CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
1005 BAKER AVENUE
MONDAY, APRIL 18, 2016 5:30 PM

1. Call to order
2. Annual Mayor and City Council Goal setting session
3. Public Comment
4. Direction to City Manager on above topics
5. Adjourn

2015 Goals

RESOLUTION NO. 15-_10__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ESTABLISHING ANNUAL GOALS FOR THE CITY.

WHEREAS, the City Council of the City of Whitefish is committed to the continuing advancement and improvement of the community, City, and City services; and

WHEREAS, the City Council has adopted annual goals since 1999; and

WHEREAS, the Mayor and City Council met in a work session with the City Manager on April 20, 2015 to establish short term, long term, and on-going goals for items needing more than two years to accomplish; and

WHEREAS, Exhibit "A", attached hereto, is a list of the above referenced goals which the Mayor, City Council, and City Manager established.

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

Section 1: The Whitefish City Council hereby approves the list of goals as provided in Exhibit A.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 4TH DAY OF MAY, 2015.

John M. Muhlfeld, Mayor

ATTEST:

Necile Lorang, City Clerk

ATTACHMENT A
CITY OF WHITEFISH – MAYOR AND COUNCIL GOALS
FY16
PREPARED: April 21, 2015

Mayor/Council Short Term Goals (no particular order)	Mayor/Council Longer Term Goals (no particular order)	Mayor/Council Ongoing Goals (no particular order)	Staff Goals (no particular order)
Implement Downtown Master Plan and Hwy 93 West Corridor Plan	Riverside Park protection and improvement for erosion	Economic Development – Public-Private Partnerships and targeted business assistance	Ped-Bike Master Plan update
Downtown Parking		BNSF – cleanup of CECRA site, maintain good relationship on all issues; work on disaster preparedness	Explore extent of waivers for utility contracts
City Hall	Open space funding	Whitefish Trail - work with Whitefish Legacy Partners	Long Term Financial Planning and Sustainability
Depot Park Phase II Redevelopment	Climate Action Plan	Water quality improvements and projects (AIS, City Beach, Stormwater pond improvements)	Green Initiatives
Whitefish Lake – Retail uses – licensing and/or zoning	Hwy 93 South Corridor Plan	Affordable Housing	Recycling Improvements
New Cemetery development		Growth Policy Implementation Items	Maintenance Programs for City Facilities
Begin review of zoning code – district by district		Code Enforcement	Planning – in house priorities and text amendments
Stoltze Conservation Easement – completion and funding		City Beach Parking	Northside Fire/Police Precinct Station
Wisconsin Avenue Corridor Study			
Birch Point Quiet Zone			

ATTACHMENT A
CITY OF WHITEFISH – MAYOR AND COUNCIL GOALS
FY17
PREPARED: April 18, 2016

Suggested staff changes shown in redline and ~~strikeout~~

Mayor/Council Short Term Goals (no particular order)	Mayor/Council Longer Term Goals (no particular order)	Mayor/Council Ongoing Goals (no particular order)	Staff Goals (no particular order)
Implement Downtown Master Plan ~~and Hwy 93 West Corridor Plan~~	Riverside Park protection and improvement for erosion	Economic Development – Public-Private Partnerships and targeted business assistance	Ped-Bike Master Plan update
Downtown Parking		BNSF – cleanup of CECRA site, maintain good relationship on all issues; work on disaster preparedness	Explore extent of waivers for utility contracts
City Hall	Open space funding	Whitefish Trail - work with Whitefish Legacy Partners	Long Term Financial Planning and Sustainability
Depot Park Phase II Redevelopment	Climate Action Plan	Water quality improvements and projects (AIS, ~~City Beach,~~ Stormwater pond improvements)	~~Green Initiatives~~ Consider a General Obligation Bond for Fire Equipment and precinct station
~~Whitefish Lake – Retail uses – licensing and/or zoning~~ Hire New City Manager	Hwy 93 South Corridor Plan	Affordable Housing	~~Recycling Improvements~~ Ambulance Fee evaluation
New Cemetery development		Growth Policy Implementation Items	Maintenance Programs for City Facilities
~~Begin review of zoning code – district by district~~ PUD Process Re-write	Begin review of zoning code – district by district	Code Enforcement	Planning – in house priorities and text amendments – e.g. landscaping, clustering, and parking
~~Stoltze Conservation Easement – completion and funding~~		City Beach Parking	Northside Fire/Police Precinct Station
Wisconsin Avenue Corridor Study			Water and Wastewater Rate Increases
Birch Point Quiet Zone			Hwy 93 South Access Study

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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, April 18, 2016, at **7:10 p.m.** at Interim City Hall, 1005 Baker Avenue.

Ordinance numbers start with 16-08. Resolution numbers start with 16-16.

