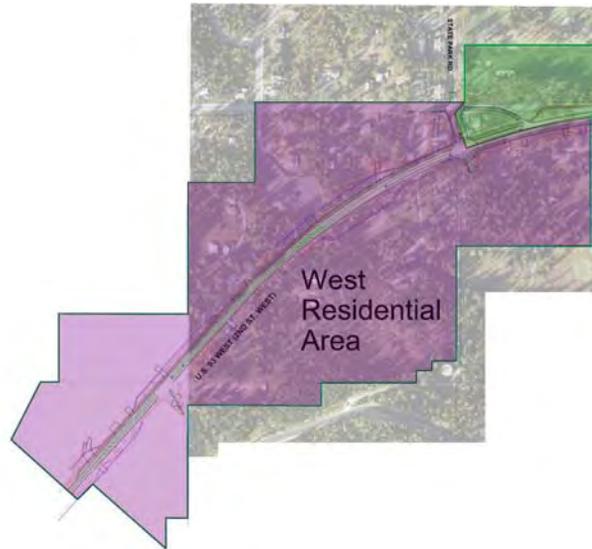
1. No action needed.

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.

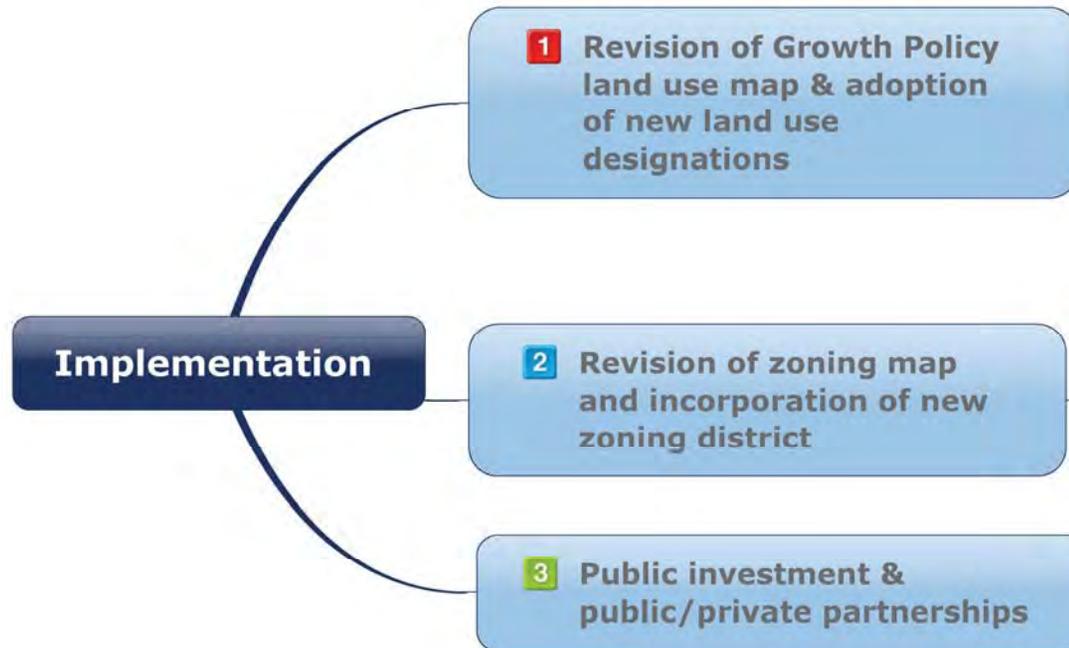
Recommended Land Uses	Growth Policy Land Use	Zoning
Single-Family Residential Two-Family Residential Church/Institutional Uses	<u>Existing Designation:</u> Suburban Residential	<u>Existing Zoning:</u> WSR, WLR, and WRR-1
	<u>Recommended Designation:</u> Suburban Residential	<u>Recommended Zoning:</u> 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 or the City at a suitable time to remain sensitive to existing uses.
- 3) Opportunity exists for future public investment and public-private partnerships.

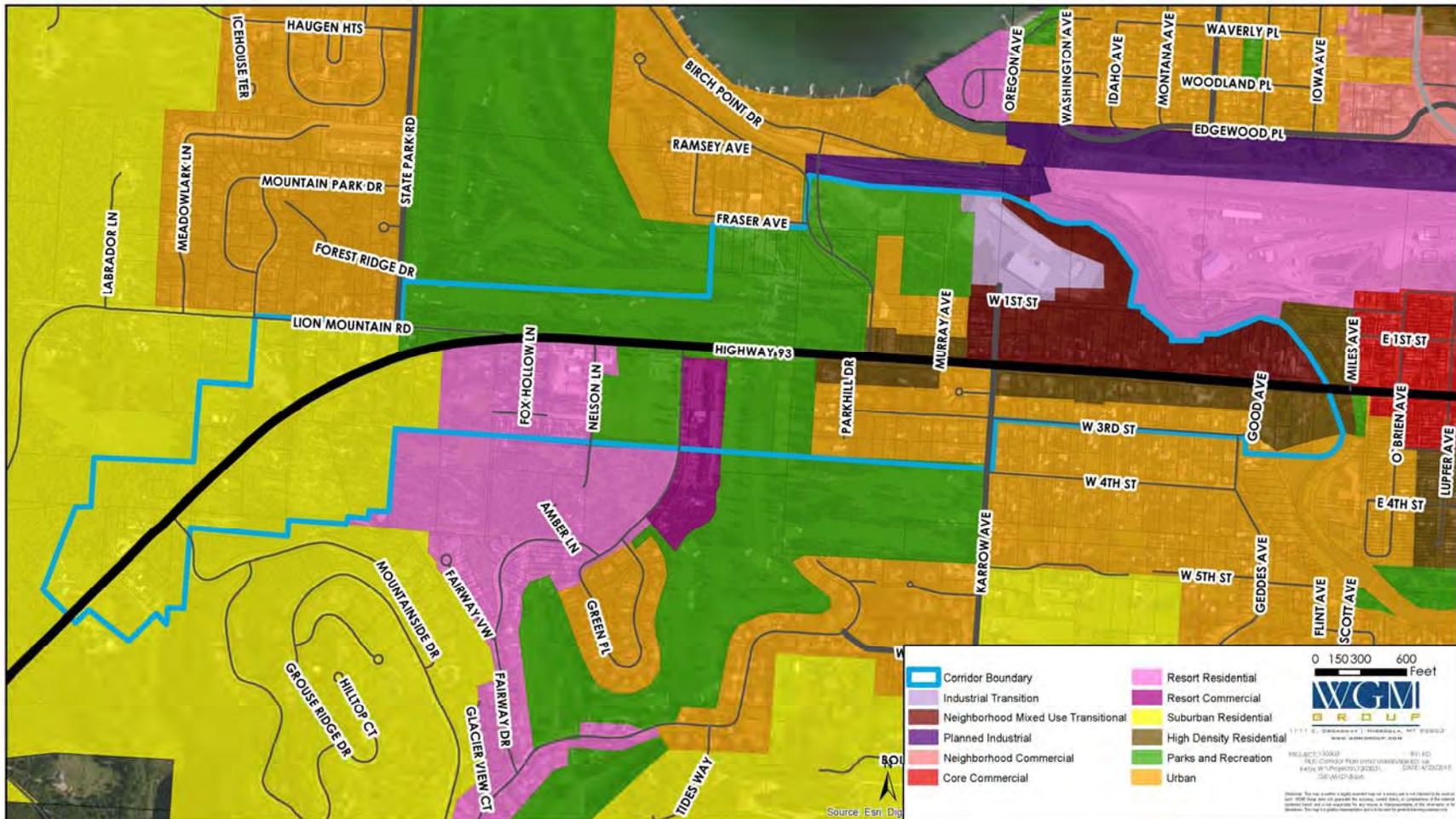


IV. Implementation

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

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 listed 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

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

Character and Concerns	Importance				TOTAL Votes	Average Rating
	Extremely	Moderate	Slightly	None		
N O N E Expressed						

Land Use	Appropriate				TOTAL Votes	Average Rating	APPROVAL
	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

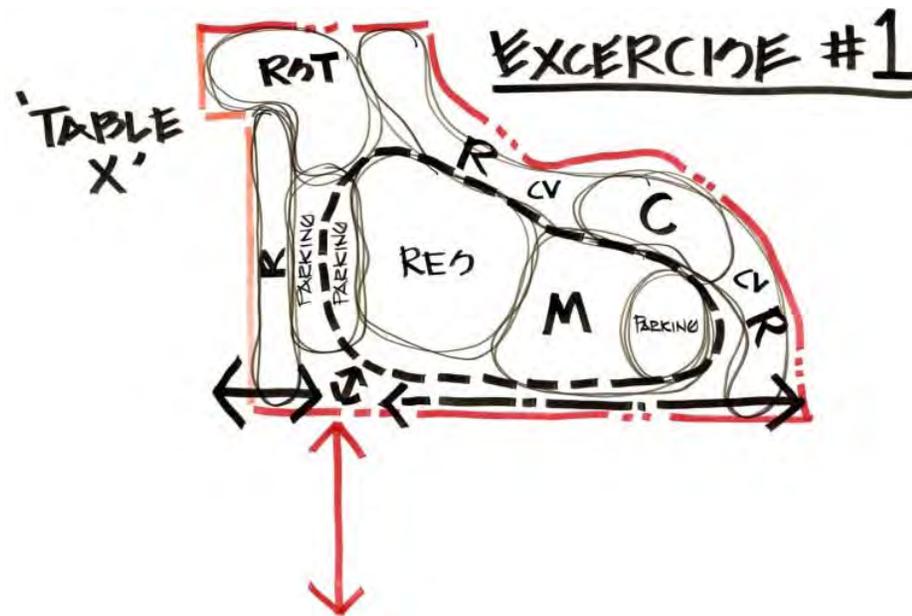
Appendix C: Charrette Summary

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.

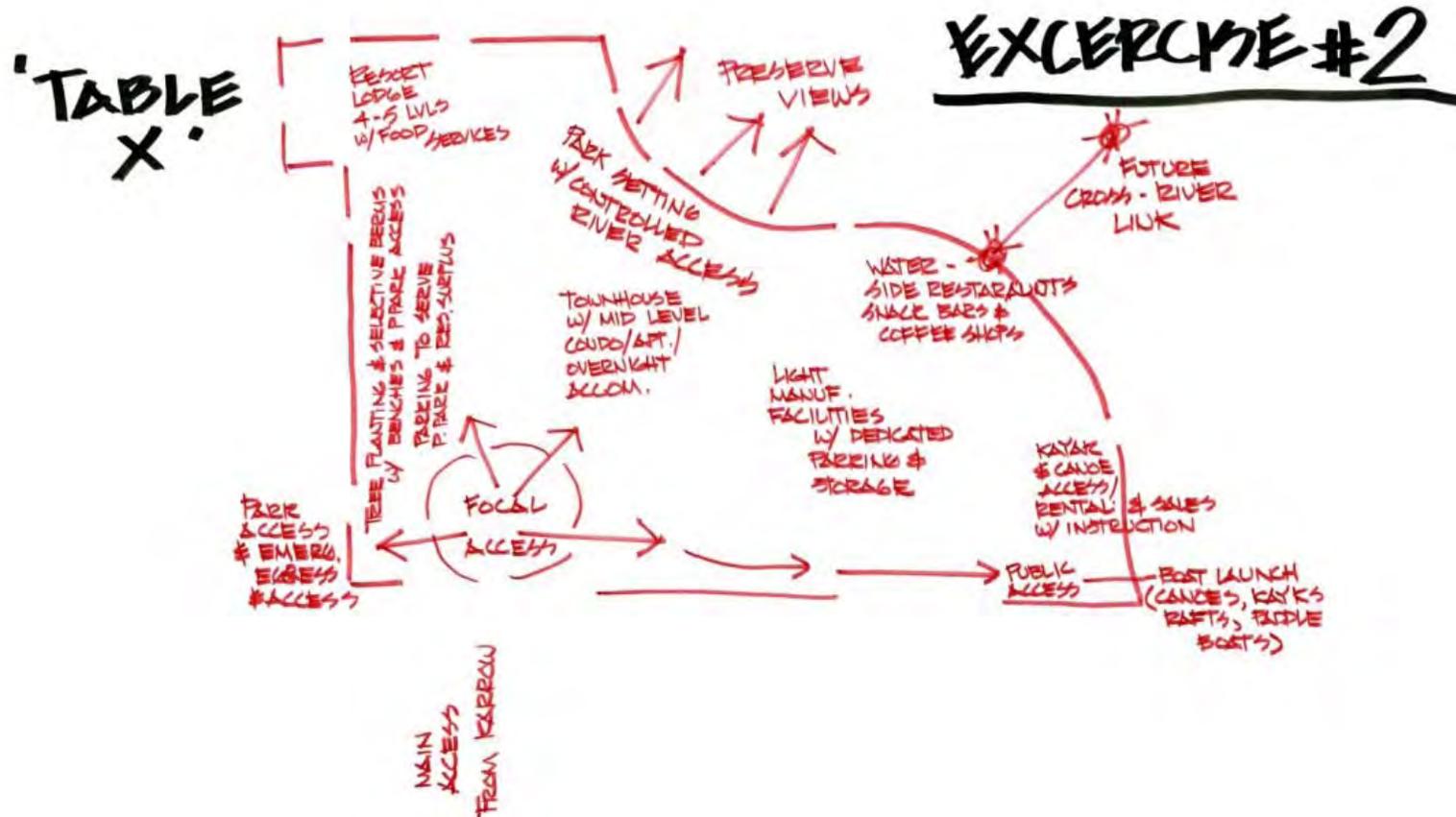
- Manufacturing (M)
- Recreational (R)
- Commercial (C)
- Residential (RES)
- Resort (RST)
- Conservation (CV)



Exercise One: Categorizing site into general land uses.

Appendix C: Charrette Summary

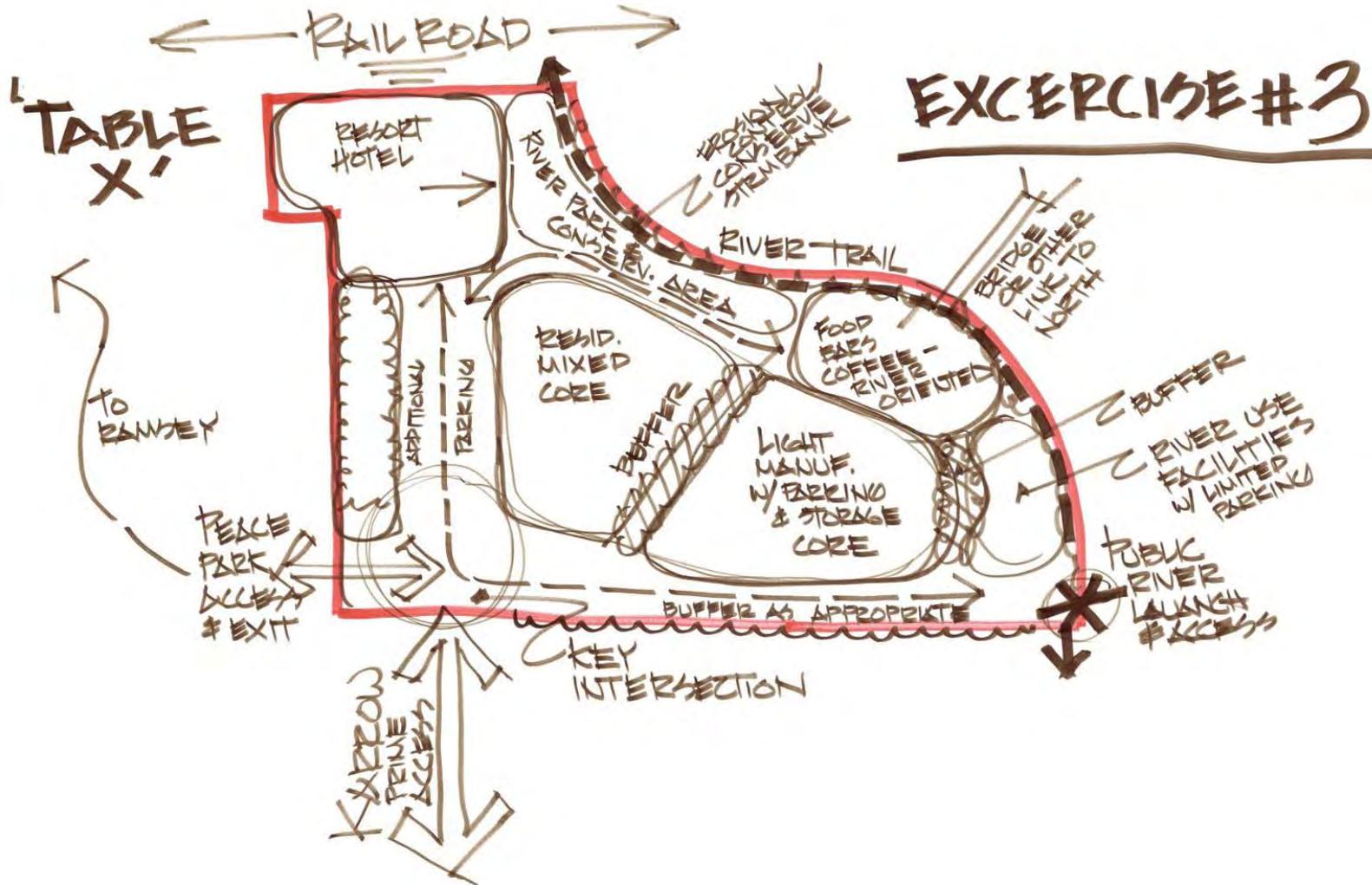
- 2) Brainstorming specific uses (i.e. trail, hotel, boat rentals, green manufacturing, high density residential, etc.) for each of the bubbled areas.



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

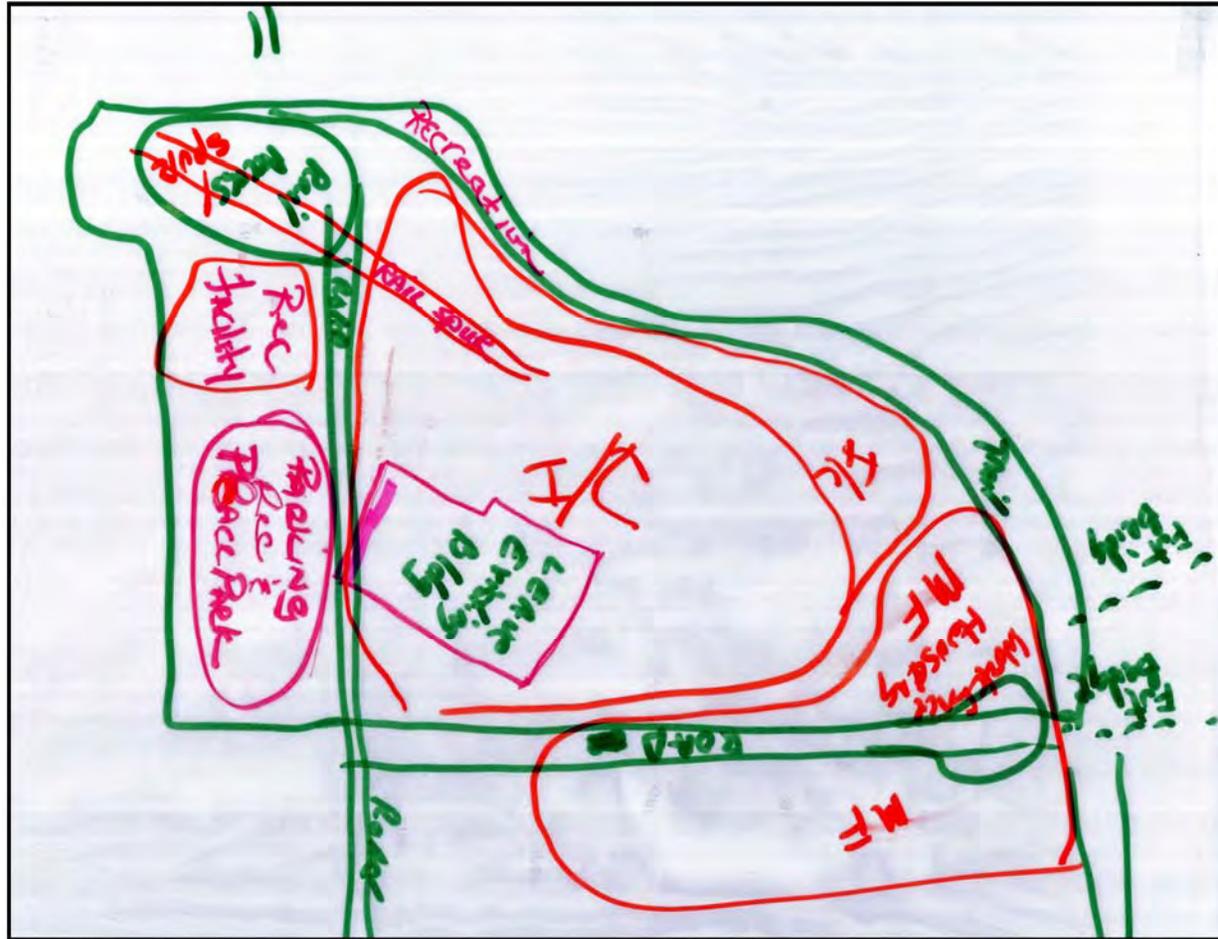
The following list of possible uses was given to each of the tables:

- 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

The following are the final drawings from each group that participated in the charrette.

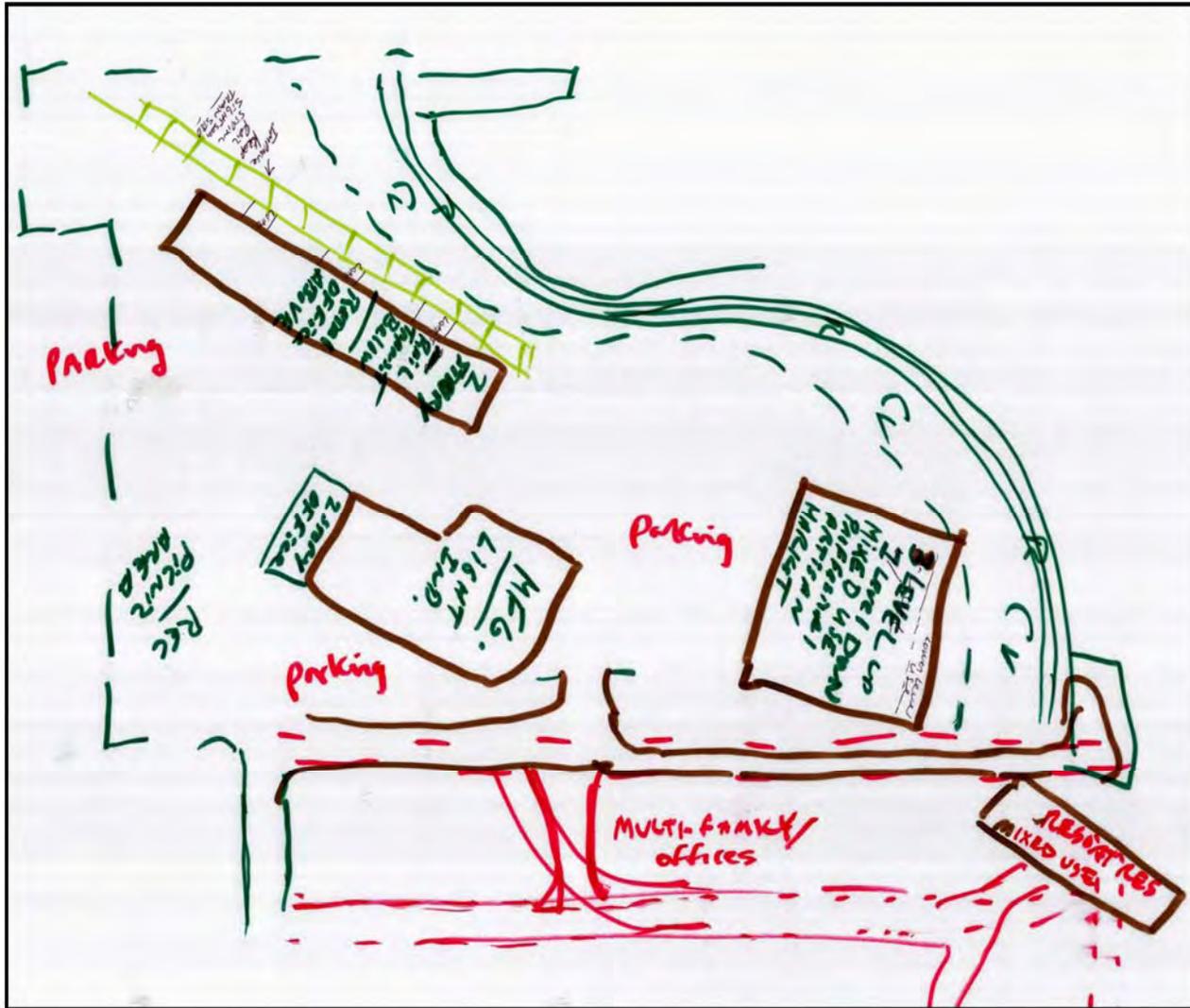


Group 1 Concept Development Plan

Key Ideas:

- Leave existing industrial building
- Utilize rail spur
- Provide access from Karrow Avenue
- Shared parking to be used for industrial building during the day and park during the evening
- Multi-family workforce housing in the back of single-family lots
- Green belt zone by river

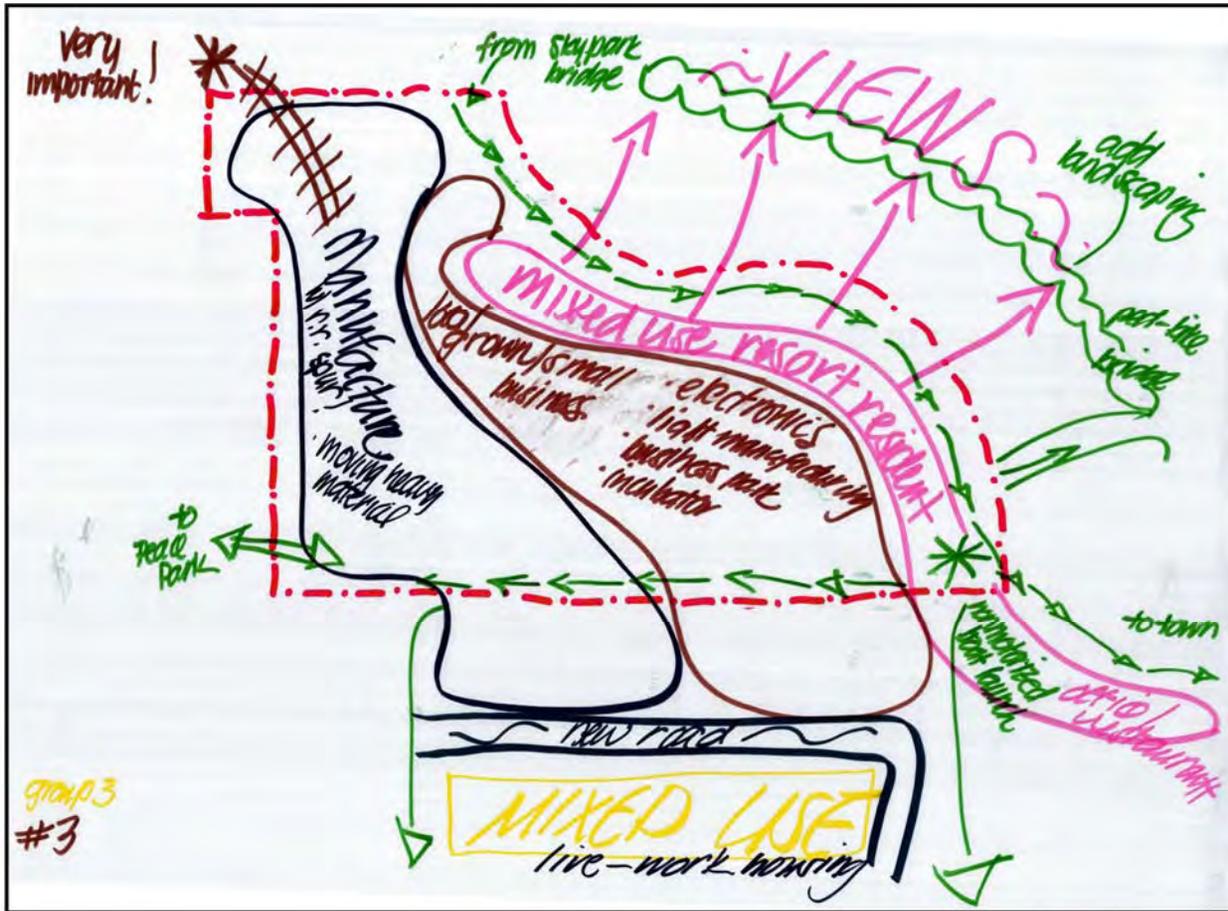
Appendix C: Charrette Summary



Key Ideas:

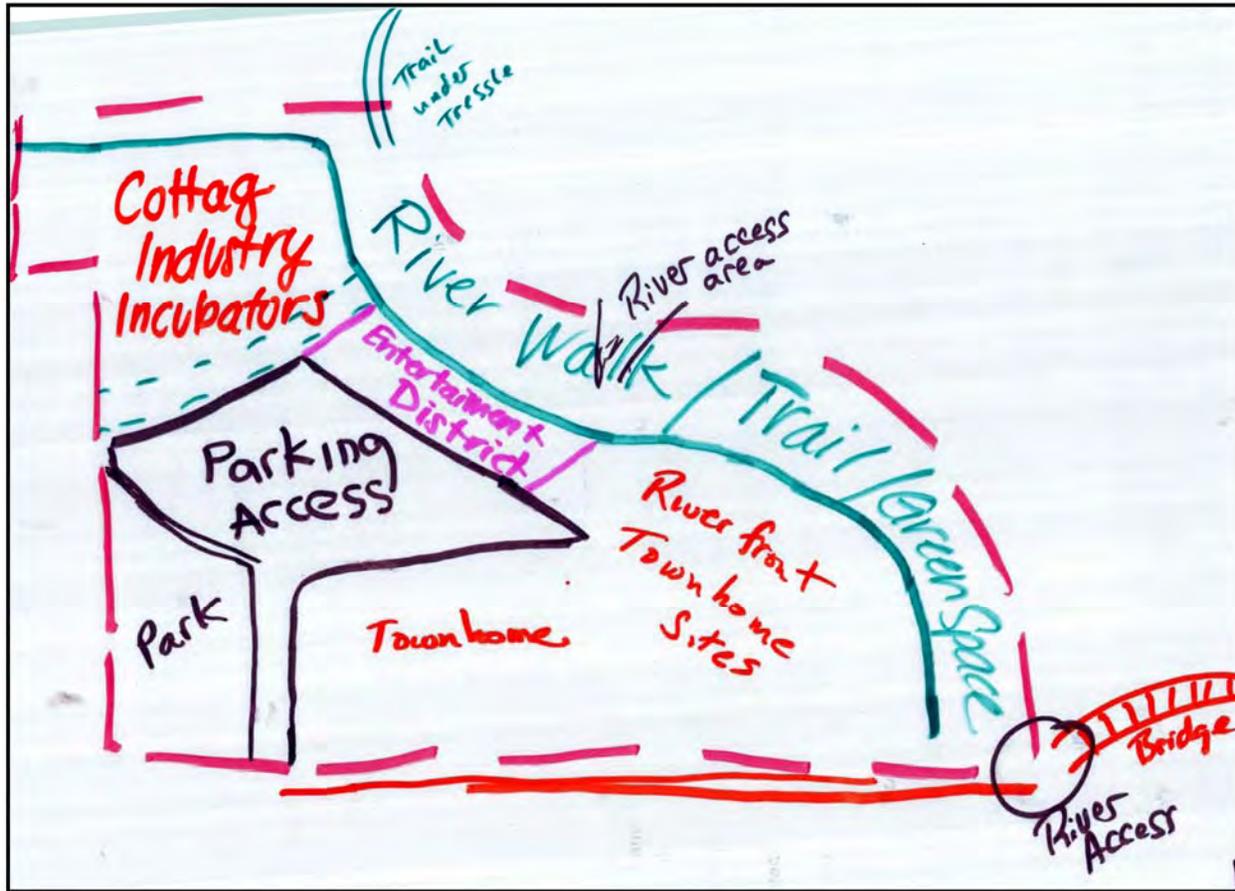
- Conservation area along river with a trail
- Provide access off Karrow Avenue
- Keep industrial building
- Offices with docks and view of the river
- Scenic railroad
 - Rail access on first floor
 - Retail/office with view of mountains on second floor
- Skating
- Multi-family housing with spur road
- 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



- 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:

- * 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
- * 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.

Appendix D: Proposed Sample Zoning Districts

- * Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories.
- * Clubs, private and semiprivate recreational facilities.
- * 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
- * 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 3,500 square feet or greater, existing structures where an addition causes the total footprint to be 3,500 square feet or greater, and additions to structures where the footprint is already 3,500 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 Sample 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 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: 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 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.

Appendix D: Proposed Sample 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 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:

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, 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.

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:

- * Light industrial manufacturing, fabricating, processing, repairing, packing or storing facilities.
- * Parcel delivery services.
- * Janitorial services.
- * Wireless transmission facility.

Appendix D: Proposed Sample Zoning Districts

- * 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.
- * Business incubator
 - Inside a business incubator facility, the following uses are permitted not to exceed 3,600 square feet of floor area:
 - o Computer software
 - o Services/professional
 - o Manufacturing
 - o Internet
 - o Biosciences/life sciences
 - o Electronics/microelectronics
 - o Telecommunications
 - o Computer hardware
 - o Medical devices
 - o Creative industries

Appendix D: Proposed Sample Zoning Districts

- 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 (no “formula” businesses)
- * Nursing and retirements homes, personal care facilities, community residential facilities, types I and II
- * Research facilities.
- * Contractors' yards.
- * Petroleum products, wholesale.
- * Heavy equipment sales, rental and service.
- * Colleges, business and trade schools.
- * Grocery stores (less than 5,000 square feet of enclosed gross floor area per lot of record).
- * Micro-breweries and micro-distilleries.

Appendix D: Proposed Sample Zoning Districts

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.

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.

Appendix D: Proposed Sample Zoning Districts

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).

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



June 1, 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 the final version of the Highway 93 West Corridor Plan with the changes directed by the Council on May 18. The changes were based on suggestions from Citizens for a Better Flathead in their public comments delivered on May 18.

It should be noted that the changes were made to the Area B and Idaho Timber Recommended Land Uses and Implementation Steps of the body of text on pages 45/46 and 53/54, not the Public Input Summaries, since those reflect what the public input was during the planning process. 'No formula businesses' were added to the Idaho Timber Recommended Land Uses (p. 53) and Appendix D, WI-T Sample code (page 112) in relation to Coffee Shops and Sandwich Shops. We did not make the suggested change to add restrictions on formula hotel/lodging at the Idaho Timber site to the Final Draft, as the pros and cons of formula hotels were never discussed by the Steering Committee, Planning Board, or the City Council in the context of the plan to anyone's recollection. Staff called the Mayor and Councilor Sweeney (who made the motion to make the suggested changes) to confirm and they agreed that it should not be included as it was not discussed.

This item will again be on the consent agenda.

A handwritten signature in blue ink, appearing to read "Dave Taylor".

Dave Taylor, AICP

Enc. Final Highway 93 West Corridor Plan

RESOLUTION NO. 15-__

A Resolution of the City Council of the City of Whitefish, Montana, further amending Resolution No. 11-05, which established an Ad Hoc Cemetery Committee, to extend the duration of the Committee through June 30, 2016.

WHEREAS, the City Council, on January 18, 2011, adopted Resolution No. 11-05, which established an Ad Hoc Cemetery Committee (Committee) with the general purpose to evaluate possible locations and development for a new public City cemetery located close to the City and to report its recommendations to the City Council for the purpose of procuring and holding lands to be used as a cemetery. Resolution No. 11-05 also provided for the Committee to dissolve on January 31, 2013; and

WHEREAS, the City Council, on February 4, 2013, adopted Resolution No. 13-02, which expanded the Committee's general purpose and extended its duration through January 31, 2015; and

WHEREAS, following presentation of a progress report by the Committee at the May 18, 2015 City Council meeting, the City Council determined the duration of the Committee should be expanded through June 30, 2016; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, for the City Council to expand the Committee's duration through June 30, 2016.

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

Section 1: Resolution No. 13-02 is hereby amended to provide as:

Section 4: The Committee shall continue its deliberations for the identification and development of additional services, utilization of the present location, identification of new recommended sites, procuring property for use as a new public City cemetery. The Committee shall prepare and submit to the City Council a written report, which report shall include the Committee's recommendations and explanation of its criteria in making its recommendations. The Committee shall be disbanded as of ~~January 31, 2015, June 30, 2016~~, or earlier if the City Council completes its consideration of the Committee's report prior to that date.

Section 2: Except as modified herein, all other provisions of Resolution No. 13-02 shall remain.

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

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



May 26, 2015

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

RE: Cattail Farms llc, 448 Labrie Drive; (WCUP 15-06)

Honorable Mayor and Council:

Summary of Requested Action: Cattail Farms llc is proposing to construct an accessory apartment 448 Labrie Drive. The property has a new single family home under construction and is zoned WR-2 (Two-Family Residential District). The Whitefish Growth Policy designates this property as “Urban”.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced conditional use permit with four (4) conditions set forth in the attached staff report.

Public Hearing: The applicant spoke at the public hearing on May 21, 2015 and no one else spoke. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on May 21, 2015 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with four (4) conditions as contained in the staff report and adopted the staff report as findings of fact.

Proposed Motion:

- I move to approve WCUP 15-06 along with the Findings of Fact in the staff report and the four conditions of approval, as recommended by the Whitefish Planning Board.

This item has been placed on the agenda for your regularly scheduled meeting on June 1, 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: Exhibit A: Recommended Conditions of Approval
Draft Minutes of 5-21-15 Planning Board Meeting

Exhibits from 2-19-15 Staff Packet:

1. Staff Report – WCUP 15-06, 5-14-15
2. Adjacent Landowner Notice, 5-1-15
3. Advisory Agency Notice, 5-1-15

The following were submitted by the applicant:

4. Application for Conditional Use Permit, 4-6-15

c: w/att Necile Lorang, City Clerk

c: w/o att Cattail Farms llc, Paul Conrad 902 Colorado Ave Whitefish, MT 59937

Exhibit A
Cattail Farms IIc
WCUP 15-06
Whitefish Planning Board
Recommended Conditions of Approval
May 21, 2015

1. The project shall be constructed in compliance with the plans submitted on April 6, 2015, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
3. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure. (§11-3-1(C))
4. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)

**CATTIAL FARMS llc
 CONDITIONAL USE PERMIT
 WCUP 15-06
 MAY 14, 2015**

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a conditional use permit to allow an accessory apartment in a WR-2 zone. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, May 21, 2015. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, June 1, 2015.

PROJECT SCOPE

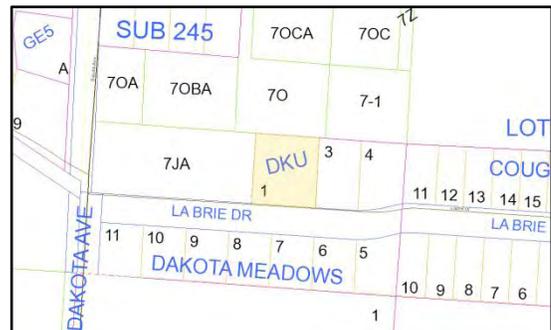
The applicant is requesting a conditional use permit to construct an accessory apartment adjacent to a single-family residence that is under construction. The accessory apartment will be located above a proposed two car garage in the rear of the subject property. The proposed garage will be approximately 25-feet wide by 24-feet long, for a total of 600 square feet. They are proposing to attach a 300-square foot carport. The applicant is proposing primary setbacks of 10-foot on the side and 20-feet in the rear. The proposed garage and new single family home will be accessed from a new driveway off Labrie Drive.

A. OWNER:

Cattail Farms llc
 Paul Conrad
 902 Colorado Avenue
 Whitefish, MT 59937

B. SIZE AND LOCATION OF PROPERTY:

The subject property is 18,995 square feet (approximately 0.436 acres). It is located at 448 Labrie Drive, and can be described as Lot 1, Amended Plat of Lots 1&2, Dakota Meadows in Section 25, Township 31N, Range 22W, P.M.M., Flathead County, Montana.



C. EXISTING LAND USE:

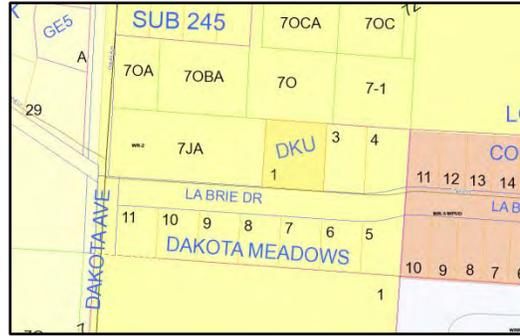
The subject property is currently developed with a single family residence.

D. ADJACENT LAND USES AND ZONING:

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

E. ZONING DISTRICT:

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



F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation for this area is 'Urban' which corresponds to the WR-2. "This is generally a residential designation that defines the traditional neighborhoods near downtown Whitefish, but it has also been applied to a second tier of neighborhoods both east of the river and in the State Park Road area. Residential unit types are mostly one and two-family, but town homes and lower density apartments and condominiums are also acceptable in appropriate locations using the PUD. Densities generally range from 2 to 12 units per acre. Limited neighborhood commercial located along arterial or collector streets are also included in this designation. Zoning includes WLR, WR-1, and WR-2."

G. UTILITIES:

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

H. PUBLIC COMMENTS:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 1, 2015. A notice was emailed to advisory agencies on May 1, 2015. A notice of the public hearing was published in the *Whitefish Pilot* on May 6, 2015. As of the writing of this staff report, no comments have been received.

REVIEW AND FINDINGS OF FACT

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

1. Growth Policy Compliance:

Finding 1: The proposed use complies with Growth Policy Designation of Urban because the proposal is for an accessory apartment in association with a single family residence in compliance with the WR-2 zoning.

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

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

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

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

Adequate usable land area: The subject parcel is 0.436 acres in size. The maximum permitted lot coverage in this zoning district is 40%. All setbacks and lot coverage requirements can be met.

Access that meets the standards set forth in these regulations, including emergency access: The property will access off Labrie Drive with a new driveway.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The proposed development is not located within the 100-year floodplain. Additionally, there are no wetlands, riparian zones, or geological hazards on or near the subject property.

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

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

Parking locations and layout: §11-6-2(A) of the Whitefish Zoning Regulations requires two (2) parking spaces per single family dwelling unit and Section 11-3-1(D) requires one (1) off-street space must be provided for the accessory apartment. The proposed lot provides adequate space to accommodate all parking needs on site.

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

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

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

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

Signage: No signage is proposed for the accessory apartment.

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

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

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

Sewer and water: The subject property is currently serviced by municipal water and sewer. Separate water and sewer service is required for the accessory apartment.

Storm Water Drainage: The storm water drainage will be reviewed by the City Public Works Department at the time a building permit application has been submitted for the accessory apartment. If the impervious surface will exceed 5,000 square feet, an engineered stormwater plan will be required to be reviewed and approved.

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

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

Streets: The subject property is located on the north side of Labrie Drive.

Finding 5: The subject property appears to have adequate availability of public services because the property is currently served by sewer and water, is within the jurisdiction of the Whitefish Fire Department and the City of Whitefish Police Department, and is accessed from new driveway off Labrie Drive, which is a public street.

6. Neighborhood/Community Impact:

Traffic Generation: Traffic impacts are anticipated to be minimal as the subject property has an existing single family residence under construction, and the proposed subdivision was designed to anticipate residential development. The accessory apartment should not result in a significant impact to traffic on Labrie Drive or surrounding roadways.

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

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from the residential use currently onsite. The driveway access for the accessory apartment shall be required to be paved.

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

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

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

7. Neighborhood/Community Compatibility:

Structural Bulk and Massing: The proposed accessory apartment will meet the lot coverage and height standards. The proposed structure accessory to the main single family home and will be similar to existing adjacent residential uses in the neighborhood.

Scale: The proposed accessory apartment will meet the primary residential setbacks. This will allow for adequate open space within the subject property to maintain the character and scale of the neighborhood.

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

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

Community Character: The proposed accessory apartment will not be detrimental to the immediate neighborhood integrity as the accessory apartment reflects the housing

standards established in the area and will be utilized as an accessory use to the existing primary residence.

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

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 15-06 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be constructed in compliance with the plans submitted on April 6, 2015, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
3. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure. (§11-3-1(C))
4. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Paul Conrad on behalf of Cattail Farms llc is requesting a Conditional Use Permit in order to construct an accessory apartment. A single family home is under construction on the property and is zoned WR-2 (Two-Family Residential District). The property is located at 448 LaBrie Drive and can be legally described as Lot 1, Dakota Meadows in S25 T31N R22W, Flathead County.

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, May 21, 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 Monday, June 1, 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, May 11, 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: May 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, May 21, 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 Monday, June 1, 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 Keith & Julie Hansen, Rod & Trish Teske, Steve & Kelly Rosinski for a Conditional Use Permit to construct an accessory apartment. The property is located at 634 Somers Avenue and can be legally described as Lot 5, Block 9 Riverside Addition in S36 T31N R22W. WCUP 15-07 (Compton-Ring)
2. A request by Paul Conrad on behalf of Cattail Farms llc for a Conditional Use Permit to construct an accessory apartment. The property is located at 448 LaBrie Drive and can be legally described as Lot 1, Dakota Meadows in S25 T31N R22W. WCUP 15-06 (Compton-Ring)

The Planning Board will also hold a worksession on parkland dedication requirements for urban infill subdivisions. No action will take place with this item.

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



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

File #: WCPB 15-06
 Date: _____
 Intake Staff: _____
 Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED \$ 990.00

(See current fee schedule)

INSTRUCTIONS:

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

A. PROJECT INFORMATION:

Project Name: CONRAD RESIDENCE
 Project Address: 448 LA BRIE
 Assessor's Tract No.(s) AMPLI + L2 Lot No(s) LOT 1
 Block # _____ Subdivision Name DAKOTA MEADOWS
 Section 25 Township P1N Range 22W

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

Paul Conrad
 Owner's Signature¹

4-4-15
 Date

PAUL CONRAD
 Print Name FOR CATTAIL FARMS LLC

Applicant's Signature

Date

Print Name

Representative's Signature

Date

Print Name

APR 06 2015

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

APPLICATION CONTENTS:

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

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

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

B. OWNER(S) OF RECORD:

Name: CATTAIL FARMS LLC Phone: 406-261-3555

Mailing Address: 902 COLORADO AVE

City, State, Zip: WHITEFISH, MT 59937

Email: PCONRAD.PT@GMAIL.COM

APPLICANT (if different than above):

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

TECHNICAL/PROFESSIONAL:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

C. DESCRIBE PROPOSED USE:

TO BUILD AN ACCESSORY BUILDING ON 448 LA BAIE DR. THE STRUCTURE HAS A 600'² ART. ABOVE A 600'² GARAGE WITH A ZONING DISTRICT: WR-2 300'² ATTACHED CAR PORT.

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

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

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

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

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

7. What are the proposed hours of operation?

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

Conditional Use Permit for 448 LaBrie Drive

Section D

1. The proposal conforms to the growth policy in a number of ways. The Accessory Building meets the zoning requirement for WR-2. The Accessory Building is set back approximately 100' north of LaBrie Street and has low impact to the street. All set backs are correct for the attractive structure. The second floor living space above the garage is exactly 600 square feet (24'x25'). The main floor garage is 600 square feet (24'x25') plus an attached carport which is 12' x 25'. This project promotes infill, however it is not "to dense" for the neighborhood. It is consistent with the growth policy.

2. The intent is to provide affordable housing, where walking and cycling to most services and facilities can take place. In addition, to have the ability of the Accessory Building to be available to an elderly parent or a family member to live. The building complies with the standard setbacks of 10 feet on the sides and 20 feet in the rear for the WR-2 zoning. The second floor rear deck to extend no further than 6.666 feet into set back (following the 1/3 rule).

3. The property is zoned WR-2 in a central location of Whitefish. It is flat

and has trees in the rear setback which will not be disturbed. The lot size is 131 feet by 145 feet (18,995 sq ft), the main home will have a foot print of 3,467 square feet to include garage and covered deck. The Accessory Building will have a footprint 900 square feet to include the carport. Together these structures have 22.9% lot coverage. The front of the lot borders LaBrie Street to the south which is in the grid plan format. LaBrie Street goes east to Wisconsin and West to Dakota Avenue. Emergency services have easy access.