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
   a) Minutes from the April 4, 2016 Council regular meeting (p.19)

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) Ordinance No. 16-___; A request by Whitefish TP LLC for a Conditional Use Permit and a Planned Unit Development to construct a 111-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6405 Highway 93 S (proposed Marriott Hotel)~~ (Withdrawn and to be re-submitted)
   b) Consideration of authorizing grant applications for the Montana DNRC Renewable Resource Grant and Loan Program and the Montana Department of Commerce Treasure State Endowment Program for a proposed project that will install significant improvements to the City's wastewater treatment facilities (p. 26)
   c) Ordinance No. 16-___; An Ordinance approving the Mkay Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish (First Reading) (p.35)

7) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor or Council? (p.334)
   b) Other items arising between April 13th and April 18th
   c) Discussion and possible authorization to proceed with a "wholly surrounded" annexation process for the area around West Lakeshore Drive (Lake Park Addition) (p. 348)
   d) Discuss request for renewal or extension of lease of Cemetery land for Veteran's Peace Park (p.357)

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
   a) Consideration of an email from Justin Lawrence of Lakestream Outfitters and Fly Shop for the City to initiate a text amendment to the WB-2 zoning district (p. 367)
   b) Discuss and set dates for budget work sessions for FY17 budget and set date for the preliminary public hearing on the budget for the June 20th meeting (p.368)
   c) Resolution No. 16-___; A Resolution establishing the Wisconsin Avenue Corridor Plan Steering Committee (p.369)
   d) Consideration of appointing an additional representative to Whitefish Legacy Partners committees (p. 373)

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

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

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

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

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

- We encourage and value broad community participation.

- We encourage creative approaches to engage public participation.

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

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

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

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

Adopted by Resolution 07-09
February 20, 2007

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April 13, 2016

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

Mayor Muhlfeld and City Councilors:

Monday, April 18, 2016 City Council Agenda Report

There will be a work session at 5:30 p.m. for the Mayor and City Council's annual goal setting session Food will be provided.

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

CONSENT AGENDA

a) Minutes from the April 4, 2016 Council regular meeting (p.19)

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

Item a is an administrative matter.

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

~~a) Ordinance No. 16-___; A request by Whitefish TP LLC for a Conditional Use Permit and a Planned Unit Development to construct a 111-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6405 Highway 93 S (proposed Marriott Hotel)~~ (Withdrawn and to be re-submitted)

b) Consideration of authorizing grant applications for the Montana DNRC Renewable Resource Grant and Loan Program and the Montana Department of Commerce Treasure State Endowment Program for a proposed project that will install significant improvements to the City's wastewater treatment facilities (p. 26)

From Public Works Director Craig Workman's Staff Report:

The City was issued an Administrative Order on Consent (AOC) by the Montana Department of Environmental Quality (DEQ) on October 5, 2012. The AOC was issued as a result of a several violations of the City's wastewater discharge permit. Late last year the AOC was updated to incorporate a Compliance Plan detailing the completion dates that must be met in order to bring the WWTP into compliance. The first milestone date is October 1, 2016, when the Preliminary Engineering Report (PER) is due. Upon acceptance of the PER, design plans will then be due by February 1, 2018, and construction must be completed by May 1, 2021.

In order to reach these compliance dates, the Public Works Department is recommending the City submit grant and loan applications to the DNRC-Renewable Resource Grant & Loan Program (RRGL), the MDOC-Treasure State Endowment Program (TSEP) and the USDA-Rural Development Grant Program (RD). RRGL and TSEP grants are due in May for consideration in the next legislative cycle, whereas RD applications are accepted continuously.

The Montana Legislature established the RRGL Program to enhance Montana's renewable resources. The program provides both grant and loan funding for eligible renewable resource and public facility projects. The program is funded through earnings from certain natural resource-based taxes and the sale of Coal Severance Tax Bonds. RRGL provides grants up to $125,000.

TSEP is a state funded grant program administered by the Montana Department of Commerce, providing assistance to communities to address infrastructure with critical health and safety needs. TSEP provides grants up to $750,000.

RD administers water and wastewater loan and grant programs to improve the quality of life and promote economic development. Loan and grant funds are available to public entities with a population of 10,000 or less and grant eligibility/interest rates are based on the community's median household income and user rates. RD grants can be as high as 30% of project costs, however funding is limited by their annual appropriations.

Anderson Montgomery Consulting Engineers (AMCE) has prepared RRGL & TSEP applications for the City in 2000, 2006, 2008, 2012 and 2014. Each application has been successful, bringing over $2.5 million dollars to the community for water and wastewater improvements. Additionally, AMCE has been successful in obtaining Federal Stimulus (ARRA) funds for the City when they were available in the past.

After the hearing, all comments will be reviewed and considered and a recommendation will be made by the Public Works Department. Draft resolutions are attached to this memo for potential action at the 5/2/2016 council meeting.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering testimony at the public hearing and the staff report, give direction on the following options, with final action coming at the May 2nd meeting:

1. Determine an Environmental Impact Statement (EIS) is necessary;
2. Determine the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. Determine an EIS is not necessary and make a final decision on the proposed action.

This item is a legislative matter.

c) Ordinance No. 16-___; An Ordinance approving the Mkay Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish (First Reading) (p. 35)

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

Summary of Requested Action: Michael Morton of Mkay Enterprises is proposing an 18-lot preliminary plat with 41 units (13 detached single family lots, 10 attached single family lots and 18 apartment units) at 6361 and 6365 Highway 93 S. Four (4) of the apartments will be designated as affordable. The properties are undeveloped and are zoned WB-2 (Secondary Business District) and WR-1 (One-Family Residential District). The Whitefish Growth Policy designates the properties as 'General Commercial' and 'Urban'.

Planning & Building Department Recommendation: Staff recommended approval of the preliminary plat and planned unit development application dated January 15, 2016 along with the two requested zoning deviations subject to 27 conditions set forth in the attached staff report.

At the meeting, staff recommended amendments to conditions #19 and #20 and the addition of a 28th condition. The amendments were related to the proposed four (4) affordable rental apartments, the restrictive covenant and agreement with the City and the boundaries of the Planned Unit Development to not include Lot 17 of the preliminary plat.

Public Hearing: The applicant spoke at the March public hearing and three members of the public spoke at the hearing. These comments and the draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on March 17, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the project with 28 amended conditions as contained in the staff report, recommended by staff and adopted the staff report as findings of fact. The Planning Board also recommended approval of the two zoning deviations to reduce the lot size and lot width.

RECOMMENDATION: Staff respectfully recommends that the City Council, after considering the testimony at the public hearing and the recommendations from staff and the Planning Board, adopt An Ordinance approving the Mkay Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish with 28 conditions. (First Reading)

This item is a quasi-judicial matter.

COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor or Council? (p.334)
b) Other items arising between April 13th and April 18th
c) Discussion and possible authorization to proceed with a "wholly surrounded" annexation process for the area around West Lakeshore Drive (Lake Park Addition) (p. 348)

A detailed staff report and schedule for a "wholly surrounded" annexation proposal is contained in the packet. Here are excerpts:

When the Whitefish City Council met in a work session on March 3, 2014 to discuss the extent of utility connections and services provided outside of city limits and possible areas for annexation, the City Council's first priority expressed at that meeting was to annex the Houston Drive area on East Lakeshore Drive. However, that annexation has been held up by preventive litigation. For that reason, we began working on the next priority annexation area which is the area of West Lakeshore Drive on the northeast side of the railroad tracks where access is gained by the railroad crossing on State Park Road. While we won the Houston Drive lawsuit at the District Court level on March 21, 2016, that case may still be appealed and we have done a lot of work on the West Lakeshore annexation area. Also, there is heightened concern about septic leachate pollution in Dog Bay by the Whitefish State Park, so annexing the West Lakeshore area may help spur some new connections of septic systems to the municipal sewer system already in place in that West Lakeshore area – at least it would take away annexation as a disincentive to connecting onto the municipal sewer system.

This annexation is being pursued using the "Wholly Surrounded Land" method of annexation found in Title 7, Chapter 2, Part 45 of Montana Code Annotated. This separate method of annexation allows the City to annex certain property without the property owners having the right to protest and prevent the annexation. Section 7-2-4502 MCA provides as follows:

7-2-4502. Protest not available. Wholly surrounded land is annexed, if so resolved by the city or town council, whether or not a majority of the real property owners of the area to be annexed object. The question of annexing the wholly surrounded land is not subject to being voted on by the registered voters of the area to be annexed.

A Montana Attorney General Opinion provide additional legal interpretation of when property is "wholly surrounded". From Montana Attorney General Opinion

No. 41; 1987 Mont. AG LEXIS 9; 42 Op. Atty Gen. Mont. No. 41; November 18, 1987:

> While not statutorily defined, the term "wholly surrounded" was construed in Calvert v. City of Great Falls, 154 Mont. 213, 217, 462 P.2d 182, 184 (1969), to include land which, while not completely contiguous with the municipality, was nonetheless surrounded by it: "The term 'wholly surrounded' means that . . . where all lands on the side of the tract are within the city and where it is impossible to reach the tract without crossing such territory, the tract is 'wholly surrounded'."
>
> THEREFORE, IT IS MY OPINION:
>
> A parcel of land is "wholly surrounded" under section 7-2-4501, MCA, when access may be gained only by crossing through the municipality.

Given that all of these properties proposed for annexation can only gain access to their property by crossing through the municipality on a portion of West Lakeshore Drive which is already in City limits and by State Park Road, these properties are "wholly surrounded".

SCHEDULE FOR CONSIDERATION OF ANNEXATION

April 18 - City Council reviews draft memo and extension of services plan and authorizes consideration of annexation to proceed.

April 22 - City Manager mails letter and draft plan for extension of service to affected property owners. Letter includes notice of May 26th meeting with property owners.

April 22 – City Manager mails draft plan for extension of service to County, special districts, and WFSA providing them notice before approval of the report and asking if they want to consult on the orderly transfer of services pursuant to HB575 from 2011 Legislature.

May 26 - City Manager and staff meet with affected property owners at a neighborhood meeting at City Council Chambers.

June 6 – City Council considers a Resolution of Intention to annex pursuant to §7-2-4501 MCA and modifies and/or approves this report as the required plan and report on extension of services provided. After approval, make approved report available to the public.

June 15 and 22 – Publish notice as required by §7-2-4501, §7-2-4313, and §7-1-4127 MCA.

July 20 – Hold public hearing on annexation and if appropriate, adopt Resolution of annexation to annex the properties.

August 2nd - City Clerk makes and certifies a copy of the Resolution and the minutes from the July 20th meeting and files those records with the Flathead County Clerk and Recorder.

RECOMMENDATION: Staff respectfully recommends that the City Council, after reviewing the memo and plan of services for this proposed annexation, decide whether to initiate the process to consider this annexation over the next few months according to the schedule.

This item is a legislative matter.

d) Discuss request for renewal or extension of lease of Cemetery land for Veteran's Peace Park (p. 357)

Ryan Zinke, President of the foundation which owns most of the land at the Great Northern Veteran's Peace Park, has requested that we extend the lease for three parcels of land that the City owns within the Peace Park. The City owns three parcels of land which are in the Peace Park, two of which are a portion of the City's Cemetery land. These two parcels comprise most of the sledding hill. The third parcel is an undeveloped right-of-way. The original five year lease ends July 31, 2016 and Mr. Zinke has requested a ten (10) year extension on the lease. Without presuming the Mayor and City Council's wishes regarding this lease, I wanted to discuss the extension request with the Mayor and Council prior to preparing any lease or resolution.