4. Design Issues:

- a. Parking is addressed with covered carport, double garage and driveway area.
- b. Traffic circulation will be minimal . Vehicles will enter from LaBrie, trips to and from Accessory Building would be approximately 6 or less on average per day.
- c. There is an open space feeling with 5,000 plus square feet of lot in front of Accessory Building.
- d. No proposed fencing.
- e. Will be finished in attractive manner using native plants with low water needs.
- f. Address only.

g. This lot is located in Dakota Meadows Subdivision which has available underground utilities. The main home and Accessory Building will be connected to separate gas, electric, city sewer and water lines.

h. There are currently no existing utilities on the property.

5. All public services and facilities are adequate to include existing sidewalks, curbs and streetlamps.

6. The impact to neighbors has been considered. The property to the southwest is the Conrad main house. Driveways and living are east of the main house and will not affect neighbors. The property to the north of the Accessory Building has a small rental house. The property to the east is vacant as are the properties to the south accross LaBrie.

a. There will be minimal traffic generated with no adverse impacts.

b. There will be no noise vibration, dust, glare, heat, smoke, fumes or odors.

7. Not applicable.

8. The proposal is compatible with the neighborhood and community in general.

a. Structural bulk and massing follows all building and planning department

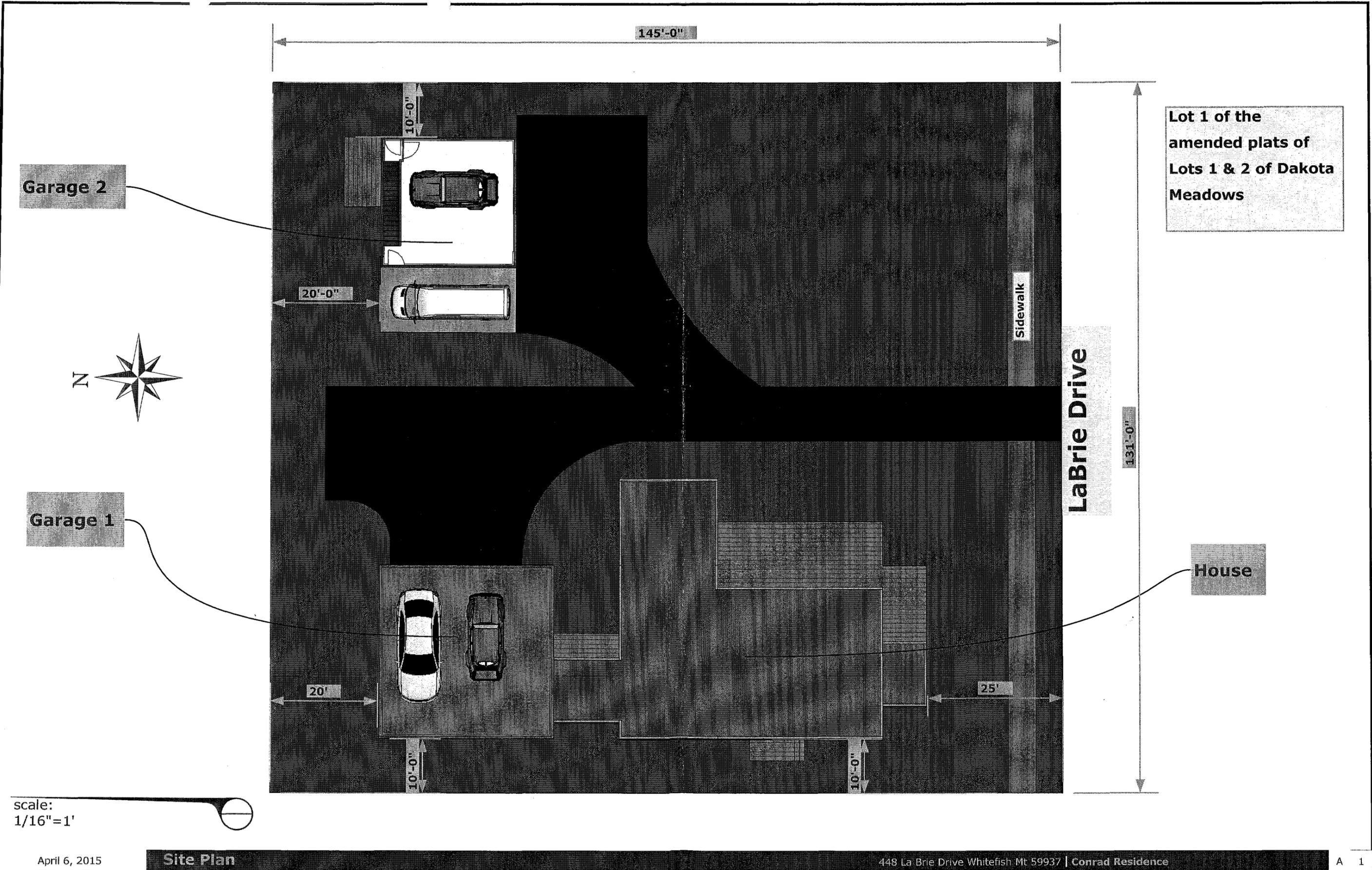
regulations. It's height is approximately 24 feet high. Many of the homes in the adjacent subdivision (Cougar Ridge) are two story.

b. The scale of the Accessory Building structure is appropriate with the Main home and for the neighborhood and will be attractive and landscaped.

c. The context of the existing neighborhood is residential.

d. The density and community is consistent with the growth policy promoting infill as the first alternative for future growth.

e. The property, with WR-2 zoning, allows for growth and infill. It is consistent with community character having all underground utilities, sidewalks and streetlamps in place.



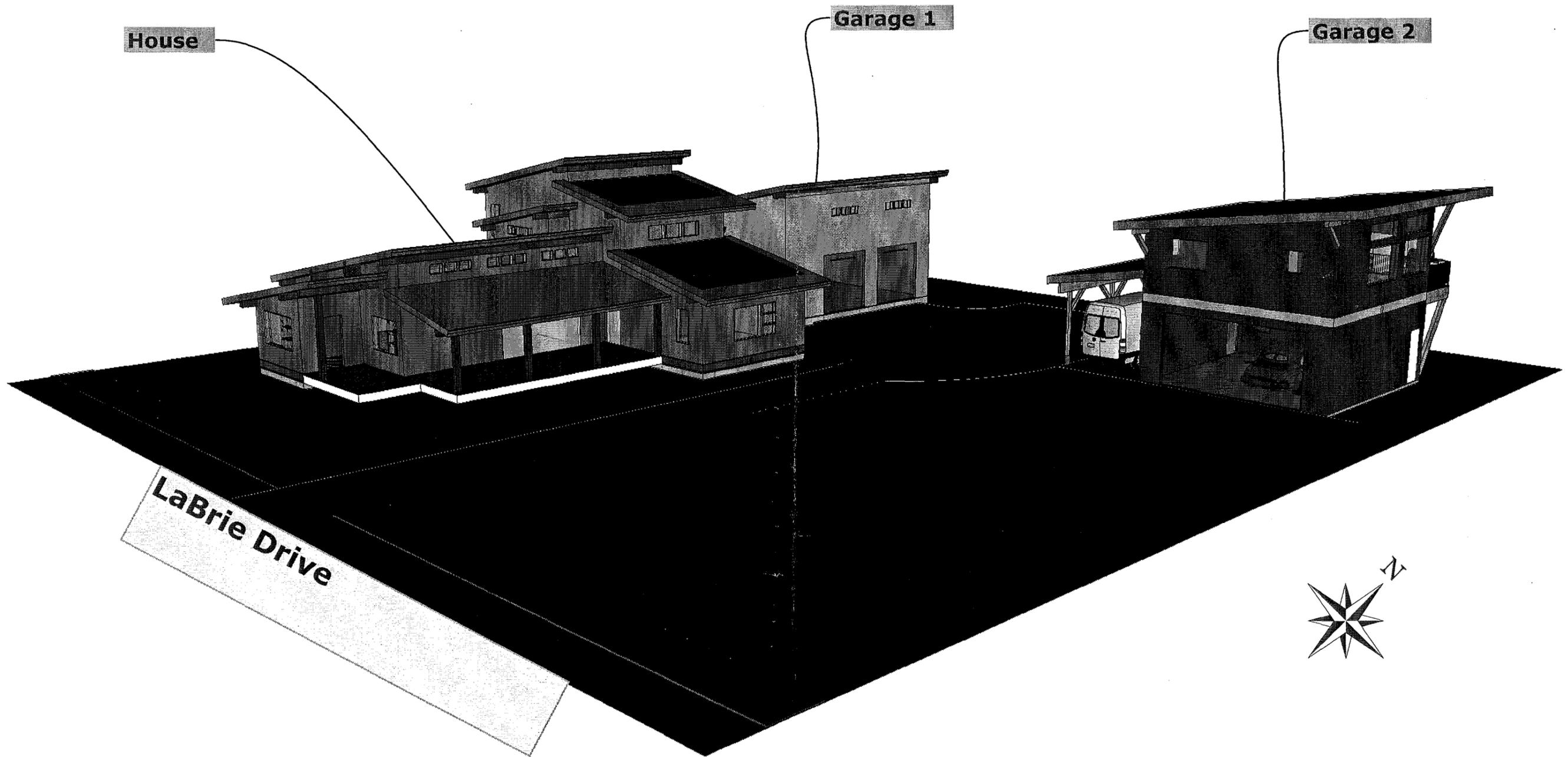
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April 6, 2015

Site Plan

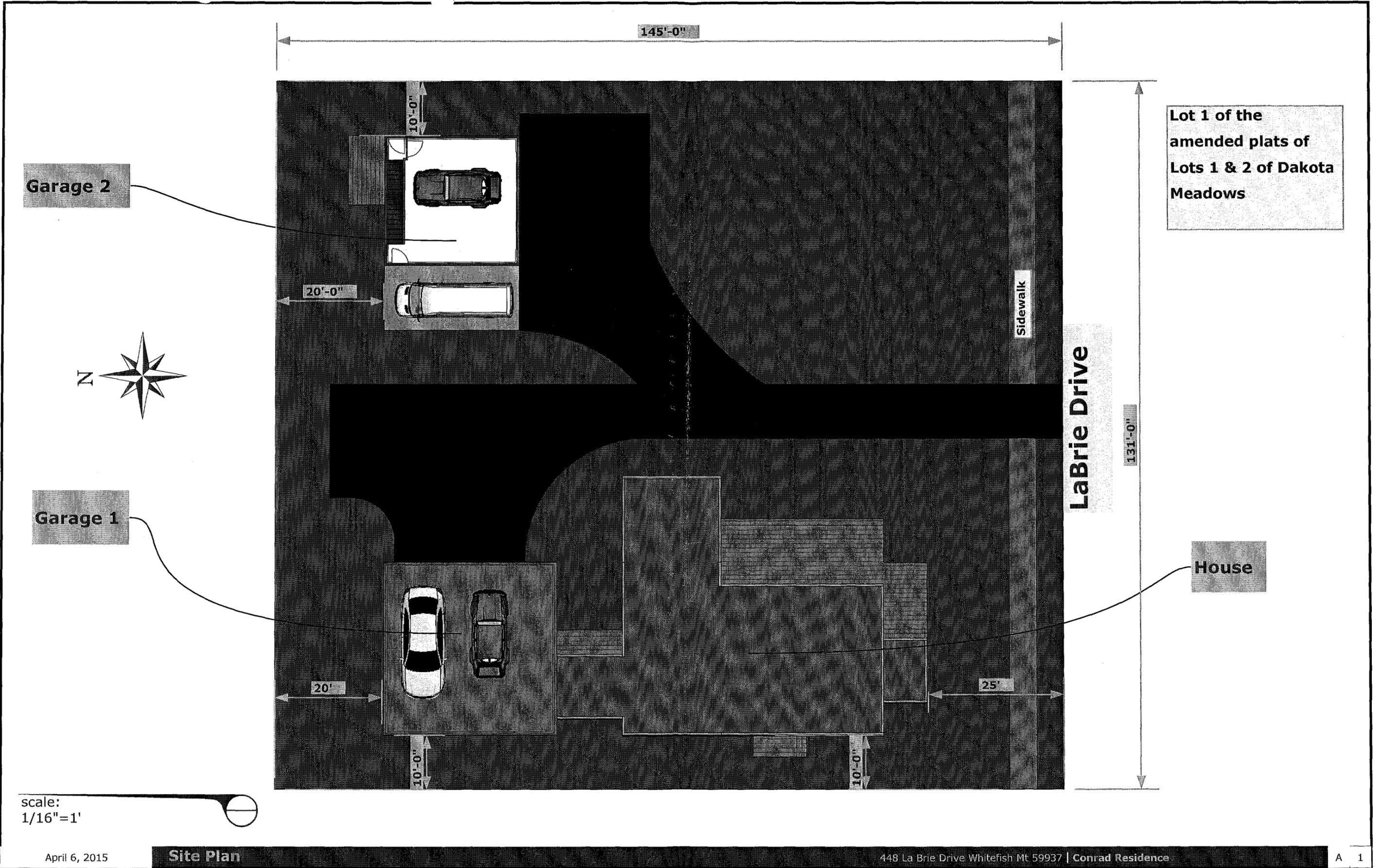
448 La Brie Drive Whitefish Mt 59937 | Conrad Residence

A 1



Patrick Clark
 2 Dugans Way
 Whitefish Montana 59937
 406 212 0388
 www.smartwoods.co pat@smartwoods.co

Conrad Residence
 448 La Brie Drive
 Whitefish Montana 59937



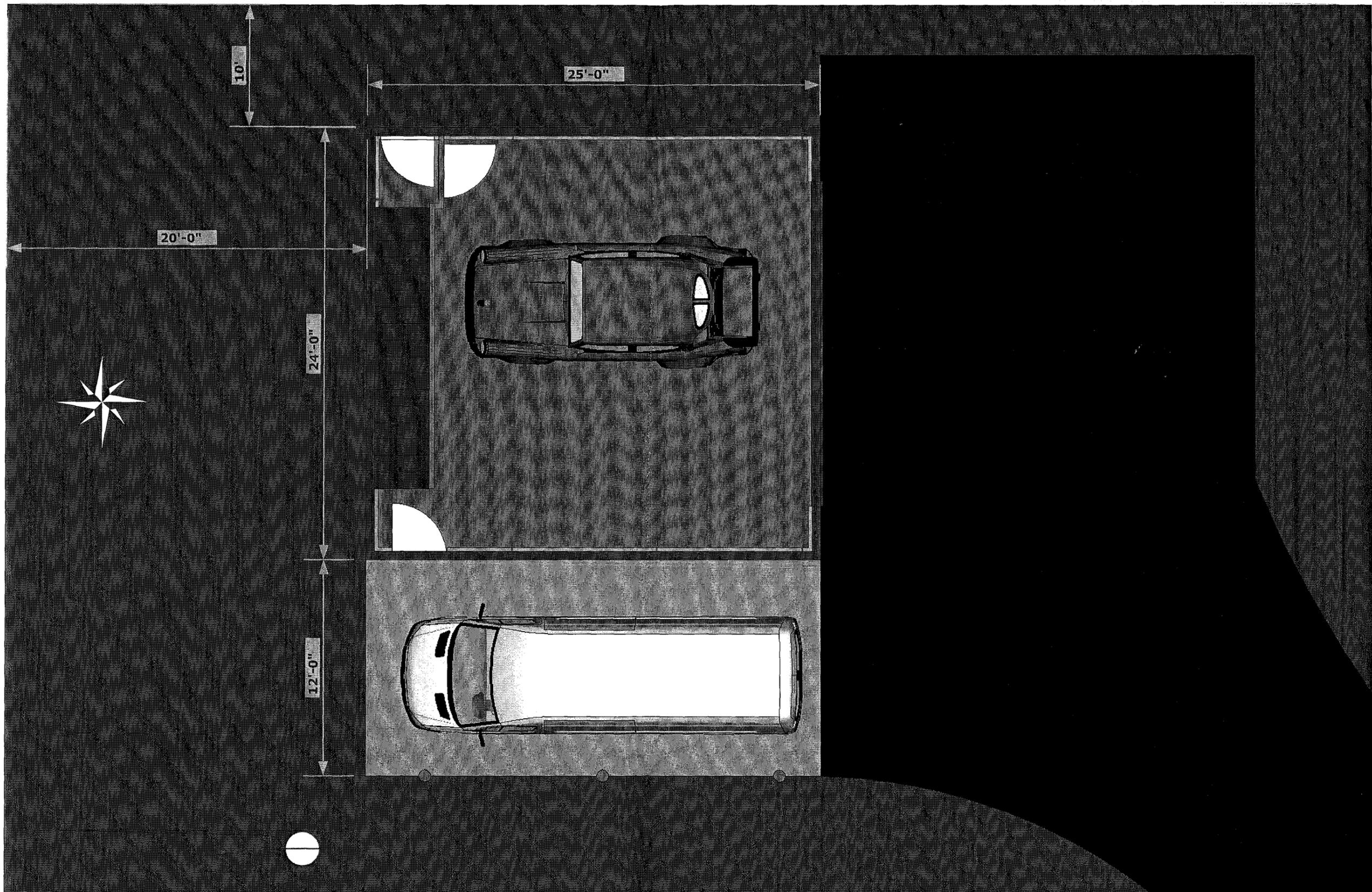
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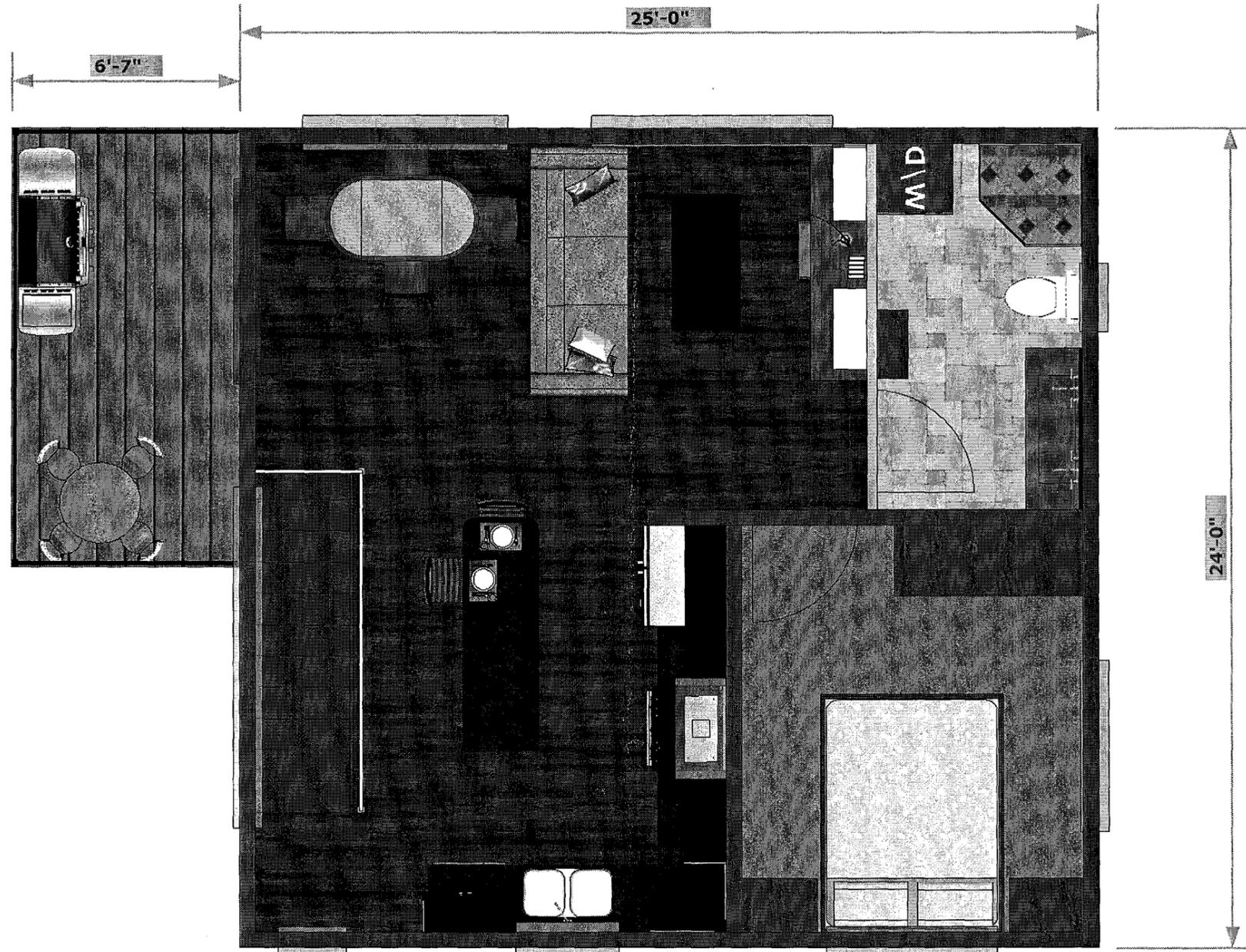
April 6, 2015

Site Plan

448 La Brie Drive Whitefish Mt 59937 | Conrad Residence

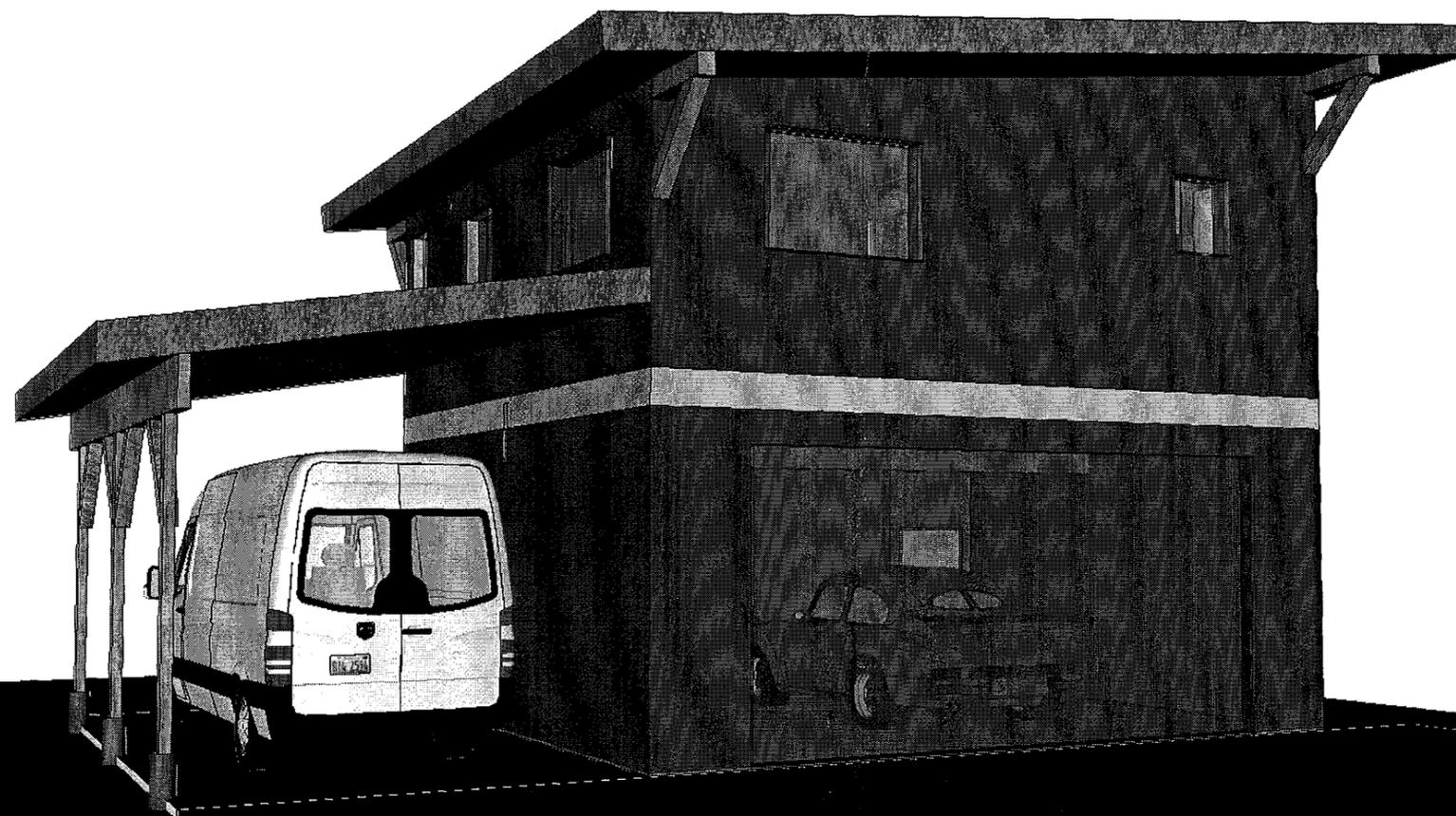
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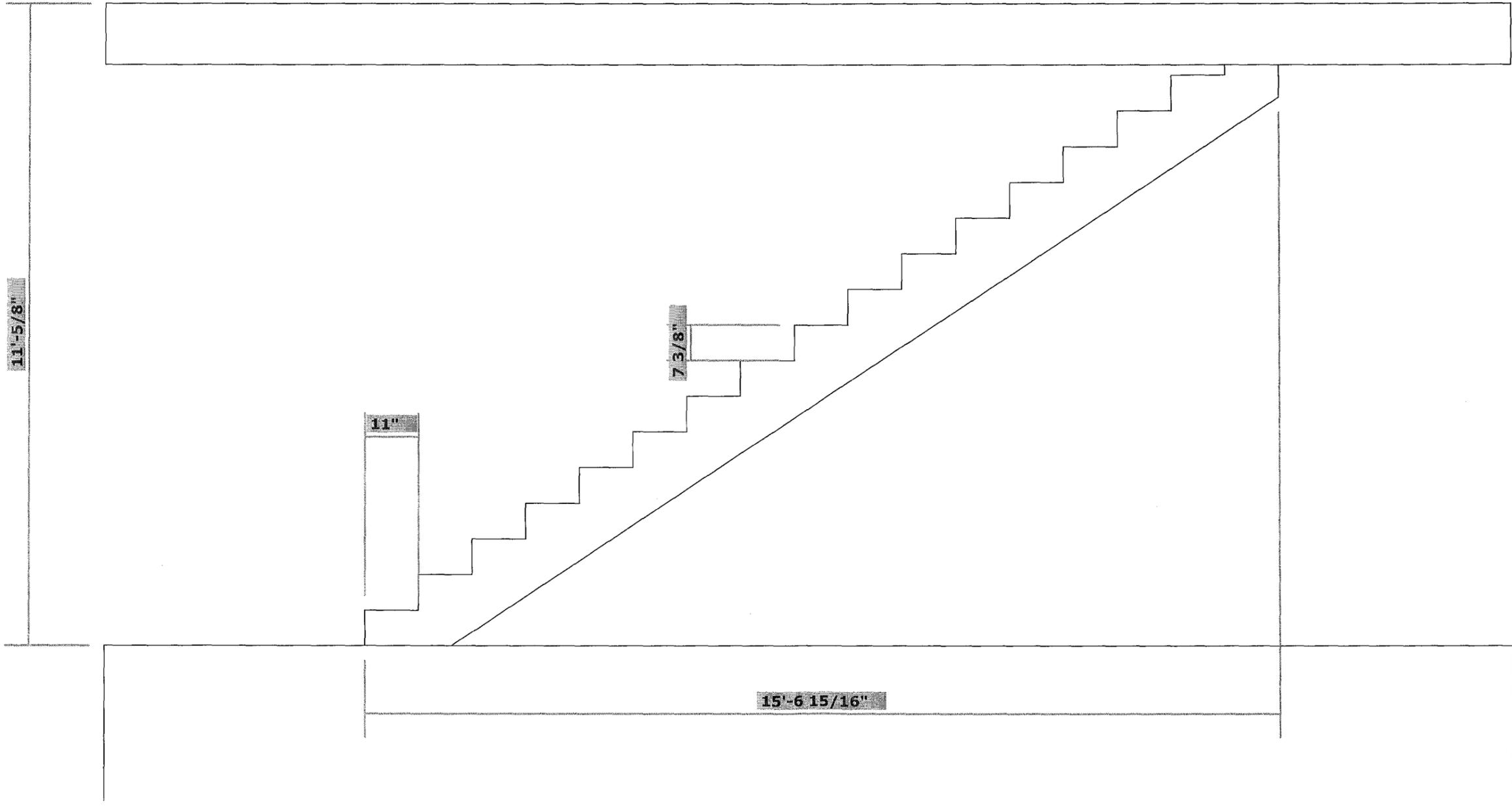
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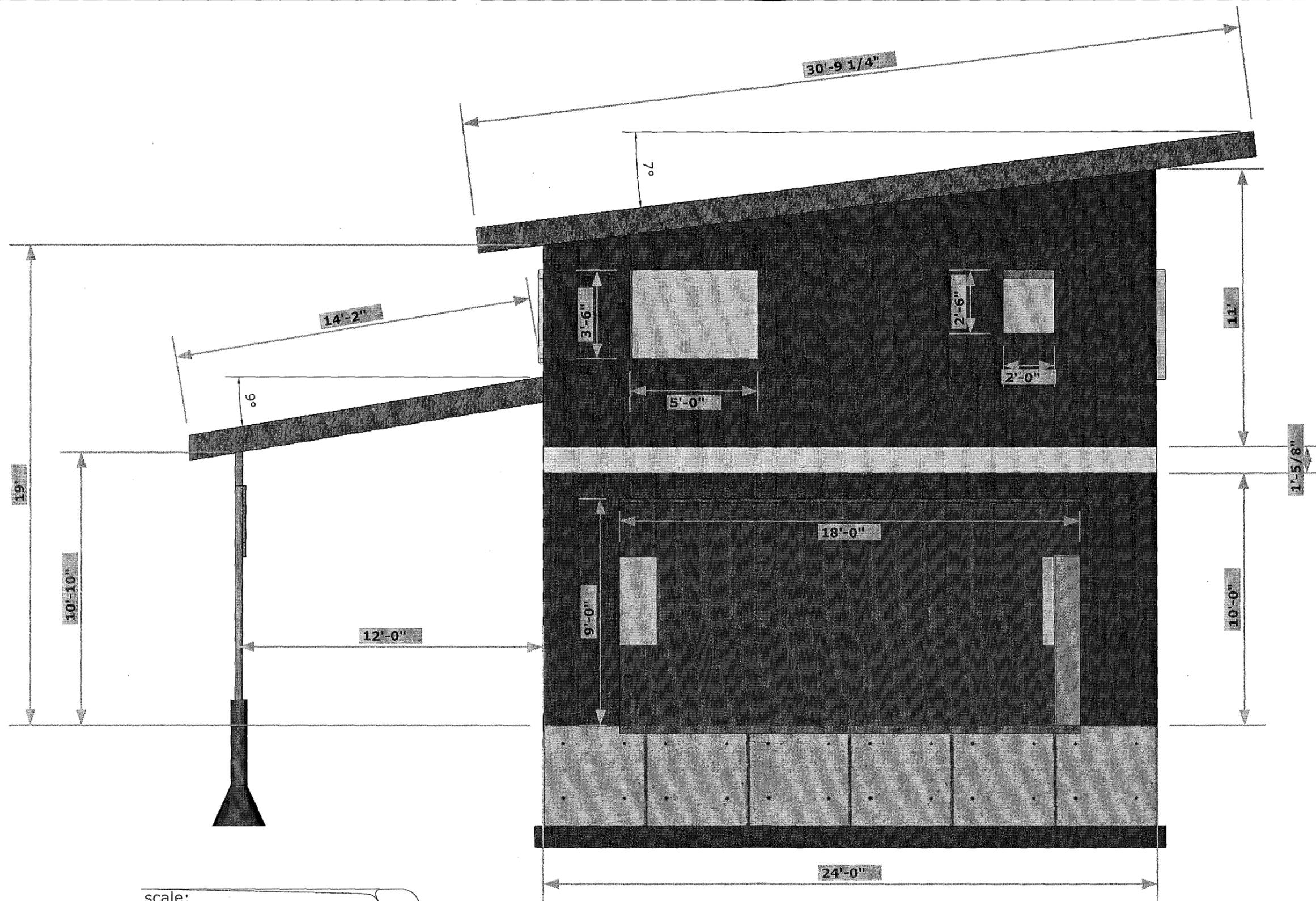


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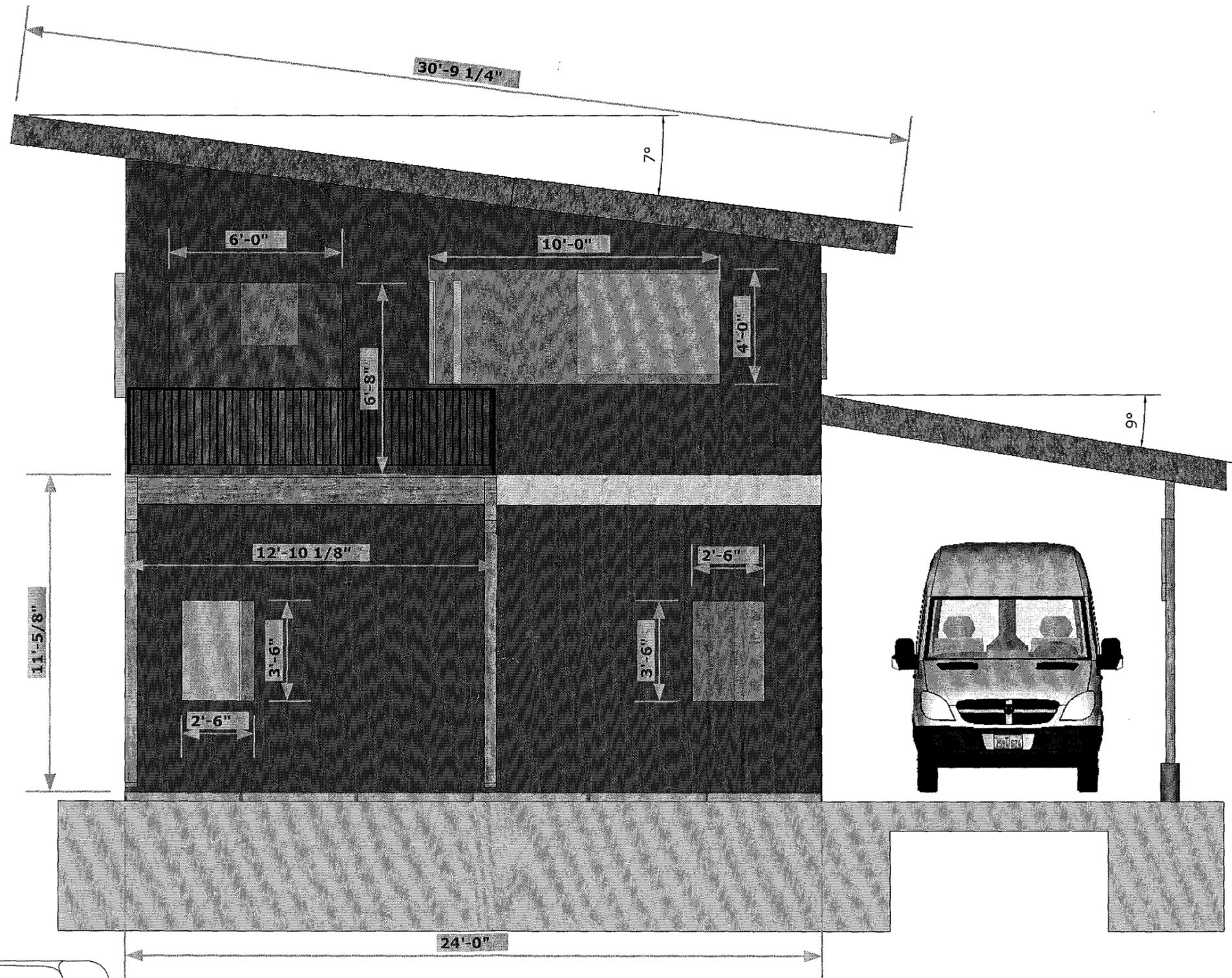
Treads = 11" Run x 3' wide
Riser = 7 3/8" +/- x 3' wide
total area of Treads = 47 Ft 2



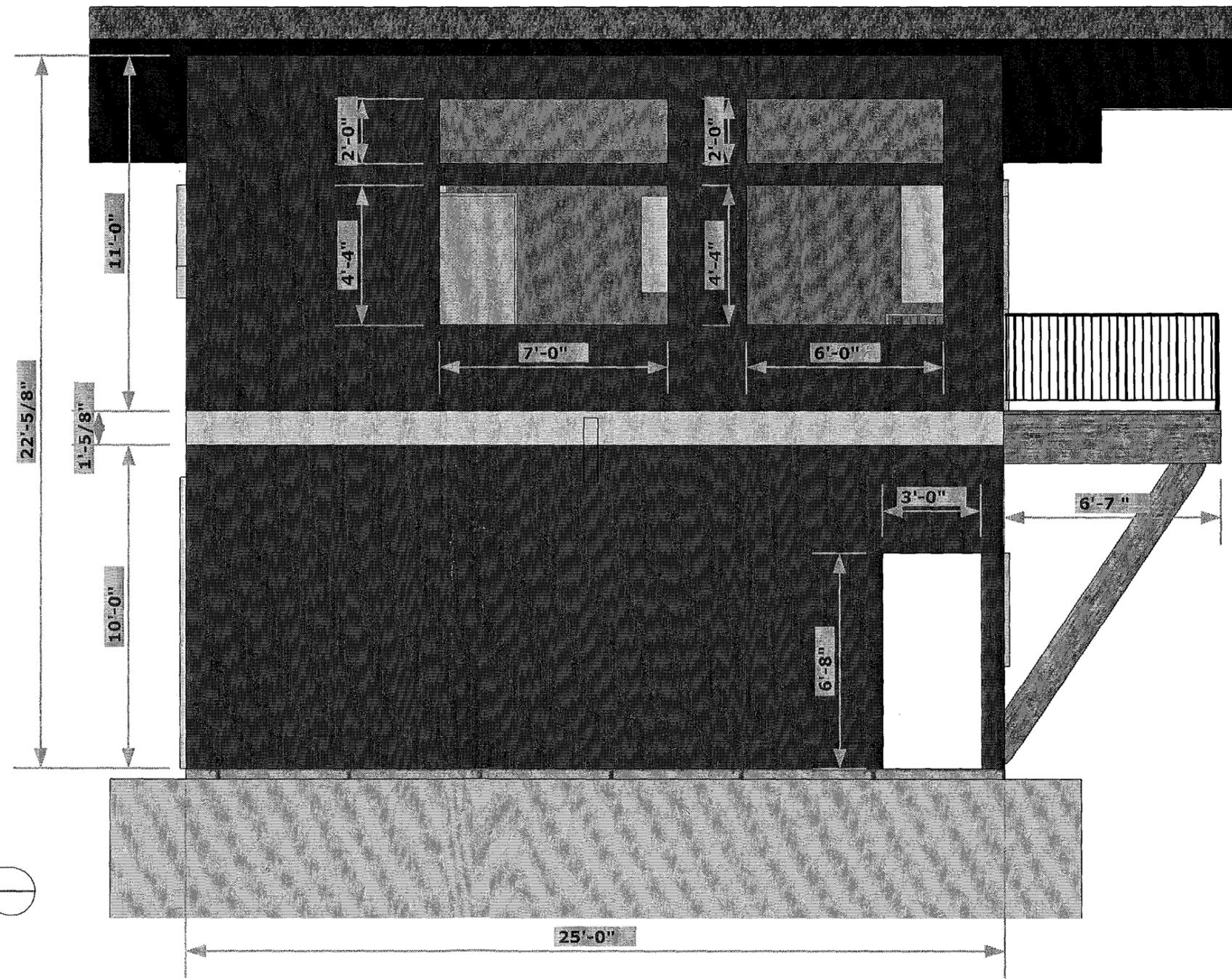


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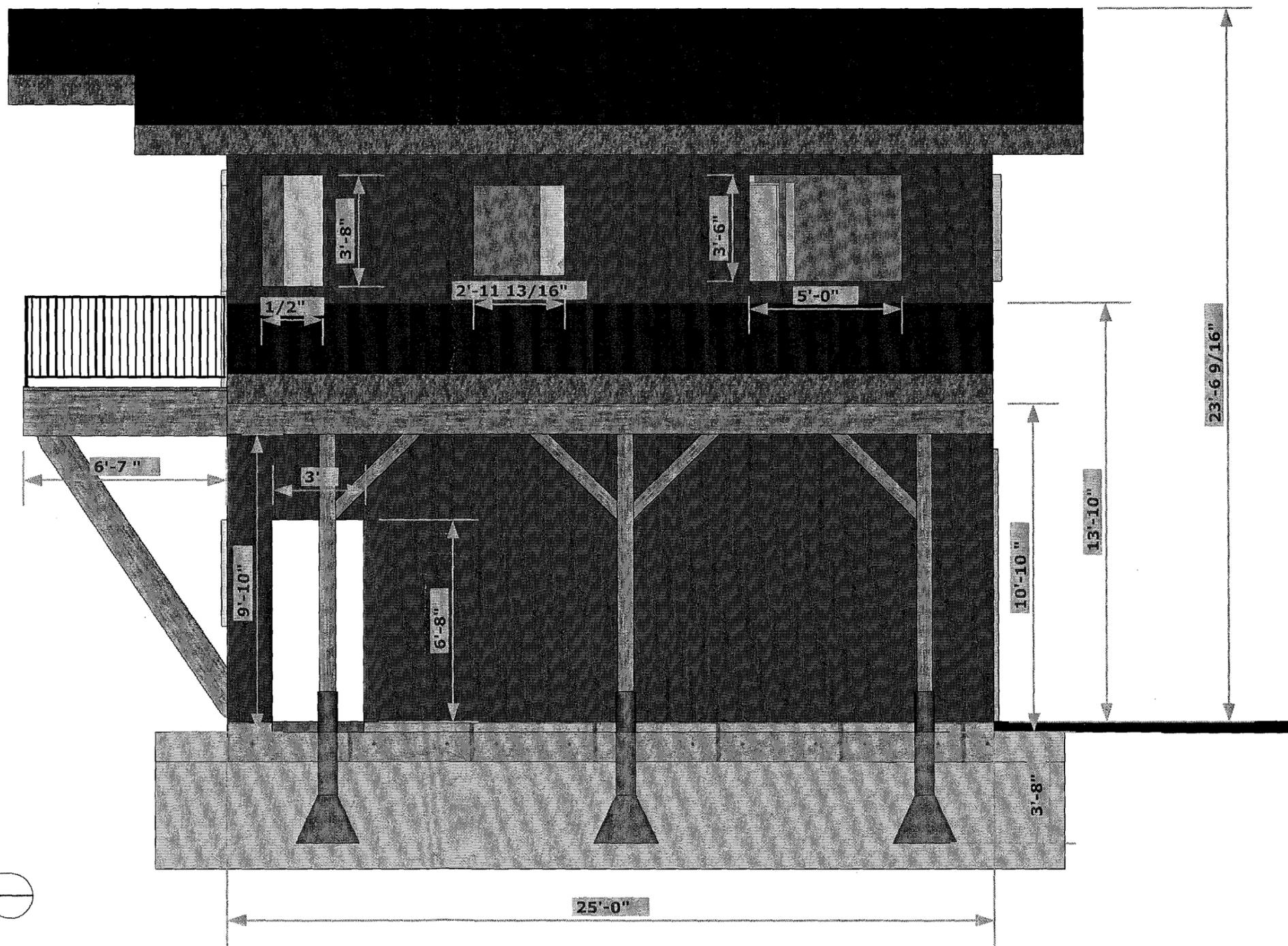




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PLANNING & BUILDING DEPARTMENT
510 Railway Street, PO Box 158, Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409



May 26, 2015

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

RE: Hansen et al, 634 Somers Ave; (WCUP 15-07)

Honorable Mayor and Council:

Summary of Requested Action: Hansen, Teske and Rosinski are proposing to construct an accessory apartment 634 Somers Ave. The property has an existing single family home and is zoned WR-2 (Two-Family Residential District). The Whitefish Growth Policy designates this property as “Urban”.

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

Public Hearing: No one spoke at the public hearing on May 21, 2015. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on May 21, 2015 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the above referenced conditional use permit with six (6) conditions as contained in the staff report and adopted the staff report as findings of fact.

Proposed Motion:

- I move to approve WCUP 15-07 along with the Findings of Fact in the staff report and the six conditions of approval, as recommended by the Whitefish Planning Board.

This item has been placed on the agenda for your regularly scheduled meeting on June 1, 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: Exhibit A: Recommended Conditions of Approval
Draft Minutes of 5-21-15 Planning Board Meeting

Exhibits from 2-19-15 Staff Packet:

1. Staff Report – WCUP 15-07, 5-14-15
2. Adjacent Landowner Notice, 5-1-15
3. Advisory Agency Notice, 5-1-15
4. Letter, John Oliver Ellis, Jr., 5-5-15

The following were submitted by the applicant:

5. Application for Conditional Use Permit, 4-6-15

c: w/att Necile Lorang, City Clerk

c: w/o att Keith & Julie Hansen, Rod & Trish Teske, Steve & Kelly Rosinski 31 Lamb
Close Red Deer, AB T4R 3B7 Canada
Kevin Treece, 106 Cooperative Way, suite 106 Kalispell, MT 59901

Exhibit A
Hansen, Teske, Rosinski
WCUP 15-07
Whitefish Planning Board
Recommended Conditions of Approval
May 21, 2015

1. The project shall be constructed in compliance with the plans submitted on April 6, 2015, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
3. The future bath shall be removed from the plans. No bath shall be constructed on the ground floor of the garage/accessory apartment. (§11-3-1A)
4. The applicant shall demonstrate three (3) off-street parking spaces can be achieved. (§11-3-1. §11-6-2A, FOF #4)
5. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure. (§11-3-1(C))
6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)

City Council.

**BOARD QUESTIONS
OF STAFF**

Rebecca asked in regard to Condition No. 3, how is it confirmed that the owners are actually living in the primary structure and Wendy replied it is complaint driven.

APPLICANT/AGENCIES

Paul Conrad, 902 Colorado Avenue, Whitefish, Montana, thanked the Planning Board for its efforts. He feels this is an exciting project for them and he cares enough about it to be here tonight.

Rebecca asked if the intent of this accessory apartment is to provide affordable housing. Paul responded that the apartment will be rented and since it is small, it will be affordable, probably around \$600 per month. He said he already has a potential renter.

PUBLIC COMMENT

None.

**MOTION / BOARD
DISCUSSION**

Rebecca moved and Jim seconded to adopt the findings of fact within staff report WCUP 15-06, with the four Conditions of Approval.

VOTE

The motion passed unanimously. The matter is scheduled to go before the Council on June 1, 2015.

**PUBLIC HEARING 1
(on agenda but moved
to 2 at meeting):
HANSEN, TESKE AND
ROSINSKI
CONDITIONAL USE
PERMIT REQUEST**

A request by Keith and Julie Hansen, Rod and Trish Teske, and Steve and Kelly Rosinski for a Conditional Use Permit to construct an accessory apartment. The property is located at 634 Somers Avenue, and can be legally described as Lot 5, Block 9 Riverside Addition in S36 T31N R22W.

**STAFF REPORT
WCUP 15-07
(Compton-Ring)**

Senior Planner Compton-Ring reviewed her staff report and findings.

Staff recommended adoption of the findings of fact within staff report WCUP 15-07 and for **approval** to the Whitefish City Council.

**BOARD QUESTIONS
OF STAFF**

Rebecca asked about the balcony location and Wendy replied it was on the south side.

Jim asked about Condition No. 3 regarding elimination of a future bathroom from the bottom level. Wendy said the space is needed as a parking spot to meet the minimum requirement for parking, which is three spaces.

Rebecca reported the renter came out to speak to her when

she was looking at the property. The renter told her there is a parking issue that results from snow falling from the roof into the alley. Wendy said if the footprint of the building is 600 square feet or less, the standard is 6' and this meets those requirements, even though it may not function all that well. The renter said she plans to stay in the primary residence and the owners are building the accessory apartment to stay in when they are in town, and Rebecca thought that might violate the zoning code. Wendy said a deed restriction will be prepared, and as long as the owners live in the accessory apartment and do not rent it, it does not violate the zoning code. Ken M. asked about Condition No. 5, and Wendy said it is the same language as in the WCC, and that we would have to go through a zoning change to address the issue if the Planning Board wanted to, and the Board decided that was beyond this discussion.

Jim asked about where we stand as far as a Planning Board member discussing this issue with the renter and bringing that discussion to the meeting. The Board felt if the renter wanted something mentioned at the meeting, she should have emailed, sent a letter or come to the meeting and since she chose not to, the things she mentioned should not be considered tonight.