RECOMMENDATION: Staff respectfully recommends that the City Council review the lease of land for the Veteran's Peace Park and provide direction to staff on a requested renewal of the lease.

This item is a legislative matter.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) Consideration of an email from Justin Lawrence of Lakestream Outfitters and Fly Shop for the City to initiate a text amendment to the WB-2 zoning district (p. 367)
b) Discuss and set dates for budget work sessions for FY17 budget and set date for the preliminary public hearing on the budget for the June 20th meeting (p. 368)
c) Resolution No. 16-___; A Resolution establishing the Wisconsin Avenue Corridor Plan Steering Committee (p. 369)
d) Consideration of appointing an additional representative to Whitefish Legacy Partners committees (p. 373)

ADJOURNMENT

Chuck

Sincerely,
Chuck Stearns, City Manager

Table 1: Common Motions Used in a Meeting.[1]

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Privileged Motions							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No
Subsidiary Motions							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. .	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed	No	Yes	Yes (16)	No	Majority	(4)
Main Motions							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing ... can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. .	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

[1] Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

**** Refer to Robert's Rules of Order Newly Revised***

(1) The chair decides. Normally no vote is taken.

(2) Only made by a member who voted on the prevailing side and is subject to times limits.

(3) Only the negative vote may be reconsidered.

(4) Only the affirmative vote may be reconsidered.

(5) Debatable when applied to a debatable motion.

(6) Majority with notice, or 2/3 without notice or majority of entire membership.

(7) Majority or tie vote sustains the chair.

(8) None of these motions (except Reconsider) are in order when business is pending.

(9) Rules of order, 2/3 vote—Standing rules, majority vote.

(10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).

(11) The Incidental Motions have no precedence (rank). They are in order when the need arises.

(12) A Main Motion if made when no business is pending.

(13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.

(14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.

(15) Upon a call by a single member, the Orders of the Day must be enforced.

(16) Has full debate. May go into the merits of the question which is the subject of the proposed action.

(17) A 2/3 vote in negative needed to prevent consideration of main motion.

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WHITEFISH CITY COUNCIL
April 4, 2016
7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Hildner, Feury, Barberis, Frandsen, Sweeney, and Williams. City Staff present were City Manager Stearns, City Clerk Howke, City Attorney Jacobs, Finance Director Smith, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, and Police Chief Dial. Approximately 10 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Dylan Boyle to lead the audience in the Pledge of Allegiance.

3) PRESENTATION

a) Update on City Hall and Parking Structure construction progress – Owner's Representative Mike Cronquist (p.71)

Mike Cronquist, Owner's Representative gave his update regarding the City Hall Parking Structure project, his report is included in the packet on the website. In addition to the report Mike added that they were able to reduce the last CMR by about $10,000, largely due to the efforts of Ryan Dunn. A notice was sent out today, informing the neighbors the north end of the alley will be closed. Communications with the public remains good. Since his report there is a little bit more contamination along the west wall line of the parking structure.

Councilor Frandsen asked and Mike stated the concrete tests have been going well with no problems. She also was interested in the requirements and projected time frame of getting the alley open. Mike stated the excavation along the alley needs to be backfilled to get the alley roadway stabilized, this could take up to six weeks. Councilor Frandsen also asked and Mike said the project is a month behind due to weather and the contaminated soils.

b) Annual review and consideration of approval for Whitefish Convention and Visitor Bureau marketing plan and public lodging tax budget of $90,000.00 for FY17 (p.79)

Councilor Frandsen recues herself due to the fact that she is an owner in Old Town Creative that is the agency of record for the Whitefish Convention and Visitor Bureau (WCVB).

Rhonda Fitzgerald, 412 Luper Avenue, is the Treasurer for the WCVB, gave the introduction to the presentation. Rhonda reported that every year the State celebrates the tourism industry at the Governor's conference on tourism. This year it is held in Kalispell, April 11-12, the tourism awards are Monday night, Jan Metzmaker has been nominated as Tourism Person of the Year.

Dylan Boyle, the Executive Director of the WCVB, presented the marketing plan and the FY17 budget that is provided in the packet on the website. Dylan reported State law requires approval of the marketing budget in order for WCVB to receive funds for the lodging facility use tax also known as the bed tax. The mission of the WCVB is to promote Whitefish as a premier authentic travel destination to non-resident visitors.

Councilor Hildner made a motion, second by Councilor Williams to approve the FY17 marketing plan and public lodging tax budget not to exceed $90,000. The motion passed unanimously with a 5-0 vote, Councilor Frandsen abstaining.

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) (CD: 23:00)

Allen Secher, 955 Northwoods Drive, thanked the Council for passing the Non-Discrimination Ordinance. He stated he is proud to live in Whitefish.

Rhonda Fitzgerald, 412 Luper Avenue, spoke towards the lease parking rates that are on the agenda. She urges the Council to structure the rates system in such a way that as many employees and business owners park in the garage as possible to provide off street parking to the customers. She is hoping that there be different rates for covered and un-covered parking.

Denny Gignoux, 659 West 9th Street, presented a petition to the Council from the residents that live in the county from 18th Street to 7th Street, who are wanting to live in R2 zoning rather than R3 zoning that the County is proposing. He is asking the Council to not reconstruct West 7th Street and keep it as a rural street.

5) COMMUNICATIONS FROM VOLUNTEER BOARDS (CD 28:00)

Councilor Hildner reported on behalf of the Bicycle Pedestrian Committee. Skye Park Bridge grading and paving should be completed by the end of April. The committee recognizes the problem with transients along the river. The committee is looking for a contract amendment to the Bike/Ped Master Plan update to include information in regards to construction or creation of the trail in front of Riverbend Condos. The committee would like this done prior to Riverbend Condos HOA meeting in July. There is going to be a special Bicycle Pedestrian meeting on April 18, at 8:30 a.m. in the Council Conference Room to go over the Master Plan updates.

6) CONSENT AGENDA (CD 29:29)

a) Minutes from the March 21, 2016 Council executive session (p.119)

b) Minutes from the March 21, 2016 Council regular meeting (p.120)

c) Ordinance No. 16-07; An Ordinance adding a new chapter to Title 1, Administration, of the Whitefish City Code, to establish a civil rights policy prohibiting discrimination on the basis of actual or perceived sexual orientation or gender identity or expression, creating a cause of action in the Whitefish Municipal Court, authorizing the Municipal Court to fashion civil remedies, creating a time limit under which a claim may be filed, and establishing an effective date (Second Reading) (p.129)

Councilor Hildner had corrections to the minutes on page 124 of the packet, next to the last paragraph. Change "in partial" to "in part of", then change "bit" to "bid" in the motion on the same page.

Councilor Sweeney had a correction on page 123 of the packet, in the first paragraph, second line, change "…… rock solid and demonstrated in other communities that had strived as a result" to "…… rock solid and in other communities that have enacted it have thrived as a result."

Councilor Sweeney made a motion, second by Councilor Frandsen to approve the Consent Agenda as corrected. 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))

(NONE)

8) COMMUNICATIONS FROM CITY MANAGER (CD 31:14)

a) Written report enclosed with the packet. Questions from Mayor or Council? (p.137)-None

b) Other items arising between March 30th and April 4th -None

c) Discussion and possible direction on options for leased parking in the future parking structure – number of spaces, lease rates, and other items (p.144)

City Manager Stearns gave his staff report that is included in the packet on the website. In order to put in cameras for License Plate Recognition (LPR), he is looking for a decision on the number of conduit and the location of the cameras in the parking structure.

City Manager Stearns reviewed the options for additional lease spaces on page 145 of the packet. City Manager Stearns agreed with Heart of Whitefish that it is desirable to get as many cars off of Central Avenue from employees and get them relocated, so we want the lease rate to be attractive. He met with Chris Schustrom and he pressed City Manager Stearns with a difference with covered and un-covered parking rates.

City Manager Stearns reported he is starting to anticipate in the budget a position to both maintain City Hall Parking Structure and do the enforcement of the lease parking. That position on an annual basis will cost $61,772, without any other supplies or cost. There could be an argument that not all of that should go towards parking lease, but if it is not paid for by parking leases then we will have to pay it out of property taxes.

The LPR system is nice to use since we can't have a gate at the entrance on 1st Street, due to too many vehicles would be backed up. A gate could be placed at the start of the lease section of the structure, but gates require maintenance, and are customer unfriendly. The LPR is customer friendly, and can be effective with a 90% recognition. Obviously with the dirty license plates and those covered in snow it won't recognize the plate. That is when the Parking Structure Maintenance would go and verify the license plate and enforce if need be.

City Manager Stearns walked the Council through the map on page 159 of the packet, of his thoughts on location for the conduit for the camera system. Two cameras are needed in each location, one for each direction of traffic. City Manager Stearns is looking for direction from the Council on how many locations are wanted or needed for the conduit for the camera system.

Discussion followed between Councilor Williams and City Manager Stearns regarding the number of vehicles per leased space. City Manager Stearns thought two vehicles per space, the LPR system could have options of three to four plates per space, which could be more difficult. The LPR system will send an alarm if anything is out of the ordinary. Councilor Williams felt businesses might be more incentivized if purchasing two or three lease spots and rotate through employees on shift. City Manager Stearns stated the lease will be 12-hours, and evenings and weekends the whole structure will be free and available.

Councilor Sweeney asked and City Manager Stearns stated it is going to be more of a first come first serve rather than assigned parking. With this there could be some concern with covered and un-covered parking control. The system should be able to pick up if a vehicle who is not authorized to park in covered and should be parking in un-covered parking. Councilor Sweeney also asked if 127 spaces will be leased, City Manager Stearns stated there is not a good feeling for the demand, but we could incentivize the merchants with lower rates, or discounted rates for long lease period, or quantity leasing.

Councilor Frandsen agreed to differentiate between covered and un-covered parking rates and incentivize that a little more and provide as many conduit locations as possible.

Councilor Hildner favors the three camera conduit locations that City Manager Stearns suggested. He would support the differentiation of the rate prices.

Discussion followed between Mayor Muhlfeld and City Manager Stearns regarding evening leased parking. City Manager Stearns stated the peak parking is during the day and at night parking is usually available in the 200 block of Central. The peak event parking is Farmers Market; he believes the whole parking structure should be available at night. City Manager Stearns said the system would be flexible enough to lease in the evenings. He can go back and research if other Utility Parking Structures lease in the evening. Finance Director Smith stated that with the evening leasing we need to think about the cost of enforcement for overnight parking. We have staff on hand Monday through Friday, enforcement overnight would require somebody to be on call, which would be an increased cost.