APPLICANT/AGENCIES None.

PUBLIC COMMENT None.

MOTION / BOARD DISCUSSION Rebecca moved and Melissa seconded to adopt the findings of fact within staff report WCUP 15-07, with the six Conditions of Approval.

Melissa asked if there was a way the bathroom could stay in the plans and said she could see where it would be nice for the applicants to be able to have a bathroom they could use when outside, etc., without having to climb upstairs. Wendy said the space is needed for parking, and that the living space needs to be on one floor.

VOTE The motion passed unanimously. The matter is scheduled to go before the Council on June 1, 2015.

ADJOURNMENT Rebecca made a motion to adjourn the meeting and move into the work session at approximately 6:30 p.m. and Jim seconded. Motion passed unanimously.

The next regular meeting of the Whitefish Planning Board will be held on June 18, 2015, at 6:00 p.m.

HANSEN, TESKE & ROSLINSKI
CONDITIONAL USE PERMIT
WCUP 15-07
MAY 14, 2015

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a conditional use permit to allow an accessory apartment in a WR-2 zone. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, May 21, 2015. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, June 1, 2015.

PROJECT SCOPE

The applicant is requesting a conditional use permit to construct an accessory apartment adjacent to an existing single-family residence. The accessory apartment will be located above a proposed two car garage in the rear of the subject property. The proposed garage will be approximately 25-feet wide by 24-feet long, for a total of 600 square feet. The building will be setback 6-feet from the west and north property lines and 19-feet from the south property line. The proposed garage will access an existing alley to the west of the garage.

A. OWNERS:

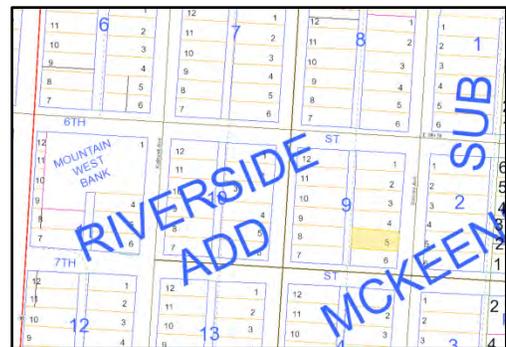
Keith & Julie Hansen
Rod & Trish Teske
Steve & Kelly Rosinski
31 Lamb Close
Red Deer, AB T4R 3B7
Canada

TECHNICAL/PROFESSIONAL:

Kevin Treece
106 Cooperative Way, suite 106
Kalispell, MT 59901

B. SIZE AND LOCATION OF PROPERTY:

The subject property is 6,490 square feet (approximately 0.149 acres). It is located at 634 Somers Avenue and can be described as Lot 5, Block 9 Riverside Addition West in Section 36, Township 31N, Range 22W, P.M.M., Flathead County, Montana.



C. EXISTING LAND USE:

The subject property is currently developed with a single family residence.

D. ADJACENT LAND USES AND ZONING:

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

E. ZONING DISTRICT:

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



F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation for this area is 'Urban' which corresponds to the WR-2. "This is generally a residential designation that defines the traditional neighborhoods near downtown Whitefish, but it has also been applied to a second tier of neighborhoods both east of the river and in the State Park Road area. Residential unit types are mostly one and two-family, but town homes and lower density apartments and condominiums are also acceptable in appropriate locations using the PUD. Densities generally range from 2 to 12 units per acre. Limited neighborhood commercial located along arterial or collector streets are also included in this designation. Zoning includes WLR, WR-1, and WR-2."

G. UTILITIES:

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

H. PUBLIC COMMENTS:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 1, 2015. A notice was emailed to advisory agencies on May 1, 2015. A notice of the public hearing was published in the *Whitefish Pilot* on May 6, 2015. As of the writing of this staff report, one letter from was received with concerns about the future bathroom on the ground floor and rental of the apartment.

REVIEW AND FINDINGS OF FACT

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

1. Growth Policy Compliance:

Finding 1: The proposed use complies with Growth Policy Designation of Urban because the proposal is for an accessory apartment in association with a single family residence in compliance with the WR-2 zoning.

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

The development proposal is consistent with the purpose and intent of the applicable regulations. §11-3-1 describes the requirements for an accessory apartment and this project meets all the requirements. The proposed use is accessory to a single family home and adequate parking will be provided. Additionally, the accessory apartment will meet the setbacks required for a principal structure. The subject property for the proposed accessory apartment complies with both the minimum lot size and lot width requirements of the WR-2 zoning. The future bathroom on the ground floor does not comply with §11-3-1A, which limits an apartment to a single level. Staff will condition the project to remove the bathroom.

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

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

Adequate usable land area: The subject parcel is 0.149 acres in size. The maximum permitted lot coverage in this zoning district is 40%. All setbacks and lot coverage requirements can be met. These will be confirmed at the time of building permit.

Access that meets the standards set forth in these regulations, including emergency access: The property will access off an existing public alley.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The proposed development is not located within the 100-year floodplain. Additionally, there are no wetlands, riparian zones, or geological hazards on or near the subject property.

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

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

Parking locations and layout: §11-6-2(A) of the Whitefish Zoning Regulations requires two (2) parking spaces per single family dwelling unit and Section 11-3-1(D) requires one (1) off-street space must be provided for the accessory apartment. The proposed lot provides adequate space to accommodate all parking needs on site. The inside of the garage is showing a 'future bath'. This restricts the parking area for one of the required parking spaces to 15-feet where the city parking space requirements are 9' x 20' or 9' x 16' for a compact parking space. As shown on the plans this space will not be adequate. As described previously in this report, the future bath needs to be eliminated. Staff will require this as a condition of approval.

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

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

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

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

Signage: No signage is proposed for the accessory apartment.

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

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

5. Availability and Adequacy of Public Services and Facilities.

Sewer and water: The subject property is currently serviced by municipal water and sewer. Separate water and sewer service is required for the accessory apartment.

Storm Water Drainage: The storm water drainage will be reviewed by the City Public Works Department at the time a building permit application has been submitted for the accessory apartment. If the impervious surface will exceed 5,000 square feet, an engineered stormwater plan will be required to be reviewed and approved.

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

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

Streets: The subject property is located on the west side of Somers Avenue.

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

6. **Neighborhood/Community Impact:**

Traffic Generation: Traffic impacts are anticipated to be minimal as the subject property has an existing single family residence and is located within an existing neighborhood with similar uses. The accessory apartment should not result in a significant impact to traffic on Somers Avenue or surrounding roadways.

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

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from the residential use currently onsite. The driveway access for the accessory apartment shall be required to be paved.

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

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

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

7. **Neighborhood/Community Compatibility:**

Structural Bulk and Massing: The proposed accessory apartment will meet the lot coverage and height standards. The proposed structure is accessory to the main single family home and will be similar to existing adjacent residential uses in the neighborhood.

Scale: The proposed accessory apartment will meet the primary residential setbacks. This will allow for adequate open space within the subject property to maintain the character and scale of the neighborhood.

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

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

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

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

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 15-07 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be constructed in compliance with the plans submitted on April 6, 2015, except as amended by these conditions. Any significant deviation from the plans shall require approval.
2. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.
3. The future bath shall be removed from the plans. No bath shall be constructed on the ground floor of the garage/accessory apartment. (§11-3-1A)
4. The applicant shall demonstrate three (3) off-street parking spaces can be achieved. (§11-3-1. §11-6-2A, FOF #4)
5. Prior to building permit issuance, the property owner shall provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure. (§11-3-1(C))
6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Keith & Julie Hansen, Rod & Trish Teske, Steve & Kelly Rosinski are requesting a Conditional Use Permit in order to construct an accessory apartment. The property is developed with a single family home and is zoned WR-2 (Two-Family Residential District). The property is located at 634 Somers Avenue and can be legally described as Lot 5, Block 9 Riverside Addition in S36 T31N R22W, Flathead County.

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, May 21, 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 Monday, June 1, 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, May 11, 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: May 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, May 21, 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 Monday, June 1, 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 Keith & Julie Hansen, Rod & Trish Teske, Steve & Kelly Rosinski for a Conditional Use Permit to construct an accessory apartment. The property is located at 634 Somers Avenue and can be legally described as Lot 5, Block 9 Riverside Addition in S36 T31N R22W. WCUP 15-07 (Compton-Ring)
2. A request by Paul Conrad on behalf of Cattail Farms llc for a Conditional Use Permit to construct an accessory apartment. The property is located at 448 LaBrie Drive and can be legally described as Lot 1, Dakota Meadows in S25 T31N R22W. WCUP 15-06 (Compton-Ring)

The Planning Board will also hold a worksession on parkland dedication requirements for urban infill subdivisions. No action will take place with this item.

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.

JOHN OLIVER ELLIS, JR.

630 Somers Avenue

Whitefish, MT 59937

(406) 862-3798

May 6, 2015

MAY 05 2015

Wendy Compton-Ring
Whitefish Planning & Building Department
P.O. Box 158
510 Railway Street
Whitefish, Montana 59937

Re: Accessory Apartment at 634 Somers Avenue

Dear Wendy,

I am going to be out of town on the date that this matter will be on the agenda of the Whitefish Planning Board, so I am writing to share my thoughts on this application with the Planning Department and the Board.

- 1) **Interior "Future Bath"**. The plans attached to this application show a "future bath" located on the ground floor of the structure. Constructing this bath leaves 14' 11" for a car. The City Code requires two parking spaces for a residential home in the WR-2 zoning district. 11-6-2. When an accessory building is added to the property, an addition parking space must be added. 11-3-1D. Parking spaces must be 9 feet by 17.5 feet plus an additional 2.5 feet of front overhang. 11-6-1B. The plans, with the "future bath" included, are not in compliance with the parking requirements of the City Code. A Suburu Outback, the most common car in Whitefish, is approximately 16 feet long.

Additionally, City Code 11-3-1A states (in part): "An accessory apartment shall be limited to a single level" Approval of this application with a bath or future bath on the ground floor is also in violation of these general requirements of the City Code.

For either or both of these reasons, I would ask the Planning Department or the Planning Board require that the applicant remove this "future bath" as a condition of approval.

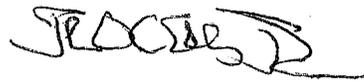
EXHIBIT

4

2) **Rental.** The main residence on this property has been a rental property since the current owners purchased it approximately 2 years ago. Whitefish City Code states in Section 11-3-1C: "The accessory dwelling may not be rented or leased as a separate residence unless the property owner maintains permanent residence in the primary dwelling." I would hope that both the Planning Department and the Planning Board remind the applicant that the City strictly enforces this provision of the Whitefish City Code.

Thank you for your consideration of my thoughts on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "JOHN OLIVER ELLIS, JR.", written in a cursive style.

John Oliver Ellis, Jr.



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

File #: WCM 15-07
 Date: _____
 Intake Staff: _____
 Date Complete: _____

CONDITIONAL USE PERMIT

FEE ATTACHED \$ 990.00

(See current fee schedule)

INSTRUCTIONS:

- A Site Review Meeting with city staff is required. Date of Site Review Meeting: 3-31-2015
- Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty five (45) days prior** to the Planning Board meeting at which this application will be heard.
- The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 402 E 2nd Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

Project Name: GARAGE / GUEST APARTMENT
 Project Address: 634 SOMERS AVENUE WHITEFISH, MT
 Assessor's Tract No.(s) 0678285 Lot No(s) #5
 Block # 9 Subdivision Name REVER SIAE ADDITION
 Section 36 Township 31 N Range 22 W

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.

Rod Teske
 Owner's Signature¹

4/2/2015
 Date

Rod Teske
 Print Name

Rod Teske
 Applicant's Signature

4/2/2015
 Date

Rod Teske
 Print Name

Kevin B Treece
 Representative's Signature

4-2-2015
 Date

KEVIN B TREECE
 Print Name

EX-101

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

APPLICATION CONTENTS:

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

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

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

B. OWNER(S) OF RECORD: *1200 E TRISH TESKE* *STEVE EILEY*
 Name: *KEITH & JULIE HANSEN* Phone: *403-318-1203*
 Mailing Address: *31 LAMB CLOSE* *8767*
 City, State, Zip: *RED DEER ALBERTA T4R 3B7 CANADA*
 Email: *RTteske@shaw.ca*

APPLICANT (if different than above):

Name: _____ Phone: _____
 Mailing Address: *SAME*
 City, State, Zip: _____
 Email: _____

TECHNICAL/PROFESSIONAL:

Name: *Kevin TREECE* Phone: *406-261-3951*
 Mailing Address: *106 COOPERATIVE WAY (SUITE #106)*
 City, State, Zip: *HAUSPELL, MT 59901*
 Email: *Kevin@treecehotmail.com*

C. DESCRIBE PROPOSED USE:

GARAGE / APARTMENT

ZONING DISTRICT: *W12-2*

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

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

THE PROPOSED GARAGE APARTMENT CONFORMS TO THE EXISTING INTENT OF GROWTH IN THE WR2 ZONING DISTRICT BY ALLOWING 2 FAMILY USE W/ ACCESSORY APARTMENTS.

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

THE GARAGE APARTMENT IS CONSISTENT WITH THE INTENT OF THE 2 FAMILY ZONING DISTRICT ALL READY IN PLACE AT 634 SOMERS AVENUE ADDRESS WITH NEIGHBORS THAT ALSO HAVE APARTMENTS ALREADY IN USE.

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

THE PROPERTY IS VERY SUITABLE FOR THIS USE, THERE IS A PAVED ALLEY TO ACCESS OFF OF, AND A LARGE PORTION OF UNUSED AREA TO THE REAR OF THE LOT THAT WILL ACCOMMODATE THE STRUCTURE AND ADDITIONAL PARKING SPACE REQUIRED

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

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

THE GARAGE WILL HOUSE 2 PARKING SPACES WITH AN ADDITIONAL SPACE FOR OVERFLOW PARKING TO THE SOUTH OF THE STRUCTURE. ALL LARGE EXISTING TREES WILL TRY TO BE SAVED. LANDSCAPING WILL BE RESTORED TO ITS ORIGINAL IRRIGATED GRASS AND FLOWER BEDS.

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

- a. Sewer - NEW ATTACHED
- b. Water - NEW ATTACHED
- c. Stormwater - TO PROPERTY / DRY WELLS
- d. Fire Protection - EXISTING
- e. Police Protection - EXISTING
- f. Street (public or private) - PUBLIC.
- g. Parks (residential only)
- h. Sidewalks AT STREET SIDE EXISTING
- i. Bike/pedestrian ways - including connectivity to existing and proposed developments

EXISTING SEWER AND WATER LINES ARE AVAILABLE TO THIS PROPERTY. STORM WATER FROM THE ROOFS WILL BE RETAINED ON SITE W/ GUTTERS.

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

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

THE EXCESS TRAFFIC WILL BE MINIMAL. PARKING SPACES WILL BE PAVED TO PREVENT DUST. THE STRUCTURE HAS BEEN DESIGNED WITH MINIMAL GLASS TO PREVENT GLARE, AND ALL EXTERIOR FINISHES WILL BE CHOSEN TO HELP PREVENT GLARE. EXISTING ALLEY IS ALREADY USED AS AN ACCESS TO THE PROPERTY AND PARKING

7. What are the proposed hours of operation?

DAILY. AS APARTMENT USE

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

THE GARAGE APARTMENT IS DESIGNED TO COMPLIMENT THE EXISTING ARCHITECTURE STYLE OF THE NEARBY HOMES, APARTMENTS AND GARAGE STRUCTURES. ITS OVERALL MASS IS VERY SIMILAR TO THE CURRENT GARAGE/APARTMENT TO THE NORTH OF THE PROPOSED SITE. OVERALL, THE DESIGN COMPLIMENTS THE COMMUNITY CHARACTER, MATCHING MANY LOCAL ARCHITECTURAL DETAILS AND ACCENTS.

ZONING REQUIREMENTS

ZONE NR 2 TWO FAMILY RESIDENTIAL DISTRICT

LOT COVERAGE MAXIMUM 40%

LOT = 6444 SQ.FT.
 TOTAL LOT COVERAGE ALLOWED = 40% = 2597
 PROPOSED LOT COVERAGE = 1626 SQ.FT. 25.16 % LOT COVERAGE

SETBACKS

25' FRONT
 10' SIDE
 20' REAR

6' SIDE AND REAR FOR ACCESSORY STRUCTURE NOT TO EXCEED 600 SQ.FT.

PARKING REQ. OFF STREET

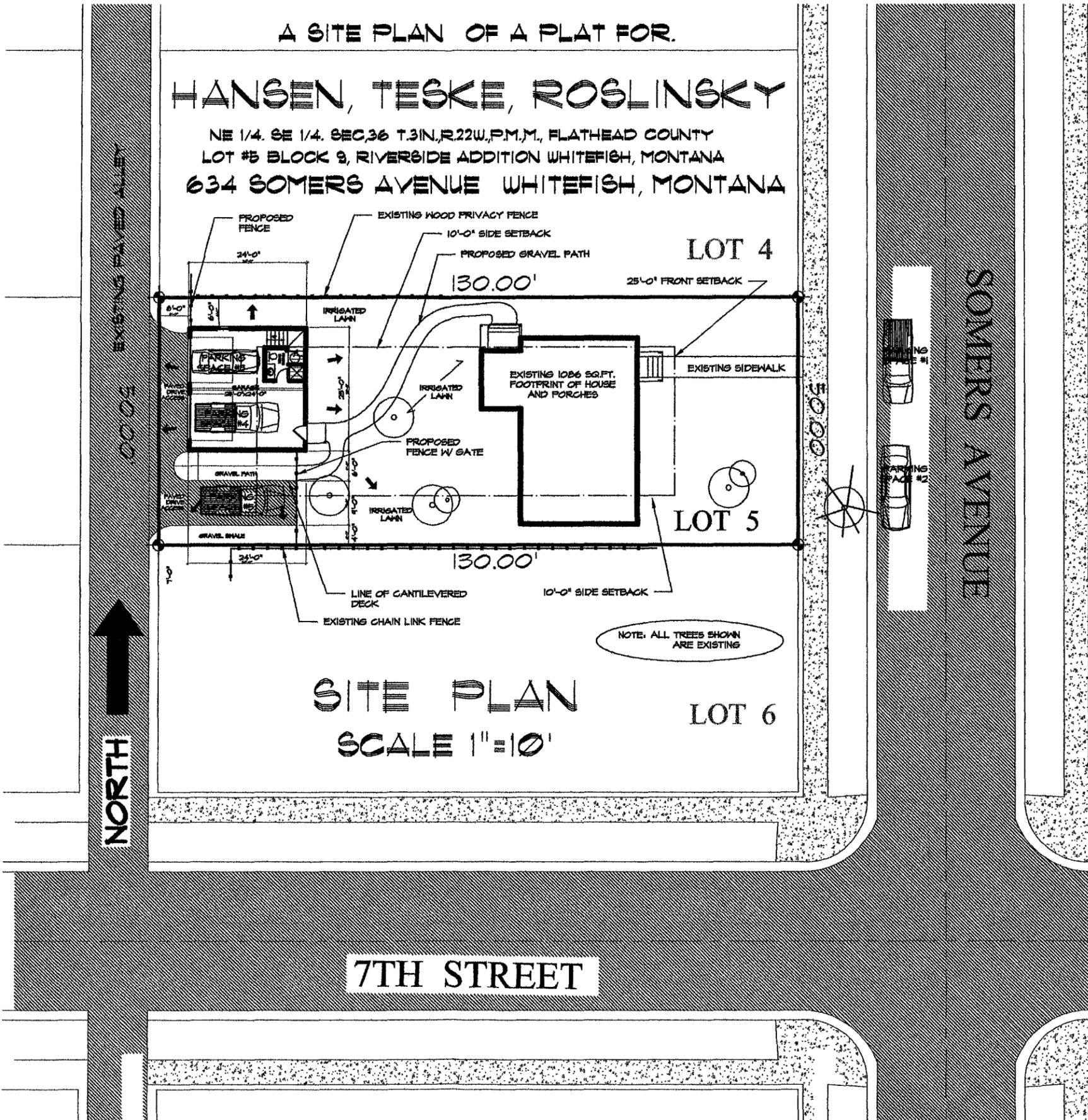
HEIGHT LIMIT 35'

CONTRACTOR TO VERIFY ALL SET BACKS, UTILITIES, ZONING AND BUILDING RESTRICTIONS PRIOR TO BEGINNING CONSTRUCTION

BUILDING CODES:

International Building Code, 2009 Edition
 International Residential Code, 2006 Edition
 International Existing Building Code, 2009 Edition
 Uniform Plumbing Code, 2009 Edition
 International Mechanical Code, 2009 Edition
 International Fuel Gas Code, 2009 Edition
 NFPA 99c, Standard on Gas & Vacuum Systems (med gas), 2008 Edition
 National Electrical Code, 2009 Edition
 International Energy Conservation Code, 2009 Edition

A SITE PLAN OF A PLAT FOR
HANSEN, TESKE, ROSLINSKY
 NE 1/4, SE 1/4, SEC.36 T.31N,R.22W,P.M.M, FLATHEAD COUNTY
 LOT #5 BLOCK 9, RIVERSIDE ADDITION WHITEFISH, MONTANA
 634 SOMERS AVENUE WHITEFISH, MONTANA



SITE PLAN
 SCALE 1"=10'

SITE PLAN

PRELIMINARY DESIGN
 BASED FOR BID
 FOR APPROVAL
 FOR CONSTRUCTION
 AS BUILT

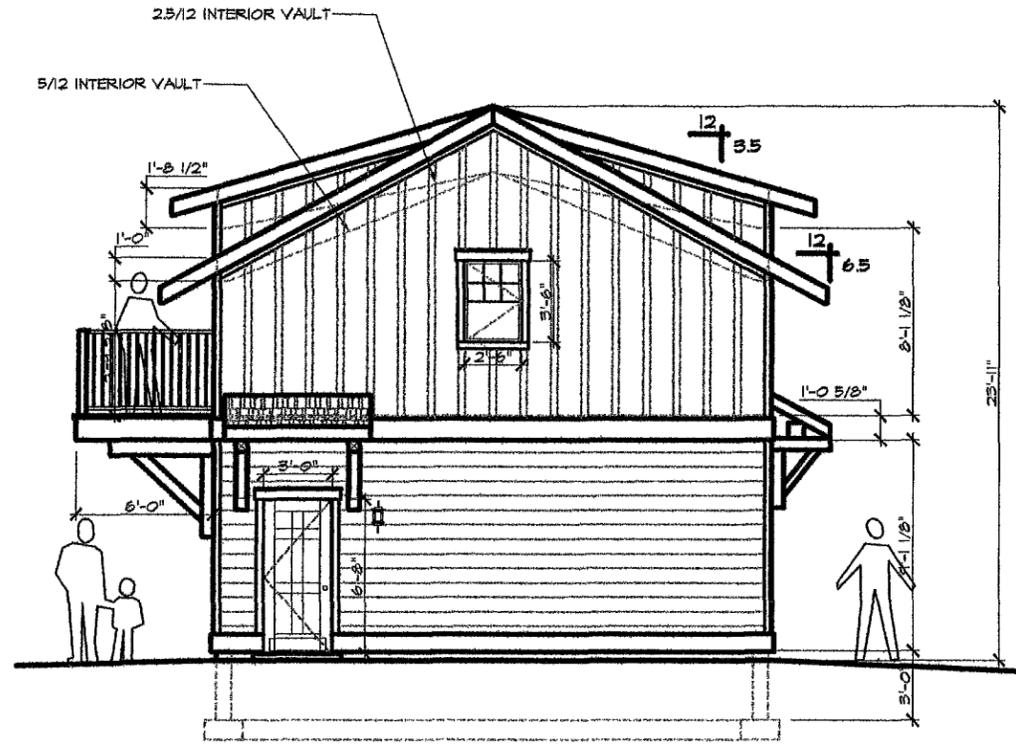
4/06/2015

KEYIN TREE
 CUSTOM RESIDENTIAL DESIGN INC.
 1-406-752-1597 KALISPELL, MONTANA

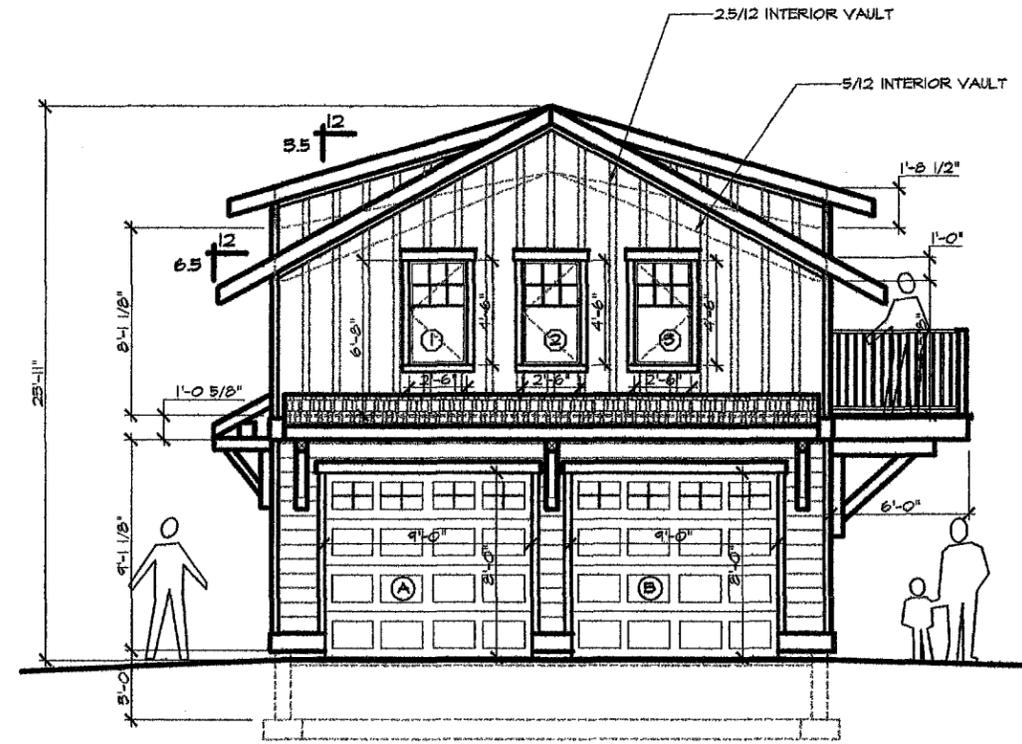
NO. DATE

A CUSTOM GARAGE DESIGNED FOR:
HANSEN, TESKE, ROSLINSKY
 634 SOMERS AVENUE WHITEFISH, MONTANA

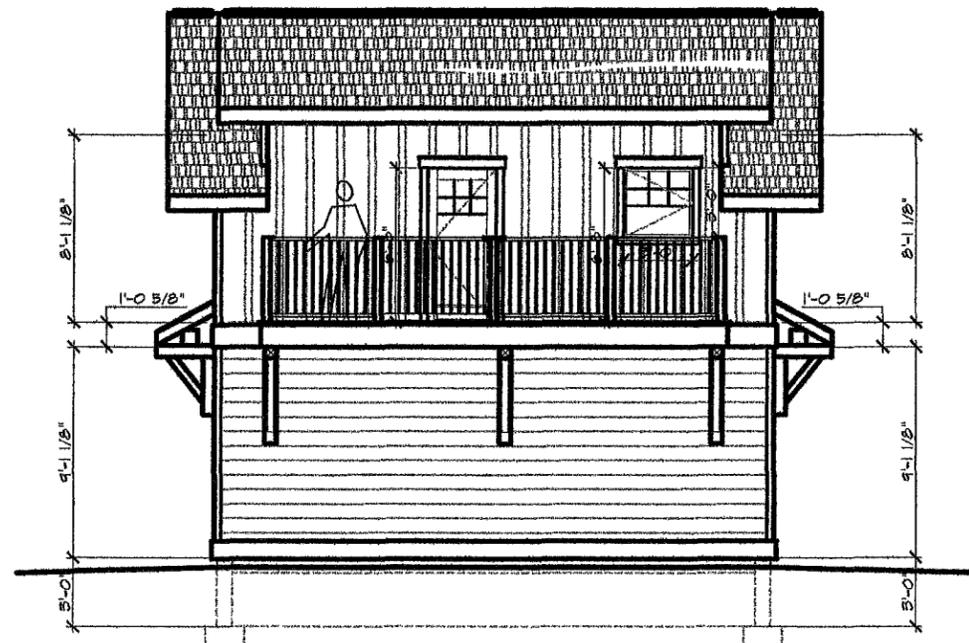
S1



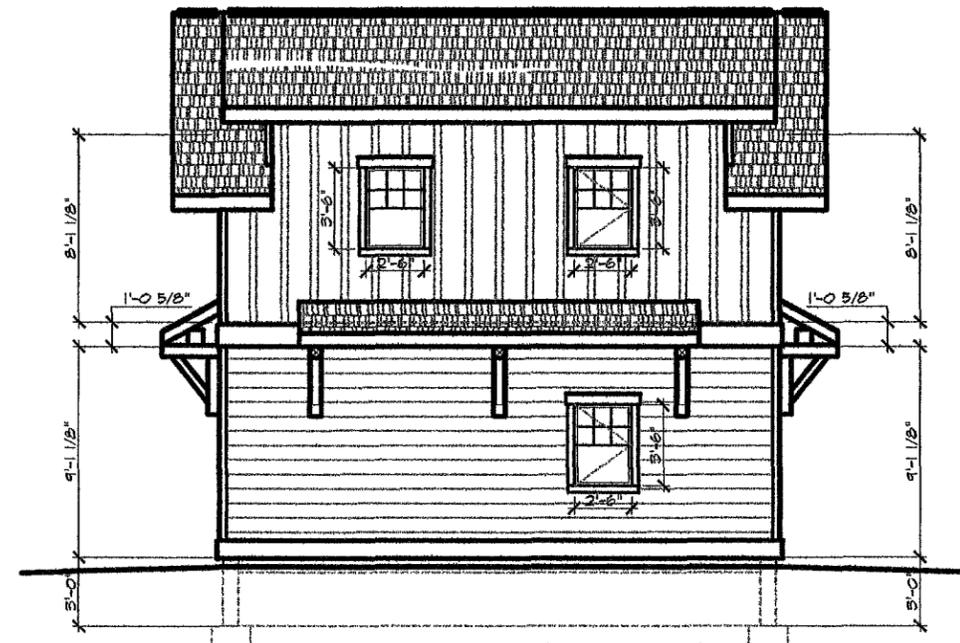
EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

ELEVATIONS

- 1 PRELIMINARY DESIGN
- 2 PERMITTED FOR BID
- 3 FOR APPROVAL
- 4 FOR CONSTRUCTION
- 5 AS BUILT

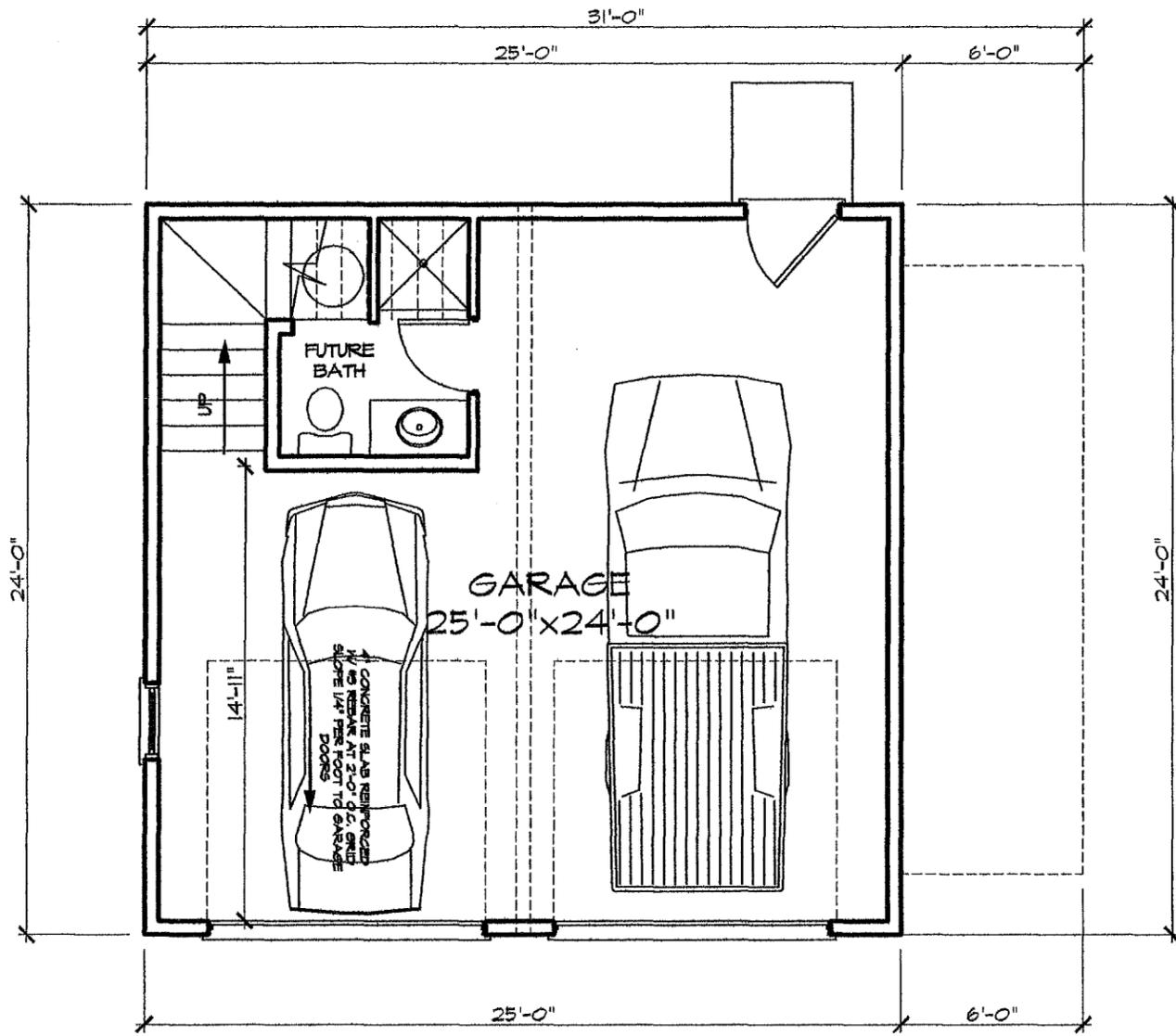
4/06/2015

KEYVIN TREECE
 CUSTOM RESIDENTIAL DESIGN INC.
 1-406-752-1981 KALISPELL, MONTANA

NO.	DATE

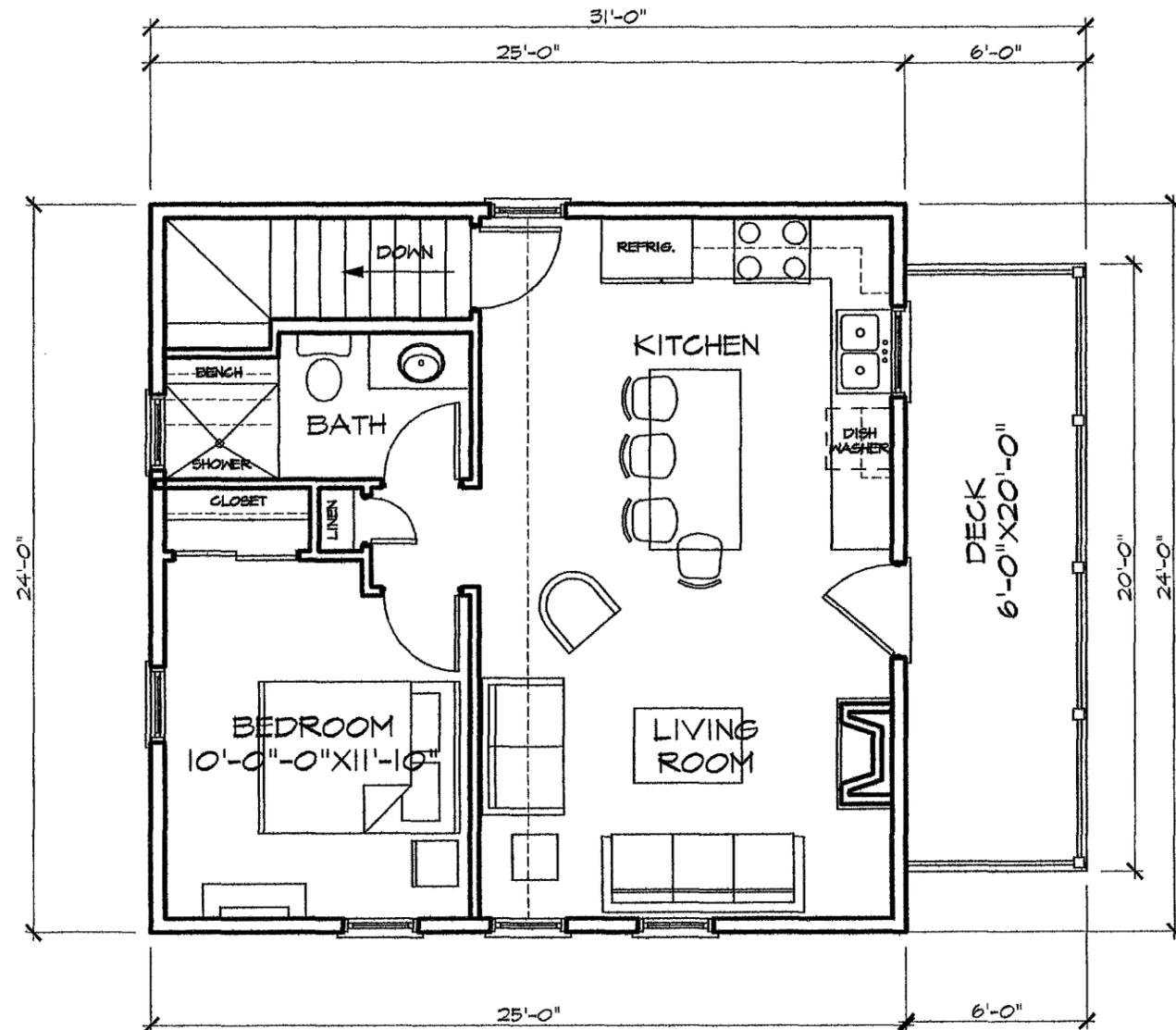
A CUSTOM GARAGE DESIGNED FOR:
HANSEN, TESKE, ROOLINSKY
 634 SOMERS AVENUE WHITEFISH, MONTANA

2



MAIN FLOOR PLAN

OPTION F



SECOND FLOOR PLAN

OPTION F

FLOOR PLANS

PRELIMINARY DESIGN
 SIGNED FOR BID
 FOR APPROVAL
 FOR CONSTRUCTION
 AS BUILT
 4/06/2015

KEVIN TREECE
 CUSTOM RESIDENTIAL DESIGN INC.
 1426-1B2-1B3 KALISPELL, MONTANA

NO.	DATE

A CUSTOM GARAGE DESIGNED FOR:
 HANSEN, TESKE, ROSLINSKY
 634 SCHIERS AVENUE WHITEFISH, MONTANA

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



May 26, 2015

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

Mayor Muhlfeld and Councilors:

Request to Amend Condition #12 of High Point on Second (fka Second Street Residences); (WPP 14-03)

Request:

The developer of the High Point on Second (fka Second Street Residences) preliminary plat would like to amend Condition #12 concerning the most easterly road (Ponderosa Court) in order to design the road to terminate in a 'T' intersection with E. 2nd Street.

Background:

The Whitefish City Council approved the preliminary plat for the High Point on Second subdivision on June 2, 2014. This neighborhood consists of 62 dwelling units (54 single family detached units and 8-townhouses in four buildings). The project was approved subject to 28 conditions with three phases. The applicant has been working on their engineering plans and anticipates constructing improvements and submitting an application for final plat in the near future.

Condition of approval #12 states the following:

“Ponderosa Court shall not terminate in a cul-de-sac. Prior to final plat approval for Phase III, Ponderosa Court shall be constructed as a through road, either by connecting back to Armory Road or to the east and intersect with E. 2nd Street. The final location and alignment shall be approved by the Public Works Department.”

The original plan indicated this road would terminate in a cul de sac; however, this did not meet the Subdivision Regulations, the City’s Engineering Standards nor the Fire Department requirements. The City requested the applicant evaluate either constructing the road to the west back to Armory Road extension or have the road go the east and work with the neighbor to the east to then return the road to E 2nd Street at a location further to the east of the main hill. The conditions also required Public Works Department to approve the final location and its design.

Current Report:

The developer would like to amend Condition #12 in order to construct Ponderosa Court to the south and have the road end in a 'T' intersection with E 2nd Street. The applicant has found that the grade is too steep to west to connect with Armory Road extension and the other option of working with the neighbor to the east has not come to fruition, as the two parties have not been able to open a dialogue to discuss the project.

Originally staff was not supportive of the road intersecting with E 2nd Street, as there were sight distance concerns for residents exiting the subdivision and those traveling west-bound on E 2nd Street. However, staff would point out that detailed engineering and review had not occurred at the time of preliminary plat to see if this option was viable and E 2nd Street had not been reconstructed. The applicant has indicated that the location of the road can meet all the sight distance requirements.

Staff supports the request to amend condition #12 in order to intersect Ponderosa Court with E 2nd Street and have the final design approved by the Public Works Department.

Public Comment

A notice was mailed to adjacent land owners within 300-feet of Lot 7 on May 11, 2015. A notice of the public hearing was published in the *Whitefish Pilot* on May 13, 2015. As of the writing of this report, we received no public comments.

Recommendation:

Staff recommends the Council **approve** the amended Condition #12 to read as follows:

12. Ponderosa Court shall not terminate in a cul-de-sac. Prior to final plat approval for Phase III, Ponderosa Court shall be constructed as a through road, ~~either by connecting back to Armory Road or to the east and intersect with~~ to E. 2nd Street. The final location and alignment shall be approved by the Public Works Department.

Staff makes this recommendation based on the following findings of fact:

Finding 1: This neighborhood, consisting of 62 dwelling units (54 single family detached units and 8-townhouses in four buildings), was approved by the Whitefish City Council on June 2, 2014. The project was approved subject to 28 conditions with three phases.

Finding 2: A legal notice was placed in the *Whitefish Pilot* on May 13, 2015 and public notice was mailed to property owners within 300-feet on May 11, 2015. As of the writing of this report, no public comments were received.

Finding 3: The proposed road location meets the Whitefish Subdivision Regulations, the Whitefish Engineering Standards and the Fire Department Standards because the applicant is not proposing long dead-end road and the road is providing connectivity to the larger transportation system.

Sincerely,



Wendy Compton-Ring, AICP
Senior Planner

Att: Request Letter from Applicant with Attachments, 4-27-15
Conditions of approval, 6-2-14
Original Plat map, 2-6-14
Legal Notice, *Whitefish Pilot*, 5-13-15
Adjacent Landowner Notice, 5-11-15

c/w/att: Necile Lorang, City Clerk

c/w/o/att: Eric Mulcahy, Sands Surveying, 2 Village Loop Kalispell, MT 59901

Exhibit A
Second Street Residence
WPP 14-03/WPUD 14-02
Whitefish City Council
Conditions of Approval
June 16, 2014

The Whitefish City Council approved the project subject to the following conditions of approval, zoning deviations and subdivision variances:

Zoning Deviations Approved:

- WR-1 setbacks across the entire project
- WR-1 lot coverage of 35% across the entire project
- Minimum Lot Area Varied, but less than the WER and WR-1 zoning standards
- Minimum Lot Width Varied, but less than the WER and WR-1 zoning standards

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

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

within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)

5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works and Planning/Building Department. The plan shall include, but may not necessarily be limited to, the following:
 - Dust abatement and control of fugitive dust.
 - Hours of construction activity.
 - Noise abatement.
 - Control of erosion and siltation.
 - Routing for heavy equipment, hauling, and employees.
 - Construction office siting, staging areas for material and vehicles, and employee parking.
 - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
 - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
 - Notation of any street closures or need to work in public right-of-way.(City Engineering Standards, 2009)
6. Provide a sewer and water easement from E. 2nd Street to the north property line. In addition, the city will need maintenance easements to serve these lines. These easements shall be signed and recorded within 30-days of Council approval. (Staff Report, Finding 8)
7. Easement along E. 2nd Street shall be renamed utility and sidewalk easement. (Finding 4)
8. A sidewalk and planter strip with street trees be installed along the frontage of E. 2nd Street from Armory Road to Wild Rose Lane; and require Cash-in-Lieu for the remainder of the sidewalk from Wild Rose Lane to the western property line to be paid at the time of final plat. In addition, two crossings shall be installed across Armory Road at locations determined by the Public Works Director. (Finding 8).
9. A road extension of Wild Rose Lane and Ponderosa Court shall be fully constructed to the eastern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of these roadway extensions shall be determined by the Public Works Director. (Finding 4, Subdivision Regulations, §12-4-15H)
10. Street lighting shall be required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting shall be dark sky

compliant and meet the requirements of the City's Outdoor Lighting ordinance. (Zoning Regulations §11-3-25; City Engineering Standards, 2009)

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

21. Dedication of the 4.04 acre parkland with the exception of the storm water facility shall be approved in accordance with State Law at the time of final plat. The parkland is subject to a reservation of a twenty-foot (20') easement for City Utilities. (Finding 4)
22. An open space plan for each phase shall be submitted to the Planning Department for review and approval. Such plan shall include: landscaping, details on the active pocket parks, trail location and materials, outdoor lighting and plan for the open spaces behind and next to the single family lots to ensure usability, natural surveillance and delineation between private property and neighborhood open spaces. (Finding 4)
23. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners' association. (Subdivision Regulations §12-4-30)
24. The following notes shall be placed on the face of the plat:
 - House numbers shall be located in a clearly visible location. (Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)
25. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)
26. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) for Second Street Residences Subdivision Homeowners' Association (HOA) providing for:
 - Long-term maintenance of the open spaces – including proper mitigation for wildland fire protection and annual maintenance;
 - Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
 - Long-term maintenance plan for drainage and storm water management facilities. (Subdivision Regulations §12-4-30; Staff Report Finding 3; City Engineering Standards, 2009)
27. The Second Street Residences preliminary plat and planned unit development is approved for three years from Council action. (Subdivision Regulations, §12-3-8)
28. Fence heights across the entire subdivision shall not exceed three-feet.

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

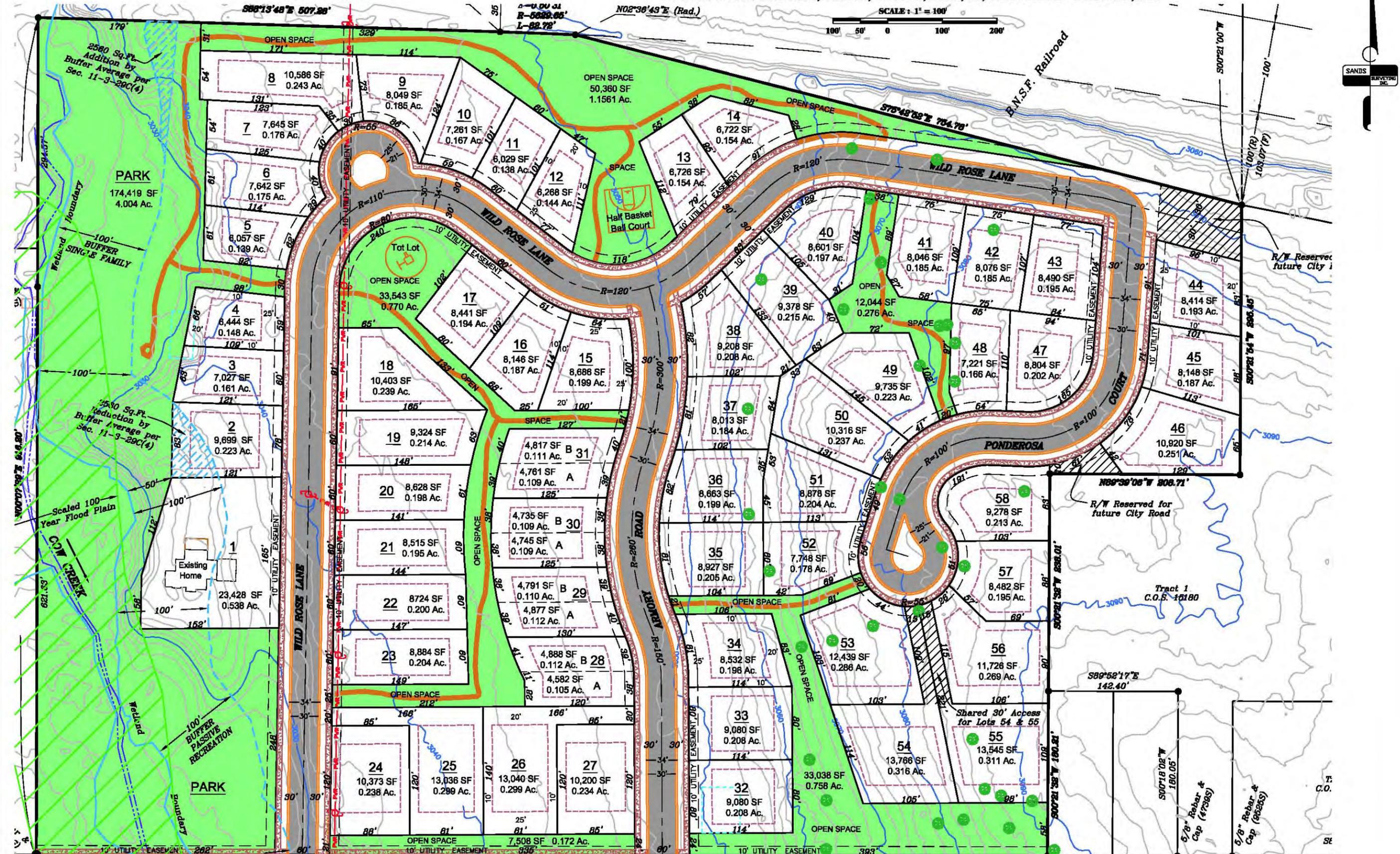
JOB NO: 392603 (tm 392601.dwg)
DATE: DECEMBER 3, 2013
REVISED: FEBRUARY 10, 2014
FOR: WILL MacDONALD
SEAN AVERILL

OWNERS: WILD ROSE KNOLL, LP
PINE HILL, LP

SHADING PLAN for: SECOND STREET RESIDENCES

IN NE1/4NW1/4 SEC.32, T.31N., R.21W., P.M.,M., FLATHEAD COUNTY, MT

SCALE: 1" = 100'



TO: rrooney@dailyinterlake.com

PLEASE PUBLISH THE FOLLOWING LEGAL NOTICE ONCE ON
May 13th in the Whitefish Pilot

PLEASE BILL: City of Whitefish

Do not publish above this line

**WHITEFISH CITY COUNCIL
NOTICE OF PUBLIC HEARING**

At the regular meeting of the Whitefish City Council on Monday, June 1, 2015 at 7:10 pm, the Council will hold a public hearing on the item listed below. The Council meets in Whitefish City Council Chambers, Whitefish, Montana.