Mayor Muhlfeld stated when the goal revenue was set, it was anticipated that revenue would be used for operation and maintenance of the garage. There was never talk of creating an additional position of a lease manager. City Manager Stearns stated there was always some anticipation that some salary would need to go to operations and maintenance. We need City Hall maintenance, Parking Structure maintenance and somebody to handle the lease violations. Mayor Muhlfeld asked and City Manager Stearns stated he anticipates putting the position in the Parks and Recreation budget, which would include maintenance at the ESC to help with the HVAC system, and boiler system. Mayor Muhlfeld felt this is a more detailed discussion for the budget session.

Councilor Sweeney agrees with Mayor Muhlfeld, that the cost of operations and maintenance didn't include time a person was going to take to do that work. Since this position will have other duties outside the Parking Structure, it should not be charged to the operations and maintenance. Mayor Muhlfeld is opposed to using property tax revenue to pay for the operation and maintenance of the Parking Structure. Finance Director Smith clarified that each position is allocated across funds.

City Manager Stearns will create as much flexibility for camera positions and continue to think about lease.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 1:10:50)

a) Consideration of approving the Request for Qualifications (RFQ) for a Housing Needs Assessment in conjunction with the Whitefish Chamber of Commerce (p.153)

City Manager Stearns gave the staff report that is included in the packet on the website. Kevin Gartland with the Whitefish Chamber of Commerce, stating they were trying to link two parts of the process together and bring the assessment and the planned development under one RFQ, to be eligible for WCVB grants for phase II, unfortunately, was not able to get there. This is moving forward with the RFQ for the housing assessment.

Councilor Sweeney asked and Kevin stated the decision that is taken to the Board will come out of the selection committee. The council and the City will be represented in the selection committee.

Councilor Sweeney made a motion, second by Councilor Barberis to approve the Request for Qualifications (RFQ) for a Housing Needs Assessment. The motion passed unanimously.

b) Letter from Toby Scott regarding the South Whitefish Transportation Plan issues (p.159)-None

c) Consideration of appointing City representative to the Haskill Basin Conservation Easement Liaison Team (p.160)

Councilor Hildner made a motion, second by Councilor Sweeney to appoint Mayor Muhlfeld as a representative to the Haskill Basin Conservation Easement Liaison Team. The motion passed unanimously.

Councilor Frandsen stated that the property on Edgewood next to the O'Shaughnessy property has been slowly clearing the trailers from the property, but there is trash that needs to be cleaned up and would like Code Enforcement to look into it.

Councilor Sweeney stated that the Consent Agenda was the most pleasurable to approve in some time.

Mayor Muhlfeld suggested holding another work session in July regarding the Lion Mountain septic and sewer alternatives. Councilor Frandsen asked if this is delayed until July

are we missing an opportunity for funding for upcoming two-year period? City Manager Stearns thinks WLI would like to, through the County Water and Sewer District, put forward an application before the deadline. Even with a City Resolution for a deferral they won't have a reading on the neighborhood by that time. Such an action by the City Council would be well received by the State, he doesn't know if it is great to wait until July, he also thinks some of this needs to sink in, but also if council could give some sort of direction. Mayor Muhlfeld also thinks having a resolution passed is going to be important getting the County Commissioners on board. Mayor Muhlfeld encourages the Council to move this forward a bit more quickly. Councilor Sweeney agrees with Mayor Muhlfeld. We should think about if the financing district is in place to put the sewer in, and it is done in the next two years, we will defer for ten years. If it doesn't happen in two years, the deferral goes away.

Council has asked City Attorney Jacobs to provide a staff report that presents some option for the Council. Mayor Muhlfeld asked City Attorney Jacobs to look into if we can equitably and legally extend the option to neighborhoods that have a direct link to water quality degradation while preserving the right not to extend, that when we are looking at other areas in the City that are for example, wholly surrounded unrelated to the Whitefish Lake.

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

Mayor Muhlfeld adjourned the meeting at 8:41 p.m.

_____
Mayor Muhlfeld

Attest:

_____
Michelle Howke, Whitefish City Clerk

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P.O. Box 158 • Whitefish, MT 59937 • (406) 863-2400 • Fax: (406) 863-2419

April 12, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Mayor Muhlfeld and Councilors

Public Hearing for RRGL & TSEP Grant Applications for Wastewater Treatment Plant Design and Construction

Introduction/History

The City was issued an Administrative Order on Consent (AOC) by the Montana Department of Environmental Quality (DEQ) on October 5, 2012. The AOC was issued as a result of a several violations of the City's wastewater discharge permit. Late last year the AOC was updated to incorporate a Compliance Plan detailing the completion dates that must be met in order to bring the WWTP into compliance. The first milestone date is October 1, 2016, when the Preliminary Engineering Report (PER) is due. Upon acceptance of the PER, design plans will then be due by February 1, 2018, and construction must be completed by May 1, 2021.

Current Report

In order to reach these compliance dates, the Public Works Department is recommending the City submit grant and loan applications to the DNRC-Renewable Resource Grant & Loan Program (RRGL), the MDOC-Treasure State Endowment Program (TSEP) and the USDA-Rural Development Grant Program (RD). RRGL and TSEP grants are due in May for consideration in the next legislative cycle, whereas RD applications are accepted continuously.

The Montana Legislature established the RRGL Program to enhance Montana's renewable resources. The program provides both grant and loan funding for eligible renewable resource and public facility projects. The program is funded through earnings

from certain natural resource-based taxes and the sale of Coal Severance Tax Bonds. RRGL provides grants up to $125,000.

TSEP is a state funded grant program administered by the Montana Department of Commerce, providing assistance to communities to address infrastructure with critical health and safety needs. TSEP provides grants up to $750,000.

RD administers water and wastewater loan and grant programs to improve the quality of life and promote economic development. Loan and grant funds are available to public entities with a population of 10,000 or less and grant eligibility/interest rates are based on the community's median household income and user rates. RD grants can be as high as 30% of project costs, however funding is limited by their annual appropriations.

Financial Requirement

Anderson Montgomery Consulting Engineers (AMCE) has prepared RRGL & TSEP applications for the City in 2000, 2006, 2008, 2012 and 2014. Each application has been successful, bringing over $2.5 million dollars to the community for water and wastewater improvements. Additionally, AMCE has been successful in obtaining Federal Stimulus (ARRA) funds for the City when they were available in the past.

Recommendation

The purpose of this hearing is to obtain public comments regarding the proposed RRGL & TSEP grant applications for a proposed project that will consider significant improvements to the City's wastewater treatment facilities. As required by the Montana Environmental Policy Act (MEPA) and MDOC regulations, the City of Whitefish has prepared an Environmental Assessment (EA) that evaluates the potential environmental effects and consequences of the proposed project. Council has the following options with respect to the EA:

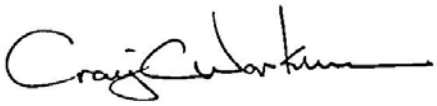
1. Determine an Environmental Impact Statement (EIS) is necessary;
2. Determine the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. Determine an EIS is not necessary and make a final decision on the proposed action.

After the hearing, all comments will be reviewed and considered and a recommendation will be made by the Public Works Department. Draft resolutions are attached to this memo for potential action at the 5/2/2016 council meeting.

Sincerely,

Craig Workman, P.E.
Public Works Director

Sincerely,



Craig Workman, P.E.
Public Works Director

Resolution to Authorize Submission of a TSEP Application

Each application for TSEP funds must be accompanied by a copy of a resolution formally adopted by the applicant and authorizing:

DRAFT

- the submission of the TSEP application in compliance with the TSEP Application Guidelines, and
- the applicant's chief elected official or chief executive officer to act on its behalf in regard to the application and to provide such additional information as may be required.

The resolution must also indicate the governing body's intent to commit to any funding for the project that will be provided by the applicant.

Applicants must have the legal jurisdiction and authority to finance, operate and maintain the proposed facility and, where applicable, must have the demonstrated financial capacity to repay any debt incurred. In all cases, the applicant assumes complete responsibility for proper financial management of the TSEP funds awarded to it and compliance with all State laws and regulations. Pursuant to Section 2-7-504, MCA, all TSEP recipients must be able to demonstrate that their financial management systems meet generally accepted accounting principles before Commerce will disburse TSEP funds for a local project.

See sample resolution on next page.

Resolution # _____

City of Whitefish

Resolution to authorize submission of TSEP application

WHEREAS, the City of Whitefish is applying to the Montana Department of Commerce for financial assistance from the Treasure State Endowment Program (TSEP) for partial funding of improvements described as the Whitefish 2016 Wastewater Treatment System Improvements Project;

WHEREAS, the City of Whitefish has the legal jurisdiction and authority to construct, finance, operate, and maintain the City of Whitefish Wastewater Treatment System;

That the City of Whitefish agrees to comply with all State laws and regulations and the requirements described in the TSEP Application Guidelines and those that will be described in the TSEP Project Administration Manual;

That the City of Whitefish commits to provide the amount of matching funds as proposed in the TSEP application; and

That Charles C. Stearns, City Manager, City of Whitefish is authorized to submit this application to the Montana Department of Commerce, on behalf of City of Whitefish, to act on its behalf and to provide such additional information as may be required.

Signed: _____

Name: _____

Title: _____

Date: _____

Attested: _____

DRAFT

Environmental Review Form

On a separate piece of paper, please answer the following as they apply to your proposed project:

DRAFT

1. **Alternatives:** Describe reasonable alternatives to the project.

2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.

3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required, and explain in detail why or why not.

4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.

5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.

6. **Other Agencies**: List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment (EA).

_____ _____

Charles C. Stearns, City Manager Date

City of Whitefish

Resolution # _____

City of Whitefish

Wastewater Treatment Plant Upgrade Environmental Review

DRAFT

WHEREAS, the City of Whitefish has completed an assessment to identify potential environmental impacts associated with improvements to the Whitefish wastewater treatment plant;

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received or public comment was received and responded to;

WHEREAS, The City of Whitefish has determined that the 2016 Wastewater Treatment Plant Improvements Project will not significantly affect the quality of the human environment and accordingly the City of Whitefish has determined an Environmental Impact Statement is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the Whitefish City Council as follows;

That City of Whitefish, Montana adopts the final Environmental Assessment for the wastewater system improvements project.