1. A request by High Point on 2nd, Ilc to amend condition #12 of the High Point on 2nd preliminary plat (formerly known as Second Street Residences) as it pertains to the easterly street and its access onto E 2nd Street in S32 T31N R21W. (WPP 14-03A) Compton-Ring

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 510 Railway Street, Whitefish, Montana 59937 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: wcompton-ring@cityofwhitefish.org. For questions or further information regarding this request, phone 406-863-2410.

WHITEFISH CITY COUNCIL
John Muhlfeld, Mayor



Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that High Point on Second, Ilc is requesting to amend condition #12 of the High Point on Second (formerly known as Second Street Residences), by amending a road condition. This condition currently states:

“Ponderosa Court shall not terminate in a cul-de-sac. Prior to final plat approval for Phase III, Ponderosa Court shall be constructed as a through road, either by connecting back to Armory Road or to the east and intersect with E. 2nd Street. The final location and alignment shall be approved by the Public Works Department.”

The applicant would like to connect Ponderosa Court with E 2nd Street in a ‘t’ intersection. See map on back of flier.

The High Point on Second (fka Second Street Residences) consists of 62 lots on 23 acres and is located off E 2nd Street, north of Armory Road in S32-T31N-R21W. The property is zoned WR-1/WER/PUD (One-Family Residential District/Estate Residential District with a Planned Unit Development). The preliminary plat was approved by the Whitefish City Council on June 2, 2014. An application for final plat is forthcoming

You are welcome to provide comments on the project. Comments can be in written or email format. The City Council will hold a public hearing and take final action for the request on:

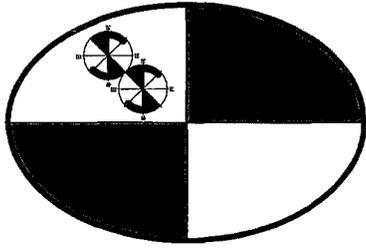
Monday, June 1, 2015

7:10 p.m.

**Whitefish City Council Chambers, City Hall
402 E. Second Street, Whitefish MT 59937**

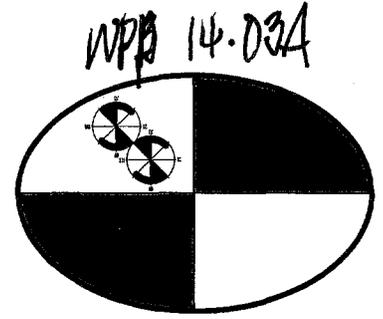
Additional information on this proposal can be obtained at the Whitefish Planning Department located at 510 Railway Street. The public is encouraged to comment on the above proposals and attend the hearings. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at wcompton-ring@cityofwhitefish.org. Comments received by the close of business on Friday, May 22, 2015, will be included in the packets to Councilors. Comments received after the deadline will be summarized to Councilors at the public hearing.

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS



SANDS SURVEYING, INC.

2 Village Loop Road
Kalispell, MT 59901
406-755-6481
Fax 406-755-6488



April 27, 2015

City of Whitefish Planning and Building Department
Attn: Wendy Compton-Ring
P.O. Box 158
Whitefish, MT 59937

RE: High Point on Second Street (Formerly known as Second Street Residences)
revision to road loop, Condition #12.

Dear Wendy:

On behalf of our Clients, High Point on Second, LLC and developers of the High Point on Second Street subdivision, we are submitting a revised Preliminary Plat to address condition #12 of the preliminary plat approval issued on June 2, 2014. We previously proposed working with the neighboring landowner on the east to secure Right-of-Way through his property that would mutually benefit both parties. We had initial agreement when we were working through the preliminary plat process; however when it can time to reach formal written agreements, the neighbor was not responsive any agreement.

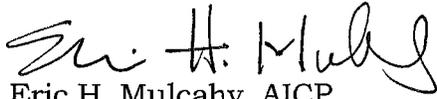
After numerous attempts to open dialog with the neighboring property owner, all of which ended with no reply, the High Point on Second owners pursued other alternatives that would meet the spirit of the City's condition of eliminating the cul-de-sac at the end of Ponderosa Court, but would also avoid constructing a steep road through to Armory Road that would scar the hill side and remove a large number to the trees.

The applicants consulting engineers at 48 North worked with Planning and Public Works Staff to determine a new outlet onto Second Street. The newly constructed profile on Second Street provides good sight distance which would have been problematic with the old profile.

As a result of moving the Ponderosa Court outlet we had to reconfigure the lots at this end of the subdivision. We are proposing the same number of lots as previously proposed in the preliminary plat and 30% of the development will remain in park and open space. There will, however, be a reduction in units within the development as the two unit townhouses originally proposed in Phase 2 have been removed in favor of single family lots.

As we discussed, we request that the proposed amendment be noticed and placed on the City Council agenda to review the proposed change. Please let us know if you have any questions or need additional information.

Sincerely,



Eric H. Mulcahy, AICP
Sands Surveying Inc.

Encl: Preliminary Plat Application.
Amended Preliminary Plat Map
Plat Map with Aerial Photo.



City of Whitefish
Planning & Building Department
 1005 C Baker Avenue
 Whitefish, MT 59937
 Phone: 406-863-2410 Fax: 406-863-2409

File #: _____
 Date: _____
 Intake Staff: _____
 Date Complete: _____

MAJOR PRELIMINARY PLAT APPLICATION

Schedule a Time to Submit the Application: _____ FEE ATTACHED \$ 500.00
 (Date/Time) (See most current fee schedule)

Project /Subdivision Name: High Point on Second Street (Formerly Known as: Second Street Residences)

- Initial Preliminary Plat
- Amendment to an Approved Preliminary Plat
- Change a Condition of Approval to an Approved Preliminary Plat (attach a narrative explaining which condition you are requesting to be changed and why the condition is no longer valid or warranted)
- Re-file of an Expired Preliminary Plat; date preliminary plat expired: _____

A. OWNER(S) OF RECORD:

Name: Pine Hill LP Attn: Dave Kauffman Phone: 250-5779

Mailing Address: P.O. Box 91

City, State, Zip: Whitefish, MT 59937

Email: _____

APPLICANT (if different than above):

Name: High Point on Second Street LLC. Attn: Jeff Swenson Phone: (406) 253-0033 (Jeff)

Mailing Address: P.O. Box 4600

City, State, Zip: Whitefish, MT 59937

Email: montanaswen@hotmail.com

TECHNICAL/PROFESSIONAL:

Name: Sands Surveying, Inc Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: _____

Name: 48 North, Attn: Brett Walcheck Phone: (406) 756-4848

Mailing Address: 151 Business Loop, Suite A

City, State, Zip: Kalispell, MT 59901

Email: brett@48-n.com

B. LEGAL DESCRIPTION OF PROPERTY: Street Address 1550 E Second Street

Assessor's Tract No.(s) Tracts 1D Lot No(s) N/A Block # N/A Subdivision

Name N/A 1/4 Sec NE1/4NW1/4 Section 32 Township 31 Range 21

C. GENERAL DESCRIPTION OF SUBDIVISION

ZONING DESIGNATION: WLR/PUD

If proposing to change the underlying zoning, proposed zoning: _____

CRITICAL AREAS ON-SITE OR NEARBY:

- Lake Wetlands Streams Stormwater Conveyance High Groundwater Slopes 10-30%
- Slopes 30%+ Floodplain

PARKLAND/OPEN SPACE PROPOSAL: The following information is required to show how the project meets the parkland dedication requirements of the subdivision regulations (Section 12-4-11). A recommendation from the Park Board is required to be submitted along with the application, unless exempted under the subdivision regulations 12-4-11(C).

- Date of Parks Board Meeting (prior to submitting an application): January 14, 2014
- Market Value before Improvements: \$37,000.00/acre
- Total Acreage in Parks, Open Spaces and/or Common Areas: The proposed amendment will not change the total amount of park and open space dedicated on the original subdivision and PUD approval

LOTS AND ACREAGE:

Total Acreage in Subdivision: 23.789 Number of Lots or Rental Spaces: 62

Maximum Size of Lots or Spaces: 23,428 sf Minimum Size of Lots or Spaces: 4,582 sf for subplot

Total Acreage in Lots: 12.223 ac Total Acreage in Streets or Roads: 4.429 ac

PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:

Single Family: 58 Townhouse: _____ Mobile Home Park: _____ Duplex: _____ Apartment: _____

Recreational Vehicle Park: _____ Commercial: _____ Industrial: _____

Planned Unit Development: _____ Condominium: _____ Multi-Family: _____ Other: _____

IMPROVEMENTS TO BE PROVIDED:

Roads: Gravel Paved Curb Gutter Sidewalks Alleys Other (explain): _____

Water System: Individual Multiple User Neighborhood Public Other (explain): _____

Sewer System: Individual Multiple User Neighborhood Public Other (explain): _____

Other Utilities: Cable TV Telephone Electric Gas Other (explain): _____

Solid Waste: Home Pick Up Central Storage Contract Hauler Owner Haul

Mail Delivery: Central Individual

Fire Protection: Hydrants Tanker Recharge

Drainage System: See EA and attached drainage Plan for details

D. APPLICATION CONTENTS:

All applicable items required by *Appendix B: Preliminary Plat Submittal Requirements* of the Whitefish Subdivision Regulations must be submitted to the Whitefish Planning & Building Department with the application for preliminary plat, including the following:

Attached

- Preliminary Plat Application
- 20 copies of the preliminary plat
- One reduced copy of the preliminary plat not to exceed 11" x 17"
- Electronic version of plat such as .pdf
- One reproducible set of supplemental information.
- Certified adjacent owners list for properties within 300-feet of subject site
- Any additional information requested during the pre-application process
- Fair Market Appraised Value
- Recommendation from the Parks Board – unless exempt 12-4-10(C)
- \$100.00 deposit for sign to be posted on-site during the duration of the public process

When all application materials are submitted to the Planning & Building Department and it is found complete, the staff will schedule the subdivision for a public hearing pursuant to Section 12-3-5(D). The Council must act within 60 working days or 80 working days if the subdivision has 50 or more lots.

E. VARIANCES:

ARE ANY VARIANCES TO THE SUBDIVISION REGULATIONS BEING REQUESTED? **Yes**
If yes, please complete the Variance Section (attached) and submit the applicable fee.

I hereby certify under penalty of perjury and the laws of the State of Montana the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the Whitefish Planning & Building staff to be present on the property for routine monitoring and inspection during the approval and development process.

	4-28-15
Owner(s) – all must sign the application	(Date)

Owner(s) – all must sign the application	(Date)

Applicant – if different than above	(Date)

I understand I am responsible for maintaining the public notice sign on the subject property during the entire public process. I understand I will forfeit my \$100.00 deposit, if I do not return the public notice sign to the Planning & Building Department in good condition after the public review.

Applicant	(Date)

VARIANCE REQUEST

Completely address each of the following items, if requesting a variance to the Subdivision Regulations. The Council will use the information provided to evaluate the variance request – all criteria need to be met or found not applicable in order for the Council to grant the variance.

SECTION OF REGULATION CREATING HARDSHIP: N/A

EXPLAIN THE UNDUE HARDSHIP CREATED WITH STRICT COMPLIANCE OF THESE REGULATIONS:

PROPOSED ALTERNATIVE(S) TO STRICT COMPLIANCES WITH ABOVE REGULATIONS:

PLEASE ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED BELOW:

1. Will the granting of the variance be detrimental to the public health, safety or general welfare or injurious to other adjoining properties? Explain.

2. How is the physical surrounding, shape or topographical conditions of the property limiting the ability to fully comply with the Regulations?

3. Is the hardship solely a financial hardship or a hardship that has been self-imposed? Explain.

The hardship is not solely financial. Given that no homes can be built on that side of the road and people would not necessarily choose to walk on that side of the street, a sidewalk in this location would only create a maintenance burden for the City.

4. Will the variance cause a substantial increase in public costs? Explain.

The variance will not increase costs to the public.

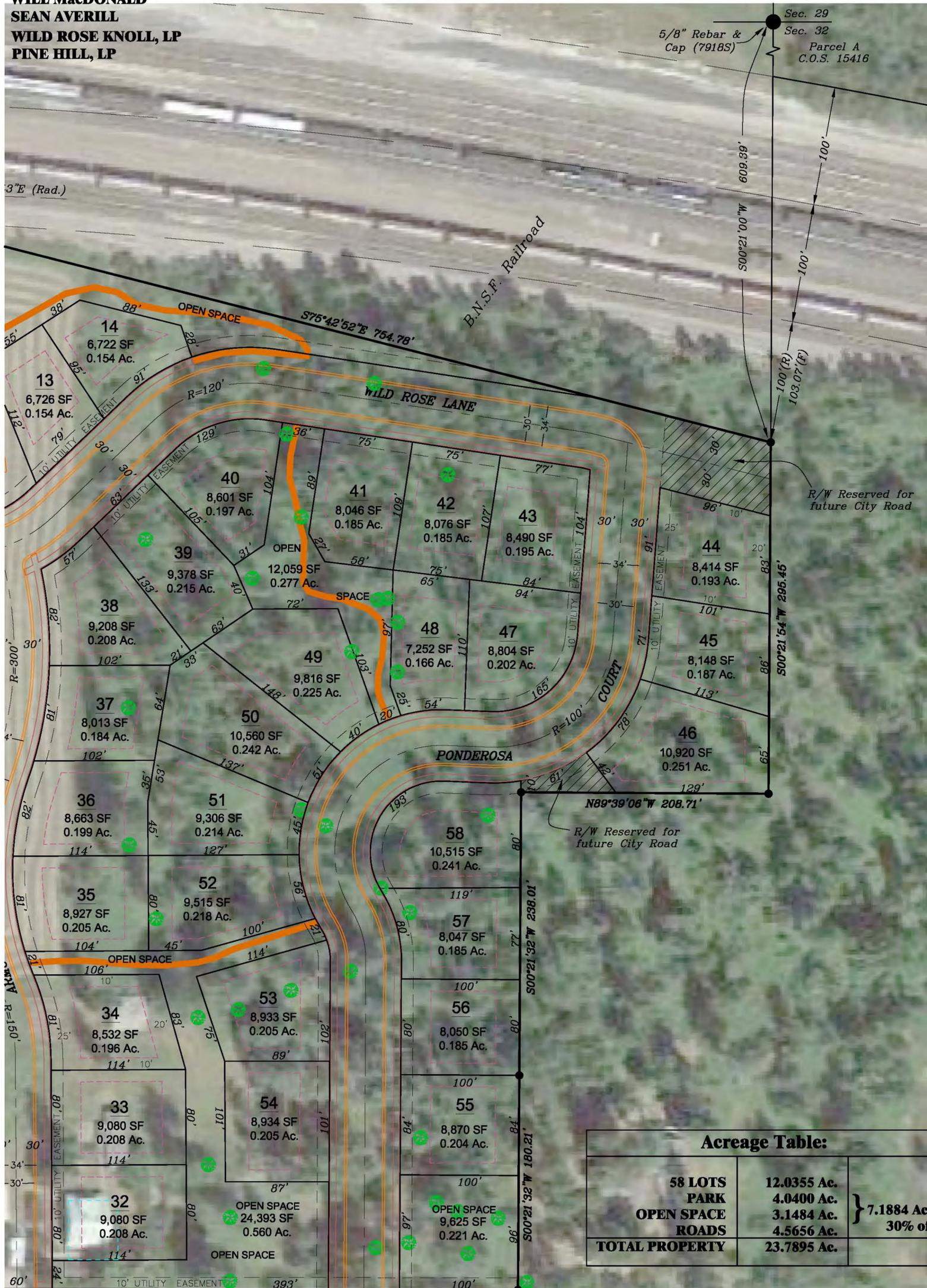
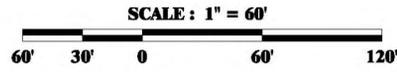
5. Will the variance cause the subdivision to be in nonconformance with any adopted zoning regulations, growth policy or adopted policies or regulations? Explain.

Granting the variance will not place the subdivision in nonconformance with the Whitefish Zoning Ordinance or the WR-1/WER/PUD Zoning Designations and State Law prohibits the Growth Policy from being a regulatory document.

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

PRELIMINARY PLAT OF HIGH POINT ON SECOND STREET IN NE1/4NW1/4 SEC.32, T.31N., R.21W., P.M.,M., FLATHEAD COUNTY, MT

JOB NO: 392603 (in 392601.dwg)
DATE: DECEMBER 3, 2013
REVISED: APRIL 8, 2015
FOR: WILL MacDONALD
 SEAN AVERILL
OWNERS: WILD ROSE KNOLL, LP
 PINE HILL, LP



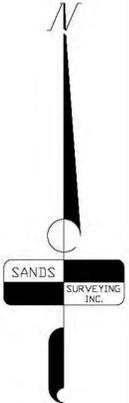
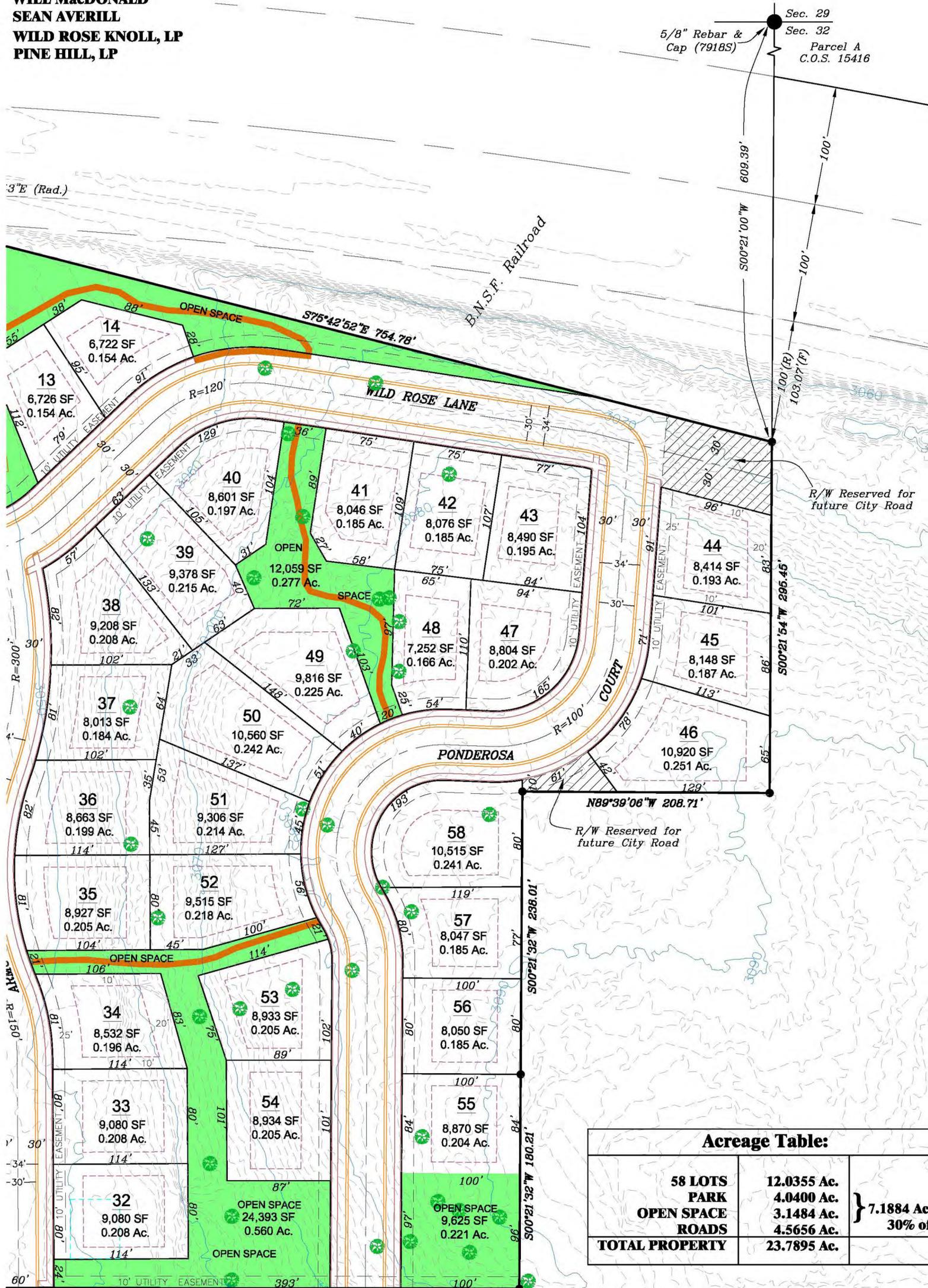
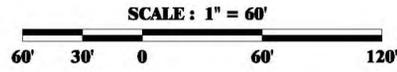
Acreage Table:		
58 LOTS	12.0355 Ac.	
PARK	4.0400 Ac.	
OPEN SPACE	3.1484 Ac.	}
ROADS	4.5656 Ac.	
TOTAL PROPERTY	23.7895 Ac.	7.1884 Ac. 30% of Total



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

PRELIMINARY PLAT OF HIGH POINT ON SECOND STREET IN NE1/4NW1/4 SEC.32, T.31N., R.21W., P.M.,M., FLATHEAD COUNTY, MT

JOB NO: 392603 (in 392601.dwg)
DATE: DECEMBER 3, 2013
REVISED: APRIL 8, 2015
FOR: WILL MacDONALD
 SEAN AVERILL
OWNERS: WILD ROSE KNOLL, LP
 PINE HILL, LP



Acreage Table:		
58 LOTS	12.0355 Ac.	} 7.1884 Ac. 30% of Total
PARK	4.0400 Ac.	
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ROADS	4.5656 Ac.	
TOTAL PROPERTY	23.7895 Ac.	

RMORY ROAD
 C.O.S. 4863
 C.O.S. 3962
 C.O.S. 15810
 Parcel A
 C.O.S. 1406

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May 26, 2015

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Award a Contract for the Birch Point Lift Station Project

Introduction/History

The Public Works Department opened bids for the Whitefish Birch Point Lift Station Project on May 26th. This memo is to recommend the City Council award a construction contract to the low bidder, Sandry Construction, in the amount of \$398,000.

The Birch Point Lift Station project includes earthwork associated with installation of the new lift station, installation of the new lift station, and demolition/removal of the existing lift station. The Birch Point Lift Station earthwork must be completed prior to construction of the south side of the Skye Park Bike/Pedestrian Bridge project. The existing lift station would have been buried under about six feet of fill created by the bridge project. The Birch Point Lift Station became a priority wastewater improvement due to the need for an emergency backup generator. It has been considered a high risk lift station due to its lack of an emergency generator and location near the Whitefish River. The existing lift station was constructed in 1975.

Current Report

Two bids were received from local contractors, with both bids above the engineer's estimate of \$207,640. No bid irregularities were found in any of the bids. The low amount of the engineer's estimate is due to the timing of the estimation, done in April of 2013. At the time, we were in the midst of easement negotiations with the neighboring property. We were hoping to avoid the high cost of shoring for the deep lift station construction. We were not successful in our easement negotiations, so the price reflects the increased costs due to the need for extensive sheet piling. Work is scheduled to begin in June and to be completed within 45 calendar days. The bid tab for the project is attached.

Financial Requirement

This project will be funded through our Wastewater Fund. In addition to the construction cost of \$398,000, there will be construction management fees of approximately \$20,000. Therefore, the total project cost is \$418,000. These

costs will be incurred in the coming fiscal year and adequate funds are included in the FY16 Preliminary Budget.

\$600,000.00 budgeted in FY16 budget

Recommendation

We respectfully recommend the City Council award a contract for the Whitefish Birch Point Lift Station Project to Sandry Construction in the amount of \$398,000.

Sincerely,



Karin Hilding, P.E., LEED A.P.
Interim Public Works Director

Subject: Birch Point Lift Station

From: "Doug Peppmeier" <Doug.Peppmeier@tdhengineering.com>

Date: 5/26/2015 5:51 PM

To: "Karin Hilding" <khilding@cityofwhitefish.org>

Karin,

Attached per your request is the certified bid tabs for the Birch Point lift station project. TD&H Engineering does not have any reservations about awarding the project to the apparent low bidder, Sandry Construction. As you can see, the numbers are much higher than the Engineer's estimate which is attributed to the fact that the bidders both proposed to use sheet piling (vs. open cut) for the shoring of the excavation. This is not something that we had cost estimates for as this involves the means and methods of how the project will be built by the Contractor.

The City did try to obtain an easement from the adjacent land owner (Mr. Hagg) in an effort to try to mitigate costs and eliminate the need for sheet piling, but were unfortunately unsuccessful in those negotiations. Given the tight land constraints (private land owner to the north and BNSF to the south) and depth of the excavation, sheet piling is most likely the best option for reconstruction of the existing lift station. The original cost estimates were generated when it looked like an easement with the adjacent land owner would be possible and therefore a more standard (open cut) excavation would have been possible.

The items that we did have actual bid numbers for (erosion control, surveying, excavation/import, manholes, generator, pumps, controllers, etc.) the numbers seem to be relatively close to what we had received from the suppliers/manufacturers.

If you have any questions or need any additional information, please feel free to contact me directly.

Thanks,

Douglas Peppmeier, PE | Vice President / Regional Manager

TD&H Engineering

450 Corporate Drive, Suite 101 | Kalispell, MT 59901

t:406.751.5246 | c:406.212.0671

www.tdhengineering.com

— Attachments: —

Birch Point LS Certified Bid Tabs.pdf

511 KB



BIRCH POINT LIFT STATION
WHITEFISH, MONTANA
BID TABS
MAY 26, 2015

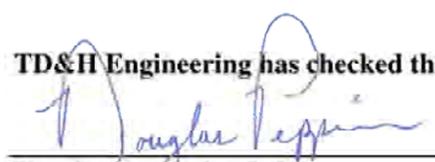
PAY ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	ENGINEER'S ESTIMATE		SANDRY CONSTRUCTION		LHC, INC.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Mobilization, Bonding and Submittals	1	LS	\$ 9,890.00	\$ 9,890.00	\$ 15,180.00	\$ 15,180.00	\$ 17,900.00	\$ 17,900.00
2	Clearing and Grubbing	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 1,309.00	\$ 1,309.00	\$ 9,850.00	\$ 9,850.00
3	Excavation and Embankment	625	CY	\$ 18.00	\$ 11,250.00	\$ 22.00	\$ 13,750.00	\$ 30.77	\$ 19,231.25
4	Erosion and Sediment Control	1	LS	\$ 1,000.00	\$ 1,000.00	\$ 3,166.00	\$ 3,166.00	\$ 770.00	\$ 770.00
5	Construction Surveys and Material Testing	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 2,640.00	\$ 2,640.00	\$ 4,315.00	\$ 4,315.00
6	Demolition of Existing Lift Station	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 9,831.00	\$ 9,831.00	\$ 11,825.00	\$ 11,825.00
7	Doghouse Manhole-48" Sanitary Sewer Manhole	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 20,844.00	\$ 20,844.00	\$ 93,405.00	\$ 93,405.00
8	Wet Well-96" Sanitary Sewer Manhole	1	LS	\$ 70,000.00	\$ 70,000.00	\$ 173,156.00	\$ 173,156.00	\$ 208,860.00	\$ 208,860.00
9	Valve Chamber-96" Sanitary Sewer Manhole	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 42,169.00	\$ 42,169.00	\$ 24,300.00	\$ 24,300.00
10	Lift Station Controller	1	LS	\$ 21,000.00	\$ 21,000.00	\$ 18,480.00	\$ 18,480.00	\$ 23,010.00	\$ 23,010.00
11	Lift Station Controller Enclosure	1	LS	\$ 4,500.00	\$ 4,500.00	\$ 15,104.00	\$ 15,104.00	\$ 12,840.00	\$ 12,840.00
12	Pipe-Buried: 6" Sewer Forcemain-C-900 Pipe	80	LF	\$ 75.00	\$ 6,000.00	\$ 195.00	\$ 15,600.00	\$ 187.54	\$ 15,003.20
13	Pipe-Buried: 10" Sewer Gravity Main-SDR 35 PVC Pipe	10	LF	\$ 100.00	\$ 1,000.00	\$ 246.00	\$ 2,460.00	\$ 212.93	\$ 2,129.30
14	Install New Generator	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 35,842.00	\$ 35,842.00	\$ 30,580.00	\$ 30,580.00
15	Electrical	1	LS	\$ 7,000.00	\$ 7,000.00	\$ 28,469.00	\$ 28,469.00	\$ 14,575.00	\$ 14,575.00
				TOTAL =	\$ 207,640.00	TOTAL =	\$ 398,000.00	TOTAL =	\$ 488,593.75

(ENGINEER)

(SANDRY)

(LHC)

TD&H Engineering has checked the bids and certify they are correct as shown.



 Douglas Peppmeier, P.E.
 TD&H ENGINEERING, INC.
 Date: May 26, 2015



05.26.15



May 26, 2015

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Recommendation to Award a Contract for the Whitefish Overlay Project

Introduction/History

The Public Works Department opened bids for the Whitefish Overlay Project on May 15th. This memo is to recommend the City Council award a construction contract to the low bidder, LHC Inc., in the amount of \$446,468.98.

The overlay project allows the inclusion of 15% recycled asphalt in the asphalt mix. After review of the inclusion of the recycled asphalt product, the Public Works Department and our consultant, Robert Peccia and Associates, are comfortable with this overlay mix specification. We have attached a map of streets to be overlaid as part of this project.

Current Report

Three bids were received from local contractors, with 2 bids below and 1 bid above the engineer's estimate of \$532,600. No bid irregularities were found in any of the bids. Work is scheduled to begin in June, once school is out, and to be completed within 45 calendar days. The bid tab for the project is attached.

Financial Requirement

This project will be funded through our street maintenance fund. These costs would be incurred in the coming fiscal year and adequate funds are included in the FY16 Preliminary Budget. The project is an accumulation of three years of overlay needs and funding.

\$550,000.00 budgeted in FY16 budget.

Recommendation

We respectfully recommend the City Council award a contract for the Whitefish Overlay Project to LHC, Inc. in the amount of \$446,468.98.

Sincerely,

Karin Hilding, P.E., LEED A.P.
Interim Public Works Director



NOTES:
 1. SWEEP ALL STREETS AND REMOVE ALL VEGETATION PRIOR TO APPLYING TACK COAT.



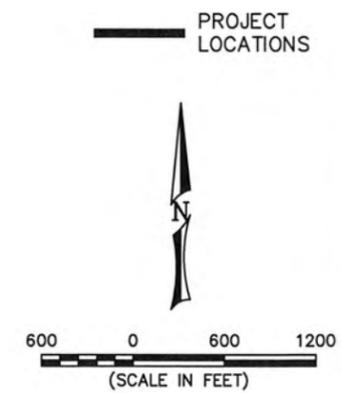
SYM	REVISION	BY	APPR.	DATE

DESIGNED BY M. ROGERS	DATE APRIL 2015
DRAWN BY R. MITCHELL	PROJECT NO. 14-108.000
CHECKED BY 	Overlay_WFO
	FILE

PROJECT TITLE
 2015 WHITEFISH OVERLAY
 PROJECT
 Whitefish, Montana

SHEET TITLE
 PROJECT OVERVIEW

SHEET
 C-1





SUMMARY OF BIDS
2015 WHITEFISH OVERLAY PROJECT
WHITEFISH, MT

Bid Opening
 May 15, 2015 @ 11:30 am
 City Hall, Whitefish, Montana

	Acknowledged Addendum	Bid Bond	MT Contractors Registration No.	BASE BID	Apparent Low Bidder
Engineer's Estimate	n/a	n/a	n/a	\$532,600.00	
LHC, Inc.	n/a	Yes, 10%	5459	\$446,468.98	x
Knife River	n/a	Yes, 10%	10089	\$470,470.00	
Asphalt Plus, Inc.	n/a	Yes, 10%	152811	\$640,915.00	



**SUMMARY OF BIDS
2015 WHITEFISH OVERLAY PROJECT
WHITEFISH, MT**

Robert Peccia & Associates, Inc.
825 Custer Avenue * Helena * Montana * (406) 447-5000
102 Cooperative Way, Suite 300 * Kalispell * Montana * (406) 752-5025

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate		LHC, Inc.		Knife River		Asphalt Plus, Inc.	
				Unit Price (Figures)	Total Price (Figures)						
Base Bid											
1	6,200	SY	Asphalt Milling	\$6.00	\$37,200.00	\$7.43	\$46,066.00	\$6.50	\$40,300.00	\$6.00	\$37,200.00
2	13	EA	Adjust Water Valve Box to Grade	\$65.00	\$845.00	\$31.00	\$403.00	\$300.00	\$3,900.00	\$175.00	\$2,275.00
3	14	EA	Adjust Manhole to Grade	\$150.00	\$2,100.00	\$138.00	\$1,932.00	\$500.00	\$7,000.00	\$400.00	\$5,600.00
4	5	EA	New Manhole Frame and Cover	\$500.00	\$2,500.00	\$785.00	\$3,925.00	\$700.00	\$3,500.00	\$800.00	\$4,000.00
5	1	EA	Survey Box	\$300.00	\$300.00	\$210.00	\$210.00	\$800.00	\$800.00	\$1,000.00	\$1,000.00
6	3,800	SY	Existing Gravel Preparation	\$5.00	\$19,000.00	\$2.09	\$7,942.00	\$2.00	\$7,600.00	\$2.00	\$7,600.00
7	105	LF	Concrete Curb Removal	\$10.00	\$1,050.00	\$12.46	\$1,308.30	\$6.00	\$630.00	\$10.00	\$1,050.00
8	685	LF	Concrete Curb and Gutter	\$20.00	\$13,700.00	\$17.51	\$11,994.35	\$15.00	\$10,275.00	\$35.00	\$23,975.00
9	250	SY	Asphalt Removal	\$4.00	\$1,000.00	\$3.02	\$755.00	\$4.00	\$1,000.00	\$6.00	\$1,500.00
10	7.0	TON	Asphalt Tack Coat (Undiluted, SS-1)	\$900.00	\$6,300.00	\$729.49	\$5,106.43	\$450.00	\$3,150.00	\$1,285.00	\$8,995.00
11	4,520	TON	Asphalt Concrete Pavement (2" Thick w/ 20% Contingency)	\$80.00	\$361,600.00	\$68.07	\$307,676.40	\$70.00	\$316,400.00	\$96.00	\$433,920.00
12	200	CY	Crushed Base Course - 3/4" Minus	\$130.00	\$26,000.00	\$41.63	\$8,326.00	\$22.00	\$4,400.00	\$35.00	\$7,000.00
13	30	SY	6" Concrete Driveway	\$150.00	\$4,500.00	\$99.85	\$2,995.50	\$130.00	\$3,900.00	\$100.00	\$3,000.00
14	8	EA	Waterborne Symbols & Words	\$120.00	\$960.00	\$232.75	\$1,862.00	\$225.00	\$1,800.00	\$500.00	\$4,000.00
15	4,200	LF	Waterborne Striping - 4" Wide	\$1.00	\$4,200.00	\$1.32	\$5,544.00	\$1.25	\$5,250.00	\$2.00	\$8,400.00
16	1,000	LF	Waterborne Striping - 8" Wide	\$1.00	\$1,000.00	\$2.65	\$2,650.00	\$2.50	\$2,500.00	\$4.00	\$4,000.00
17	200	LF	Waterborne Striping - 24" Wide	\$5.00	\$1,000.00	\$7.94	\$1,588.00	\$8.00	\$1,600.00	\$12.00	\$2,400.00
18	1	LS	Traffic Control	\$15,945.00	\$15,945.00	\$10,150.00	\$10,150.00	\$15,000.00	\$15,000.00	\$30,000.00	\$30,000.00
19	1	LS	Material Testing	\$8,000.00	\$8,000.00	\$8,975.00	\$8,975.00	\$18,000.00	\$18,000.00	\$25,000.00	\$25,000.00
20	1	LS	Mobilization, Bonding and Submittals (5% Max)	\$25,400.00	\$25,400.00	\$17,060.00	\$17,060.00	\$23,465.00	\$23,465.00	\$30,000.00	\$30,000.00
				4.77%		3.82%		4.99%		4.68%	
TOTAL BASE BID					\$532,600.00		\$446,468.98		\$470,470.00		\$640,915.00

TRUE TABULATION OF BIDS RECEIVED
Robert Peccia & Associates
Today's Date: May 15, 2015

Notes:



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MANAGER REPORT

May 27, 2015



RESORT TAX COLLECTIONS

Resort tax collections for March were down 7.8% or \$10,174 compared to March of last year. There were no significant delinquencies in the lodging collections, but there were delinquencies noted in the retail and bars/restaurants of an estimated \$4,710 and \$8,060, respectively. These are just estimated amounts based on the typical collection by the delinquent entities. Taking into account the delinquencies and payments that were made during the month for other periods, the retail component would be up about 3.4% (with the current report showing 4.4%) and the bars/restaurants would be down 11.7% compared to the 20.3% drop depicted in the report.

Because delinquencies for one or two months can skew results, it is typically better to look at quarterly trends of increases (6.6%, 5.9%, and 1.6% increases for the last three quarters) or to focus on the year-to-date trend.

For the year-to-date, our collections are 5.18% or \$84,224 higher than the same period last year. There is a chart and graph in the packet with this report showing recent collections and trends.

NEW PUBLIC WORKS EMPLOYEE – APRIL O’NEAL

We have hired April O’Neal as a replacement for Sherri Baccaro as the Assistant to the Public Works Director (Sherri became Human Resources Director earlier this year). April has lived in Whitefish for almost a year and is originally from Maryland where she had over 15 years of County and Municipal government experience. She also has a Master’s Degree. April will begin work on June 1st.

MEETINGS

City Hall Steering Sub-Committee (5/15) – The City Hall Steering sub-committee met and reviewed changes made at the prior meeting and discussed other options for value engineering in order to save costs.

UPCOMING SPECIAL EVENTS

REMINDERS

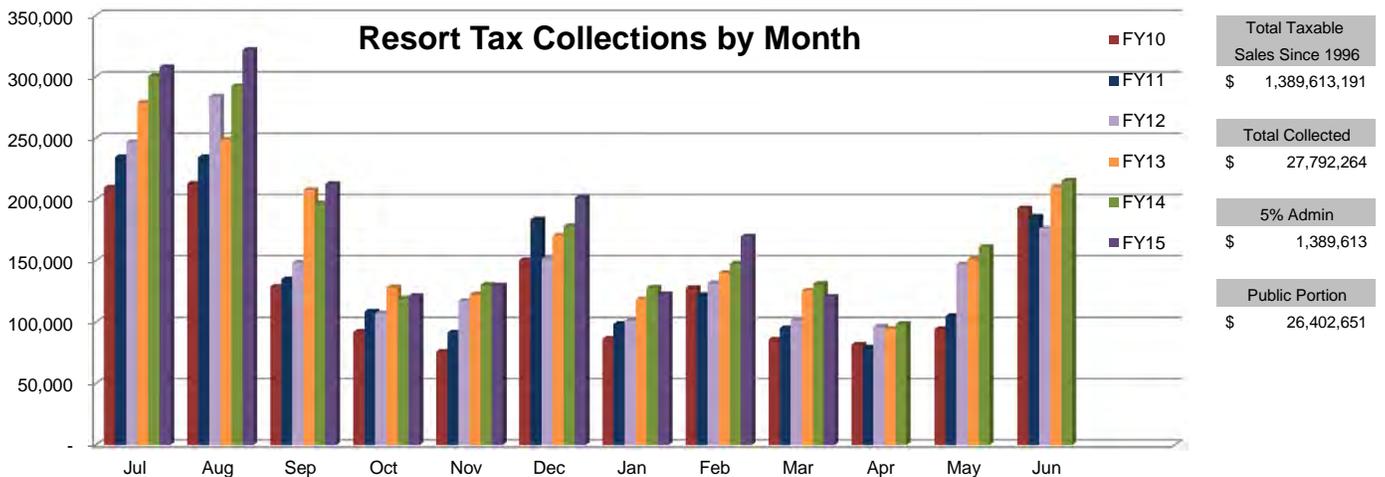
Budget work session – June 8th at 5:30 p.m. Food will be provided.



Respectfully submitted,
Chuck Stearns, City Manager

Resort Tax Report
Reported in the Month Businesses Paid Tax

Month/Year	Lodging	Bars & Restaurants	Retail	Collected	% Chng Mnth to Pr Yr Mnth	% Chng Quarter to Pr Yr Quarter	Interest	Total
Total FY12	\$ 314,731	\$ 679,063	\$ 816,110	\$ 1,809,903		8.1%	\$ 20,785	\$ 1,830,688
FY11 vs FY12	15%	4%	9%	8%	or	\$ 136,279	TaxableSalesFY12	\$ 95,258,076
Jul-12	69,418	94,341	115,149	278,908	13.1%		\$ 643	\$ 279,551
Aug-12	53,361	92,463	102,812	248,636	-12.4%		444	249,080
Sep-12	57,000	77,503	73,232	207,734	39.9%	8.3%	533	208,267
Oct-12	24,519	54,631	49,137	128,288	19.4%		434	128,722
Nov-12	8,099	40,326	74,122	122,547	4.6%		379	122,926
Dec-12	15,490	66,046	88,956	170,492	12.4%	11.9%	393	170,885
Jan-13	13,152	51,930	53,396	118,478	17.3%		363	118,841
Feb-13	18,023	55,180	66,995	140,198	6.4%		413	140,611
Mar-13	16,171	56,231	53,318	125,720	23.7%	14.9%	405	126,125
Apr-13	10,105	42,230	42,325	94,660	-1.8%		466	95,126
May-13	19,009	52,303	80,090	151,402	2.9%		427	151,829
Jun-13	41,222	74,833	94,085	210,140	19.1%	8.6%	488	\$ 210,628
Total FY13	\$ 345,570	\$ 758,018	\$ 893,617	\$ 1,997,205		10.35%	\$ 5,388	\$ 2,002,593
FY12 vs FY13	10%	12%	9%	10%	or	\$ 187,301	TaxableSalesFY13	\$ 105,116,040
Jul-13	81,828	98,642	120,028	300,497	7.7%		496	300,993
Aug-13	77,809	108,131	106,422	292,362	17.6%		434	292,796
Sep-13	50,377	77,416	69,328	197,120	-5.1%	7.4%	434	197,554
Oct-13	16,851	48,015	54,271	119,137	-7.1%		434	119,571
Nov-13	6,831	47,701	75,780	130,312	6.3%		2654	132,966
Dec-13	21,782	64,884	91,585	178,251	4.6%	1.5%	404	178,655
Jan-14	16,848	54,481	56,839	128,169	8.2%		404	128,573
Feb-14	22,323	58,758	66,487	147,568	5.3%		404	147,972
Mar-14	15,770	64,178	51,114	131,061	4.2%	5.8%	409	131,470
Apr-14	10,065	41,894	46,458	98,417	4.0%		455	98,872
May-14	18,993	58,791	83,683	161,467	6.6%		455	161,922
Jun-14	44,865	69,190	101,053	215,107	2.4%	4.1%	455	215,562
Total FY14	\$ 384,342	\$ 792,081	\$ 923,047	\$ 2,099,470		5.12%	\$ 7,438	\$ 2,106,908
FY13 vs FY14	11.2%	4.5%	3.3%	5.1%	or	\$ 102,265	TaxableSalesFY14	\$ 110,498,402
Jul-14	84,053	104,935	118,876	307,864	2.5%		440	308,304
Aug-14	93,049	117,674	111,016	321,739	10.0%		498	322,236
Sep-14	49,804	84,149	78,813	212,767	7.9%	6.6%	246	213,013
Oct-14	18,589	50,665	52,266	121,519	2.0%		604	122,123
Nov-14	8,530	43,076	78,311	129,917	-0.3%		359	130,276
Dec-14	20,944	74,617	105,885	201,446	13.0%	5.9%	293	201,739
Jan-15	15,285	52,940	54,543	122,768	-4.2%		281	123,049
Feb-15	25,805	74,286	69,705	169,795	15.1%		166	169,961
Mar-15	16,336	51,183	53,368	120,887	-7.8%	1.6%	227	121,114
Total FY15	\$ 332,393	\$ 653,526	\$ 722,783	\$ 1,708,702		5.18%	\$ 3,114	\$ 1,711,816
YTD vs Last Year	7.08%	5.03%	4.47%	5.18%	or	\$ 84,224	Taxable Sales FY15	\$ 89,931,710
FY15 % of Collections	19%	38%	42%					
Grand Total	\$ 4,687,314	\$ 9,846,446	\$ 11,868,890	\$ 26,402,651			\$ 758,908	\$ 27,162,108
% of Total Collections	18%	37%	45%				2.9%	Average since '96



RESOLUTION NO. 15-14

RESOLUTION RELATING TO \$7,183,000 TAX INCREMENT
URBAN RENEWAL REVENUE REFUNDING BONDS,
CONSISTING OF \$3,591,500 SERIES 2015A BOND AND
\$3,591,500 SERIES 2015B BOND; AUTHORIZING AND
DIRECTING THE ISSUANCE, CONFIRMING THE SALE AND
PRESCRIBING THE FORM AND TERMS THEREOF AND
THE SECURITY THEREFOR

BE IT RESOLVED by the City Council (the “Council”) of the City of Whitefish, Montana (the “City”), as follows:

Section 1. Definitions, Authorization and Findings.

1.01. Definitions. The terms defined in this Section 1.01 shall for all purposes of this Resolution have the meanings herein specified, unless the context clearly otherwise requires:

A. “Resolution” means this Resolution No. 15-14 as originally adopted or as it may from time to time be amended or supplemented pursuant to the applicable provisions hereof.

B. All references in this Resolution to designated sections and other subdivisions are to the designated sections and other subdivisions of this instrument as originally adopted.

C. The words “herein,” “hereof” and “hereunder” and other words of similar import without reference to any particular section or subdivision refer to this Resolution as a whole and not to any particular section or other subdivision unless the context clearly indicates otherwise.

D. The terms defined in this Section include the plural as well as the singular.

E. All accounting terms not otherwise defined herein have the meanings assigned to them in accordance with generally accepted accounting principles applicable to governmental entities.

F. All computations provided herein shall be made in accordance with generally accepted accounting principles applicable to governmental entities consistently applied.

G. “Or” is not intended to be exclusive, but is intended to contemplate or encompass one, more or all of the terms or alternatives conjoined.

H. For purposes of amendments to this Resolution, direction of remedies and waivers of default, except as described in Section 5.06, Outstanding Notes shall be treated as “Bonds” Outstanding under this Resolution and Owners of such Notes shall have the rights given Owners of Bonds in such circumstances.

Accountant shall mean a Person engaged in the practice of accounting as a certified public accountant, whether or not employed by the City.

Act shall mean Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended or supplemented.

Additional Bonds shall mean any Bonds issued pursuant to Sections 5.01 through 5.04 hereof.

Bond Account shall mean the account so designated in the Tax Increment Debt Service Fund.

Bond Counsel shall mean any firm of nationally recognized bond counsel experienced in matters relating to tax-exempt financing, selected by the City.

Bond Register shall mean the register maintained for the purpose of registering the ownership, transfer and exchange of the Bonds of any series.

Bond Registrar shall mean, with respect to the Series 2015 Bonds, the City Finance Director, or any successor appointed pursuant to Section 3.03, and, with respect to any series of Additional Bonds, the Person or Persons designated by or pursuant to this Resolution or a Supplemental Resolution to receive and disburse the principal of, premium, if any, and interest on the Bonds on behalf of the City and to hold and maintain the Bond Register.

Bondowner shall mean the Owner of a Bond.

Bonds shall mean the Series 2015 Bonds and any Additional Bonds.

Business Day shall mean, with respect to the Bonds of any series, any day other than a Saturday, Sunday or other day on which the Bond Registrar for such series of Bonds is not open for business.

City shall mean the City of Whitefish, Montana, or its successors.

City Hall/Parking Structure Project Bonds shall mean those Bonds expected to be issued as Additional Bonds under Section 5.02 at the end of calendar year 2015 or in calendar year 2016 to provide financing to pay a portion of the costs of a new City Hall facility and parking structure to be constructed in the District.

City Resolution shall mean a resolution, ordinance or other appropriate enactment by the Council certified by the City Clerk to have been duly adopted and to be in full force and effect.

Code shall mean the Internal Revenue Code of 1986, as amended.

Construction Account shall mean the account so designated in the Tax Increment Capital Project Fund.

Council shall mean the City Council of the City or any successor governing body thereof.

Date of Taxability shall mean that point in time, as specified in the determination, ruling or decision constituting the Determination of Taxability, that the interest payable on the Series

2015 Bonds or either of them becomes includible in the gross income of the Owner for federal income tax purposes.

Determination of Taxability shall mean the issuance of a statutory notice of deficiency by the Internal Revenue Service, a ruling by the National Office of the Internal Revenue Service, or a final decision of a court of competent jurisdiction which holds in effect that the interest payable on the Series 2015 Bonds, or either of them, is includible in the gross income of the Owner thereof for federal income tax purposes, if the period, if any, for contest or appeal of such action, ruling or decision by the City or the Owner has expired without any such contest or appeal having been properly instituted by the City or the Owner, or if the City and the Owner have waived in writing any right to contest or appeal such action, ruling or decision.

District shall mean the Whitefish Urban Renewal District, created and established as an urban renewal area pursuant to the Act and the Ordinance, as such area may be enlarged or reduced in accordance with the Act and this Resolution.

Financial Consultant shall mean an Independent Person selected by the City, qualified to study urban renewal areas and projects and tax increment financing plans, and in the judgment of the Council, having a favorable reputation for skill and experience in such work.

Fiscal Year shall mean the period commencing on the first day of July of any year and ending on the last day of June of the next calendar year, or any other twelve-month period authorized by law and specified by the Council as the City's fiscal year.

Government Obligations shall mean (a) direct general obligations of, or obligations the prompt payment of the principal of and the interest on which is fully and unconditionally guaranteed by, the United States of America, (b) obligations the payment of the principal of, premium, if any, and interest on which is fully guaranteed as a full faith and credit obligation of the United States of America, and (c) certificates or other evidence of ownership in principal to be paid or interest to accrue on a pool of obligations of the type described in the foregoing clause (a) or (b), which obligations are held by a custodian, any obligations described in the foregoing clause (a) or (b) may be issued or held in book-entry form on the books of the Department of Treasury of the United States of America.

Independent shall mean, when used with respect to any specified Person, such a Person who (i) is in fact independent; (ii) does not have any direct financial interest or any material indirect financial interest in the City, other than the payment to be received under a contract for services to be performed by such Person; and (iii) is not connected with the City as an officer, employee, promoter, trustee, partner, director, underwriter or person performing similar functions. Whenever it is herein provided that any Independent Person's opinion or certificate shall be furnished, such Person shall be appointed by the City and such opinion or certificate shall state that the signer has read this definition and that the signer is Independent within the meaning hereof.

Interest Account shall mean the subaccount so designated in the Bond Account.

Interest Payment Date shall mean with regard to any Bond that is not a Serial Bond or a Term Bond, the Payment Date of an installment of interest on any of such Bonds and with regard to any Bond that is a Term Bond or a Serial Bond the Stated Maturity of an installment of interest on any of such Bonds.

Note shall mean any note issued in anticipation of the issuance of Bonds pursuant to Section 5.06.

Opinion of Counsel shall mean a written opinion of counsel, who may (except as otherwise expressly provided in this Resolution) be counsel for the City.

Ordinance shall mean No. 87-3, adopted by the Council on May 4, 1987, as amended and supplemented by Ordinance Nos. 89-3, 93-2, 95-06, 95-10, 96-14, 99-04, 99-15, 01-16, 03-25, 03-34, 04-08, 08-02, 08-19 and 12-05, adopted by the Council on May 15, 1989, April 19, 1993, May 15, 1995, September 5, 1995, December 16, 1996, June 21, 1999, January 3, 2000, November 19, 2001, September 15, 2003, December 1, 2003, May 3, 2004, February 4, 2008, July 21, 2008, and February 21, 2012, respectively, as such may be further amended or supplemented in accordance with the Act, the Ordinance and this Resolution.

Original Purchaser shall mean, with respect to any series of Bonds, the Person who purchases such series of Bonds from the City when first issued. The Original Purchaser of the Series 2015A Bond is Glacier Bank. The Original Purchaser of the Series 2015B Bond is First Interstate Bank.

Outstanding shall mean, with reference to Bonds or Notes, as of the date of determination, all Bonds or Notes theretofore issued and delivered under this Resolution except:

- (i) Bonds or Notes theretofore cancelled by the City or delivered to the City cancelled or for cancellation;
- (ii) Bonds and portions of Bonds for whose payment or redemption money or Government Obligations (as provided in Section 9) shall have been theretofore deposited in trust for the Owners of such Bonds; provided, however, that if such Bonds are to be redeemed, notice of such redemption shall have been duly given pursuant to this Resolution or irrevocable instructions to call such Bonds for redemption at a stated Redemption Date shall have been given by the City; and
- (iii) Bonds or Notes in exchange for or in lieu of which other Bonds or Notes shall have been issued and delivered pursuant to this Resolution;

provided, however, that in determining whether the Owners of the requisite principal amount of Outstanding Bonds or Notes have given any request, demand, authorization, direction, notice, consent or waiver hereunder, Bonds or Notes owned by the City shall be disregarded and deemed not to be Outstanding.

Owner shall mean, with respect to any Bond, the Person in whose name such Bond is registered in the Bond Register.

Payment Date when used with respect to any Bond that is neither a Serial Bond nor a Term Bond shall mean the date specified in such Bond as the fixed date on which an installment of principal of such Bond or an installment of interest is due and payable.

Person shall mean any individual, corporation, partnership, joint venture, limited liability company, limited liability partnership, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.

Plan shall mean the City of Whitefish Urban Renewal Plan, adopted by the Council on May 4, 1987, as heretofore and hereafter amended in accordance with the Act, the Ordinance and this Resolution.

Principal and Interest Requirements shall mean, with respect to any Bonds and for any Fiscal Year or other specified period, the amount required to pay the principal of and interest on such Bonds during such Fiscal Year or other period, determined on the assumption that each Serial Bond is to be paid on its Stated Maturity and each Term Bond is to be paid on the Sinking Fund Payment Dates according to the mandatory redemption requirements established for such Term Bond by the applicable section of this Resolution or any Supplemental Resolution.

Principal Payment Date shall mean in the case of a Bond that is neither a Serial Bond nor a Term Bond a Payment Date on which the payment of principal is due and in the case of a Serial Bond or a Term Bond shall mean the Stated Maturity of principal of any Serial Bond and the Sinking Fund Payment Date for any Term Bond.

Project shall mean the 2009 Project and any urban renewal project undertaken in or with respect to the District under the Act, the costs of which are to be paid, in whole or in part, from the proceeds of Bonds.

Qualified Investments shall mean the investments described as such in Section 6.07.

Redemption Date when used with respect to any Bond to be redeemed shall mean the date on which it is to be redeemed.

Redemption Price when used with respect to any Bond to be redeemed shall mean the price at which it is to be redeemed.

Refunded Bonds shall mean the Series 2009 Bonds being refunded by the Series 2015 Bonds.

Reserve Account shall mean the account so designated in the Tax Increment Debt Service Fund.

Reserve Requirement shall mean, as of the date of calculation, an amount equal to the lesser of: (1) the maximum Principal and Interest Requirements on Outstanding Bonds for the then current or any future calendar year, or (2) ten percent (10%) of the aggregate original principal amount of all series of Bonds any Bond of which is then Outstanding.

Serial Bonds shall mean Bonds which are not Term Bonds.

Series 2009 Bonds shall mean the City's Tax Increment Urban Renewal Revenue Bonds (Emergency Services Center Project and Refunding), Series 2009, issued pursuant to the 2009 Resolution in the aggregate principal amount of \$15,695,000.

Series 2015 Bonds shall mean, collectively, the Series 2015A Bond and the Series 2015B Bond.

Series 2015A Bond shall mean the City's Tax Increment Urban Renewal Revenue Refunding Bond, Series 2015A, issued in the original principal amount of \$3,591,500.

Series 2015B Bond shall mean the City's Tax Increment Urban Renewal Revenue Refunding Bond, Series 2015B, issued in the original principal amount of \$3,591,500.

Sinking Fund Account shall mean the subaccount so designated in the Bond Account.

Sinking Fund Payment Date shall mean a date set forth in any applicable provision of this Resolution or a Supplemental Resolution for the making of a mandatory principal payment for the redemption of a Term Bond.

State shall mean the State of Montana.

State Entitlements shall mean the system of local government entitlements and block grants established pursuant to HB 124 enacted by the 2001 Legislature effective, for the most part, July 1, 2001 and codified at 15-1-120 through 15-1-122, M.C.A.

Stated Maturity when used in connection with any Bond that is a Serial Bond or a Term Bond shall mean the date specified in such Bond as the date fixed for payment of principal of such Bond or the date on which any installment of interest is due with regard to that principal maturity.

Subordinate Obligations shall mean any bonds, notes or obligations of the City issued on a subordinate basis to the Bonds as to the Tax Increment pursuant to Section 5.05.

Supplemental Resolution shall mean any resolution supplemental to this Resolution adopted pursuant to Section 8.

Tax Increment shall mean the amount received by the City pursuant to the Act and the Plan from the extension of levies of Taxes (expressed in mills), against the incremental taxable value, as defined in the Act, of all Taxable Property, and shall include any payments in lieu of Taxes attributable to the incremental taxable value (except for payments in lieu of taxes received by the City from the Whitefish Housing Authority), State Entitlements, and all payments received by the City designated as replacement revenues for lost Tax Increment, as provided in Section 7.12.

Tax Increment Capital Project Fund shall mean the fund established pursuant to Section 6.01.

Tax Increment Debt Service Fund shall mean the fund established pursuant to Section 6.01.

Tax Increment Development Fund shall mean the fund established pursuant to Section 6.01.

Taxable Property shall mean all real and personal property located in the District and subject to Taxes, including land, improvements and equipment.

Taxable Rate shall mean 3.92%.

Taxes shall mean all taxes levied on an ad valorem basis by a Taxing Body against the Taxable Property (exclusive of the six-mill levy for university purposes levied by the State) and shall include all payments in lieu of taxes received by the City with respect to property within the District, except for payments in lieu of taxes received by the City from the Whitefish Housing Authority.

Taxing Body shall mean the City; Flathead County, Montana; Flathead County School District No. 44 (Whitefish); Flathead County High School District No. 44 (Whitefish); the State of Montana; and any other political subdivision or governmental unit which may hereafter levy Taxes against property within the District.

Term Bond shall mean any Bond for the payment of the principal of which mandatory payments are required by the Resolution or Supplemental Resolution to be made at times and in amounts sufficient to redeem all or a portion of such Bond prior to its maturity date.

2009 Project shall mean the construction of an emergency services facility of approximately 33,000 square feet that includes a fire station, police department, municipal court and related facilities located in the Bakers Common subdivision at 13th Avenue and Baker Street in the District.

2009 Resolution shall mean Resolution No. 09-20, adopted by the Council on July 7, 2009, pursuant to which the Series 2009 Bonds were issued.

1.02. Authorization. Under the provisions of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the "Act"), the City is authorized to create urban renewal areas, prepare and adopt an urban renewal plan therefor and amendments thereto, undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to property taxes collected in such areas, issue its bonds to pay the costs of such projects and to refund bonds previously issued under the Act and pledge to the repayment of the bonds the tax increment and other revenues derived from projects undertaken within the urban renewal area.

1.03. Prior City Actions. Pursuant to the Act, the City has created the District and has approved the Plan in accordance with the provisions of the Act. The Plan provides for the segregation and collection of Tax Increment with respect to the District. The District and the Plan providing for the segregation and collection of the Tax Increment have been duly and

validly created and adopted in strict accordance with applicable provisions of the Act and are in full force and effect.

1.04. The Series 2009 Bonds and the Refunding. Pursuant to the Act, the Ordinance and the 2009 Resolution, the City issued the Series 2009 Bonds, to finance the 2009 Project; to refund the City’s Tax Increment Urban Renewal Revenue Bonds, Series 2000, Tax Increment Urban Renewal Revenue Bonds, Series 2001, and its Tax Increment Urban Renewal Revenue Bonds, Series 2004; to fund a deposit to a reserve account for the Series 2009 Bonds; and to pay associated costs of the financing and refunding.

To achieve debt service savings, it is proposed that the City issue the Series 2015 Bonds to refund the Series 2009 Bonds maturing in 2015 and thereafter and currently outstanding in the aggregate principal amount of \$9,365,000 (the “Refunded Bonds”). The Series 2009 Bonds with stated maturities on and after July 15, 2016, outstanding in the aggregate principal amount of \$7,960,000 are subject to redemption at the option of the City on July 15, 2015 and any day thereafter.

1.05. Cost of Refunding. The total cost of refunding the Refunded Bonds, including costs incidental to the issuance and sale of the Series 2015 Bonds, is estimated as follows:

Escrow Requirements	\$ 9,565,993.13
Deposit to Debt Service Reserve Fund for Series 2015 Bonds	718,300.00
Costs of Issuance	73,025.00
Deposit to Debt Service Fund for Series 2015 Bonds	1,175.00
Total:	\$10,358,493.13

The costs of the refunding will be paid from the following sources:

Principal amount of Series 2015 Bonds	\$ 7,183,000.00
Transfer from Debt Service Fund for Series 2009 Bonds	1,605,993.13
Transfer from Debt Service Reserve Fund for Series 2009 Bonds	1,569,500.00
Total:	\$10,358,493.13

1.06. Authorization and Sale of Series 2015 Bonds. This Council determined by Resolution No. 15-11, adopted on May 18, 2015, that it is in the best interests of the City to issue its Series 2015 Bonds, as authorized by Section 7-15-4301(1)(b) of the Act and this Resolution, for the purpose of refunding the Refunded Bonds, funding a deposit to the Reserve Account, and paying costs of issuance of the Series 2015 Bonds and the refunding; authorized the Mayor, City Manager and the City Finance Director to enter into a Bond Purchase Agreement with Glacier Bank with respect to the Series 2015A Bond and a Bond Purchase Agreement with First Interstate Bank with respect to the Series 2015B Bond, subject to the terms and limitations of Resolution No. 15-11. Pursuant to such Bond Purchase Agreements, dated May 21, 2015, Glacier Bank agreed to purchase the Series 2015A Bond at the aggregate purchase price of \$3,591,500.00 (representing the principal amount of the Series 2015A Bond) and First Interstate Bank agreed to purchase the Series 2015B Bond at the aggregate purchase price of \$3,591,500 (representing the principal amount of the Series 2015B Bond), subject to the terms and conditions of the Bond Purchase Agreement and this Resolution. The terms of the sale and

purchase of the Series 2015A Bond and the Series 2015B Bond, as set forth in the Bond Purchase Agreements and this Resolution, are consistent with the terms and limitations of Resolution No. 15-11. In the case of any conflict between the provisions of this Resolution and the Bond Purchase Agreements, the provisions of this Resolution shall control.

1.07. Adequacy of Tax Increment. The City estimates that Tax Increment to be received from the District will be approximately \$4,503,403 per year (based on Tax Increment from the District of \$4,503,403 received by the City in Fiscal Year 2014). The maximum payment of principal and interest on the Series 2015 Bonds in any Fiscal Year is \$2,206,666.80. Upon the refunding of the Refunded Bonds, other than the Series 2015 Bonds, there will be no other outstanding bonds or other obligations of the City payable from tax increment received in the District. Accordingly, the estimated Tax Increment to be received by the City is expected to be sufficient to pay the maximum Principal and Interest Requirements on the Series 2015 Bonds.

1.08. Whitefish School District Interlocal Agreement. The City has entered into an Interlocal Agreement with the Whitefish School District dated as of March 16, 2009 (the “Interlocal Agreement”) pursuant to which Tax Increment received by the City in respect of single-family residential properties and multi-unit residential buildings will be transferred by the City to the Whitefish School District after receipt of such by the City on a semi-annual basis, subordinate to and after the City’s payment of the principal and interest on the Series 2015 Bonds and other debt obligations payable from the Tax Increment, if any.

1.09. Findings and Determinations. It is hereby found, determined and declared by this Council as follows:

(a) the conditions precedent to the issuance of the Series 2015 Bonds under the Act, the Ordinance and this Resolution have or shall be met prior to the issuance of the Series 2015 Bonds;

(b) the estimated Tax Increment to be received by the City, as set forth in Section 1.07, and pledged to the payment of the Series 2015 Bonds will be sufficient to pay the principal thereof and interest thereon when due;

(c) it is in the best interests of the City to issue and sell the Series 2015 Bonds for the purpose of refunding the Refunded Bonds, funding a deposit to the Reserve Account, and paying costs of issuance of the Series 2015 Bonds and the refunding, as provided in this Resolution; and

(d) all acts, conditions and things required by the Constitution and laws of the State, including the Act, in order to pledge the Tax Increment to the payment of the Series 2015 Bonds, to make the Series 2015 Bonds valid and binding special, limited obligations of the City in accordance with their terms and with the terms of this Resolution have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

Section 2. The Bonds.

2.01. General Title. The general title of the Bonds of all series shall be “Tax Increment Urban Renewal Revenue Bonds,” with appropriate additions for refunding Bonds and to distinguish Bonds of each series from Bonds of other series.

2.02. General Limitations; Issuable in Series. The aggregate principal amount of Bonds that may be authenticated and delivered and Outstanding under this Resolution is not limited, except as provided in Section 5 and except as may be limited by law.

The Bonds may be issued in series as from time to time authorized by the Council.

The Bonds are special, limited obligations of the City. Principal of, premium, if any, and interest on the Bonds (except to the extent payable out of proceeds of the Bonds) are payable solely from the Tax Increment or other sources which may be pledged to the payment of any series of Bonds. The Bonds shall not pledge the general credit or taxing powers of the City, and the State of Montana shall not in any event be liable for the payment of the principal of, premium, if any, or interest on the Bonds or for the performance of any pledge of any kind whatsoever that may be undertaken by the City. Neither the Bonds nor any of the agreements or obligations of the City contained herein or therein shall be construed to constitute an indebtedness of the City, Flathead County or the State of Montana within the meaning of any constitutional or statutory provisions whatsoever.

With respect to the Bonds of any particular series, the City may incorporate in or add to the general title of such Bonds any words, letters or figures designed to distinguish that series.

If any Payment Date, Stated Maturity, Redemption Date or Sinking Fund Payment Date shall be on a day which is not a Business Day, then payment of principal of, premium, if any, or interest due on such day may be made on the next succeeding Business Day, with the same force and effect as if made on such Payment Date, Stated Maturity, Redemption Date or Sinking Fund Payment Date (whether or not such next succeeding Business Day occurs in a succeeding month).

2.03. Terms of Particular Series. Each series of Bonds (except the Series 2015 Bonds, which are created by Section 3) shall be created by a Supplemental Resolution. The Bonds of each series (other than the Series 2015 Bonds, as to which specific provision is made in Section 3) shall bear such date or dates, shall be payable at such place or places, shall have such Payment Dates or Stated Maturities and Redemption Dates, shall bear interest at such rate or rates, from such date or dates, payable in such installments and on such dates and at such place or places, and may be redeemable at such price or prices and upon such terms (in addition to the prices and terms herein specified for redemption of all Bonds) as shall be provided in the Supplemental Resolution creating that series. The City may, at the time of the creation of any series of Bonds or at any time thereafter, make, and the Bonds of that series may contain, provision for:

- A. a sinking, amortization, improvement or other analogous fund;

B. limiting the aggregate principal amount of the Bonds of that series or of all Additional Bonds thereafter issued;

C. exchanging Bonds of that series, at the option of the Owners thereof, for other Bonds of the same series of the same aggregate principal amount of a different authorized kind and/or authorized denomination or denominations; or

D. the issuance of Bonds not registered as to principal or interest and the exchange of such Bonds for fully registered Bonds;

all upon such terms as the City may determine. All Bonds of the same series shall be substantially identical except as to denomination and the differences specified herein or in a Supplemental Resolution between interest rates, Payment Dates, Stated Maturities and redemption provisions.

2.04. Form and Denominations. The form of the Bonds (other than the Series 2015 Bonds, as to which specific provision is made in Section 3) shall be established by the Supplemental Resolution creating such series. The Bonds of each series shall be distinguished from the Bonds of other series in such manner as the Council may determine.

The Bonds of any series shall be issuable as fully registered Bonds unless the Supplemental Resolution provides otherwise.

The Bonds of each series shall be issuable in such denominations as shall be provided in the provisions of the Supplemental Resolution creating such series (other than the Series 2015 Bonds, as to which specific provision is made in Section 3).

2.05. Execution, Authentication and Delivery. Each Bond shall be executed on behalf of the City by the manual or facsimile signature of the Mayor, City Manager and City Finance Director, and attested by the signature of the City Clerk (or other officers of the City authorized by City Resolution); provided that if required by applicable laws, one such signature on each Bond shall be a manual signature. The seal of the City need not be affixed to or imprinted on any Bond. Any Bond bearing the manual or facsimile signature of an individual who was at any time an appropriate officer of the City shall be valid and sufficient for all purposes, regardless whether such individual held such office as of the date of sale, issue or delivery of such Bond or certificate. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Bond Registrar. Certificates of authentication on each Bond need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution and in accordance with the provisions hereof.

2.06. Temporary Bonds. Pending the preparation of definitive Bonds, the City, if authorized by law, may execute and deliver, temporary Bonds which are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are issued, in registered form, and with such

appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such Bonds may determine, as evidenced by their signing of such Bonds.

If temporary Bonds are issued, the City will cause definitive Bonds to be prepared without unreasonable delay. After the preparation of definitive Bonds, the temporary Bonds shall be exchangeable for definitive Bonds upon surrender of the temporary Bonds, without charge to the Owner. Upon surrender for cancellation of any one or more temporary Bonds the City shall execute and deliver in exchange therefor a like principal amount of definitive Bonds of authorized denominations. Until so exchanged the temporary Bonds shall in all respects be entitled to the security and benefits under this Resolution, and interest thereon, when and as payable, shall be paid to the bearers of the temporary Bonds upon presentation thereof for notation of such payment thereon, unless such temporary Bonds shall be fully registered Bonds.

Section 3. The Series 2015 Bonds.

3.01. Payment Terms. The Series 2015A Bond shall be issued in the principal amount of \$3,591,500, shall be dated, as originally issued, and be registered as of or about June 10, 2015, shall be payable in semi-annual installment payments due on each January 15 and July 15, commencing January 15, 2016, with the initial installment payment being interest-only and the subsequent 9 semi-annual installment payments being principal and interest, and concluding July 15, 2020, unless earlier prepaid or redeemed, and shall bear interest from the date of original registration until paid or duly called for redemption at the rate of 2.62% per annum; except as otherwise provided in Section 3.03 hereof. The Series 2015B Bond shall be issued in the principal amount of \$3,591,500, shall be dated, as originally issued, and be registered as of or about June 10, 2015, shall be payable in semi-annual installment payments due on each January 15 and July 15, commencing January 15, 2016, with the initial installment payment being interest-only and the subsequent 9 semi-annual installment payments being principal and interest, and concluding July 15, 2020, unless earlier prepaid or redeemed, and shall bear interest from the date of original registration until paid or duly called for redemption at the rate of 2.62% per annum; except as otherwise provided in Section 3.03 hereof. Interest on the Series 2015 Bonds shall be calculated on the basis of a 360-day year composed of twelve 30-day months. The Series 2015 Bonds are neither Serial Bonds nor Term Bonds.

3.02. Interest Payment Dates. Interest on the Series 2015 Bonds shall be payable to the Owners of record thereof as such appear on the Bond Register (as hereinafter defined) as of the close of business on the first day of the month immediately preceding each principal and interest payment installment date (or, in the case of the first Payment Date, each interest payment installment date), whether or not such day is a business day.

3.03. Determination of Taxability. In the event that the interest on the Series 2015 Bonds, or either of them, becomes includable in gross income for purposes of federal income taxation pursuant to a Determination of Taxability, the rate of interest then payable under the Series 2015 Bonds, or applicable Bond, shall automatically be increased retroactively effective from and after the Date of Taxability, to an annual rate equal to the Taxable Rate. The City shall, upon demand by the Owner, immediately pay to the Owner and to each prior Owner since the Date of Taxability, an amount equal to the amount, if any, by which the interest accrued retroactively, at the Taxable Rate from the Date of Taxability to the date of payment, exceeds the

amount of interest paid to the Owner and any such prior Owner during said period, and all penalties and interest payable by such Owners as a result of such change in taxable status. Thereafter, interest on the Series 2015 Bonds shall accrue at the Taxable Rate and shall be payable to the Owner on the Payment Dates specified in the Series 2015 Bonds. The obligations of the City under this paragraph shall survive for three years following repayment of the Series 2015 Bonds in full.

The Owner shall permit the City to contest, litigate or appeal any notice, ruling or decision that would, with the lapsing of time, constitute a Determination of Taxability, at the City's sole expense; provided that any such contest, litigation or appeal is, in the reasonable opinion of the Owner, being undertaken and carried forward in good faith, diligently and with reasonable dispatch. The expenses of any contest or appeal of such a notice, ruling or decision shall be paid by the party initiating the contest and neither the City nor the Owner shall be required to contest or appeal any such notice, ruling or decision. In the event that any such contest, litigation or appeal is undertaken, interest on the Series 2015A Bond or the Series 2015B Bond or the Series 2015 Bonds, as the case may be, at the Taxable Rate from the Date of Taxability (assuming the occurrence of a Determination of Taxability) shall, nevertheless, be payable by the City and shall be held by the Owner in escrow pending final disposition of such contest, litigation or appeal. The additional funds collected as a result of the interest rate adjustment shall be placed in escrow by the Owner in an interest-bearing account, bearing interest at a yield not exceeding the yield of the Series 2015A Bond or the Series 2015B Bond or the Series 2015 Bonds, as the case may be. In the event the contest is resolved in favor of the Owner and the City, and no Determination of Taxability occurs, the funds held in such escrow account shall be returned to the City. If the contest is resolved against the Owner and the City and a Determination of Taxability occurs, the amount on deposit in the escrow account shall be applied to the additional payments then due pursuant to the Series 2015A Bond or the Series 2015B Bond or the Series 2015 Bonds, as the case may be, and this Section 3.03, with any excess returned to the City; provided, however, that in any event the City shall indemnify the Owner and each prior Owner from and against any and all penalties, interest or other liabilities which they may incur on account of any such contest, litigation or appeal.

3.04. System of Registration. The City shall appoint, and shall maintain, a bond registrar, transfer agent and paying agent for the Series 2015 Bonds and such person may be an officer or employee of the City (the "Bond Registrar"). This Section 3.04 shall establish a system of registration for the Series 2015 Bonds as defined in the Model Public Obligations Registration Act of Montana, and shall govern in the event provisions of the Resolution relating to registration, transfer or exchange of Series 2015 Bonds are inconsistent herewith. The effect of registration and the rights and duties of the City and the Bond Registrar with respect thereto shall be as follows:

(a) Bond Register. The Bond Registrar shall keep at its principal office a bond register in which the Bond Registrar shall provide for the registration of ownership of Series 2015 Bonds and the registration of transfers and exchanges thereof.

(b) Transfer. Upon surrender for transfer of any Series 2015 Bond duly endorsed by the registered Owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the registered

Owner thereof or by an attorney duly authorized by the registered Owner in writing, the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Series 2015 Bonds of the same series and a like aggregate principal amount, interest rate and maturity as requested by the transferor. The Bond Registrar may, however, close the books for registration of the transfer of any Series 2015 Bond or portion thereof selected or called for redemption.

(c) Exchange. Whenever any Series 2015 Bond is surrendered by the registered Owner for exchange, the Bond Registrar shall authenticate and deliver one or more new Series 2015 Bonds of the same series and a like aggregate principal amount, interest rate and maturity, as requested by the registered Owner or the Owner's attorney in writing.

(d) Cancellation. All Series 2015 Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Series 2015 Bond is presented to the Bond Registrar for transfer, the Bond Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Series 2015 Bond or separate instrument of transfer is legally authorized. The Bond Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Bond Registrar may treat the person in whose name any Series 2015 Bond is at any time registered in the bond register as the absolute Owner of such Series 2015 Bond, whether such Series 2015 Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on such Series 2015 Bond and for all other purposes, and all such payments so made to any such registered Owner or upon the Owner's order shall be valid and effectual to satisfy and discharge the liability of the City upon such Series 2015 Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Series 2015 Bonds (except upon a partial redemption of a Series 2015 Bond pursuant to Section 4.05), the Bond Registrar may impose a charge upon the Owner thereof sufficient to reimburse the Bond Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Series 2015 Bonds. In case any Series 2015 Bond shall become mutilated or be lost, stolen or destroyed, the Bond Registrar shall deliver a new Series 2015 Bond of the same series and a like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Series 2015 Bond or in lieu of and in substitution for any such Series 2015 Bond lost, stolen or destroyed, upon the payment of the reasonable expenses and charges of the Bond Registrar in connection therewith; and, in the case of a Series 2015 Bond lost, stolen or destroyed, upon filing with the Bond Registrar of evidence

satisfactory to it that such Series 2015 Bond was lost, stolen or destroyed, and of the ownership thereof, and upon furnishing to the Bond Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Bond Registrar shall be named as obligees. All Series 2015 Bonds so surrendered to the Bond Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, lost, stolen or destroyed Series 2015 Bond has already matured or such Series 2015 Bond has been called for redemption in accordance with its terms, it shall not be necessary to issue a new Series 2015 Bond prior to payment.

3.05. Initial Bond Registrar. The City hereby appoints the City Finance Director as the initial Bond Registrar for the Series 2015 Bonds. The City reserves the right to appoint a bank, trust company or financial institution as successor registrar, transfer agent or paying agent, as authorized by the Model Public Obligations Registration Act of Montana, and the City agrees to pay the reasonable and customary charges of the Bond Registrar for the services performed.

3.06. Optional Redemption of Series 2015 Bonds. The Series 2015 Bonds are subject to prepayment and redemption at the option of the City on 30 days' prior written notice to the registered Owners of the Series 2015 Bonds, in whole or in part, at a price of the principal amount being prepaid and redeemed plus interest thereon through the date of prepayment or redemption, without premium or penalty.

3.07. Execution and Delivery. The Series 2015 Bonds shall be forthwith prepared for execution under the direction of the City Finance Director, at the expense of the City, and shall be executed on behalf of the City by the signatures of the Mayor, City Manager and the City Finance Director; provided that said signatures may be printed, engraved or lithographed facsimiles thereof. The seal of the City need not be affixed to or imprinted on any Series 2015 Bond. In case any officer whose signature or a facsimile of whose signature shall appear on the Series 2015 Bonds shall cease to be such officer before the delivery of any Series 2015 Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Series 2015 Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution unless and until a certificate of authentication on such Series 2015 Bond has been duly executed by the manual signature of an authorized representative of the Bond Registrar. Certificates of authentication on each Series 2015 Bond need not be signed by the same representative. The executed certificate of authentication on each Series 2015 Bond shall be conclusive evidence that it has been authenticated and delivered under the Bond Resolution and in accordance with the provisions hereof. When the Series 2015 Bonds have been fully executed and authenticated, they shall be delivered by the Bond Registrar to the Original Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Original Purchaser shall not be obligated to see to the application of the purchase price.

3.08. Form of Series 2015 Bonds. The Series 2015A Bond shall be in substantially the form set forth in Exhibit A-1 hereto (which is hereby incorporated herein and made a part hereof), with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The Series 2015B Bond shall be in substantially the form set forth in Exhibit

A-2 hereto (which is hereby incorporated herein and made a part hereof), with such appropriate variations, omissions and insertions as are permitted or required by this Resolution.

3.09. Transcript Certification. The officers of the City are directed to furnish to the Purchaser and to bond counsel certified copies of all proceedings and information in their official records relevant to the authorization and issuance of the Series 2015 Bonds, and such certificates and affidavits as to other matters appearing in their official records or otherwise known to them as may be reasonably required to evidence the validity and security of the Series 2015 Bonds, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations and recitals of the City as to the correctness of all facts stated therein and the completion of all proceedings stated therein to have been taken.

3.10. Ongoing Disclosure. The City will provide to the Owners of the Series 2015 Bonds, on or before 270 days after the end of each fiscal year, commencing with the fiscal year ending June 30, 2015, (i) audited financial statements of the City for such fiscal year (provided that if audited financial statements are not available by such date, the City shall provide unaudited financial statements to the Owners of the Series 2015 Bonds on or before 270 days after the end of the fiscal year, and shall provide audited financial statements to the Owners of the Series 2015 Bonds within 10 days after they become available) and (ii) operating data for the District, including taxable market value, taxable value and incremental taxable value of the District, property tax levy figures of taxing jurisdictions in the District, tax increment collection figures, updated financial results for the District and updated estimated debt service coverage information.

In addition, the City will provide to the Owners of the Series 2015 Bonds in a timely manner, notice of the occurrence of any of the following events:

- (1) Principal and interest payment delinquencies with respect to the Series 2015 Bonds;
- (2) Non-payment related defaults under the Series 2015 Bonds or the Resolution;
- (3) Unscheduled draws on debt service reserves for the Series 2015 Bonds reflecting financial difficulties;
- (4) Adverse tax opinions or events affecting the tax-exempt status of the Series 2015 Bonds;
- (5) Modifications to rights of Owners of the Series 2015 Bonds;
- (6) Series 2015 Bond calls; and
- (7) Defeasances of the Series 2015 Bonds.

Nothing herein shall be construed to subject the City or the Owners of the Series 2015 Bonds to the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934, as amended (the “Rule”), with

respect to such Bond, or any procedures, rules, regulations, or initiatives promulgated by the SEC or the Municipal Securities Rulemaking Board under or in connection with the Rule.

Section 4. Use of Proceeds; Refunding and Redemption.

4.01. Use of Proceeds. Simultaneously with the delivery of the Series 2015 Bonds, the City Finance Director shall deposit in escrow with U.S. Bank National Association, of Denver, Colorado (the "Escrow Agent") the following amounts: \$6,390,500.00 of the proceeds of the Series 2015 Bonds; \$1,605,993.13 from money now on hand and available in the Debt Service Fund for the Series 2009 Bonds; and \$1,569,500.00 from the Reserve Account for the Series 2009 Bonds for the redemption and prepayment of the Refunded Bonds on July 15, 2015, as set forth in the Escrow Agreement. The Mayor, the City Manager and the City Finance Director are hereby authorized to enter into an Escrow Agreement with the Escrow Agent, in the form which has been presented to this Council and attached hereto as Exhibit B, with such additions thereto or deletions therefrom as are necessary or appropriate. Pursuant to Section 8.04 of the 2009 Resolution, upon the establishment and funding of the escrow account pursuant to this Section 4.01, the Refunded Bonds shall no longer be considered outstanding. The City Finance Director shall also deposit from proceeds of the Series 2015 Bonds: \$718,300.00 in the Reserve Account for the Series 2015 Bonds, \$73,025.00 in the Construction Account for payment of costs of issuance of the Series 2015 Bonds and costs of the refunding, and \$1,175.00 in the Bond Account to be applied to the January 15, 2016 interest payment on the Series 2015 Bonds.

4.02. Redemption. The Series 2015 Bonds with stated maturities in 2016 and thereafter are hereby called for redemption on July 15, 2015.

Section 5. Additional Bonds.

5.01. General Provisions. In addition to the Series 2015 Bonds, whose issuance and delivery is provided for in Section 3, Additional Bonds may at any time and from time to time be issued, sold and delivered by the City but only upon compliance with the conditions of, Sections 5.02 through 5.04, whichever may be applicable, and upon filing with the Bond Registrar the following:

A. A Supplemental Resolution authorizing the issuance and creating the designated series of Additional Bonds and the sale thereof to the Original Purchaser or Purchasers named therein for the purchase price set forth therein;

B. A certificate executed by the Mayor, City Manager and City Finance Director stating that upon the issuance of the Additional Bonds, no default hereunder has occurred and is continuing which would not be cured upon the issuance of the Additional Bonds and application of the proceeds thereof.

C. An Opinion of Bond Counsel (who may rely on factual representations of the City and which opinion may be qualified by customary qualifications and exceptions) stating that:

(1) all conditions precedent provided for in this Resolution relating to the issuance and delivery of such Additional Bonds have been complied with, including any conditions precedent specified in this Section;

(2) the series of Additional Bonds when issued and delivered by the City will be valid and binding special, limited obligations of the City in accordance with their terms and entitled to the benefits of and secured by this Resolution; and

(3) the issuance of such Additional Bonds will not affect the tax-exempt nature for federal income tax purposes of the Bonds then Outstanding.

No Additional Bonds shall be issued unless, immediately after the issuance thereof and the application of the proceeds thereof the balance on hand in the Reserve Account will be at least equal to the Reserve Requirement after giving effect to the issuance of such Additional Bonds.

Any Additional Bonds shall be dated, shall bear interest at a rate or rates not exceeding the maximum rate, if any, permitted by law, shall have Stated Maturities, and may be subject to redemption at such times and prices and on such terms and conditions, all as may be provided by the Supplemental Resolution authorizing their issuance. All Additional Bonds issued pursuant to Sections 5.02, 5.03 and 5.04 shall be payable and secured ratably and equally and on a parity with the Series 2015 Bonds and any Additional Bonds theretofore issued, entitled to the same benefits and security of this Resolution.

5.02. City Hall/Parking Structure Project Bonds. The City Hall/Parking Structure Project Bonds may be issued as Additional Bonds under this Resolution upon compliance with the requirements of Section 5.01 hereof. In addition, prior to the execution and delivery of the City Hall/Parking Structure Project Bonds, there shall be filed with the Bond Registrar a certificate executed by the Mayor, City Manager and City Finance Director stating: (i) the estimated cost of the Project being financed thereby, including an allowance for contingencies and all fees, expenses and financing costs, (ii) the amount, if any, which will be required to be deposited to the credit of the Reserve Account in connection with the issuance of the City Hall/Parking Structure Project Bonds, (iii) the amount, if any, which will be required to be credited to the Bond Account to pay interest on the City Hall/Parking Structure Project Bonds prior to collection of sufficient Tax Increment available therefor, (iv) the amount of Tax Increment received by the City in the last completed Fiscal Year, (v) the amount of the maximum Principal and Interest Requirements on the Outstanding Bonds and the City Hall/Parking Structure Project Bonds proposed to be issued for any future Fiscal Year during the term of the Outstanding Bonds, and (vi) that the principal amount of such City Hall/Parking Structure Project Bonds together with other available funds is sufficient to provide for the payment of all estimated costs of Projects to be financed thereby and credits to the Reserve Account and Bond Account as set forth above.

However, the City shall not be required to comply with the additional requirements of Section 5.03 hereof with respect to the issuance of the City Hall/Parking Structure Project Bonds.

5.03. Additional Bonds To Pay the Cost of Projects. Additional Bonds that are not City Hall/Parking Structure Project Bonds may be issued under this Section 5.03, at one time or from time to time, subject to the conditions provided in Section 5.01 and this Section 5.03, for the purpose of providing funds, in an aggregate amount sufficient with any other funds available and committed therefor to pay the cost of one or more Projects.

Before any Additional Bonds shall be issued under this Section 5.03, the City shall adopt a Supplemental Resolution authorizing the issuance of such series of Additional Bonds, fixing the amount and the details thereof, describing in brief and general terms the Projects to be acquired, constructed, altered or improved and estimating the costs thereof.

In addition, prior to the execution and delivery of any series of Additional Bonds under this Section 5.03, there shall be filed with the Bond Registrar:

(a) A certificate executed by the Mayor, City Manager and City Finance Director stating: (i) the estimated cost of the Projects being financed thereby, including an allowance for contingencies and all fees, expenses and financing costs, (ii) the amount, if any, which will be required to be deposited to the credit of the Reserve Account in connection with the issuance of the Additional Bonds, (iii) the amount, if any, which will be required to be credited to the Bond Account to pay interest on the Additional Bonds prior to collection of sufficient Tax Increment available therefor, (iv) the amount of Tax Increment received by the City in the last completed Fiscal Year, (v) the amount of the maximum Principal and Interest Requirements on the Outstanding Bonds and the Additional Bonds proposed to be issued under this Section 5.03 for any future Fiscal Year during the term of the Outstanding Bonds, and (vi) that the principal amount of such Additional Bonds is sufficient to provide for the payment of all estimated costs of Projects to be financed thereby and credits to the Reserve Account and Bond Account as set forth above; and

(b) a certificate executed by the Mayor, City Manager and City Finance Director stating that:

(i) the Tax Increment received by the City in the last completed Fiscal Year was equal to at least 130% of the maximum Principal and Interest Requirements for any future calendar year (during the term of the Outstanding Bonds) with respect to Outstanding Bonds and the Additional Bonds proposed to be issued; and

(ii) the Tax Increment received by the City in the last completed Fiscal Year, adjusted as provided in this Section 5.03(b)(ii), was, and the Tax Increment estimated to be received in the next succeeding three Fiscal Years, adjusted as provided in Section 5.03(c), is estimated to be, equal to at least 130% of the maximum Principal and Interest Requirements for any future calendar year (during the term of the Outstanding Bonds) with respect to the Outstanding Bonds and the Additional Bonds proposed to be issued. For this purpose, the Tax Increment received by the City in the last completed Fiscal Year may be adjusted by adding any increase in Tax Increment which would

have resulted from applying the aggregate tax rates of the Taxing Bodies effective for the last completed Fiscal Year to the value, as determined by certification of the Montana Department of Revenue, of any projects which have been completed in the District before the date of issuance of the Additional Bonds and the taxable values of which as so completed are not included in the “actual taxable value” of the District (within the meaning of the Act).

The Council shall approve and confirm the findings and estimates set forth in the above-described certificates in the Supplemental Resolution authorizing the issuance of the Additional Bonds.

(c) For purposes of the foregoing paragraph (b), in estimating the Tax Increment to be received in any future Fiscal Year, the Mayor, City Manager and City Finance Director shall assume that: (1) 90% of the Taxes levied in the District will be collected in any Fiscal Year, (2) no Taxes delinquent in a prior Fiscal Year will be collected in any subsequent Fiscal Year, and (3) there will be no increase in the Tax Increment to be received in any future Fiscal Year resulting from projected inflation in property values or projected increases in Taxes.

5.04. Additional Bonds for Refunding Purposes. Additional Bonds may be issued at any time or from time to time, subject to the conditions hereinafter stated in this Section 5.04, for the purpose of providing funds, with any other funds available and committed therefor, for paying at, or redeeming prior to, their Stated Maturities any Outstanding Bonds, including the payment of any redemption premium thereon and interest which will accrue on such Bonds to any Redemption Date or the Stated Maturities thereof, and any expenses in connection with such financing. Such Additional Bonds shall be designated with the addition of the term “Refunding.”

Prior to authentication and delivery of any Additional Bonds under this Section 5.04 there shall be filed with the Bond Registrar such documents as shall be required to show that provisions have been duly made in accordance with the provisions of this Resolution for the redemption of all of the Outstanding Bonds to be refunded.

The City shall not deliver any Additional Bonds under this Section 5.04 unless there shall be filed with the Bond Registrar:

(i) either a certificate executed by the Mayor, City Manager and City Finance Director, a report to the effect that the proceeds (excluding accrued interest but including any premium) of the Additional Bonds plus any moneys to be withdrawn from the Bond Account or Reserve Account for such purpose, together with any other funds deposited for such purpose, will be not less than an amount sufficient to pay the principal of and redemption premium, if any, on the Outstanding Bonds to be refunded and the interest which will become due and payable on and prior to the Redemption Date or Payment Dates or Stated Maturities of the Bonds to be refunded, or a report of an Independent Accountant to the effect that from such proceeds there shall be deposited in trust, Government Obligations which do not permit the redemption thereof at the option of the issuer, the principal of and the interest on which when due and payable (or redeemable at the option of the holder thereof) will provide, together with

any other moneys which shall have been deposited in trust irrevocably for such purpose, but without reinvestment, sufficient moneys to pay such principal, redemption premium and interest, except that if such refunding is a current refunding, a certificate from the Original Purchaser of the refunding bonds or from a third-party acceptable to the City may, in the sole discretion of the City, be allowed in lieu of the report of an Independent Accountant;

(ii) an opinion of Bond Counsel to the effect that the issuance of such Additional Bonds will not prejudice the exclusion from gross income for purposes of federal income taxation of the interest accruing on any of the Outstanding Bonds; and

(iii) if Additional Bonds are issued to refund Subordinate Obligations issued pursuant to Section 5.05, the conditions for the issuance of Additional Bonds pursuant to Section 5.03 be satisfied.

5.05. Subordinate Obligations. Except as provided in Sections 5.01 to 5.04, no bonds, notes or other evidence of indebtedness of the City will be issued under or secured by the provisions of this Resolution, and no bonds, notes or other evidence of indebtedness will be made payable from the Bond Account, unless the pledge and appropriation of such Tax Increment for the payment and security of such bonds, notes or other evidence of indebtedness is expressly subordinated to the pledge and appropriation made for the benefit and security of the Series 2015 Bonds and all Additional Bonds issued and to be issued under and secured by this Resolution in accordance with Sections 5.01 through 5.04. In the event of the issuance of any such Subordinate Obligations, the principal, interest and redemption premiums thereon will be made payable from one or more additional accounts created within the Tax Increment Funds for that purpose, and the balance of funds at any time on hand in any such accounts shall be available and shall be transferred whenever needed to meet the current requirements of the Bond Account and Reserve Account set forth in Sections 6.03 and 6.04.

5.06. Notes. When and if the City has established that all of the conditions precedent to the issuance of a series of Additional Bonds have been satisfied (assuming a specified principal amount, maturity schedule and interest rate to be borne by such Additional Bonds), the City may, after authorizing the issuance of such series of Additional Bonds but in lieu of issuing such series of Additional Bonds, issue a series of special, limited Notes, denominated as "Bond Anticipation Notes," which shall have a Stated Maturity not more than three years from their date of original issue and which shall be secured by a lien on the Tax Increment subordinate to all Outstanding Bonds except that at their Stated Maturity they shall be paid as to principal and interest to the extent required from the proceeds of the series of Additional Bonds in anticipation of which they were issued or, if for any reason the City has been unable to sell and issue that series of Additional Bonds, then, at the option of the Owners of such Notes, Bonds of such series of Additional Bonds shall be issued to the Owners of the Notes, in exchange therefor, on a par-for-par basis, without the necessity for meeting the other requirements of this Section 5 in respect of such Additional Bonds.

Section 6. The Tax Increment Funds.

6.01. Bond Proceeds and Tax Increment Pledged and Appropriated. Within the City's Tax Increment Development Fund, the City hereby establishes on its books and records three funds designated as the Tax Increment Capital Project Fund, the Tax Increment Debt Service Fund and the Tax Increment Development Fund (collectively, the Tax Increment Funds) related to the Series 2015 Bonds and any Additional Bonds (the Bonds). The Tax Increment Funds shall be maintained as separate and special bookkeeping accounts on the official books and records of the City until all Bonds have been fully paid, or the City's obligation with reference to all Bonds has been discharged as provided in this Resolution. All proceeds of Bonds and all other funds hereafter received or appropriated for purposes of the Projects are appropriated to the Tax Increment Funds. All Tax Increment is irrevocably pledged and appropriated and shall be credited as received to the Tax Increment Debt Service Fund. The Bonds shall be secured by a first pledge of and lien on all of the Tax Increment and of all other moneys from time to time in the Tax Increment Funds in the manner and to the extent provided in this Section 6. The City shall not issue any obligation or security superior to or on a parity with the Series 2015 Bonds, payable or secured, in whole or in part, from or by the Tax Increment, other than Additional Bonds issued pursuant to Section 5, until all of the Series 2015 Bonds have been paid or discharged as provided herein. The Tax Increment Funds shall be subdivided into separate accounts as designated and described in Sections 6.03 to 6.06.

6.02. Tax Increment Receipts. All Tax Increment received by the City and credited to the Tax Increment Debt Service Fund, as required in Section 6.01, shall be credited as received as follows: (a) first, to the Interest Account, until the balance on hand in the Interest Account is at least equal to all interest on Bonds due and payable from the Interest Account within the next six full calendar months; (b) second, after any credit to the Interest Account required by the preceding clause, to the Sinking Fund Account, until the balance on hand in the Sinking Fund Account is at least equal to all principal of and premium, if any, on Outstanding Bonds due and payable from the Sinking Fund Account (including amounts due and payable on a Sinking Fund Payment Date) within the next twelve full calendar months; (c) third, after any credit to the Interest Account or the Sinking Fund Account required by the preceding clauses, to the Reserve Account until the balance on hand in the Reserve Account is equal to the Reserve Requirement; and (d) fourth, after any credit to the Interest Account, the Sinking Fund Account or the Reserve Account required by the preceding clauses, to the Tax Increment Development Fund.

6.03. Construction Account. For each Project there shall be a separate Construction Account within the Tax Increment Capital Project Fund, to be used only to pay allowed costs as incurred, which under generally accepted accounting principles are costs of the particular Project, including but not limited to payments due for work and materials performed and delivered under construction contracts, architectural, engineering, inspection, supervision, fiscal and legal expenses, the cost of lands and easements, and other interests in land, interest accruing on Bonds during the period of construction of a Project financed thereby and for a period of time thereafter authorized by the Act and deemed necessary by the Council, if and to the extent that the Interest Account is not sufficient for payment of such interest, reimbursement of any advances made from other City funds, and all other expenses incurred in connection with the acquisition, construction and financing of the Project. To the Construction Account shall be

credited as received all proceeds of Bonds issued to finance such Project, except amounts otherwise appropriated in Section 4.01 or in a Supplemental Resolution or received from Additional Bonds issued to refund Outstanding Bonds pursuant to Section 5.04 and all other funds appropriated by the City for the Project, and all income received from the investment of the Construction Account. Upon completion of any Project and payment of the cost thereof, the City may transfer any money then remaining in the Construction Account for that Project, if permitted by the Act and if such transfer will not adversely affect the tax exemption of interest on the series of Bonds that financed the Project, to the Tax Increment Development Fund. Money in the Construction Account shall be transferred as needed to the Interest Account to pay interest on Bonds payable therefrom to the extent moneys therein are insufficient.

6.04. Bond Account.

(a) General. The Bond Account is hereby established as a special account within the Tax Increment Debt Service Fund. There are hereby established within the Bond Account two separate subaccounts, designated as the Interest Account and the Sinking Fund Account.

(b) Interest Account. There shall be credited to the Interest Account the following amounts: (i) any amount specified in any Supplemental Resolution to be credited to the Interest Account; (ii) from the Tax Increment as received by the City, the amount specified in clause (a) of Section 6.02; and (iii) any other amounts appropriated from time to time to the Interest Account.

On or before each Interest Payment Date, the City shall withdraw from the Interest Account an amount sufficient to pay the interest coming due on the Bonds on such Interest Payment Date, and shall use such amount to pay interest on the Bonds on such Interest Payment Date.

If on any Interest Payment Date the balance in the Interest Account is not sufficient to pay the total amount of interest due on such Interest Payment Date, the City shall transfer any money then on hand in any account established to pay a Subordinate Obligation, the Tax Increment Development Fund, the Construction Account, the Reserve Account or the Sinking Fund Account, in the order listed and in an amount equal to such deficiency, to the Interest Account.

All income derived from the investment of amounts in the Interest Account shall be credited as received to the Interest Account.

(c) Sinking Fund Account. There shall be credited to the Sinking Fund Account the following amounts: (i) any amount specified in a Supplemental Resolution to be credited to the Sinking Fund Account; (ii) from the Tax Increment as received by the City, the amount specified in clause (b) of Section 6.02; investment income from the Reserve Account as provided in Section 6.05; and (iv) any other amounts appropriated from time to time to the Sinking Fund Account.

Amounts on hand in the Sinking Fund Account shall be used on any Interest Payment Date to make up a deficiency in the Interest Account, if and to the extent required by the third subparagraph of paragraph (b) of this Section.

On or before each Principal Payment Date, the City shall withdraw from the Sinking Fund Account an amount sufficient to pay the principal due on the Bonds on such Principal Payment Date, and shall use such amount to pay principal of the Bonds on such Principal Payment Date, whether a Payment Date, a Stated Maturity or a Sinking Fund Payment Date.

If on any Principal Payment Date the balance in the Sinking Fund Account is not sufficient to pay the total amount of principal due on such Principal Payment Date, the City shall transfer any money then on hand in any account established to pay a Subordinate Obligation, the Tax Increment Development Fund, Construction Account or Reserve Account, in the order listed and in an amount equal to such deficiency, to the Sinking Fund Account.

6.05. Reserve Account. The Reserve Account is hereby established as a special account within the Tax Increment Debt Service Fund. There shall be credited to the Reserve Account the following amounts: (i) \$718,300 from proceeds of the Series 2015 Bonds, as provided in Section 4.01; (ii) from the Tax Increment as received by the City, the amount specified in clause (c) of Section 6.02; (iii) any amount specified in any Supplemental Resolution to be credited to the Reserve Account; and (iv) any other amounts appropriated from time to time to the Reserve Account.

If on any Interest Payment Date or on any Principal Payment Date there shall exist, after the other transfers required by Sections 6.04(b) and (c), a deficiency in the Interest Account or Sinking Fund Account, the City shall transfer from the Reserve Account to such account an amount equal to such deficiency.

All income derived from the investment of amounts in the Reserve Account shall be credited as received to the Reserve Account until such time as the balance in the Reserve Account is equal to the Reserve Requirement, and thereafter all such investment income as received shall be transferred to the Sinking Fund Account.

Money in the Reserve Account shall be used only to pay when due principal of, premium, if any, and interest on Bonds when the balance on hand in the Bond Account is insufficient therefor; provided that on any date when the balance then on hand in the Bond Account allocable to a series of Bonds, plus the balance then on hand in the Reserve Account allocable to the series of Bonds, is sufficient with other money available for the purpose to pay or discharge all Outstanding Bonds of that series and the interest accrued thereon in full, and the balance thereafter on hand in the Reserve Account will be at least equal to the Reserve Requirement for all Outstanding Bonds not to be discharged, it may be used for that purpose. In addition, amounts on hand in the Reserve Account may be used to make any arbitrage rebate payments due under Section 148(f) of the Code in respect of any Bonds if available amounts on hand in the Tax Increment Development Fund are insufficient therefor.

If at any time (including, but not limited to, any Principal Payment Date and any Redemption Date), the balance in the Reserve Account exceeds the Reserve Requirement, the City shall transfer such excess to the Sinking Fund Account.

6.06. General Tax Increment Development Fund. There shall be credited to the Tax Increment Development Fund any and all Tax Increment remaining after the required credits to the Bond Account and Reserve Account, subject to the creation of any other accounts and the appropriation of Tax Increment thereto as provided in Sections 5.05 and 5.06, any investment income and other moneys in any of the accounts within the Tax Increment Funds in excess of the requirements of said accounts and which the City determines in its discretion to transfer to the Tax Increment Development Fund. Money from time to time on hand in the Tax Increment Development Fund shall be transferred to the Bond Account and Reserve Account as provided by Sections 6.04 and 6.05 and in addition may be used for any of the following purposes and not otherwise:

- (a) to be transferred to the Construction Account to pay costs authorized to be paid therefrom;
- (b) to pay costs incurred in connection with Projects within the District as authorized by the Act and approved by the Council;
- (c) to make arbitrage rebate payments owing in respect of Bonds under Section 148(f) of the Code;
- (d) to redeem or discharge Bonds prior to their Stated Maturities in accordance with the provisions of this Resolution or any Supplemental Resolution;
- (e) to purchase Bonds on the open market;
- (f) to pay, redeem or otherwise secure the payment of any Subordinate Obligations; and
- (g) to pay to Taxing Bodies a portion of the annual Tax Increment received by the City pursuant to an agreement authorized by the Act; provided that the City may remit to Taxing Bodies pursuant to such an agreement only from Tax Increment received in the Fiscal Year and on hand in the Tax Increment Development Fund, only if, on the date of remittance, the balance in the Reserve Account is not less than the Reserve Requirement and the funding requirements of the Bond Account have been satisfied, and only to the extent that the balance on deposit in the Tax Increment Development Fund, after such remittance, is not less than 10% of the principal of and interest payable on Outstanding Bonds in the Fiscal Year such Tax Increment is received; and provided, further, that if the Constitution or laws of the State of Montana are amended to abolish or substantially reduce or eliminate real property taxation, and so long as replacement revenues are not available to pay principal of and interest on the Bonds in accordance with the provisions of Section 7.12, money in the Tax Increment Development Fund is to be used, so long as any Bonds are Outstanding, solely for the payment of principal of, interest or premium, if any, on Outstanding Bonds, whether at

their Stated Maturities, on a Redemption Date or otherwise, or to purchase Outstanding Bonds on the open market.

6.07. Investments. The City Finance Director shall cause all moneys from time to time in the Tax Increment Funds to be deposited as received with one or more depository banks duly qualified in accordance with the provisions of Montana Code Annotated, Section 7-6-201, as amended, and shall cause the balances in such accounts, except any part thereof covered by federal deposit insurance, to be secured by the pledge of bonds or securities of the kinds required by law, and no money shall at any time be withdrawn from such deposit accounts except for the purposes of the Tax Increment Funds as defined and authorized by this Resolution. The funds to the credit of the several accounts within the Tax Increment Funds may be commingled in one or more deposit accounts. The balance on hand in any of the accounts of the Tax Increment Funds may at any time be invested and reinvested in Qualified Investments as provided below, maturing and bearing interest payable at the times and in the amounts estimated to be required to provide cash when needed for the purposes of the respective accounts; provided that the Reserve Account and Tax Increment Development Fund shall be invested in Qualified Investments maturing not later than five years from the date of investment. Income from the investment of the moneys in the various accounts shall be credited thereto. Subject to the provisions of law now or hereafter controlling investment of such funds, money on hand in any of the accounts of the Tax Increment Funds may be invested in any of the following Qualified Investments, but no others:

(a) direct obligations of or obligations guaranteed by the United States of America;

(b) bank time deposits or certificates of deposit secured by obligations and securities described in clause (a) above; and

(c) the Montana short-term investment pool administered by the Board of Investments of the State of Montana or any similar pool hereafter created for the investment of public funds.

Section 7. Other Covenants of City.

7.01. Punctual Payment. The City will punctually pay or cause to be paid the principal and interest to become due in respect to all the Bonds, in strict conformity with the terms of the Bonds and of this Resolution, and it will faithfully observe and perform all of the conditions, covenants and requirements of this Resolution and all Supplemental Resolutions and of the Bonds. Nothing herein contained shall prevent the City from making advances of its own moneys however derived to any of the uses or purposes referred to herein, nor shall be deemed or constitute a pledge or appropriation of funds or assets of the City other than those expressly pledged or appropriated hereby.

7.02. Accumulation of Claims of Interest. In order to prevent any accumulation of claims for interest after maturity, the City will not, directly or indirectly, extend or consent to the extension of the time for the payment of any claim for interest on any of the Bonds and will not, directly or indirectly, be a party to or approve any such arrangements by purchasing or funding

said claims for interest or in any other manner. In case any such claim for interest shall be extended or funded, whether or not with the consent of the City, such interest so extended or funded shall not be entitled, in case of default hereunder, to the benefits of this Resolution, except subject to the prior payment in full of the principal of all of the Bonds then outstanding and of all claims for interest which shall not have been so extended or funded.

7.03. Against Encumbrances. The City will not encumber, pledge or place any charge or lien upon any of the Tax Increment superior to or on a parity with the pledge and lien herein created for the benefit of the Bonds.

7.04. Management and Operation of Properties. The City will manage and operate or cause to be managed and operated all Projects owned by the City in a sound manner, and will keep such Projects insured at all times in conformity with sound governmental practice.

7.05. Books and Accounts; Financial Statements. The City will keep, or cause to be kept, proper books of record and accounts, separate from all other records and accounts of the City, in which complete and correct entries shall be made of all transactions relating to the Projects, Tax Increment and the Tax Increment Funds. Such books of record and accounts shall be at all time during business hours subject to the inspection of the Owners of not less than ten percent (10%) of the principal amount of the Bonds then Outstanding, or their representatives authorized in writing.

The City will prepare and file with the City Finance Director annually, within one hundred eighty (180) days after the close of each Fiscal Year so long as any of the Bonds are Outstanding, complete financial statements with respect to the preceding Fiscal Year showing (1) the actual taxable value, the base taxable value and the incremental taxable value (each as defined in the Act) of the District; (2) the mill rates of all Taxing Bodies; (3) the Tax Increment, including a breakdown of Tax Increment attributable to current and delinquent property tax collections; (4) all disbursements from the Tax Increment Funds; (5) the financial conditions of the Projects; and (6) the balances in the Tax Increment Funds and accounts therein as of the end of each such Fiscal Year.

7.06. Completion of Projects. The City will commence, and will continue to completion, with all practicable dispatch all Projects undertaken in the District in conformity with the Plan and the Act.

7.07. Taxation of Leased Property. Other than a Project owned and operated as a public improvement or facility (such as, for illustrative purposes only, a City parking garage even though it contemplates parking spaces for the benefit of particular users or properties and a municipal ice rink), whenever the City leases real property in the District to any Person other than a governmental entity, the property shall to the extent authorized by law be assessed and taxed in the same manner as privately-owned property and the lease shall provide (1) that the lessee shall pay Taxes upon the taxable value for the entire property and not merely upon the assessed value of his or its leasehold interest, and (2) that if for any reason the Taxes paid by the lessee on such property in any year during the term of the lease shall be less than the Taxes which would have been payable upon the assessed value of the entire property if the property were assessed and taxed in the same manner as privately-owned property, the lessee shall pay

such difference to the City within thirty days after the Taxes for such year become payable to the Taxing Bodies and in any event prior to the delinquency date of such Taxes established by law. All such payments to the City shall be treated as Tax Increment and shall be deposited by the City in the Tax Increment Funds.

7.08. Further Assurances. The City will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Resolution, and for the better assuring and confirming unto the Owners of the Bonds of the rights and benefits provided in this Resolution.

7.09. Amendment of Plan or Ordinance. Except to authorize additional Projects, the City will not amend or modify the Plan or the Ordinance or reduce the size of the District if an effect thereof will be to materially and adversely affect the security of the Outstanding Bonds; provided, however, the City may reduce the size of the District if a report showing that the amount of Tax Increment is not thereby adversely affected in any material respect is received from the Financial Consultant regarding the reduction in size of the District.

7.10. Adjustment of Tax Incremental Base. The City shall not adjust the tax incremental base of the District pursuant to Section 7-15-4287 of the Act so long as any Bonds are Outstanding, if the effect would be to reduce the base.

7.11. Federal Tax Exemption. The City will not use the proceeds of any Bonds or use or permit the use of any Project financed from the proceeds of the Bonds or revenues derived therefrom in such a way as to cause the exemption from federal income taxation of interest on any Bonds that bear interest at a tax-exempt rate to become adversely affected.

7.12. Pledge of Replacement Revenues. In the event the Constitution or laws of the State of Montana are amended to abolish or substantially reduce or eliminate real or personal property taxation and State law then or thereafter provides to the City an alternate or supplemental source or sources of revenue specifically to replace or supplement reduced or eliminated Tax Increment, then the City pledges, and covenants to appropriate annually, subject to the limitations of then applicable law, to the Bond Fund from such alternate or supplemental revenues an amount that will, with money on hand in the Bond Fund or available and to be transferred to the Bond Fund during such Fiscal Year, be sufficient to pay the principal of, premium, if any, and interest on the Outstanding Bonds payable in that Fiscal Year.

7.13. Bondowner Rights. No Owner of any Bond issued and secured under the provisions of this Resolution shall have the right to institute any proceeding, judicial or otherwise, for the enforcement of the covenants herein contained, without the written concurrence of the Owners of not less than 25% in aggregate principal amount of all Bonds which are at the time Outstanding; but the Owners of this amount of such Bonds may, either at law or in equity, by suit, action or other proceedings, protect and enforce the rights of all Owners of such Bonds and compel the performance of any and all of the covenants required herein to be performed by the City and its officers and employees. The Owner of a majority in principal amount of such Outstanding Bonds shall have the right to direct the time, method and place of conducting any proceedings for any remedy available to the Owners or the exercise of any power

conferred on them, and the right to waive a default in the performance of any such covenant, and its consequences, except a default in the payment of the principal of or interest on any Bond when due. However, nothing herein shall impair the absolute and unconditional right of the Owner of each Bond to receive payment of the principal of and interest on such Bond as such principal and interest respectively become due, and to institute suit for the enforcement of any such payment. In the Event of Default in any such payment, any court having jurisdiction of the action may appoint a receiver to administer the Tax Increment Funds and to collect and segregate and apply the Tax Increment and other revenues pledged thereto as provided by this Resolution and the Act.

Section 8. Supplemental Resolutions.

8.01. General. The City reserves the right to adopt Supplemental Resolutions to this Resolution from time to time and at any time, for the purpose of curing any ambiguity or of curing, correcting or supplementing any defective provision contained herein, or of making such provisions with regard to matters or questions arising hereunder as the City may deem necessary or desirable and not inconsistent with this Resolution, and which shall not adversely affect the interests of the Owners of Bonds issued hereunder, or for the purpose of adding to the covenants and agreements herein contained, or to the Tax Increment herein pledged, other covenants and agreements thereafter to be observed and additional revenues or income thereafter appropriated to the Tax Increment Funds, or for the purpose of surrendering any right or power herein reserved to or conferred upon the City, or for the purpose of authorizing the creation and issuance of a series of Additional Bonds, as provided in and subject to the conditions and requirements of Section 5. Any such Supplemental Resolution may be adopted by resolution, without the consent of the Owner of any of the Bonds issued hereunder.

8.02. Consent of Bondowners. With the consent of the Owners of Outstanding Bonds as provided in Section 8.04, the City may from time to time and at any time adopt a Supplemental Resolution for the purpose of amending this Resolution by adding any provisions hereto or changing in any manner or eliminating any of the provisions hereof or of any Supplemental Resolution, except that no Supplemental Resolution shall be adopted at any time without the consent of the Owners of all Outstanding Bonds affected thereby, if it would extend the time of payment of interest thereon, would reduce the amount of the principal thereof or redemption premium thereon, would give to any Bond or Bonds any privilege over any other Bond or Bonds (except for the privilege accorded Bonds over Subordinate Bonds), would reduce the sources of Tax Increment or other revenues or income appropriated to the Tax Increment Funds, or would reduce the percentage in principal amount of such Bonds required to authorize or consent to any such Supplemental Resolution.

8.03. Notice. Notice of a Supplemental Resolution to be adopted pursuant to Section 8.02 shall be mailed by first-class mail, postage prepaid, to the Owners of all Outstanding Bonds at their addresses appearing in the Bond Register and shall become effective only upon the filing of written consents with the City Finance Director, signed by the Owners of not less than two-thirds in principal amount of the Bonds issued hereunder which are then Outstanding. Any written consent to the Supplemental Resolution may be embodied in and evidenced by one or any number of concurrent written instruments of substantially similar tenor signed by Owners in person or by agent duly appointed in writing, and shall become effective when delivered to the

City Finance Director. Any consent by the Owner of any Bond shall bind that Owner and every future Owner of the same Bond with respect to any Supplemental Resolution adopted by the City pursuant to such consent; provided that any Owner may revoke his consent with reference to any Bond by written notice received by the City Finance Director before the Supplemental Resolution has become effective. In the event that unrevoked consents of the Owners of the required amount of Bonds have not been received by the City Finance Director within one year after the publication of notice of the Supplemental Resolution, the Supplemental Resolution and all consents theretofore received shall be of no further force and effect.

8.04. Manner of Consent. Proof of the execution of any consent, or of a writing appointing any agent to execute the same shall be sufficient for any purpose of this Resolution and shall be conclusive in favor of the City if made in the manner provided in this Section 8.04. The fact and date of the execution by any Person of any such consent or appointment may be proved by the affidavit of a witness of such execution or by the certification of any notary public or other officer authorized by law to take acknowledgment of deeds, certifying that the Person signing it acknowledged to him the execution thereof. The fact and date of execution of any such consent may also be proved in any other manner which the City may deem sufficient; but the City may nevertheless, in its discretion, require further proof in cases where it deems further proof desirable. The ownership of any registered Bonds shall be proved by the Bond Register.

Section 9. Defeasance.

9.01. General. When the liability of the City on all Bonds issued under and secured by this Resolution and all interest thereon has been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the Owners of such Bonds shall cease.

9.02. Maturity. The City may discharge its liability with reference to all Bonds and interest thereon which are due on any date by depositing with the Bond Registrar for such Bonds on or before the date a sum sufficient for the payment thereof in full; or if any Bond or interest shall not be paid when due, the City may nevertheless discharge its liability with reference thereto by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

9.03. Redemption. The City may also discharge its liability with reference to any Bonds which are called for redemption on any date in accordance with their terms, by depositing with the Paying Agent on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due thereon; provided that notice of such redemption has been duly given as provided in this Resolution or a Supplemental Resolution.

9.04. Escrow. The City may also at any time discharge its liability with reference to any Bond subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are Government Obligations which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required to provide funds sufficient to pay all principal and interest to become due on all such Bonds on or before the Payment Dates or Stated Maturities thereof or, if such Bonds are

subject to redemption and the City has given the redemption notice required therefor or given irrevocable instructions to give such notice and the funds provided will also be sufficient to pay any applicable redemption premium, to an earlier Redemption Date.

Section 10. Tax Covenants.

10.01. Security for the Series 2015 Bonds. The City shall not enter into any lease, use or other agreement with any non-governmental Person relating to the security for the payment of the Series 2015 Bonds which might cause the Series 2015 Bonds to be considered “private activity bonds” or “private loan bonds” within the meaning of Section 141 of the Code. No “impermissible agreement” as defined in Treasury Regulations, Section 1.141-4(e)(4)(ii), has been or will be entered into by the City in respect of the Tax Increment or otherwise to secure the Series 2015 Bonds.

10.02. General Covenant. The City covenants and agrees with the Owners from time to time of the Series 2015 Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Series 2015 Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations promulgated thereunder (the “Regulations”), and covenants to take any and all actions within its powers to ensure that the interest on the Series 2015 Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

10.03. Arbitrage Certification. The Mayor, City Manager and the City Finance Director, being the officers of the City charged with the responsibility for issuing the Series 2015 Bonds pursuant to this resolution, are authorized and directed to execute and deliver to the Original Purchaser a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2015 Bonds, it is reasonably expected that the proceeds of the Series 2015 Bonds will be used in a manner that would not cause the Series 2015 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code and the Regulations.

10.04. Arbitrage Rebate. The City acknowledges that the Series 2015 Bonds are subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Treasury Regulations to preserve the exclusion of interest on the Series 2015 Bonds from gross income for federal income tax purposes, unless the Series 2015 Bonds qualify for the spending exceptions from the rebate requirement under Section 148(f)(4)(B) of the Code and the Treasury Regulations and no “gross proceeds” of the Series 2015 Bonds (other than amounts constituting a “bona fide Bond Fund”) arise during or after the expenditure of the sale proceeds thereof. In furtherance of the foregoing, the City Finance Director is hereby authorized and directed to execute a Rebate Certificate, substantially in the form of the Rebate Certificate prepared by Bond Counsel and the City hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof.

10.05. Information Reporting. The City shall file with the Secretary of the Treasury, not later than August 15, 2015, a statement concerning the Series 2015 Bonds containing the information required by Section 149(e) of the Code.

10.06. “Qualified Tax-Exempt Obligations.” Pursuant to Section 265(b)(3)(D)(ii) of the Code, the Series 2015 Bonds are deemed designated by the City as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. The aggregate principal amount of the Series 2015 Bonds, which are an obligation issued to refund on a current refunding basis the Refunded Bonds, does not exceed the aggregate principal amount of the Refunded Bonds; the average maturity date of the Series 2015 Bonds is not later than the average maturity date of the Refunded Bonds; and the Series 2015 Bonds have a maturity date not later than 30 years after the date the Series 2009 Bonds (or the bonds refunded by the Series 2009 Bonds) were issued.

Section 11. Repeal. All provisions of ordinances, resolutions and other actions and proceedings of the City which are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

Section 12. Effective Date. This Resolution shall be in full force and effect from and after its final passage and approval according to law.

PASSED AND APPROVED by the City Council of the City of Whitefish, Montana, this 1st day of June, 2015.

Mayor

Attest: _____
City Clerk

EXHIBIT A-1

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF MONTANA
COUNTY OF FLATHEAD

CITY OF WHITEFISH

TAX INCREMENT URBAN RENEWAL REVENUE REFUNDING BOND
SERIES 2015A

No. R-1 \$3,591,500.00

<u>Interest Rate</u>	<u>Stated Maturity</u>	<u>Date of Original Issue</u>
2.62%	July 15, 2020	June 10, 2015

REGISTERED OWNER: GLACIER BANK

PRINCIPAL AMOUNT: THREE MILLION FIVE HUNDRED NINETY ONE
THOUSAND FIVE HUNDRED DOLLARS AND NO/100

FOR VALUE RECEIVED, THE CITY OF WHITEFISH (the "City"), a duly organized and validly existing municipal corporation located in Flathead County, Montana, acknowledges itself to be specially indebted and hereby promises to pay to the registered owner specified above or registered assigns, solely from the Tax Increment Debt Service Fund, on each Payment Date specified on the attached Schedule I, the dollar amount corresponding to that Payment Date as set forth on such Schedule I, all subject to the provisions hereinafter described relating to the redemption of this Bond prior to maturity. This Bond bears interest at the rate per annum specified above from the date of original issue specified above, or from such later date to which interest hereon has been paid or duly provided for, until the final installment payment date specified above or an earlier date on which this Bond shall have been duly called for redemption, subject to a Determination of Taxability. Principal of and interest on this Bond are payable in semi-annual installments due on each January 15 and July 15, commencing January 15, 2016, with the initial installment payment consisting of interest-only and the subsequent semi-annual installments consisting of principal and interest, in accordance with the payment installment schedule attached hereto as Schedule I. The owner of record of this Bond is the owner appearing as such in the bond register as of the close of business on the 1st day (whether or not a business day) of the month immediately preceding a Payment Date. Interest on and principal of this Bond are payable by check or draft drawn by the Bond Registrar. Interest on this Bond shall be calculated on the basis of a 360-day year composed of twelve 30-day months. The City Finance Director shall initially serve as the Bond Registrar for this Bond.

In the event that the interest on this Bond becomes includable in gross income for purposes of federal income taxation pursuant to a Determination of Taxability, the rate of interest then

payable under this Bond shall automatically be increased retroactively effective from and after the Date of Taxability, to an annual rate equal to the Taxable Rate. The City shall, upon demand by the Owner, immediately pay to the Owner and to each prior Owner since the Date of Taxability, an amount equal to the amount, if any, by which the interest accrued retroactively, at the Taxable Rate from the Date of Taxability to the date of payment, exceeds the amount of interest paid to the Owner and any such prior Owner during said period, and all penalties and interest payable by such Owners as a result of such change in taxable status. Thereafter, interest on this Bond shall accrue at the Taxable Rate and shall be payable to the Owner on the Payment Dates specified in Schedule I. The obligations of the City under this paragraph shall survive for three years following repayment of this Bond in full.

This Series 2015A Bond is one of a duly authorized issue of Bonds of the City designated as “Tax Increment Urban Renewal Revenue Refunding Bonds” (collectively, the “Bonds”), issued and to be issued in one or more series under, and all equally and ratably secured by Resolution No. 15-14, adopted by the City Council on June 1, 2015 (as amended or supplemented in accordance with the provisions thereof, the “Resolution”), to which Resolution, copies of which are on file with the City, reference is hereby made for a description of the nature and extent of the security, the respective rights thereunder of the Owners of the Bonds and the City and the terms upon which the Bonds are to be issued and delivered. Capitalized terms used herein but not otherwise defined shall have the respective meanings given such terms in the Resolution. This Bond constitutes an issue that evidences a loan from the Original Purchaser to the City in the principal amount of \$3,591,500 (the “Series 2015A Bond”), for the purpose of refunding, together with other amounts available therefor, the City’s outstanding Tax Increment Urban Renewal Revenue Bonds (Emergency Services Center Project and Refunding), Series 2009, to fund a deposit to the Reserve Account and to pay costs of issuing the Series 2015A Bond and of the refunding. The City is issuing simultaneously herewith its Tax Increment Urban Renewal Revenue Refunding Bond, Series 2015B (the “Series 2015B Bond” and, together with the Series 2015A Bond, the “Series 2015 Bonds”).

The Series 2015A Bond is issued pursuant to and in full compliance with the Constitution and laws of the State of Montana and the home rule charter of the City, particularly Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), and pursuant to the Resolution. The Series 2015A Bond is payable solely and equally and ratably from Tax Increment received by the City. Tax Increment results from the extension of ad valorem taxes levied by certain Taxing Bodies against the incremental taxable value of taxable property within the District pursuant to the Act and includes payments in lieu of taxes and any replacement revenues received from the City for the benefit of the District as reimbursements for lost tax increment attributable to changes in rates of taxation on classes of property or any payments received by the City designated as replacement revenues for lost tax revenues in the District. By the Resolution, the City has pledged the Tax Increment received by the City to the Tax Increment Debt Service Fund. The Series 2015A Bond is also payable from the Reserve Account established and maintained therefore.

The Series 2015A Bond is not a general obligation of the City and the City’s general credit and taxing powers are not pledged to the payment of the Series 2015A Bond or the

interest thereon. The Series 2015A Bond shall not constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter limitations.

The Series 2015A Bond is subject to redemption, at the option of the City, at any time and from time to time, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed with interest accrued to the date of redemption. Notice of redemption will be mailed at least 30 days before the redemption date to the registered owner of the Series 2015A Bond to be redeemed; provided that any defect in or failure to give such mailed notice shall not affect the validity of the proceedings for the redemption of any Series 2015A Bond not affected thereby. The Series 2015A Bond or portions thereof so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited and, except for the purpose of payment, shall no longer be secured by the Resolution and shall not be deemed Outstanding under the Resolution. Upon partial redemption of any Series 2015A Bond, a new Series 2015A Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount Outstanding.

If provision is made for the payment of principal of and interest on this Series 2015A Bond in full in accordance with the Resolution, this Series 2015A Bond shall no longer be deemed Outstanding under the Resolution, shall cease to be entitled to the benefits of the Resolution, and shall thereafter be payable solely from the funds provided for payment.

The Resolution permits, with certain exceptions as therein provided, the amendment thereof and the modification of the rights and obligations of the City and the Owners of the Bonds at any time with the consent of the Owners of two-thirds in aggregate principal amount of the Bonds at the time Outstanding (as defined in the Resolution) which are affected by such modifications. The Resolution also contains provisions permitting Owners of a majority in aggregate principal amount of the Bonds of all series at the time Outstanding, on behalf of all the Owners of all Parity Bonds or all Bonds, to waive compliance by the City with certain provisions of the Resolution and certain past defaults under the Resolution and their consequences. Any such consent or waiver by the Owner of this Bond shall be conclusive and binding upon such Owner and on all future Owners of this Bond and of any Bond issued in lieu hereof, whether or not notation of such consent or waiver is made upon this Bond.

The Owner of this Bond shall have no right to enforce the provisions of the Resolution, or to institute action to enforce the covenants therein or take any action with respect to a default under the Resolution or to institute, appear in or defend any suit or other procedure with respect thereto except as provided in the Resolution.

As provided in the Resolution and subject to certain limitations set forth therein, this Series 2015A Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Series 2015A Bonds of other authorized denominations. Upon such transfer or exchange, the City will cause a new Series 2015A Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and

maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Series 2015A Bond is registered as the absolute owner hereof, whether this Series 2015A Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

This Series 2015A Bond has been deemed designated by the City as a “qualified tax-exempt obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND DECLARED that all acts, conditions and things required by the Constitution and laws of the State of Montana and the home rule charter and ordinances and resolutions of the City to be done, to exist, to happen and to be performed in order to make this Series 2015A Bond a valid and binding special, limited obligation of the City in accordance with its terms have been done, do exist, have happened and have been performed as so required; that this Series 2015A Bond has been issued by the City in connection with urban renewal projects (as defined in the Act); that the City, in and by the Resolution has validly made and entered into covenants and agreements with and for the benefit of the Owners from time to time of all Bonds issued thereunder including covenants that it will pledge, appropriate and credit the Tax Increment derived from the District to the Tax Increment Debt Service Fund of the City; that Additional Bonds may be issued and made payable from the Tax Increment Debt Service Fund on a parity with the Series 2015 Bonds upon certain conditions set forth in the Resolution, but no obligation will be otherwise incurred and made payable from the Tax Increment unless the lien thereof shall be expressly made subordinate to the lien on the Tax Increment of the Series 2015 Bonds; that all provisions for the security of the Owners of the Bonds as set forth in the Resolution will be punctually and faithfully performed as therein stipulated; and that the issuance of the Series 2015 Bonds does not cause the indebtedness of the City to exceed any constitutional, statutory or charter limitation.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by the manual signature of an authorized representative.

IN WITNESS WHEREOF, the City of Whitefish, Flathead County, Montana, by its City Council, has caused this Bond to be executed by the facsimile signatures of the Mayor, the City Manager and the City Finance Director and attested to by the City Clerk.

CITY OF WHITEFISH, MONTANA

Mayor

City Manager

City Finance Director

Attest:

City Clerk

Dated:

CERTIFICATE OF AUTHENTICATION

This is the Series 2015A Bond delivered pursuant to the Resolution mentioned within.

CITY OF WHITEFISH, MONTANA
as Bond Registrar, Transfer Agent
and Paying Agent

By _____
City Finance Director

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM --	as tenants in common	UTMA.....Custodian..... (Cust) (Minor)
TEN ENT --	as tenants by the entireties	
JT TEN --	as joint tenants with right of survivorship and not as tenants in common	under Uniform Transfers to Minors Act..... (State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUED RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

PLEASE INSERT SOCIAL SECURITY
OR OTHER IDENTIFYING NUMBER OF
ASSIGNEE:

NOTICE: The signature to this assignment
must correspond with the name as it appears
upon the face of the within bond in every
particular, without alteration,
or any change whatsoever.

enlargement _____
/ _____/

SIGNATURE GUARANTEE

Signature(s) must be guaranteed by an
“eligible guarantor institution” meeting
the requirements of the Bond Registrar,
which requirements include membership
or participation in STAMP or such other
“signature guaranty program” as may be
determined by the Registrar in addition
to or in substitution for STAMP, all in
accordance with the Securities Exchange
Act of 1934, as amended.

SCHEDULE I

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
07/15/2015	-	-	-	-
01/15/2016	-	-	56,197.00	56,197.00
07/15/2016	669,000.00	2.620%	47,048.65	716,048.65
01/15/2017	349,000.00	2.620%	38,284.75	387,284.75
07/15/2017	353,500.00	2.620%	33,712.85	387,212.85
01/15/2018	359,000.00	2.620%	29,082.00	388,082.00
07/15/2018	363,500.00	2.620%	24,379.10	387,879.10
01/15/2019	367,000.00	2.620%	19,617.25	386,617.25
07/15/2019	372,000.00	2.620%	14,809.55	386,809.55
01/15/2020	377,000.00	2.620%	9,936.35	386,936.35
07/15/2020	381,500.00	2.620%	4,997.65	386,497.65
Total	\$3,591,500.00	-	\$278,065.15	\$3,869,565.15

EXHIBIT A-2

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF MONTANA
COUNTY OF FLATHEAD

CITY OF WHITEFISH

TAX INCREMENT URBAN RENEWAL REVENUE REFUNDING BOND
SERIES 2015B

No. R-1 \$3,591,500.00

<u>Interest Rate</u>	<u>Stated Maturity</u>	<u>Date of Original Issue</u>
2.62%	July 15, 2020	June 10, 2015

REGISTERED OWNER: FIRST INTERSTATE BANK

PRINCIPAL AMOUNT: THREE MILLION FIVE HUNDRED NINETY ONE THOUSAND FIVE HUNDRED DOLLARS AND NO/100

FOR VALUE RECEIVED, THE CITY OF WHITEFISH (the "City"), a duly organized and validly existing municipal corporation located in Flathead County, Montana, acknowledges itself to be specially indebted and hereby promises to pay to the registered owner specified above or registered assigns, solely from the Tax Increment Debt Service Fund, on each Payment Date specified on the attached Schedule I, the dollar amount corresponding to that Payment Date as set forth on such Schedule I, all subject to the provisions hereinafter described relating to the redemption of this Bond prior to maturity. This Bond bears interest at the rate per annum specified above from the date of original issue specified above, or from such later date to which interest hereon has been paid or duly provided for, until the final installment payment date specified above or an earlier date on which this Bond shall have been duly called for redemption, subject to a Determination of Taxability. Principal of and interest on this Bond are payable in semi-annual installments due on each January 15 and July 15, commencing January 15, 2016, with the initial installment payment consisting of interest-only and the subsequent semi-annual installments consisting of principal and interest, in accordance with the payment installment schedule attached hereto as Schedule I. The owner of record of this Bond is the owner appearing as such in the bond register as of the close of business on the 1st day (whether or not a business day) of the month immediately preceding a Payment Date. Interest on and principal of this Bond are payable by check or draft drawn by the Bond Registrar. Interest on this Bond shall be calculated on the basis of a 360-day year composed of twelve 30-day months. The City Finance Director shall initially serve as the Bond Registrar for this Bond.

In the event that the interest on this Bond becomes includable in gross income for purposes of federal income taxation pursuant to a Determination of Taxability, the rate of interest then

payable under this Bond shall automatically be increased retroactively effective from and after the Date of Taxability, to an annual rate equal to the Taxable Rate. The City shall, upon demand by the Owner, immediately pay to the Owner and to each prior Owner since the Date of Taxability, an amount equal to the amount, if any, by which the interest accrued retroactively, at the Taxable Rate from the Date of Taxability to the date of payment, exceeds the amount of interest paid to the Owner and any such prior Owner during said period, and all penalties and interest payable by such Owners as a result of such change in taxable status. Thereafter, interest on this Bond shall accrue at the Taxable Rate and shall be payable to the Owner on the Payment Dates specified in Schedule I. The obligations of the City under this paragraph shall survive for three years following repayment of this Bond in full.

This Series 2015B Bond is one of a duly authorized issue of Bonds of the City designated as “Tax Increment Urban Renewal Revenue Refunding Bonds” (collectively, the “Bonds”), issued and to be issued in one or more series under, and all equally and ratably secured by Resolution No. 15-14, adopted by the City Council on June 1, 2015 (as amended or supplemented in accordance with the provisions thereof, the “Resolution”), to which Resolution, copies of which are on file with the City, reference is hereby made for a description of the nature and extent of the security, the respective rights thereunder of the Owners of the Bonds and the City and the terms upon which the Bonds are to be issued and delivered. Capitalized terms used herein but not otherwise defined shall have the respective meanings given such terms in the Resolution. This Bond constitutes an issue that evidences a loan from the Original Purchaser to the City in the principal amount of \$3,591,500 (the “Series 2015B Bond”), for the purpose of refunding, together with other amounts available therefor, the City’s outstanding Tax Increment Urban Renewal Revenue Bonds (Emergency Services Center Project and Refunding), Series 2009, to fund a deposit to the Reserve Account and to pay costs of issuing the Series 2015B Bond and of the refunding. The City is issuing simultaneously herewith its Tax Increment Urban Renewal Revenue Refunding Bond, Series 2015A (the “Series 2015A Bond” and, together with the Series 2015B Bond, the “Series 2015 Bonds”).

This Series 2015B Bond is issued pursuant to and in full compliance with the Constitution and laws of the State of Montana and the home rule charter of the City, particularly Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), and pursuant to the Resolution. The Series 2015B Bond is payable solely and equally and ratably from Tax Increment received by the City. Tax Increment results from the extension of ad valorem taxes levied by certain Taxing Bodies against the incremental taxable value of taxable property within the District pursuant to the Act and includes payments in lieu of taxes and any replacement revenues received from the City for the benefit of the District as reimbursements for lost tax increment attributable to changes in rates of taxation on classes of property or any payments received by the City designated as replacement revenues for lost tax revenues in the District. By the Resolution, the City has pledged the Tax Increment received by the City to the Tax Increment Debt Service Fund. The Series 2015B Bond is also payable from the Reserve Account established and maintained therefore.

The Series 2015B Bond is not a general obligation of the City and the City’s general credit and taxing powers are not pledged to the payment of the Series 2015B Bond or the

interest thereon. The Series 2015B Bond shall not constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter limitations.

The Series 2015B Bond is subject to redemption, at the option of the City, at any time and from time to time, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed with interest accrued to the date of redemption. Notice of redemption will be mailed at least 30 days before the redemption date to the registered owner of the Series 2015B Bond to be redeemed; provided that any defect in or failure to give such mailed notice shall not affect the validity of the proceedings for the redemption of any Series 2015B Bond not affected thereby. The Series 2015B Bond or portions thereof so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited and, except for the purpose of payment, shall no longer be secured by the Resolution and shall not be deemed Outstanding under the Resolution. Upon partial redemption of any Series 2015B Bond, a new Series 2015B Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount Outstanding.

If provision is made for the payment of principal of and interest on this Series 2015B Bond in full in accordance with the Resolution, this Series 2015B Bond shall no longer be deemed Outstanding under the Resolution, shall cease to be entitled to the benefits of the Resolution, and shall thereafter be payable solely from the funds provided for payment.

The Resolution permits, with certain exceptions as therein provided, the amendment thereof and the modification of the rights and obligations of the City and the Owners of the Bonds at any time with the consent of the Owners of two-thirds in aggregate principal amount of the Bonds at the time Outstanding (as defined in the Resolution) which are affected by such modifications. The Resolution also contains provisions permitting Owners of a majority in aggregate principal amount of the Bonds of all series at the time Outstanding, on behalf of all the Owners of all Parity Bonds or all Bonds, to waive compliance by the City with certain provisions of the Resolution and certain past defaults under the Resolution and their consequences. Any such consent or waiver by the Owner of this Bond shall be conclusive and binding upon such Owner and on all future Owners of this Bond and of any Bond issued in lieu hereof, whether or not notation of such consent or waiver is made upon this Bond.

The Owner of this Bond shall have no right to enforce the provisions of the Resolution, or to institute action to enforce the covenants therein or take any action with respect to a default under the Resolution or to institute, appear in or defend any suit or other procedure with respect thereto except as provided in the Resolution.

As provided in the Resolution and subject to certain limitations set forth therein, this Series 2015B Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Series 2015B Bonds of other authorized denominations. Upon such transfer or exchange, the City will cause a new Series 2015B Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and

maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Series 2015B Bond is registered as the absolute owner hereof, whether this Series 2015B Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

This Series 2015B Bond has been deemed designated by the City as a “qualified tax-exempt obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND DECLARED that all acts, conditions and things required by the Constitution and laws of the State of Montana and the home rule charter and ordinances and resolutions of the City to be done, to exist, to happen and to be performed in order to make this Series 2015B Bond a valid and binding special, limited obligation of the City in accordance with its terms have been done, do exist, have happened and have been performed as so required; that this Series 2015B Bond has been issued by the City in connection with urban renewal projects (as defined in the Act); that the City, in and by the Resolution has validly made and entered into covenants and agreements with and for the benefit of the Owners from time to time of all Bonds issued thereunder including covenants that it will pledge, appropriate and credit the Tax Increment derived from the District to the Tax Increment Debt Service Fund of the City; that Additional Bonds may be issued and made payable from the Tax Increment Debt Service Fund on a parity with the Series 2015 Bonds upon certain conditions set forth in the Resolution, but no obligation will be otherwise incurred and made payable from the Tax Increment unless the lien thereof shall be expressly made subordinate to the lien on the Tax Increment of the Series 2015 Bonds; that all provisions for the security of the Owners of the Bonds as set forth in the Resolution will be punctually and faithfully performed as therein stipulated; and that the issuance of the Series 2015 Bonds does not cause the indebtedness of the City to exceed any constitutional, statutory or charter limitation.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by the manual signature of an authorized representative.

IN WITNESS WHEREOF, the City of Whitefish, Flathead County, Montana, by its City Council, has caused this Bond to be executed by the facsimile signatures of the Mayor, the City Manager and the City Finance Director and attested to by the City Clerk.

CITY OF WHITEFISH, MONTANA

Mayor

City Manager

City Finance Director

Attest:

City Clerk

Dated:

CERTIFICATE OF AUTHENTICATION

This is the Series 2015B Bond delivered pursuant to the Resolution mentioned within.

CITY OF WHITEFISH, MONTANA
as Bond Registrar, Transfer Agent
and Paying Agent

By _____
City Finance Director

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM --	as tenants in common	UTMA.....Custodian..... (Cust) (Minor)
TEN ENT --	as tenants by the entireties	
JT TEN --	as joint tenants with right of survivorship and not as tenants in common	under Uniform Transfers to Minors Act..... (State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUED RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

PLEASE INSERT SOCIAL SECURITY
OR OTHER IDENTIFYING NUMBER OF
ASSIGNEE:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration, or any change whatsoever.

enlargement _____
/ _____/

SIGNATURE GUARANTEE

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

SCHEDULE I

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
07/15/2015	-	-	-	-
01/15/2016	-	-	56,197.00	56,197.00
07/15/2016	669,000.00	2.620%	47,048.65	716,048.65
01/15/2017	349,000.00	2.620%	38,284.75	387,284.75
07/15/2017	353,500.00	2.620%	33,712.85	387,212.85
01/15/2018	359,000.00	2.620%	29,082.00	388,082.00
07/15/2018	363,500.00	2.620%	24,379.10	387,879.10
01/15/2019	367,000.00	2.620%	19,617.25	386,617.25
07/15/2019	372,000.00	2.620%	14,809.55	386,809.55
01/15/2020	377,000.00	2.620%	9,936.35	386,936.35
07/15/2020	381,500.00	2.620%	4,997.65	386,497.65
Total	\$3,591,500.00	-	\$278,065.15	\$3,869,565.15

EXHIBIT B

FORM OF ESCROW AGREEMENT

THIS ESCROW AGREEMENT (this “Agreement”) is made and executed between the City of Whitefish, Montana (the “City”), and U.S. Bank National Association, in Denver, Colorado (the “Agent”). The parties hereto recite and, in consideration of the mutual covenants and payments referred to and contained herein, covenant and agree as follows:

1. The City, in accordance with Resolution No. 15-14 adopted by the City Council of the City on June 1, 2015, sold its Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015, dated, as originally issued, as of the date hereof, in the aggregate principal amount of \$7,183,000 (the “Series 2015 Bonds”) for the purpose of providing funds to refund, pay and redeem the City’s Tax Increment Urban Renewal Revenue Bonds (Emergency Services Center Project and Refunding), Series 2009, dated, as originally issued, as of July 14, 2009 (the “Series 2009 Bonds”), with stated maturities in 2015 and thereafter, and outstanding in the aggregate principal amount of \$9,365,000 (the “Refunded Bonds”), funding a deposit to the reserve account for the Series 2015 Bonds and paying costs of issuance of the Series 2015 Bonds and the refunding of the Refunded Bonds, and has directed that the proceeds of the Series 2015 Bonds be applied as follows: (i) \$6,390,500.00 to be deposited in the Escrow Account; (ii) \$73,025.00 to the payment of costs of issuance of the Series 2015 Bonds and the refunding of the Refunded Bonds; (iii) \$718,300.00 to fund a deposit to the Reserve Account; and (iv) \$1,175.00 to the Bond Account to be applied to the January 15, 2016 interest payment on the Series 2015 Bonds. The City has appropriated \$1,605,993.13 of the funds in the debt service account for the Series 2009 Bonds and \$1,569,500.00 of the funds in the debt service reserve account for the Series 2009 Bonds for deposit to the Escrow Account.

2. The Agent acknowledges receipt of the cash in the aggregate amount of \$9,565,993.13 (representing \$6,390,500.00 of proceeds of the Series 2015 Bonds, \$1,605,993.13 of funds in the debt service account for the Series 2009 Bonds and \$1,569,500.00 of funds in the debt service reserve account for the Series 2009 Bonds) and agrees that it will hold such cash in a special segregated escrow account in the name of the City (the “Escrow Account”), and that it will remit from the Escrow Account to the paying agent of the Series 2009 Bonds the funds required for the payment of principal of and interest on the Refunded Bonds as shown on the attached Exhibit A (which is hereby incorporated herein and made a part hereof).

The Agent will:

(i) not less than 30 days prior to July 15, 2015, provide notice of the redemption of the Refunded Bonds with stated maturities in the year 2016 and thereafter (in the form of Exhibit B hereto (which is incorporated herein and made a part hereof)), by first class mail, or by other means required by The Depository Trust Company, of New York, New York (“DTC”), to the registered owners of such Refunded Bonds at their addresses as they appear on the Bond Register, as required by Section 3.04 of the resolution of the City Council of the City adopted July 7, 2009, authorizing the issuance of the Series 2009 Bonds (the “2009 Bond Resolution”); and

(ii) not less than 35 days prior to July 15, 2015, provide notice of the redemption of the Refunded Bonds with stated maturities in the year 2016 and thereafter (in the form of Exhibit B hereto), by certified mail, telecopy or express delivery service to D.A. Davidson & Co., 8 Third Street North, Great Falls, Montana 59401, Attention: Aaron Rudio, as the Original Purchaser of the Series 2009 Bonds; to DTC; and to the Municipal Securities Rulemaking Board

After provision for payment of all Refunded Bonds with interest accrued thereon, the Agent will remit any remaining funds in the Escrow Account to the City, which will hold said cash in the Tax Increment Debt Service Fund for the Series 2015 Bonds for application toward the payment of the interest to become due on the Series 2015 Bonds on January 1, 2016.

3. The City represents, based on a certification from Springsted Incorporated, financial advisor to the City, that the amount to be deposited by the City pursuant to this Agreement into the Escrow Account (i.e., \$9,565,993.13), is sufficient to pay the redemption price of the Refunded Bonds on July 15, 2015, as described in Exhibit A hereto, including all interest accrued thereon.

4. The City acknowledges that regulations of the Comptroller of the Currency grant the City the right to receive brokerage confirmations of the security transactions as they occur. The City specifically waives such notification to the extent permitted by law and will receive periodic cash transaction statements from the Escrow Agent which will detail all investment transactions.

5. In order to ensure continuing compliance with Section 148 of the Code and applicable Treasury Regulations, the Agent agrees that it will not reinvest any cash held in the Escrow Account. Said prohibition on reinvestment shall continue unless and until an opinion is received from nationally recognized bond counsel that reinvestments in general obligations of the United States or obligations the principal of and interest on which are guaranteed as to payment by the United States, as specified in said opinion, may be made in a manner consistent with said Section 148 and then existing Treasury Regulations.

6. The Agent also acknowledges receipt of a sum described in a letter agreement between the City and the Agent, as and for full compensation for all services to be performed by it as Agent under this Agreement, and the Agent expressly waives any lien upon or claim against the moneys and investments in the Escrow Account.

7. If at any time it shall appear to the Agent that the money in the Escrow Account will not be sufficient to make any payment due to the owners of any of the Refunded Bonds, the Agent shall immediately notify the City. Upon receipt of such notice, the City shall forthwith transmit to the Agent for deposit in the Escrow Account from moneys on hand and legally available therefor, such additional moneys as may be required to make any such payment.

8. On August 1, 2015, the Agent shall submit to the City a report covering all money it shall have received and all payments it shall have made or caused to be made hereunder. Such report shall also list the amount of money existing in the Escrow Account, if any, on such date.

9. It is recognized that title to the moneys held in the Escrow Account from time to time shall remain vested in the City but subject always to the prior charge and lien thereon of this

Agreement and the use thereof required to be made by the provisions of this Agreement. The Agent shall hold all such money in the Escrow Account as a special trust fund and account separate and wholly segregated from all other funds of the Agent on deposit therein and shall never commingle such money with other money. It is understood and agreed that the responsibility of the Agent under this Agreement is limited to the safekeeping and segregation of the funds deposited with it in the Escrow Account and the collection of and accounting for any interest payable with respect thereto. Except as provided in Section 5 hereof, no withdrawals, transfers or investment or reinvestment shall be made of cash balances in the Escrow Account. Cash balances shall be held by the Agent as cash balances as shown on the books and records of the Escrow Agent and shall not be reinvested or invested by the Agent except as provided in Section 5 hereof.

10. This Agreement is made by the City for the benefit of the owners of the Refunded Bonds and is not revocable by the City, and the funds deposited in the Escrow Account have been irrevocably appropriated for the payment and redemption of the Refunded Bonds and interest thereon, in accordance with this Agreement.

11. This Agreement shall be binding upon and shall inure to the benefit of the City and the Agent and their respective successors and assigns. In addition, this Agreement shall constitute a third-party beneficiary contract for the benefit of the owners of the Refunded Bonds. Said third-party beneficiaries shall be entitled to enforce performance and observance by the City and the Agent of the respective agreements and covenants herein contained as fully and completely as if said third-party beneficiaries were parties hereto. Any bank or trust company into which the Agent may be merged or with which it may be consolidated or any bank or trust company resulting from any merger or consolidation to which it shall be a party or any bank or trust company to which it may sell or transfer all or substantially all of its corporate trust business shall, if the City approves, be the successor agent hereunder without the execution of any additional document or the performance of any further act.

12. This Agreement may not be amended except to sever any clause herein deemed to be illegal or cure any ambiguity or correct or supplement any provision herein which may be inconsistent with any other provision; provided that the Agent shall determine that any such amendment shall not adversely affect the owners of the Refunded Bonds.

IN WITNESS WHEREOF the parties hereto have caused this Escrow Agreement to be duly executed by their duly authorized officers, as of the 10th day of June, 2015.

CITY OF WHITEFISH, MONTANA

Mayor

City Manager

City Finance Director

U.S. BANK NATIONAL ASSOCIATION,
as Escrow Agent

By
Its Vice President

(Signature page to Escrow Agreement, dated June 10, 2015,
with the City of Whitefish, Montana)

EXHIBIT A

\$7,183,000
Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015
City of Whitefish, Montana

DEBT SERVICE SCHEDULE FOR
REFUNDED SERIES 2009 BONDS

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
07/15/2015	\$9,365,000.00	\$200,993.13	\$9,565,993.13

EXHIBIT B

NOTICE OF REDEMPTION

Tax Increment Urban Renewal Revenue Bonds
(Emergency Services Center Project and Refunding), Series 2009
City of Whitefish, Montana

NOTICE IS HEREBY GIVEN that the City of Whitefish, Montana (the "City"), has called for redemption all of its Tax Increment Urban Renewal Revenue Bonds, (Emergency Services Center Project and Refunding), Series 2009, dated, as originally issued, as of July 14, 2009, maturing on July 15 in the years and amounts and bearing interest and CUSIP numbers as set forth below:

<u>Maturity</u> <u>(July 15)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>CUSIP</u> <u>Number</u>
2016	\$1,460,000	4.000%	964822 CL2
2017	1,525,000	4.125	964822 CM0
2018	1,590,000	4.350	964822 CN8
2019	1,655,000	4.550	964822 CP3
2020	1,730,000	4.625	964822 CQ1

Such bonds have been called for redemption on July 15, 2015, and interest thereon will cease to accrue from and after said date. The redemption price is equal to the principal amount of the bonds plus interest accrued to the redemption date, without premium.

Holders of such bonds maturing in said years should surrender their bonds for payment to U.S. Bank National Association, of Denver, Colorado, as paying agent, for payment on July 15, 2015 at its operations center at 60 Livingston Avenue - Bond Drop Window, St. Paul, Minnesota 55107 or if by mail to P.O. Box 64111, St. Paul, Minnesota 55164-0111.

Important Notice:

We are required by law to withhold an applicable portion of the principal amount of your holdings redeemed unless we are provided with your social security number or federal employer identification number, properly certified. Accordingly, you are instructed to submit at the time of surrender of your bonds a W-9 Form which may be obtained at a bank or other financial institution.

Under the Jobs and Growth Tax Relief Reconciliation Act of 2003, federal backup withholding tax will be withheld at the applicable backup withholding rate in effect at the time the payment is made if the tax identification number is not properly certified.

The paying agent shall not be held responsible for the selection or use of the CUSIP number, nor is any representation made as to its correctness indicated in the Redemption Notice. It is included solely for the convenience of the holders.

Interest on the bonds shall cease to accrue on July 15, 2015 and the holders thereof shall have no further rights with respect thereto except to receive the redemption price so deposited.

Dated: June 10, 2015.

BY ORDER OF THE CITY COUNCIL
OF THE CITY OF WHITEFISH, MONTANA
/s/Dana Smith
City Finance Director

U.S. BANK NATIONAL ASSOCIATION
By _____
Its _____

MEMORANDUM

#2015-017



To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

Chuck

Re: Staff Report – Resolution No. 15-14; A Resolution relating to \$7,183,000 Tax Increment Urban Renewal Revenue Refunding Bonds, consisting of \$3,591,500 Series 2015A Bond and \$3,591,500 Series 2015B Bond; Authorizing and directing the issuance, confirming the sale and prescribing the form and terms thereof and the security therefor – 2015 Tax Increment Refunding Bonds

Date: May 26, 2015

Introduction/History

Beginning in 1987 when the Urban Renewal Plan was adopted, a new City Hall was anticipated as an urban renewal project for which Tax Increment Funds (TIF) could be used. Then in the 2005 Downtown Master Plan, the City Hall and Parking Structure projects were identified as catalyst projects for the continued development of downtown. The City Hall and Parking Structure were also identified as key projects in the 2015 Downtown Master Plan update. Both the 2005 Downtown Master Plan and the 2015 Downtown Master Plan were adopted as Growth Policy amendments.

The City Council began setting aside Tax Increment Funds annually in a City Hall Construction Fund on November 17, 2003 when they adopted Resolution No. 03-63. That fund currently has \$2,124,156.54 of funds remaining in it.

On May 20, 2013, the City Council, on a 4-3 vote with the Mayor breaking a 3-3 tie, approved moving forward to build a City Hall and Parking Structure on the current City Hall site of Block 36. Since that time an architectural firm (Mosaic Architects), a General Contractor/Construction Manager (Martel Construction), and an Owner's Representative (Mike Cronquist), have all been selected and work has progressed past the Schematic Design phase. The City Council passed a number of motions at the March 2, 2015 meeting which made the final decisions for the Schematic Design. Design is now in the Design Development phase which fleshes out all of the construction details prior to proceeding to construction drawings.

All of these plans and approvals have anticipated that Tax Increment Funds saved over the years plus a new tax increment bond issue would be the primary funding sources for a new City Hall and Parking Structure. When the City Council approved the City Hall and Parking Structure on May 20, 2013, they also set in motion a process which will result in \$750,000.00 of the cost for

the Parking Structure to be paid by downtown businesses and organizations in a 20 year Special Improvement District.

On December 1, 2014, the City Council approved using David MacGillivray of Springsted, Inc. of St. Paul, MN as the city's independent financial advisor for a tax increment bond for the City Hall and Parking Structure and also to refund or refinance the existing tax increment bonds that were issued in 2009.

On April 20, 2015, the City Council approved proceeding to issue a Tax Increment refunding bond with First Interstate Bank and Glacier Bank to refinance the existing 2009 Tax Increment Bond that has interest rates between now and 2020 at 4% - 4.625% (refunding principal amount of bonds is approximately \$7,200,000). This bond can be done quickly to lock in low interest rates of approximately 2.5%. The City Council also approved that night to issue a new Tax Increment bond with First Interstate Bank and Glacier Bank later this year or in early 2016 to provide new money and funding for the City Hall/Parking Structure – the amount of that bond issue will depend on the timing of when we issue bonds and what the final cost of the City Hall/Parking Structure project is.

On May 18, 2015, the City Council approved Resolution No. 15-11 which set out the parameters for the Tax Increment Refunding Bonds for a maximum aggregate principal amount of refunding bonds at \$7,400,000, the interest rate not to exceed 3.25%, and other particulars. The Resolution also authorized the Mayor, Finance Director, and I to sign Bond Purchase Agreements with Glacier Bank and First Interstate Bank for their respective 50% shares of the bond issue. A copy of the executed Resolution No. 15-11 is provided in the packet with this report for your reference.

On May 21, 2015, we locked the interest rate for the refunding bonds at 2.62% and signed the Bond Purchase Agreements at that rate with the two banks. I am including a copy of the signed Bond Purchase Agreements in the packet with this report.

Current Report

Our Bond Counsel of Dorsey and Whitney of Missoula, MT and Minneapolis, MN has prepared the final bond resolution with all of the details of the \$7,183,000 Tax Increment Refunding Bonds, Series 2015 (A and B) for the final Council action on the TIF Refunding Bonds.

Important points to note in the resolution are:

- On page 4 of the Resolution, the Original Purchaser of the 2015 Bonds are identified as Glacier Bank (Series 2015A) and First Interstate Bank (Series 2015B).
- The cost and allocation of sources and uses are shown on page 8 in Section 1.05.
- On page 10 of the Resolution in Section 2.02 and on the top of each bond (top of pages A-1-3 and A-2-3), it clearly states that these bonds are not General Obligation Bonds and our taxing powers to levy taxes are not pledged to repay the bonds. The bonds are called Revenue Bonds and the source of revenues are Tax Increment Revenues, not new or additional property taxes.

- In Section 3.01 on page 12, the interest rate is shown as 2.62% and each bank gets one-half of the total bond issue or \$3,591,500 each.
- Section 3.06 on page 15 allows us to redeem or prepay the bonds as we want. However we do not want to retire all of the principal amount of the bonds before July, 2015 because as soon as all of the 2015 bonds are retired, we will no longer collect any tax increment from our 1987 Tax Increment District.
- Section 5 on page 17 allows us to issue additional bonds in the future (before July, 2020) if we meet certain conditions and tests.
- There are some important tax covenants in Section 10 on page 30 that the City Council should be aware of.

Financial Requirement

The refunding of the current outstanding 2009 TIF Bonds of \$9,365,000, with interest rates of 4% to 4.625% to a new 2015 TIF Refunding Bond in the amount of \$7,183,000 at 2.62% will result in saving \$414,114.14 of interest costs over the remaining five years of the TIF bond (\$386,134.45 in present value). The difference in the lower amount of principal bonds we are issuing compared to what is currently outstanding is because we are able to lower the required amount of debt service reserve funds kept on hand as security because over half of the original 2009 TIF Bonds have been paid off and retired since 2009. That lower amount of bonds mean less debt service reserve funds are required as shown on page 8 of the Bond Resolution.

Recommendation

Staff respectfully recommends the City Council approve Resolution No. 15-14; A Resolution relating to \$7,183,000 Tax Increment Urban Renewal Revenue Refunding Bonds, consisting of \$3,591,500 Series 2015A Bond and \$3,591,500 Series 2015B Bond; Authorizing and directing the issuance, confirming the sale and prescribing the form and terms thereof and the security therefor.

attachments

\$7,183,000

City of Whitefish, Montana
Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015AB
Current Refunding of Series 2009 (Rate of 2.62%)

Debt Service Comparison

Date	Total P+I	DSR	Net New D/S	Old Net D/S	Savings
07/15/2015	-	(696.94)	(696.94)	1,598,145.62	1,598,842.56
07/15/2016	1,544,491.30	(7,183.00)	1,537,308.30	1,790,091.24	252,782.94
07/15/2017	1,548,995.20	(7,183.00)	1,541,812.20	1,796,691.24	254,879.04
07/15/2018	1,551,922.20	(7,183.00)	1,544,739.20	1,798,785.00	254,045.80
07/15/2019	1,546,853.60	(7,183.00)	1,539,670.60	1,794,620.00	254,949.40
07/15/2020	1,546,868.00	(725,483.00)	821,385.00	224,817.52	(596,567.48)
Total	\$7,739,130.30	(754,911.94)	\$6,984,218.36	\$9,003,150.62	\$2,018,932.26

PV Analysis Summary (Net to Net)

Net FV Cashflow Savings.....	2,018,932.26
Gross PV Debt Service Savings.....	2,783,093.75
Effects of changes in DSR investments.....	(792,141.18)
 Net PV Cashflow Savings @ 2.619%(Bond Yield).....	 1,990,952.57
 Transfers from Prior Issue Debt Service Fund.....	 (1,605,993.12)
Contingency or Rounding Amount.....	1,175.00
Net Future Value Benefit.....	\$414,114.14
Net Present Value Benefit.....	\$386,134.45
 Net PV Benefit / \$1,232,149.08 PV Refunded Interest.....	 31.338%
Net PV Benefit / \$9,966,093.75 PV Refunded Debt Service.....	3.874%
Net PV Benefit / \$9,365,000 Refunded Principal.....	4.123%
Net PV Benefit / \$7,183,000 Refunding Principal.....	5.376%

Refunding Bond Information

Refunding Dated Date.....	6/10/2015
Refunding Delivery Date.....	6/10/2015

\$7,183,000

City of Whitefish, Montana

Tax Increment Urban Renewal Revenue Refunding Bonds, Series 2015AB
 Current Refunding of Series 2009 (Rate of 2.62%)

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
07/15/2015	-	-	-	-
01/15/2016	-	-	112,394.00	112,394.00
07/15/2016	1,338,000.00	2.620%	94,097.30	1,432,097.30
01/15/2017	698,000.00	2.620%	76,569.50	774,569.50
07/15/2017	707,000.00	2.620%	67,425.70	774,425.70
01/15/2018	718,000.00	2.620%	58,164.00	776,164.00
07/15/2018	727,000.00	2.620%	48,758.20	775,758.20
01/15/2019	734,000.00	2.620%	39,234.50	773,234.50
07/15/2019	744,000.00	2.620%	29,619.10	773,619.10
01/15/2020	754,000.00	2.620%	19,872.70	773,872.70
07/15/2020	763,000.00	2.620%	9,995.30	772,995.30
Total	\$7,183,000.00	-	\$556,130.30	\$7,739,130.30

Yield Statistics

Bond Year Dollars.....	\$21,226.35
Average Life.....	2.955 Years
Average Coupon.....	2.6200000%
Net Interest Cost (NIC).....	2.6200000%
True Interest Cost (TIC).....	2.6193028%
Bond Yield for Arbitrage Purposes.....	2.6193028%
All Inclusive Cost (AIC).....	2.9844349%

IRS Form 8038

Net Interest Cost.....	2.6200000%
Weighted Average Maturity.....	2.955 Years

RESOLUTION RELATING TO UP TO \$7,400,000 TAX
INCREMENT URBAN RENEWAL REVENUE REFUNDING
BONDS, SERIES 2015; AUTHORIZING THE ISSUANCE AND
PRIVATE NEGOTIATED SALE THEREOF

BE IT RESOLVED by the City Council (the “Council”) of the City of Whitefish, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. Under the provisions of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43 (the “Act”), the City is authorized to create an urban renewal area, prepare and adopt a redevelopment plan therefor and amendments thereto, undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such area, issue its bonds to pay the costs of such projects and to refund bonds previously issued under the Act and pledge to the repayment of the bonds the tax increment and other revenues derived from projects undertaken within the urban renewal area.

1.02. Pursuant to the Act and Ordinance No. 87-3, adopted by the Council on May 4, 1987, as amended and supplemented, including by Ordinance Nos. 95-6, 99-15, 01-16, 03-34 and 08-19, adopted by the Council on May 15, 1995, January 3, 2000, November 5, 2001, December 1, 2003 and July 21, 2008, the Council created an urban renewal district (the “District”), adopted the City of Whitefish Urban Renewal Plan (as amended, the “Plan”), and approved as an urban renewal project the construction of a new emergency services facility of approximately 33,000 square feet that includes a fire station, police department, municipal court and related facilities located in the Bakers Common subdivision at 13th Avenue and Baker Street in the District (the “2009 Project”).

1.03. Pursuant to Resolution No. 09-20, adopted by the Council on July 7, 2009, the City issued its Tax Increment Urban Renewal Revenue Bonds (Emergency Services Center Project and Refunding), Series 2009 (the “Series 2009 Bonds”), to finance the 2009 Project; to refund the City’s Tax Increment Urban Renewal Revenue Bonds, Series 2000, Tax Increment Urban Renewal Revenue Bonds, Series 2001, and its Tax Increment Urban Renewal Revenue Bonds, Series 2004; to fund a deposit to a reserve account for the Series 2009 Bonds; and to pay associated costs of the financing and refunding. The Series 2009 Bonds maturing in 2015 and thereafter and currently outstanding in the aggregate principal amount of \$9,365,000 (the “Refunded Bonds”) will be refunded and defeased upon the issuance and delivery of the Series 2015 Bonds (as hereinafter defined). The Series 2009 Bonds with stated maturities on and after July 15, 2016, outstanding in the aggregate principal amount of \$7,960,000 are subject to redemption at the option of the City on July 15, 2015 and any day thereafter.

Section 2. Authorizations. Pursuant to the authorizations and findings recited in the Plan and in Section 1 hereof, it is hereby determined that it is in the best interests of the City to offer for sale issue its Tax Increment Urban Renewal Revenue Refunding Bonds (Whitefish Urban Renewal District), Series 2015, in one or more series (collectively, the “Series 2015 Bonds”), in

the maximum aggregate principal amount of \$7,400,000, for the purpose of refunding the Refunded Bonds, funding a debt service reserve for the Series 2015 Bonds, and paying costs associated with the sale and issuance of the Series 2015 Bonds and the refunding of the Refunded Bonds. The refunding of the Refunded Bonds is being undertaken to achieve debt service savings. It is expected that the Series 2015 Bonds will be sold in two series, each in equal total principal amounts, one series denominated Tax Increment Urban Renewal Revenue Refunding Bond, Series 2015A (the "Series 2015A Bond") and the other series denominated Tax Increment Urban Renewal Revenue Refunding Bond, Series 2015B (the "Series 2015B Bond").

Section 3. Adequacy of Tax Increment. The City estimates that tax increment from the District will be at least \$4,503,403 per year (based on tax increment from the District of \$4,503,403 received by the City in 2014). The maximum payment of principal and interest on the Series 2015 Bonds in any fiscal year, assuming a maximum interest rate of 3.25% per annum and a term of 5 years, is \$2,222,062.50. Upon the refunding of the Refunded Bonds, other than the Series 2015 Bonds, there will be no other outstanding bonds or other obligations of the City payable from tax increment received in the District.

Section 4. Negotiated Sale and Terms.

4.01. This Council hereby determines that it would be in the best interests of the City to sell the Series 2015 Bonds, consisting of the Series 2015A Bond and the Series 2015B Bond, through a private negotiated sale to Glacier Bank and First Interstate Bank (together, the "Purchasers"). The Council expects that the Series 2015A Bond will be sold to Glacier Bank and the Series 2015B Bond will be sold to First Interstate Bank.

4.02. The Series 2015 Bonds shall be sold to the Purchasers on terms and at a purchase price within the following limitations and conditions: (1) the maximum aggregate principal amount of the Series 2015 Bonds shall not exceed \$7,400,000, meaning that the maximum aggregate principal amount of the Series 2015A Bond shall not exceed \$3,700,000 and the maximum aggregate principal amount of the Series 2015B Bond shall not exceed \$3,700,000; (2) the maximum interest rate on the Series 2015 Bonds, assuming the Series 2015 Bonds are and continue to be tax exempt, shall be equal to the five-year Federal Home Loan Bank of Seattle or Des Moines Amortizing Index plus 110 basis points, but in any event and so long as bearing interest at a tax-exempt interest rate, shall not exceed 3.25% per annum; (3) the purchase price of the Series 2015 Bonds shall be 100% of the principal amount thereof; and (4) the final stated maturity of the Series 2015 Bonds shall not be later than July 15, 2020. All costs of issuing the Series 2015 Bonds (including, without limitation, the fees and expenses of bond counsel, the fees and expenses of the City's municipal advisor, and the fees of the escrow agent) shall be paid by the City.

4.03. The Mayor, the City Manager and the City Finance Director, in consultation with Springsted Incorporated, the City's municipal advisor, are hereby authorized and directed to approve the principal amount, maturity dates, interest rates and redemption provisions of the Series 2015 Bonds, subject to the limitations contained in this Section 4. Upon approving such terms, the Mayor, the City Manager and the City Finance Director are hereby authorized and directed to approve, execute and deliver to the Purchasers one or more bond purchase agreements (collectively, the "Bond Purchase Agreement"), containing the agreement of the City

to sell, and the agreement of the Purchasers to purchase, the Series 2015 Bonds on the terms so approved, and containing such other provisions as such officers shall deem necessary and appropriate. It is expected that there will be two Bond Purchase Agreements, one with Glacier Bank in connection with the Series 2015A Bond and one with First Interstate Bank in connection with the Series 2015B Bond. In the event of the absence or disability of any of the Mayor, the City Manager or the City Finance Director, any member of the City Council shall make such approvals and execute and deliver the Bond Purchase Agreement. The execution and delivery by two appropriate officers of the City of the Bond Purchase Agreement shall be conclusive as to the approval of such officers of the terms of the Series 2015 Bonds and the agreement of the City to sell the Series 2015 Bonds on such terms in accordance with the provisions thereof.

Section 5. Bond Resolution. The form of the Series 2015 Bonds and the final terms and conditions thereof shall be prescribed by a subsequent resolution to be adopted by this Council.

PASSED AND APPROVED by the City Council of the City of Whitefish, Montana, this 18th day of May, 2015.

Attest: Heide Lorange
City Clerk

[Signature]
Mayor

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Whitefish, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 15-11, entitled: "RESOLUTION RELATING TO UP TO \$7,400,000 TAX INCREMENT URBAN RENEWAL REVENUE REFUNDING BONDS, SERIES 2015; AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on May 18, 2015, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: Anderson, Barberis, Feury, Sweeney, Hildner, and Frandsen; voted against the same: none; abstained from voting thereon: none; or were absent: none.

WITNESS my hand officially this 19th day of May, 2015.



Necelle Lorang
City Clerk

BOND PURCHASE AGREEMENT

May 21, 2015

City of Whitefish
P.O. Box 158
418 E. 2nd Street
Whitefish, MT 59937
Attention: John M. Muhlfeld, Mayor
Charles C. Stearns, City Manager
Dana Smith, City Finance Director

Glacier Bank
319 East 2nd Street
Whitefish, MT 59937
Attention: Dennis Beams

\$3,591,500
Tax Increment Urban Renewal Revenue Refunding Bond
(Whitefish Urban Renewal District), Series 2015A
City of Whitefish, Montana

Ladies and Gentlemen:

The undersigned, Glacier Bank, of Kalispell, Montana, as purchaser (the “Purchaser”), hereby offers to enter into this Bond Purchase Agreement (this “Agreement”) with the City of Whitefish, Montana (the “City”), for the sale by the City and purchase by the Purchaser of the above-referenced bond (the “Bond”). This offer is made subject to the written acceptance hereof by the City and delivery of such acceptance to the Purchaser (in the form of one or more executed counterparts hereof) at or prior to 5:00 P.M., Kalispell, Montana time, on May 21, 2015. Upon such acceptance, this Agreement will be in full force and effect in accordance with its terms and will be binding upon the City and the Purchaser.

The proceeds of the Bond, together with the proceeds of another refunding bond of the City to be issued simultaneously with the Bond and other available funds of the City, will be used to pay, refund, and redeem the City’s Tax Increment Urban Renewal Revenue Bonds (Emergency Services Center Project and Refunding), Series 2009, maturing on and after July 15, 2015 (the “Refunded Bonds”). The Bond is being issued pursuant to an initial authorizing of the City adopted on May 18, 2015 and a bond resolution of the City (the “Bond Resolution”) to be adopted by the City on or about June 1, 2015, authorizing and fixing the terms and conditions of the Bond. Capitalized terms used but not otherwise defined herein shall have the meanings given them in the Bond Resolution.

1. Upon the terms and conditions and based on the representations, warranties and covenants hereinafter set forth, the Purchaser hereby agrees to purchase from the City and the

City hereby agrees to sell to the Purchaser, all (but not less than all) of the Bond upon the following terms:

Principal Amount:	\$3,591,500
Closing Date:	On or about June 10, 2015
Term:	Final installment payment, unless earlier prepaid and redeemed, on July 15, 2020; 10 semi-annual installment payments due on each January 15 and July 15, commencing January 15, 2016, with the initial installment payment being interest-only and the subsequent 9 semi-annual installment payments being principal and interest
Amortization Schedule:	Substantially as attached hereto as <u>Exhibit A</u>
Interest Rate:	2.62%, fixed for the entire term; provided that in the event of a Determination of Taxability (as defined in the Bond Resolution), the Bond will bear interest at the rate of 3.92%, retroactive to the Date of Taxability (as defined in the Bond Resolution), and have such other features set forth in the Bond Resolution
Fees and Costs:	No origination fee or other fees payable to Purchaser; reasonable fees and costs of municipal advisor to the City; reasonable attorneys' fees and costs of Purchaser's counsel and of bond counsel to the City; fees of the escrow agent and other reasonable fees and costs of the refunding
Optional Prepayment/Redemption:	The Bond is subject to prepayment and redemption at the option of the City on 30 days' prior written notice, in whole or in part, at a price of the principal amount being prepaid and redeemed plus interest thereon through the date of prepayment or redemption, without premium.
Financial Reporting Requirements:	As shown on Schedule I hereto.
Deliveries at	At or prior to the closing and delivery of the Bond, the Purchaser shall receive a copy of the Bond Resolution, the Purchaser and the City shall

Closing:	receive an opinion of bond counsel regarding the validity and enforceability of the Bond and the exclusion of interest on the Bond from gross income for federal income tax purposes, and the Purchaser and bond counsel shall receive such certificates as the Purchaser and bond counsel may reasonably request.
Bank Qualification:	The Bond will be deemed designated by the City as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
Refunding Escrow:	The proceeds of the Bond applied to the payment, refunding and redemption of the Refunded Bonds will be deposited in escrow pursuant to an Escrow Agreement between the City and U.S. Bank National Association.

2. The purchase and sale of the Bond is not contingent upon the purchase and sale of any other bond or obligation of the City (such bond or obligation, an “Other Obligation”), and the purchase and sale of any Other Obligation is not contingent upon the purchase and sale of the Bond. The Purchaser agrees it is purchasing the Bond independent of any Other Obligation.

3. The Bond will be a special, limited obligation of the City, payable from and secured by Tax Increment received from the Whitefish Urban Renewal District, amounts on hand in the debt service reserve fund related to the Bond, and any other sources which may be pledged to the payment of the Bond as described in the Bond Resolution.

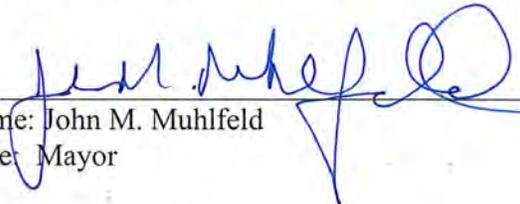
4. At delivery of the Bond on the Closing Date, the Purchaser will execute and deliver to the City a certificate substantially in the form attached hereto as Exhibit B.

5. This Agreement will be governed by and construed in accordance with the laws of the State of Montana.

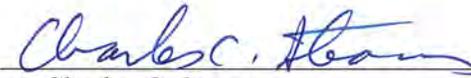
6. This Agreement may be executed in multiple counterparts, each of which will be deemed an original and all of which together will constitute but one and the same instrument. This Agreement may be delivered by the exchange of signed signature pages by facsimile transmission or by e-mail with a pdf copy or other replicating image attached, and any printed or copied version of any signature pages so delivered shall have the same force and effect as an originally signed version of such signature page.

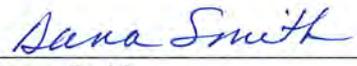
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

CITY OF WHITEFISH, MONTANA

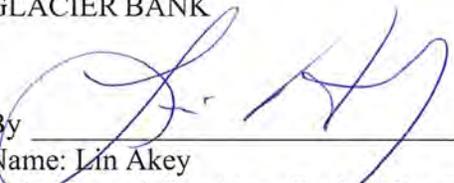
By 
Name: John M. Muhlfeld
Title: Mayor



By 
Name: Charles C. Stearns
Title: City Manager

By 
Name: Dana Smith
Title: City Finance Director

GLACIER BANK

By 
Name: Lin Akey
Title: Branch President, Senior Vice President

SCHEDULE I

The City will provide to the Purchaser, on or before 270 days after the end of each fiscal year, commencing with the fiscal year ending June 30, 2015, (i) audited financial statements of the City for such fiscal year (provided that if audited financial statements are not available by such date, the City shall provide unaudited financial statements to the Purchaser on or before 270 days after the end of the fiscal year, and shall provide audited financial statements to the Purchaser within 10 days after they become available) and (ii) operating data for the District, including taxable market value, taxable value and incremental taxable value of the District, property tax levy figures of taxing jurisdictions in the District, tax increment collection figures, updated financial results for the District and updated estimated debt service coverage information.

In addition, the City will provide to the Purchaser in a timely manner, notice of the occurrence of any of the following events:

- (1) Principal and interest payment delinquencies with respect to the Bond;
- (2) Non-payment related defaults under the Bond or the Bond Resolution;
- (3) Unscheduled draws on debt service reserves for the Bond reflecting financial difficulties;
- (4) Adverse tax opinions or events affecting the tax-exempt status of the Bond;
- (5) Modifications to rights of holders of the Bond;
- (6) Bond calls; and
- (7) Defeasances of the Bond.

Nothing herein shall be construed to subject the City or the Purchaser to the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934, as amended (the “Rule”), with respect to the Bond, or any procedures, rules, regulations, or initiatives promulgated by the SEC or the Municipal Securities Rulemaking Board under or in connection with the Rule.

EXHIBIT A
AMORTIZATION SCHEDULE

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
07/15/2015	-	-	-	-
01/15/2016	-	-	54,890.09	54,890.09
07/15/2016	669,000.00	2.620%	47,048.65	716,048.65
01/15/2017	349,000.00	2.620%	38,284.75	387,284.75
07/15/2017	353,500.00	2.620%	33,712.85	387,212.85
01/15/2018	359,000.00	2.620%	29,082.00	388,082.00
07/15/2018	363,500.00	2.620%	24,379.10	387,879.10
01/15/2019	367,000.00	2.620%	19,617.25	386,617.25
07/15/2019	372,000.00	2.620%	14,809.55	386,809.55
01/15/2020	377,000.00	2.620%	9,936.35	386,936.35
07/15/2020	381,500.00	2.620%	4,997.65	386,497.65
Total	\$3,591,500.00	-	\$276,758.24	\$3,868,258.24

EXHIBIT B
PROPOSED FORM OF
CERTIFICATE AND RECEIPT OF PURCHASER

I, the undersigned, being a duly qualified and acting representative of Glacier Bank, of Kalispell, Montana, the original purchaser (the "Purchaser") of the Tax Increment Urban Renewal Revenue Refunding Bond (Whitefish Urban Renewal District), Series 2015A (the "Bond"), issued by the City of Whitefish, Montana (the "City"), dated, as originally issued, as of June 10, 2015, hereby acknowledge receipt of the Bond, fully executed and authenticated, in the aggregate principal amount of \$3,591,500, payable as described in the Bond and, absent prepayment, with a final installment payment date of July 15, 2020, and bearing interest at the rate of 2.62% per annum and otherwise conforming with the provisions of a resolution adopted by the City Council of the City on June 1, 2015 (the "Bond Resolution"), and on behalf of the Purchaser certify that:

1. The Purchaser is a bank duly organized, validly existing and in good standing under the laws of the State of Montana and has full power and authority to purchase the Bond and make the loan evidenced thereby.
2. The Purchaser has sufficient knowledge and experience in financial and business matters, including purchase and ownership of municipal and other tax-exempt obligations, to be able to evaluate the risks and merits represented by the purchase of the Bond and the making of the loan evidenced thereby.
3. The Purchaser has authority to execute and deliver instruments and documents executed by the Purchaser in connection with the purchase of the Bond.
4. The Purchaser understands that an official statement, prospectus, offering circular, or other offering statement has not been provided with respect to the Bond. The Purchaser has made its own inquiry and analysis with respect to the City, the Bond and the security therefor, and other material factors affecting the security for and payment of the Bond. The Purchaser received and has reviewed a copy of the Bond Resolution.
5. The Purchaser acknowledges that it has reviewed information, including financial statements and other financial information, regarding the City and has had the opportunity to ask questions and receive answers from knowledgeable individuals concerning the City, the Bond and the security therefor, so that it has been able to make an informed decision to purchase the Bond and to make the loan evidenced thereby and acknowledges that it has not relied on the City with respect to any information with respect to the advisability of purchasing the Bond or the security for the Bond.
6. The Purchaser understands that the Bond: (i) is not registered under the Securities Act of 1933, as amended, and is not registered or otherwise qualified for sale under the "Blue

Sky” laws and regulations of any state, (ii) is not listed on any stock or other securities exchange, and (iii) has not been rated by any credit rating agency.

7. The Bond is being acquired by the Purchaser for its own account and not with a present view toward resale or distribution; provided, however, that the Purchaser reserves the right to sell, transfer or redistribute the Bond, but agrees that any such sale, transfer or distribution by the Purchaser shall be to (i) an affiliate of the Purchaser; (ii) a trust or other custodial arrangement established by the Purchaser or one of its affiliates, the owners of any beneficial interest in which are limited to qualified institutional buyers or accredited investors; or (iii) a person or entity that the Purchaser reasonably believes is qualified to purchase the Bond or that makes representations substantially similar to the representations the Purchaser makes in this certificate. The Purchaser currently intends to hold the Bond to evidence the loan it has made to the City for the term of the Bond.

8. (i) The Bond will be evidenced by a physical certificate delivered to the Purchaser by the City, (ii) the Bond will not have a CUSIP number, (iii) the Bond is not, and will not be, rated by an independent rating agency, (iv) the Purchaser shall not transfer the Bond except in accordance with Paragraph 7 above, (v) the principal amount of the Bond purchased by the Purchaser, and the principal amount of the loan evidenced thereby, is \$3,591,500, (vi) payments on the Bond shall be made directly by the City to the Purchaser, (vii) payments under the Bond conform to the loan amortization schedule provided by the Purchaser to the City, (viii) the Bond and the loan evidenced thereby bear interest at a fixed rate throughout the term of the Bond, and (ix) the Purchaser intends to record the Bond as a loan on its books and records.

9. The Purchaser acknowledges and agrees that: (i) the transactions contemplated by the Bond documents are arm’s length, commercial transactions between the Purchaser and the City and that the Purchaser is acting solely as a principal and not acting as a municipal advisor, financial advisor or fiduciary to the City; (ii) the Purchaser has not performed advisory or fiduciary services to the City with respect to the transactions contemplated by the Bond documents and the discussions, undertakings and procedures leading thereto (irrespective of whether the Purchaser has provided other services or is currently providing other services to the City on other matters); (iii) the Purchaser has financial and other interests that differ from those of the City; and (iv) the Purchaser has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand as Purchaser as of this 10th day of June, 2015.

GLACIER BANK

By: _____
Printed Name: _____
Title: _____

BOND PURCHASE AGREEMENT

May 21, 2015

City of Whitefish
P.O. Box 158
418 E. 2nd Street
Whitefish, MT 59937
Attention: John M. Muhlfeld, Mayor
Charles C. Stearns, City Manager
Dana Smith, City Finance Director

First Interstate Bank
306 Spokane Avenue
P.O. Box 100
Whitefish, MT 59937
Attention: David Dittman

\$3,591,500
Tax Increment Urban Renewal Revenue Refunding Bond
(Whitefish Urban Renewal District), Series 2015B
City of Whitefish, Montana

Ladies and Gentlemen:

The undersigned, First Interstate Bank, of Kalispell, Montana, as purchaser (the “Purchaser”), hereby offers to enter into this Bond Purchase Agreement (this “Agreement”) with the City of Whitefish, Montana (the “City”), for the sale by the City and purchase by the Purchaser of the above-referenced bond (the “Bond”). This offer is made subject to the written acceptance hereof by the City and delivery of such acceptance to the Purchaser (in the form of one or more executed counterparts hereof) at or prior to 5:00 P.M., Kalispell, Montana time, on May 21, 2015. Upon such acceptance, this Agreement will be in full force and effect in accordance with its terms and will be binding upon the City and the Purchaser.

The proceeds of the Bond, together with the proceeds of another refunding bond of the City to be issued simultaneously with the Bond and other available funds of the City, will be used to pay, refund, and redeem the City’s Tax Increment Urban Renewal Revenue Bonds (Emergency Services Center Project and Refunding), Series 2009, maturing on and after July 15, 2015 (the “Refunded Bonds”). The Bond is being issued pursuant to an initial authorizing of the City adopted on May 18, 2015 and a bond resolution of the City (the “Bond Resolution”) to be adopted by the City on or about June 1, 2015, authorizing and fixing the terms and conditions of the Bond. Capitalized terms used but not otherwise defined herein shall have the meanings given them in the Bond Resolution.

1. Upon the terms and conditions and based on the representations, warranties and covenants hereinafter set forth, the Purchaser hereby agrees to purchase from the City and the City hereby agrees to sell to the Purchaser, all (but not less than all) of the Bond upon the following terms:

Principal Amount:	\$3,591,500
Closing Date:	On or about June 10, 2015
Term:	Final installment payment, unless earlier prepaid and redeemed, on July 15, 2020; 10 semi-annual installment payments due on each January 15 and July 15, commencing January 15, 2016, with the initial installment payment being interest-only and the subsequent 9 semi-annual installment payments being principal and interest
Amortization Schedule:	Substantially as attached hereto as <u>Exhibit A</u>
Interest Rate:	2.62%, fixed for the entire term; provided that in the event of a Determination of Taxability (as defined in the Bond Resolution), the Bond will bear interest at the rate of 3.92%, retroactive to the Date of Taxability (as defined in the Bond Resolution), and have such other features set forth in the Bond Resolution
Fees and Costs:	No origination fee or other fees payable to Purchaser; reasonable fees and costs of municipal advisor to the City; reasonable attorneys' fees and costs of Purchaser's counsel and of bond counsel to the City; fees of the escrow agent and other reasonable fees and costs of the refunding
Optional Prepayment/Redemption:	The Bond is subject to prepayment and redemption at the option of the City on 30 days' prior written notice, in whole or in part, at a price of the principal amount being prepaid and redeemed plus interest thereon through the date of prepayment or redemption, without premium.

Financial Reporting Requirements:	As shown on Schedule I hereto.
Deliveries at Closing:	At or prior to the closing and delivery of the Bond, the Purchaser shall receive a copy of the Bond Resolution, the Purchaser and the City shall receive an opinion of bond counsel regarding the validity and enforceability of the Bond and the exclusion of interest on the Bond from gross income for federal income tax purposes, and the Purchaser and bond counsel shall receive such certificates as the Purchaser and bond counsel may reasonably request.
Bank Qualification:	The Bond will be deemed designated by the City as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
Refunding Escrow:	The proceeds of the Bond applied to the payment, refunding and redemption of the Refunded Bonds will be deposited in escrow pursuant to an Escrow Agreement between the City and U.S. Bank National Association.

2. The purchase and sale of the Bond is not contingent upon the purchase and sale of any other bond or obligation of the City (such bond or obligation, an “Other Obligation”), and the purchase and sale of any Other Obligation is not contingent upon the purchase and sale of the Bond. The Purchaser agrees it is purchasing the Bond independent of any Other Obligation.

3. The Bond will be a special, limited obligation of the City, payable from and secured by Tax Increment received from the Whitefish Urban Renewal District, amounts on hand in the debt service reserve fund related to the Bond, and any other sources which may be pledged to the payment of the Bond as described in the Bond Resolution.

4. At delivery of the Bond on the Closing Date, the Purchaser will execute and deliver to the City a certificate substantially in the form attached hereto as Exhibit B.

5. This Agreement will be governed by and construed in accordance with the laws of the State of Montana.

6. This Agreement may be executed in multiple counterparts, each of which will be deemed an original and all of which together will constitute but one and the same instrument. This Agreement may be delivered by the exchange of signed signature pages by facsimile transmission or by e-mail with a pdf copy or other replicating image attached, and any printed or copied version of any signature pages so delivered shall have the same force and effect as an originally signed version of such signature page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

CITY OF WHITEFISH, MONTANA



By 
Name: John M. Muhlfeld
Title: Mayor

By 
Name: Charles C. Stearns
Title: City Manager

By 
Name: Dana Smith
Title: City Finance Director

FIRST INTERSTATE BANK

By _____
Name: Brenden Craig
Title: Vice President

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

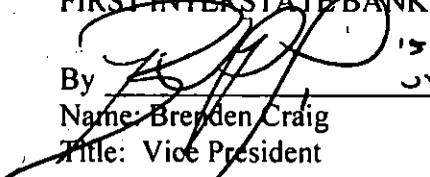
CITY OF WHITEFISH, MONTANA

By _____
Name: John M. Muhlfield
Title: Mayor

By _____
Name: Charles C. Stearns
Title: City Manager

By _____
Name: Dana Smith
Title: City Finance Director

FIRST INTERSTATE BANK

By  _____
Name: Brenden Craig
Title: Vice President

Signature Page to Bond Purchase Agreement

SCHEDULE I

The City will provide to the Purchaser, on or before 270 days after the end of each fiscal year, commencing with the fiscal year ending June 30, 2015, (i) audited financial statements of the City for such fiscal year (provided that if audited financial statements are not available by such date, the City shall provide unaudited financial statements to the Purchaser on or before 270 days after the end of the fiscal year, and shall provide audited financial statements to the Purchaser within 10 days after they become available) and (ii) operating data for the District, including taxable market value, taxable value and incremental taxable value of the District, property tax levy figures of taxing jurisdictions in the District, tax increment collection figures, updated financial results for the District and updated estimated debt service coverage information.

In addition, the City will provide to the Purchaser in a timely manner, notice of the occurrence of any of the following events:

- (1) Principal and interest payment delinquencies with respect to the Bond;
- (2) Non-payment related defaults under the Bond or the Bond Resolution;
- (3) Unscheduled draws on debt service reserves for the Bond reflecting financial difficulties;
- (4) Adverse tax opinions or events affecting the tax-exempt status of the Bond;
- (5) Modifications to rights of holders of the Bond;
- (6) Bond calls; and
- (7) Defeasances of the Bond.

Nothing herein shall be construed to subject the City or the Purchaser to the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934, as amended (the “Rule”), with respect to the Bond, or any procedures, rules, regulations, or initiatives promulgated by the SEC or the Municipal Securities Rulemaking Board under or in connection with the Rule.

EXHIBIT A
AMORTIZATION SCHEDULE

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
07/15/2015	-	-	-	-
01/15/2016	-	-	54,890.09	54,890.09
07/15/2016	669,000.00	2.620%	47,048.65	716,048.65
01/15/2017	349,000.00	2.620%	38,284.75	387,284.75
07/15/2017	353,500.00	2.620%	33,712.85	387,212.85
01/15/2018	359,000.00	2.620%	29,082.00	388,082.00
07/15/2018	363,500.00	2.620%	24,379.10	387,879.10
01/15/2019	367,000.00	2.620%	19,617.25	386,617.25
07/15/2019	372,000.00	2.620%	14,809.55	386,809.55
01/15/2020	377,000.00	2.620%	9,936.35	386,936.35
07/15/2020	381,500.00	2.620%	4,997.65	386,497.65
Total	\$3,591,500.00	-	\$276,758.24	\$3,868,258.24

EXHIBIT B
PROPOSED FORM OF
CERTIFICATE AND RECEIPT OF PURCHASER

I, the undersigned, being a duly qualified and acting representative of First Interstate Bank, of Kalispell, Montana, the original purchaser (the "Purchaser") of the Tax Increment Urban Renewal Revenue Refunding Bond (Whitefish Urban Renewal District), Series 2015B (the "Bond"), issued by the City of Whitefish, Montana (the "City"), dated, as originally issued, as of June 10, 2015, hereby acknowledge receipt of the Bond, fully executed and authenticated, in the aggregate principal amount of \$3,591,500, payable as described in the Bond and, absent prepayment, with a final installment payment date of July 15, 2020, and bearing interest at the rate of 2.62% per annum and otherwise conforming with the provisions of a resolution adopted by the City Council of the City on June 1, 2015 (the "Bond Resolution"), and on behalf of the Purchaser certify that:

1. The Purchaser is a bank duly organized, validly existing and in good standing under the laws of the State of Montana and has full power and authority to purchase the Bond and make the loan evidenced thereby.
2. The Purchaser has sufficient knowledge and experience in financial and business matters, including purchase and ownership of municipal and other tax-exempt obligations, to be able to evaluate the risks and merits represented by the purchase of the Bond and the making of the loan evidenced thereby.
3. The Purchaser has authority to execute and deliver instruments and documents executed by the Purchaser in connection with the purchase of the Bond.
4. The Purchaser understands that an official statement, prospectus, offering circular, or other offering statement has not been provided with respect to the Bond. The Purchaser has made its own inquiry and analysis with respect to the City, the Bond and the security therefor, and other material factors affecting the security for and payment of the Bond. The Purchaser received and has reviewed a copy of the Bond Resolution.
5. The Purchaser acknowledges that it has reviewed information, including financial statements and other financial information, regarding the City and has had the opportunity to ask questions and receive answers from knowledgeable individuals concerning the City, the Bond and the security therefor, so that it has been able to make an informed decision to purchase the Bond and to make the loan evidenced thereby and acknowledges that it has not relied on the City with respect to any information with respect to the advisability of purchasing the Bond or the security for the Bond.
6. The Purchaser understands that the Bond: (i) is not registered under the Securities Act of 1933, as amended, and is not registered or otherwise qualified for sale under the "Blue

Sky” laws and regulations of any state, (ii) is not listed on any stock or other securities exchange, and (iii) has not been rated by any credit rating agency.

7. The Bond is being acquired by the Purchaser for its own account and not with a present view toward resale or distribution; provided, however, that the Purchaser reserves the right to sell, transfer or redistribute the Bond, but agrees that any such sale, transfer or distribution by the Purchaser shall be to (i) an affiliate of the Purchaser; (ii) a trust or other custodial arrangement established by the Purchaser or one of its affiliates, the owners of any beneficial interest in which are limited to qualified institutional buyers or accredited investors; or (iii) a person or entity that the Purchaser reasonably believes is qualified to purchase the Bond or that makes representations substantially similar to the representations the Purchaser makes in this certificate. The Purchaser currently intends to hold the Bond to evidence the loan it has made to the City for the term of the Bond.

8. (i) The Bond will be evidenced by a physical certificate delivered to the Purchaser by the City, (ii) the Bond will not have a CUSIP number, (iii) the Bond is not, and will not be, rated by an independent rating agency, (iv) the Purchaser shall not transfer the Bond except in accordance with Paragraph 7 above, (v) the principal amount of the Bond purchased by the Purchaser, and the principal amount of the loan evidenced thereby, is \$3,591,500, (vi) payments on the Bond shall be made directly by the City to the Purchaser, (vii) payments under the Bond conform to the loan amortization schedule provided by the Purchaser to the City, (viii) the Bond and the loan evidenced thereby bear interest at a fixed rate throughout the term of the Bond, and (ix) the Purchaser intends to record the Bond as a loan on its books and records.

9. The Purchaser acknowledges and agrees that: (i) the transactions contemplated by the Bond documents are arm’s length, commercial transactions between the Purchaser and the City and that the Purchaser is acting solely as a principal and not acting as a municipal advisor, financial advisor or fiduciary to the City; (ii) the Purchaser has not performed advisory or fiduciary services to the City with respect to the transactions contemplated by the Bond documents and the discussions, undertakings and procedures leading thereto (irrespective of whether the Purchaser has provided other services or is currently providing other services to the City on other matters); (iii) the Purchaser has financial and other interests that differ from those of the City; and (iv) the Purchaser has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand as Purchaser as of this 10th day of June, 2015.

FIRST INTERSTATE BANK

By: _____
Printed Name: _____
Title: _____

RESOLUTION NO. 15-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, AUTHORIZING MATCHING FUNDS FOR PLANNING GRANT APPLICATIONS TO THE TREASURE STATE ENDOWMENT PROGRAM (TSEP) AND RENEWABLE RESOURCE GRANT AND LOAN PROGRAM FOR WASTEWATER/SEPTIC PRELIMINARY ENGINEERING REPORTS FOR THE EAST LAKESHORE DRIVE AND LION MOUNTAIN AREAS

WHEREAS, the Whitefish City Council has held work sessions on the Whitefish Lake Institute's Septic Leachate Study on May 7, 2012 and on October 20, 2014; and

WHEREAS, during those work sessions, priority areas for septic and wastewater treatment areas around Whitefish Lake were discussed and identified; and

WHEREAS, during a City Council meeting on January 20, 2015, the City Council approved contributing funding of up to \$60,000.00 for two preliminary engineering report planning grants from the Treasure State Endowment Program (TSEP) and the DNRC Renewable Resource Grant and Loan Program (RRGL) that other eligible entities will submit for the following projects:

East Lakeshore Drive:

DNRC RRGL Planning Grant \$5,000 - \$15,000
TSEP Planning Grant up to \$15,000
Flathead Conservation District \$10,000
City of Whitefish \$25,000

For Lion Mountain :

DNRC RRGL Planning Grant \$5,000- \$15,000
TSEP Planning Grant up to \$15,000
Whitefish County Water District -letter in packet, administrative support
Lion Mountain HOA (possible individual contributions)
Underwood Estates HOA (possible individual contributions)
City of Whitefish \$ 35, 000

WHEREAS, it will be in the best interests of the City, and its inhabitants, to contribute funding towards these RRGL and TSEP planning grant applications;

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

Section 1: The City Council hereby authorizes funding of up to \$60,000.00 as matching funds for other organizations to apply to the Treasure State Endowment Program (TSEP) and the DNRC Renewable Resource Grant and Loan Program (RRGL) for preliminary engineering reports for the East Lakeshore Drive and Lion Mountain areas.

Section 2: The City Council hereby commits to provide such matching funds as are necessary in the event that the grants are awarded.

Section 3: The City Council determines that the City has the legal jurisdiction and authority to construct, finance, operate and maintain the any future, proposed wastewater system improvements.

Section 4: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS ____ DAY OF JUNE, 2015.

JOHN M. MUHLFELD, MAYOR

ATTEST:

Necile Lorang, City Clerk

MEMORANDUM

#2015-018



To: Mayor John Muhlfeld
City Councilors

From: Chuck Stearns, City Manager

Chuck

Re: Staff Report – A Resolution authorizing matching funds for planning grant applications to the Treasure State Endowment Program (TSEP) And Renewable Resource Grant And Loan Program for wastewater/septic Preliminary Engineering Reports For The East Lakeshore Drive and Lion Mountain Areas

Date: May 27, 2015

Introduction/History

The Whitefish City Council previously held work sessions on the Whitefish Lake Institute's Septic Leachate Study on May 7, 2012 and on October 20, 2014. During those work sessions, priority areas for septic and wastewater treatment areas around Whitefish Lake were discussed and identified.

On January 20, 2015, at the request of the Whitefish Lake Institute, the City Council approved contributing funding of up to \$60,000.00 for two preliminary engineering report planning grants from the Treasure State Endowment Program (TSEP) and the DNRC Renewable Resource Grant and Loan Program (RRGL) that other eligible entities will submit for the following projects:

East Lakeshore Drive:

DNRC RRGL Planning Grant \$5,000 - \$15,000
TSEP Planning Grant up to \$15,000
Flathead Conservation District \$10,000
City of Whitefish \$25,000

For Lion Mountain :

DNRC RRGL Planning Grant \$5,000- \$15,000
TSEP Planning Grant up to \$15,000
Whitefish County Water District -letter in packet, administrative support
Lion Mountain HOA (possible individual contributions)
Underwood Estates HOA (possible individual contributions)
City of Whitefish \$ 35, 000

Current Report

Mike Koopal and Lori Curtis of the Whitefish Lake Institute contacted me because the Treasure State Endowment Program requires that the City Council pass a Resolution which authorizes the matching funds for their grant applications. I have prepared such a Resolution based on similar resolutions in the past. I am also attaching a copy of the minutes from the January 20, 2015 meeting in the packet.

Financial Requirement

We have budgeted for the \$60,000 commitment in the FY16 Wastewater budget. We have budgeted \$70,000 to include funding for the Whitefish Lake Institute contract management costs as well as shown in the original Council motion from January 20th.

Recommendation

Staff respectfully recommends the City Council approve a Resolution authorizing matching funds for planning grant applications to the Treasure State Endowment Program (TSEP) And Renewable Resource Grant And Loan Program for wastewater/septic Preliminary Engineering Reports For The East Lakeshore Drive and Lion Mountain Areas

attachments

others were unsure. Ben said he did not know that it was the general intention to mimic the old city hall exactly, they have shown some of it in the schematics. Ben said the problem is, these decisions are not made at this point in schematic design. Councilors Frandsen and Anderson explained they just weren't sure what is expected of them. Mayor Muhlfeld suggested he will get together with Manager Stearns and Ben so that a timeline can be set out as to when each of those decisions will need to be made.

Mayor Muhlfeld said the last three items on the list were cost considerations for a ½ finished basement, the retail component and the 3rd floor. He said it might be too early in the process to begin these discussions, since no numbers are out yet. He did note that during discussions with Ben and Steve earlier tonight that Steve had mentioned that a concrete floor for the 3rd floor could be poured with initial construction for future completion. The Mayor thought that was worth consideration, along with consideration of a second elevator. Discussion followed, no further motions were made on the project. The architect, Ben, asked the Council to understand they have been given direction at different levels of the process so far, even including from the Council at the work session on January 5th, and they had been proceeding down that road according to that direction. They have worked up a 3-D model of the project based on the direction they had been given, which takes quite a while to work up. Revisions will take up a lot of time; they can be done but he will be talking to Manager Stearns about whether or not this is additional service and if there should be additional cost of services. And, the revisions are extending the timeline way out complicating getting started on time in the summer to work throughout the winter. The Mayor said they realize they are back-peddling from decisions made on January 5th but they are hoping they have given him enough information to move forward. He said this is Council direction versus building committee direction. He hoped this was a productive meeting for all sides.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (2nd CD 1:04:35)

a) Letter from Whitefish County Water District regarding funding assistance to complete Preliminary Engineering Report for Lazy Bay neighborhood septic leachate and treatment options (p. 236)

Mayor Muhlfeld asked Mike Koopal to give his report. Mike Koopal, Whitefish Lake Institute (WLI) said he had a memo in the packet on page 237 giving an update on their work with the Whitefish Community Wastewater Committee (WCWC) regarding septic leachate. After the last worksession that WLI attended, Council had asked them to seek out partners to help support Preliminary Engineering Report (Per) completions in at least two neighborhood areas identified in the WCWC's Management Plan report. After discussions with many they have narrowed down the two areas for PERs, the Lion Mountain area and the East Lakeshore area. A management plan and a draft budget is printed with the memo in the packet. The Mayor asked what dollar amount from the City will be needed for each of these projects? Koopal said it is dependent on quotes that come in through the RFQ process. After working with Public Works Director Wilson they are estimating the PERs to be about \$55,000 each. Estimates are as follows for East Lakeshore Drive:

DNRC RRGL Planning Grant \$5,000 - \$15,000
TSEP Planning Grant up to \$15,000
Flathead Conservation District \$10,000
City of Whitefish \$25,000

For Lion Mountain: DNRC RRGL Planning Grant \$5,000 - \$15,000
TSEP Planning Grant up to \$15,000
Whitefish County Water District – letter in packet, administrative support

Lion Mountain HOA (possible individual contributions)
Underwood Estates HOA (possible individual contributions)
City of Whitefish \$35,000

Mayor Muhlfeld said that is \$60,000 and he asked Public Works Director Wilson if those funds were available in this year's Wastewater Budget. Director Wilson said they were not programmed in this budget specifically but the Council could consider deferring some projects to make room for it. Manager Stearns said they could check to see if it was budgeted in the Water Fund also, which he thought was a possibility. The Mayor said while staff is looking for available funds, he brought it to the Council's attention that at the bottom of Mike Koopal's memo it is stated that WLI has spent considerable pro-bono time facilitating and building partnerships for this project. The Mayor said that work is certainly appreciated, but WLI will have a continual role serving as technical facilitator for both these projects and the draft budget printed in the packet proposed WLI will need about \$8,000 to provide the technical support. Manager Stearns said they do not see any line item for PERs in either the Water or the Wasterwater Budget, so to pay for this request something else will have to be deferred. The Mayor asked and Koopal said funds wouldn't be needed from the City until after July 1st, so the Mayor said these can be programed in the next budget, and Councilor Hildner said a note could be made to consider this during the next budget preparation. Councilor Frandsen said that in a memo from WLI for their October 20, 2014 worksession, WLI had recommended then that the City plan for \$200,000 for the next four years to participate in the PER process, so Councilor Frandsen said that is about \$50,000/year and that it looks like it has already been talked about.

Councilor Anderson made a motion, second by Councilor Barberis, to commit \$35,000 for the Lion Mountain PER, \$25,000 for the East Lakeshore PER, and \$8000 for the contract management of the project as indicated on page 241 in the packet.

Councilor Feury said it is time to address the singular problem of the degradation of water quality in Whitefish Lake.

The motion passed unanimously.

(2nd CD 1:19:51)

b) Letter from Christian Rasch regarding a Non-Discrimination Ordinance (p. 242)

No comments.

c) Notice sent from Montana Fish and Wildlife Commission regarding Administrative Rule revision for changes to the Whitefish River regulations (p. 243)

No comments.

d) Select elected official(s) to serve on selection committee for Owner's Representative for the City Hall/Parking Structure construction project

Manager Stearns said that both Mayor Muhlfeld and Councilor Hildner have been on the Ad Hoc New City Hall Committee from the beginning, and both of them served on the General

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received
5/19/15 CS

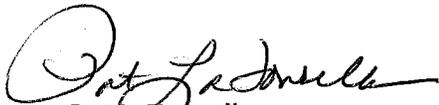
To the Whitefish City Council Members, Mayor, City Manager

In reading the headlines in the Daily Interlake on May 10, I am motivated to write a letter to the city council.

My husband and I left the town where we met because it had lost it's character and heart. If the sales tax was 7% they raised the city tax to 8.5%. The locals could not afford to shop in the community they lived. Rents became prohibitive for the workers who supported the resort industry. The elderly could not afford to stay in their homes. Middleclass families could not afford to stay and raise their children. So we opted to leave. We searched and researched a number of communities in the Rocky Mountains. We both skied and loved being outdoors. Whitefish ended up on the top of our list and we moved here May 1975. It was a town in flux at that time and initially we were looked on as interlopers. To this day even as I have called Whitefish home 40 years, I respect those that were born here or came before. It was what made this community so attractive. The generational families. The youth and exhuberance. The sense of community. The diversity of industry: logging with Plum Creek, Stoltz and American Timber, the aluminum plant, Burlington Northern, the strong education presence and of course the resort/tourist industry made it even more attractive.. It has grown and not all that have come to Whitefish contribute in a positive way. But I feel they appreciate where they have been even if for only a short time. I have lived in the city and outside. I prefer the former. I can walk/bike to most destinations and know the neighbors along the routes. A wave or invite to chat is always part of the journey.

We are in danger of losing our soul. The prime industry at this point is resort/tourist related. I feel we are in danger of turning into a town of empty houses that have only visitors or owners who arrive when the sun is shining or for holidays. Otherwise... lights on but no one home. Though the community has grown it appears the city government has grown at a much faster rate. All this because of the tax system as it exists and it's burden on the property owner. If Whitefish raises it's taxes 63%, and with the resort tax already increasing to 3%, we heading down a rabbit hole. We still don't know what the county tax will be or what the state is going to impose. Add to that the Taj Mahal that is going to be the city hall. Personally I don't have a preference about the location of city hall. But I do object to the dollars being spent on it. The parking garage is definitely needed, but why not collaborate with BN on their property by the O'Shaughnessy and have four stories, one below ground and three above. Has this been pursued at all? It has the potential of cutting the initial cost and maintenance exposure as we go forward. I do appreciate the explanation you wrote in the Daily Interlake on May17. However I feel very strongly that we are headed I the wrong direction considering that we have no idea what the county or state are pursuing as far as taxes.

I have in the past 10 - 12 years seen many young people who were born here return to raise their families and contribute to this community. They have opened businesses where they can work from home or started new endeavors that have created employment for those seeking jobs outside the resort/tourist industry. I'm not sure they could survive the burden the city would add with this tax increase and we would lose them again. I chose to stay here after my husband past away because this is home. I'm not sure I can stay if the burden of all that has been planned comes to fruition.



Pat LaTourelle

Section from Charter regarding replacement
of a City Councilor

Article II

CITY COUNCIL

Section 2.01: Composition, Election, Qualifications, Compensation, Removal, Filling Of Vacancies:

1. There shall be a city council of six (6) members, three (3) of whom shall be elected every two (2) years. (January 5, 1981)
2. All council members shall be elected at large and be a qualified voter of the city of Whitefish and that the three (3) candidates for council receiving the most votes at each biannual election shall be elected to the office of city council. (Amended November 1985)
3. Members of the council shall be elected for terms of four (4) years on a nonpartisan basis.
4. Members of the council shall receive no salary. As provided by ordinance, they shall receive per diem and mileage allowances for expenses incurred in the performance of their duties of office.
 - 5.a. The office of a council member shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office;
 - b. A council member shall forfeit his office if he:
 - i. Loses his eligibility for election to his council seat;
 - ii. Violates any express prohibition of this charter;
 - iii. Is convicted of a felony;
 - iv. Without council approval, fails to attend three (3) consecutive regularly scheduled council meetings.

Section 2.02: Powers And Duties Of The Council:

1. The city council shall be the legislative and policy determining body of the city of Whitefish. Except as prohibited by the constitution of the state of Montana, the laws of the state of Montana or this charter, the council shall provide for the exercise of all powers of the city and for performance of all duties and obligations of the city.

2. The council shall appoint or remove the city administrator with the concurrence of four (4) of its members.
3. The council shall adopt an annual budget by ordinance.
4. The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. If the state makes such an audit, the council may accept it as satisfying the requirements of this section.
5. The council shall adopt by ordinance and maintain an administrative code and a personnel system as provided in article IV of this charter.
6. The council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.
7. In the event of vacancy, the council shall, within thirty (30) days, by majority vote of the remaining members, appoint a person, eligible to hold such council seat, to fill the vacancy until the next regular city election at which time the remainder of the terms shall be filled as provided by law.
8. The council shall be the judge of the election and qualifications of its members and of the grounds of forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a manner consistent with state law. (Effective 1-5-1981)
9. A mayor shall be elected every four (4) years, at large on a nonpartisan basis. The mayor shall preside at meetings of the council, shall be recognized as the head of the city government for all ceremonial purposes (or may delegate this duty) and by the governor for the purposes of military law. The mayor shall have no administrative duties. The mayor shall vote in the case of tie votes on the council. (Effective 1-5-1981; amd. Approved by voters 11-7-2006, eff. 1-2-2007)
10. The council shall elect from among its members a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs in the office of the mayor, shall become mayor for the remainder of the unexpired term. (Effective 1-5-1981)
11. The council shall appoint a citizen's standing committee or board of three (3) to five (5) members who shall serve at the will of the council for the purpose whereby citizens or other interested parties may first submit or present their proposals for action of the city council for study, review and recommendations by the committee or board to the council as a whole. This provision shall not prohibit the appointment of ad hoc committees by the mayor or council.
12. The council shall create and establish a board of park commissioners pursuant to and subject to all the provisions of MCA sections 7-16-4201 through 7-16-4226. (Amended by voters 11-1985, eff. 1-1-1986)

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.

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



June 1, 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 the final version of the Highway 93 West Corridor Plan with the changes directed by the Council on May 18. The changes were based on suggestions from Citizens for a Better Flathead in their public comments delivered on May 18.

Not all the changes could be implemented exactly as written or in the location suggested without compromising the format and integrity of the plan. All the changes were implemented as well as we could, with the exception of one noted below. It should be noted that the changes were made to the Area B and Idaho Timber Recommended Land Uses and Implementation Steps of the body of text on pages 45/46 and 53/54, not the Public Input Summaries, since those reflect what the public input was during the planning process. 'No formula businesses' were added to the Idaho Timber Recommended Land Uses (p. 53) and Appendix D, WI-T Sample code (page 112) in relation to Coffee Shops and Sandwich Shops. We did not make the suggested change to add restrictions on formula hotel/lodging at the Idaho Timber site to the Final Draft, as the pros and cons of formula hotels were never discussed by the Steering Committee, Planning Board, or the City Council in the context of the plan to anyone's recollection. Staff called the Mayor and Councilor Sweeney (who made the motion to make the suggested changes) to confirm and they agreed that it should not be included as it was not discussed.

Here is the summary of CFBF comments, and how and where they were addressed in the plan.

Page 44-Changes needed

Recommended Land Uses

Residential Uses—(No short-term rentals)

~~Resort Residential~~ Note that Whitefish Resort Residential zones include WRR1 and WRR2 which allow short-term rentals as permitted or conditional uses in conflict with council amendment to not allow short-term rentals in Area B

~~Artisan Manufacturing~~—Note that this was amended to be a conditional use in Area B

~~Coffee Shops and Sandwich Shops~~—Note that this use was limited to only the WI-T area as a conditional use

Permitted and conditional uses in the current zoning including:

Professional Offices

Personal Services

Suggested additional conditional uses in WT-3 sample zone:

Artisan Manufacturing (no alcohol production)

Page 45—Changes needed

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—(no short-term rentals)
- Professional Offices—Conditional Use
- Personal Services—Conditional Use
- ~~Resort Residential~~
- Artisan Manufacturing (no alcohol production) Conditional Use
- ~~Coffee Shops and Sandwich Shops~~
- Professional Artist Studio and Gallery Conditional Use

No changes were made to the 'Public Input Summary' Box on Page 44. That box represents a summary of public input on the plan prior to it going to the Planning Board and City Council. Page 45 of the document contains the final recommended land uses, and there we removed 'resort residential' and 'coffee shops and sandwich shops' from 'Recommended Land Uses'. "Professional artist studio and gallery" was added.

A paragraph below Recommended Land Uses was also added that reads 'Resort residential and coffee shops and sandwich shops were recommended by the public but were later removed by City Council. Alcohol production was also removed from the definition of artisan manufacturing by City Council. Professional artist studio and gallery was added by City Council. Short-term rentals were removed as a recommended use by City Council.'

Page 46—Changes needed

Implementation Steps

1. Adopt new Neighborhood Mixed-Use Transitional land use designation.
2. Consider new WT 3 zoning when requested by landowners. The City will initiate the process of developing the two transitional zones and then a decision will be made as to how those zones will be applied to the areas.

(In Chart form in original document.)

Recommended Land Uses Growth Policy Land Use Zoning

Residential Uses—(no short-term rentals)

~~Resort Residential~~

Artisan Manufacturing (no alcohol production)—Conditional Use

~~Coffee Shops and Sandwich Shops~~

Permitted and conditional uses allowed in the current zoning including:

Professional Offices

Personal Services

Growth Policy Land Use

Current Designation:

High Density Residential

Recommended Designation:

Neighborhood Mixed-Use Transitional and High Density Residential
Zoning

Existing Zoning:

WR-3

Recommended Zoning:

WT-3 and WR-3

Under Implementation Steps on Page 46, staff revised the recommended language under #2 to reflect what the council voted on, so it now reads:

2. The City will initiate the process of developing the WT-3 zoning district. At such a time as the WT-3 are incorporated into Whitefish Zoning Code, the WT-3 zoning district may be processed in Area B at the request of the City or the property owner.

The Summary Chart on page 46 removed resort residential and coffee and sandwich shops, and added professional artist studio and gallery (although CFBF did not include that). It also added a note to all uses recommended as Conditional Uses such as artisan manufacturing.

Page 51—Changes Needed

Recommended Land Uses

Recreational Facilities

Artisan Manufacturing

Conditional Use

Multi-Family Residential

Resort Residential

Nursing and Retirement Homes, Personal Care Facilities, Community Residential Facilities, Types and II —Conditional Use

Coffee shops and Sandwich Shops—Conditional Use

Private railway cars with living accommodations are allowed to park on rail lines not to exceed 30 days. No short term rentals are allowed on railcars.

Grocery stores/markets as a Conditional Use with a footprint limit of 5,000 square feet. Permitted and conditional uses allowed in the current zoning

Page 53—Changes Needed

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—Conditional Use.
- 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 or the City 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 rezoning 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. The City will initiate the process of developing the two transitional zones and then a decision will be made as to how those zones will be applied to the areas.

No changes were made to the 'Public Input Summary' Box on Page 51. That box represents a summary of public input on the plan prior to it going to the Planning Board and City Council. Pages 52/53 of the document contains the final recommended land uses, and there we added the general term of assisted living facilities (to be fleshed out more in the sample zoning), coffee shops and sandwich shops (no formula business), private railcar storage, small grocery stores, micro breweries, and limited hotels. Resort Residential should have been removed (the inclusion is a typo). This is a master plan, so the specifics of zoning aren't supposed to be included, with the exception of the sample zoning in the appendix, which is just a guideline for future implementation.

We added a note below that paragraph on page 53 which reads:

Microbreweries, coffee shops and sandwich shops, assisted living facilities, private railcar storage, small grocery stores, microbreweries (typo), and limited hotels were added as recommended land uses by City Council. No short term rentals are allowed on railcars.

There should also be an additional sentence that reads: Resort Residential was recommended by the public but was later removed by the City Council.

Under Implementation Steps on page 53, item 2 was changed to read:

2. The City will initiate the process of developing the WT-3 and WI-T zoning districts. At such a time as the WT-3 and WI-T are incorporated into Whitefish Zoning Code, the new WT-3 and WI-T zoning districts may be processed in Idaho Timber at the request of the City or the property owner.

In the Summary Box for Idaho Timber on page 54 we added assisted living facilities, small grocery stores, private residential railcar storage, limited hotel, microbreweries, and coffee shops and sandwich shops.

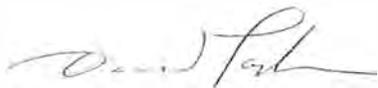
Page 69—Changes Needed*

Earlier versions of this plan included limits to formula coffee shops and similar uses, but it was dropped in recent edits to the plan. ~~Add to the definitions for the three proposed zoning districts the clarification that:~~ **No formula retail, restaurant, or hotel/lodging is permitted under this plan or in zoning districts created to implement this plan.**

In discussing this with the consultants, we both felt that that level of detail of what specifically should or shouldn't be permitted in the future zoning wasn't appropriate in the future land use definition which has general categories of land use and isn't regulatory. Also, formula hotels were never discussed by the council. Currently the city only has formula retail restrictions in the Old Town Central district in the city. To address that suggestion, we added 'no formula businesses' to where coffee shops and sandwich shops are listed on p. 53, Recommended Land Uses, as well as on p. 112 under Appendix D, Sample WI-T district, under Conditional Uses, Coffee shops and sandwich shops.

Attached are track-changes summaries of changes the Council made at the 4-20, 5-4, and 5-18 meetings respectively, as well as revisions fixing the typos on page 53 of the plan from today.

Staff would be happy to walk you through the changes at the meeting should you choose to pull it off the consent agenda.



Dave Taylor, AICP

III. Visioning for the Future & Development Policy

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.~~
- Microbreweries.
- Coffee Shops and Sandwich Shops (no “formula” businesses).
- Assisted Living Facilities.
- Private Railcar Storage.
- Small Grocery Stores.
- Limited Hotels.

Microbreweries, coffee shops and sandwich shops, assisted living facilities, private railcar storage, small grocery stores, ~~microbreweries;~~ and limited hotels were added as recommended land uses by City Council. Resort residential was recommended by the public and later removed by City Council. No short term rentals are allowed on railcars.

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 or the City 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. The City will initiate the process of developing the WT-3 and WI-T zoning districts. At such a time as the WT-3 and WI-T are incorporated in to the Whitefish Zoning Code, the new WT-3 and WI-T zoning districts may be processed in Idaho Timber at the request of the City or the property owner.

III. Visioning for the Future & Development Policy

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 or the City 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 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. The City will initiate the process of developing the WT-3 zoning district. At such a time as the WT-3 are incorporated in to the Whitefish Zoning Code, the new WT-3 zoning district may be processed in Area B at the request of the City or the property owner. 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* Professional Artist Studio and Gallery*	<u>Current Designation:</u> High Density Residential <u>Recommended Designation:</u> Neighborhood Mixed-Use Transitional and High Density Residential	<u>Existing Zoning:</u> WR-3 <u>Recommended Zoning:</u> WT-3 and WR-3

*Recommended as a conditional use.

III. Visioning for the Future & Development Policy

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.
- Microbreweries.
- Coffee Shops and Sandwich Shops (no "formula" businesses).
- Assisted Living Facilities.
- Private Railcar Storage.
- Small Grocery Stores.
- Limited Hotels.

Microbreweries, coffee shops and sandwich shops, assisted living facilities, private railcar storage, small grocery stores, microbreweries, and limited hotels were added as recommended land uses by City Council. No short term rentals are allowed on railcars.

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 or the City 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. The City will initiate the process of developing the WT-3 and WI-T zoning districts. At such a time as the WT-3 and WI-T are incorporated in to the Whitefish Zoning Code, the new WT-3 and WI-T zoning districts may be processed in Idaho Timber at the request of the City or the property owner. 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.

III. Visioning for the Future & Development Policy

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 Assisted Living Facilities* Small Grocery Store* Private Residential Railcar Storage* Limited Hotel* Microbreweries* Coffee Shops and Sandwich Shops*	<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

*Recommended as a conditional use.

Appendix D: Proposed Sample Zoning Districts

- 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 (no "formula" businesses)
- * Nursing and retirements homes, personal care facilities, community residential facilities, types I and II
- * Research facilities.
- * Contractors' yards.
- * Petroleum products, wholesale.
- * Heavy equipment sales, rental and service.
- * Colleges, business and trade schools.
- * Grocery stores (less than 5,000 square feet of enclosed gross floor area per lot of record).
- * Micro-breweries and micro-distilleries.

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:

III. Visioning for the Future & Development Policy

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 or the City 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 Density Residential as opposed to Neighborhood Mixed-Use Transitional. See the Proposed Future Land Uses Map on p. 67. The

III. Visioning for the Future & Development Policy

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 or the City 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

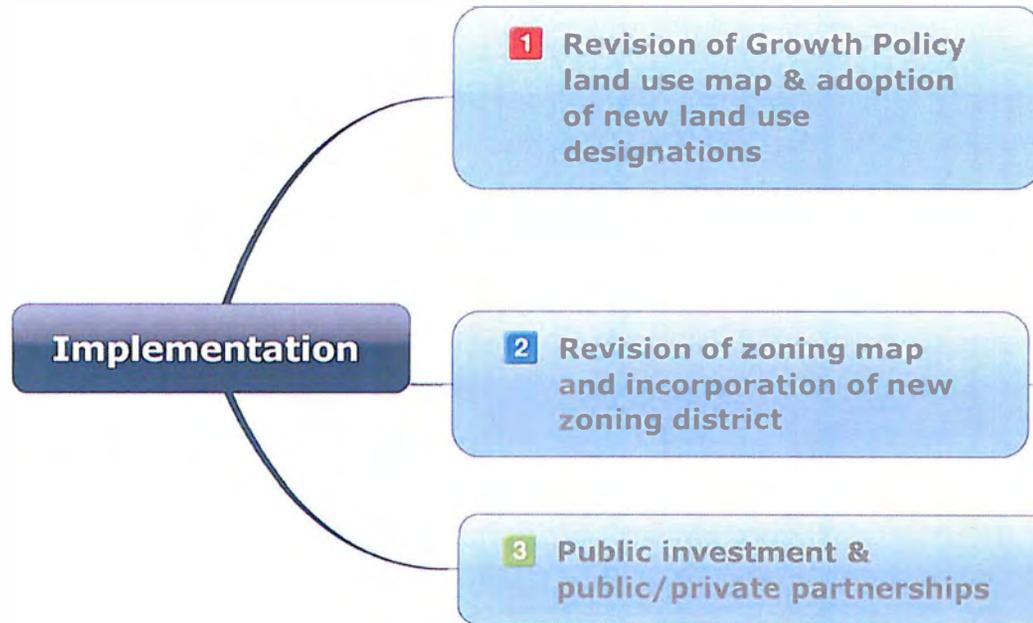
1. Incorporate two new land use designations, Industrial Transitional & Neighborhood Mixed-Use Transitional, into the Growth Policy.
2. At such time that a re-zoning of the property may be appropriate, the new WT-3 or WI-T zoning could be adopted for the site to accommodate additional land uses.

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

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 or the City at a suitable time to remain sensitive to existing uses.
- 3) Opportunity exists for future public investment and public-private partnerships.



Appendix D: Proposed Sample Zoning Districts

- * Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories.
- * Clubs, private and semiprivate recreational facilities.
- * 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
- * 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 <u>3,500</u> square feet or greater, existing structures where an addition causes the total footprint to be <u>3,500</u> square feet or greater, and additions to structures where the footprint is already <u>3,500</u> 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
Minimum yard spaces:	

Appendix D: Proposed Sample Zoning Districts

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:

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.

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:

- * 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.

Appendix D: Proposed Sample Zoning Districts

- 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.
- * Contractors' yards.
- * Petroleum products, wholesale.
- * Heavy equipment sales, rental and service.
- * Colleges, business and trade schools.
- * Grocery stores (less than 5,000 square feet of enclosed gross floor area per lot of record).
- * Micro-breweries and micro-distilleries.

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.

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

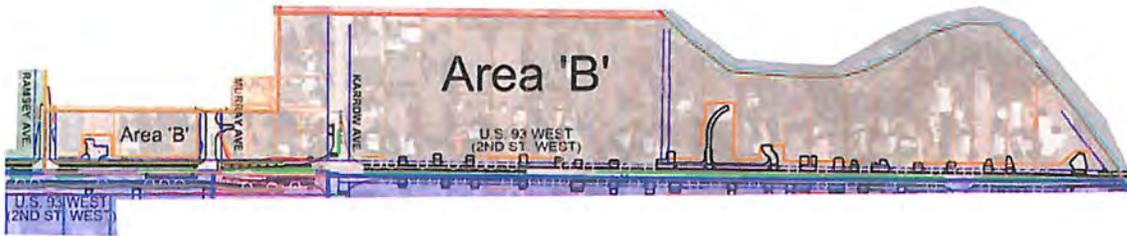
1. Guidelines can be addressed through the ARC Standards.

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.



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

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.

III. Visioning for the Future & Development Policy

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

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.

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.
 - e ~~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 3,000 square feet or greater, existing structures where an addition causes the total footprint to be 3,000 square feet or greater, and additions to structures where the footprint is already 3,000 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).



May 31, 2015

Whitefish City Council
C/o Whitefish City Planning Department
PO Box 158
Whitefish, MT 59937

Dear City Council Member,

My name is Kathy Spangenberg. I reside at 1665 2nd St E. I just became aware from my neighbor about the request from High Point on Second subdivision (formerly known as Second Street Residences subdivision) to amend Condition No. 12 of the Preliminary Plat to allow for a "T" intersection with E 2nd St. I am writing this letter because I am opposed to this request and I will be out of town on June 1st, so I will be unable to express my opposition at the public hearing.

I believe the proposed amendment to allow for a "T" intersection on this section of down slope of 2nd Street E is inadvisable and dangerous. It is true this section of 2nd ST E has been reengineered and reconstructed but I do not see that this changes the majority of the issues that previously existed with allowing an intersection of this type at this location. Yes the concerns with sight distance may have been minimized with the reconstruction, but it does not change the fact that the intersection would be on a significant down slope, nor that 2nd ST E is a major thorough fare and the majority of traffic on it continues to travel at speeds faster than the posted speed limit of 25 miles per hours. During winter I have encountered very slick conditions on this section of roadway (even after the reconstruction) and have often had to put my car into 4 wheel drive to successfully navigate up and/or down this slope. I can only begin to imagine the havoc created by cars turning in and out at this location when faced with the speed of traffic and especially when it is aggravated by weather conditions. I believe that traffic safety is a major issue for this proposed amendment.

In the documentation provided regarding this proposal, it is indicated that this is the only viable option for the developer to address Condition No. 12, stating that "applicant has found that the grade is too steep to west to connect with Armory Road extension". I find this hard to believe since the contour of the hillside is consistent with the slope of the already existing 2nd ST E, which as mentioned above is a major thorough fare. Certainly if 2nd St E can be engineered to be safe, Ponderosa Court can also be engineered to be safe and intersect with the Armory Road Extension. I believe this is a far better and safer solution then the currently proposed amendment.

Staff from the Planning Department recommends approval of this amended Condition No. 12. I disagree with this recommendation and challenge their findings (specifically Finding 2 & 3) for the following reasons:

Finding 2 indicates that legal notice was placed in the Pilot May 13th and Notice was mailed to property owners within 300 ft May 11th with no public comments received. Although this meets legal requirements regarding notification, it does not even come close to bringing

awareness to the community at large that use 2nd St every day. I am guilty of not reading public notices and I am sure I am not alone. Likewise the property owners within 300 ft are a miniscule fraction of the people who will be affected by this proposal. I only found out about this proposal yesterday by happenstance from a neighbor. Is it any wonder there has been no public comment to date? The public impacted by this proposed change is not aware enough to comment.

Finding 3 indicates the proposed road location meets Whitefish Subdivision Regulation, etc. This may be true, but from a common sense point of view given the proposed location and the facts related to this location (as discussed above) this proposal is not appropriate from a traffic safety point of view. I believe that connecting Ponderosa to the Armory Road extension is a much safer solution with less negative impact on the community.

In Summary, I respectfully request you as council members to deny this requested amendment and require the applicant to meet the requirements of Condition #12 as specified at the time the preliminary plat was originally approved June 2, 2014.

Sincerely,

Kathy Spangenberg
1665 2nd Street E
Whitefish, MT 59937

Subject: FW: "High Point On Second" amendment to Condition No 12 of their Preliminary Plat
From: "Wendy Compton-Ring" <wcompton-ring@cityofwhitefish.org>
Date: 6/1/2015 8:08 AM
To: "Necile Lorang" <nlorang@cityofwhitefish.org>

received
6-1-15

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

From: tigue nancy [mailto:nancymt@montanasky.net]
Sent: Sunday, May 31, 2015 8:09 PM
To: wcompton-ring@cityofwhitefish.org
Subject: "High Point On Second" amendment to Condition No 12 of their Preliminary Plat

Dear Wendy and City Council Members,

The proposed amendment of Condition No 12 to their Preliminary Plat by the developers of "High Point On Second" threatens the safety of mobile and pedestrian traffic on East Second Street.

We who live in the neighborhood of this highly contested development on East Second Street came together in good faith and accepted what was their final proposal and which was approved by the City Council. This attempt to change sheds a detrimental light on their trustworthiness in negotiations with us and the city.

Now they want to change their plan to suit their needs and install a separate entrance into the downward slope of East Second Street without regard for welfare and safety of citizens and visitors. This proposal presents conditions ripe for accidents waiting to happen.

I urge the City Council to refuse to allow the developers to change Ponderosa Court from a cul-de-sac to allow the road to intersect with a "T Intersection " to East Second Street.

Sincerely,
Nancy Tigue
1319 East Second Street
P.O. Box 1323
Whitefish, MT 59937

Subject: FW: Second Stree Residences now know as High Point on Second requested amendment to condition #12
From: "Chuck Stearns" <cstearns@cityofwhitefish.org>
Date: 6/1/2015 1:25 PM
To: "'Necile Lorang'" <nlorang@cityofwhitefish.org>



From: Robert Horne [mailto:rhorne@appcom.net]
Sent: Monday, June 01, 2015 11:58 AM
To: 'Kathy Spangenberg'; 'Kate McMahon'; 'Shelby Powell'; 'Ryan Kann'; 'Jennifer Osburn'; 'Suzi & Jay Stag'; 'Darcy Schellinger'; 'Christine Bernat'; 'Velvet Phillips-Sullivan'; 'Becky Kauffman'; 'Steve Thompson'; 'Melissa Genovese'; 'Susan Schnee'; 'Phyllis Fair'; 'Ward & Kristen MacIntyre'; 'Andy & Kate Maetzold'; 'Phyllis Quatman'; 'Scott Fair'; 'Erin Barbee'; 'Scott & Karin Bates'; 'Bobbie Barrett'; 'Nancy Tigue'; 'Betsy & Steve Harmon'; 'JD Hughes'; 'Steve Hill'; 'neal buffington'; 'Melinda Morison'; 'Kelly Davidson'; 'Sarah Fitzgerald'; 'David Scott'; 'Sherry Palmerton'; 'Stephen Sullivan'; 'Alissa LaChance'; 'Ted Tveidt'; 'Brian and Sharon Wood'; 'Pam Saunders'; 'Randy Wentworth'; 'Greg Hennen'; 'The Brants'; 'Michael Moffitt'; 'Tom Dupree'; 'Tom LaChance'; 'Charlie LaChance'; 'Cheri LeBleu'; 'Cynthia Benkelman'; 'Heather Fern'; rpickert@glaciersir.com; 'Mic and Patty Holmes'; 'Mic and Patty Holmes'; 'Noah Couser'
Cc: Wendy Compton-Ring; 'Sean Averill'; cstearns@cityofwhitefish.org
Subject: RE: Second Stree Residences now know as High Point on Second requested amendment to condition #12

Dear Neighbors: This proposal is NOT what we bargained for and should not be approved. What's more, while the city has met the legal notification requirements, it is in my assessment very poor customer service to not notify the rest of the group as the city knows FULL WELL that we are extremely interested in the outcome. More later.
Bob H.

From: Kathy Spangenberg [mailto:gcsdigisys@outlook.com]
Sent: Sunday, May 31, 2015 1:18 PM
To: Kate McMahon; Shelby Powell; Ryan Kann; Jennifer Osburn; Suzi & Jay Stag; Darcy Schellinger; Christine Bernat; Velvet Phillips-Sullivan; Becky Kauffman; Steve Thompson; Melissa Genovese; Susan Schnee; Phyllis Fair; Ward & Kristen MacIntyre; Andy & Kate Maetzold; Phyllis Quatman; Scott Fair; Erin Barbee; Scott & Karin Bates; Bobbie Barrett; Nancy Tigue; Betsy & Steve Harmon; JD Hughes; Steve Hill; neal buffington; Melinda Morison; Kelly Davidson; Sarah Fitzgerald; David Scott; Sherry Palmerton; Stephen Sullivan; Alissa LaChance; Ted Tveidt; Brian and Sharon Wood; 'Pam Saunders'; Randy Wentworth; Greg Hennen; The Brants; Michael Moffitt; 'Tom Dupree'; 'Tom LaChance'; 'Charlie LaChance'; Cheri LeBleu; 'Cynthia Benkelman'; 'Heather Fern'; Robert Horne; rpickert@glaciersir.com; Mic and Patty Holmes; Mic and Patty Holmes; Kathy Spangenberg; Noah Couser
Subject: Second Stree Residences now know as High Point on Second requested amendment to condition #12

Dear Neighbors,
It has recently come to my attention that High Point on Second (formerly know as Second Street Residences) is proposing an amendment to Condition No 12 of their Preliminary Plat;

Condition No 12 currently states:
"Ponderosa Court shall not terminate in a cul-de-sac. Prior to final plat approval for Phase III, Ponderosa Court shall be constructed as a through road, either by connecting back to Armory Road or to the east and intersect with E 2nd Street. The Final location and alignment shall be approved by the Public Works Department"

What the developers are trying to do is get this changed to allow the road Ponderosa Court to intersect with a "T intersection" to E 2nd street (on the downhill slope) rather than connecting with the Armory Rd extention within their development or thru the property owner to the East.

The Proposed revised Condition No 12 states:

"Ponderosa Court shall not terminate in a cul-de-sac. Prior to final plat approval for Phase III, Ponderosa Court shall be constructed as a through road to E 2nd Street. The final location and alignment shall be approved by the Public Works Department."

Notice of this proposed change was only sent to property owners within 300 ft and posted via public notice in the WF Pilot. The Public hearing is Monday June 1st at the City Council meeting. Details related to this proposal are located on city web site. I was lucky enough to find out about this from a neighbor and wanted to pass this on to the neighborhood. Long story short I think this is a bad idea from a public traffic safety point of view. I also think it is another example of the Developer doing what is best for them without regard to impact on the community. Unfortunately I will be out of town so I will be unable to attend Public Meeting. I have attached a copy the letter I have written and submitted expressing my opposition to this proposed change. If you share my concerns I would strongly encourage you to attend the Public Hearing at Mondays city council meeting or at the least send an email to Wendy prior to then expressing your viewpoint. Otherwise this change may get approved, which would impact everyone using E 2nd St between Armory and Edgewood. It has a much wider impact than just to our neighborhood

Thanks for your attention to this matter.

Kathy Spangenberg

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

From: [Kathy Spangenberg](mailto:Kathy_Spangenberg)

To: wcompton-ring@cityofwhitefish.org

Subject: FW: Second Stree Residences now know as High Point on Second requested amendment to condition #12
From: "Chuck Stearns" <castearns@cityofwhitefish.org>
Date: 6/1/2015 1:26 PM
To: "Necile Lorang" <nlorang@cityofwhitefish.org>



From: Nancy Tigie [mailto:nancymt@montanasky.net]
Sent: Monday, June 01, 2015 1:18 PM
To: Robert Horne
Cc: Kathy Spangenberg; Kate McMahon; Shelby Powell; Ryan Kann; Jennifer Osburn; Suzi & Jay Stagg; Darcy Schellinger; Christine Bernat; Velvet Phillips-Sullivan; Becky Kauffman; Steve Thompson; Melissa Genovese; Susan Schnee; Phyllis Fair; Ward & Kristen MacIntyre; Andy & Kate Maetzold; Phyllis Quatman; Scott Fair; Erin Barbee; Scott & Karin Bates; Bobbie Barrett; Betsy & Steve Harmon; JD Hughes; Steve Hill; neal buffington; Melinda Morison; Kelly Davidson; Sarah Fitzgerald; David Scott; Sherry Palmerton; Stephen Sullivan; Alissa LaChance; Ted Tveidt; Brian and Sharon Wood; Pam Saunders; Randy Wentworth; Greg Hennen; The Brants; Michael Moffitt; Tom Dupree; Tom LaChance; Charlie LaChance; Cheri LeBleu; Cynthia Benkelman; Heather Fern; <rpickert@glaciersir.com>; Mic and Patty Holmes; Mic and Patty Holmes; Noah Couser; Wendy Compton-Ring; Sean Averill; <castearns@cityofwhitefish.org>
Subject: Re: Second Stree Residences now know as High Point on Second requested amendment to condition #12

Well said Bod.

I have sent a letter to Wendy and the City Council protesting this proposed change especially because of the safety issues for motorists, pedestrians, citizens and visitors.... I clearly stated my displeasure that that developers would try to change the negotiated and agreed upon plan. This attempt clearly calls into question the trustworthiness of the developers and their lack of regard for the common good of our community.

More will be revealed.

Nancy

Sent from my iPad

On Jun 1, 2015, at 11:58 AM, Robert Horne <rhorne@appcom.net> wrote:

Dear Neighbors: This proposal is NOT what we bargained for and should not be approved. What's more, while the city has met the legal notification requirements, it is in my assessment very poor customer service to not notify the rest of the group as the city knows FULL WELL that we are extremely interested in the outcome. More later.
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To: Kate McMahon; Shelby Powell; Ryan Kann; Jennifer Osburn; Suzi & Jay Stagg; Darcy Schellinger; Christine Bernat; Velvet Phillips-Sullivan; Becky Kauffman; Steve Thompson; Melissa Genovese; Susan Schnee; Phyllis Fair; Ward & Kristen MacIntyre; Andy & Kate Maetzold; Phyllis Quatman; Scott Fair; Erin Barbee; Scott & Karin Bates; Bobbie Barrett; Nancy Tigie; Betsy & Steve Harmon; JD Hughes; Steve Hill; neal buffington; Melinda Morison; Kelly Davidson; Sarah Fitzgerald; David Scott; Sherry Palmerton; Stephen Sullivan; Alissa LaChance; Ted Tveidt; Brian and Sharon Wood; Pam Saunders; Randy Wentworth; Greg Hennen; The Brants; Michael Moffitt; Tom Dupree; Tom LaChance; Charlie LaChance; Cheri LeBleu; Cynthia Benkelman; Heather Fern; Robert Horne; rpickert@glaciersir.com; Mic and Patty Holmes; Mic and Patty Holmes; Kathy Spangenberg; Noah Couser
Subject: Second Stree Residences now know as High Point on Second requested amendment to condition #12

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What the developers are trying to do is get this changed to allow the road Ponderosa Court to intersect with a "T intersection" to E 2nd street (on the downhill slope) rather than connecting with the Armory Rd extension within their development or thru the property owner to the East.

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Rec'd at Council Mtg 6-1-15

2ND STREET EXHIBIT



***BOTH ROADS ARE WITHIN 25 MPH SPEED ZONES

SEAL

SUBCONSULTANT

2ND STREET EXHIBIT
SECOND STREET RESIDENCES

DRAWING SET DATE				
ISSUES/REVISIONS	1	ISSUE		
No.	Date	Purpose	By	Check
EXHIBIT	05.28.15			

PROJECT NUMBER
SHEET TITLE
BOOK PAGE
DRAWN BY:

SHEET No. **1** OF 1