Passes and approved on this date of

_____

Name: _____

Signed: _____

Title: _____

Date: _____

Attested: _____

P.O. Box 158 • Whitefish, MT 59937 • (406) 863-2400 • Fax: (406) 863-2419

City of Whitefish

NOTICE FOR PUBLIC HEARING

The City of Whitefish will hold a public hearing on Monday, April 18, 2016, at 7:10 p.m., in the Whitefish City Council Chambers at 1005 Baker Avenue, Whitefish MT 59937 for the purpose of obtaining public comments regarding proposed Montana DNRC Renewable Resource and MDOC Treasure State Endowment Program grant applications for a proposed project that will consider significant improvements to the City's wastewater treatment facilities. At the public hearing, the proposed project will be explained, including the purpose and proposed location of the project, activities, budget, possible sources of funding, and potential costs to City ratepayers. As required by the MEPA and MDOC regulations, the City of Whitefish has prepared an Environmental Assessment (EA) that evaluates the potential environmental effects and consequences of the proposed project. This notice announces the availability of the EA for public review and comments. All interested persons will be given the opportunity to ask questions and to express their opinions regarding this proposed project. Comments may be given orally at the hearing or submitted in writing. After the hearing, all comments will be reviewed and considered and the City of Whitefish will decide that either:

1. An Environmental Impact Statement (EIS) is necessary;
2. The Environmental Assessment did not adequately reflect the issues raised by the proposed action and must be revised; or
3. An EIS is not necessary and make a final decision on the proposed action

Anyone who would like more information or who wants to submit suggestions should Contact Craig Workman P.E., Whitefish Director of Public Works @ 863-2455 or Anderson-Montgomery Consulting Engineers @ 449-3303.

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ORDINANCE NO. 16-___

An Ordinance of the City Council of the City of Whitefish, Montana, approving the Mkay Enterprises Preliminary Plat and Planned Unit Development, to develop 18 lots located at 6361 and 6365 Highway 93 South, Whitefish.

WHEREAS, Michael Morton of Mkay Enterprises (Applicant), applied to the Whitefish Planning and Building Department for a Preliminary Plat and Planned Unit Development (PUD) overlay to develop 9.48 acres into 41 units (18 apartment units, 10 attached single family units and 13 detached single family units), on the real property at 6361 and 6365 Highway 93 South, and legally described as Tracts 1BDB and 1BD in Section 1, Township 30 North, Range 22 West, P.M.M., Whitefish, Flathead County (WPP 15-07/WPUD 15-01); and

WHEREAS, in exchange for the zoning deviations, the applicant proposes the following community benefits: 1) provide four (4) affordable rental units within the multi-family portion of the project; 2) extend Whitefish Avenue to the southern extent of the project; 3) construct a new east-west public right-of-way which will connect Highway 93 South to Whitefish Avenue; and 4) construct a 10-foot wide paved trail for public use within a 20-foot easement dedicated to the City along the Whitefish River which will connect to the public trail to the north; and

WHEREAS, in response to such application for PUD, the Whitefish Planning & Building Department prepared Staff Report WPP 15-07/WPUD 15-01, dated March 10, 2016, which reviewed and analyzed the proposed Preliminary Plat and PUD, deviations to the zoning standards regarding minimum lot area and minimum lot width, and recommended that the Whitefish City Council approve the proposed Preliminary Plat and PUD, adopt the proposed findings of fact, grant the deviations to zoning, all subject to 28 conditions of approval; and

WHEREAS, following adjacent landowner notice, at a lawfully noticed public hearing on March 17, 2016, the Whitefish Planning Board received an oral report from Planning Staff and Application, reviewed the Preliminary Plat/PUD staff report WPP 15-07/WPUD 15-01, proposed findings of fact, deviation to the zoning and the 28 conditions of approval, invited public comment, discussed the proposed preliminary plat and PUD, deviations to zoning, amended the proposed conditions of approval and thereafter recommended approval of the subdivision and PUD, subject to 28 conditions of approval, as amended and attached as Exhibit "A"; and

WHEREAS, at a lawfully noticed public hearing on April 18, 2016, the Whitefish City Council received an oral report from Planning Staff and Applicant, reviewed the Mkay Enterprises Staff Reports WPP 15-07/WPUD 15-01, proposed findings of fact, deviations to the zoning, subject to 28 conditions of approval in favor of the subdivision and PUD, the Planning Board's recommendation of approval of the subdivision and PUD, the zoning deviations and subdivision variances and amended conditions of approval, invited public comment, and thereafter voted to approve the Mkay Enterprises Subdivision and PUD, March 10, 2016 Staff Reports, WPP 15-07/WPUD 15-01, Findings of Fact, deviations to zoning, , all subject to the amended 28 conditions of approval attached as Exhibit "A", and incorporated herein by reference; and; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the Subdivision, PUD, Staff Report WPP 15-07/WPUD 15-01, and zoning deviations,

subject to the 28 conditions of approval, attached as Exhibit "A", and adopt the Findings of Fact.

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

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

Section 2: The City Council hereby approves the Mkay Enterprises Preliminary Plat and Planned Unit Development, and zoning deviations, subject to 28 conditions of approval, shown on Exhibit "A", Staff Report WPP 15-07/WPUD 15-01, and adopts the Findings of Fact.

Section 3: The City Council hereby approves the requested Mkay Enterprises Subdivision Planned Unit Development to overlay the real property to develop 6.82 acres into 41 dwelling units on 17 lots, subject to the conditions of approval, shown on Exhibit "A".

Section 4: The official zoning map of the City of Whitefish, Montana, shall be amended, altered and changed to provide that the real property identified as: Beginning at the northwest corner of Tract 1 of COS 11155 (the true point beginning for the original COS). Thence S89º 36' 26"E 394.71 feet to the true point of beginning of the PUD legal description. Thence continuing S89º 36' 26"E 850.50 feet. Thence S00º 02' 45"E 330.00 feet. Thence N89º 36' 26.00"W 878.78 feet. Thence N04º 51' 18"E 330.99 feet to the PUD point of beginning in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana, shall have a Planned Unit Development Overlay, which shall modify the requirements of the underlying WR-1 (One Family Residential District) and WB-2 (Secondary Business District) zones and shall be subject to all of the requirements shown on Exhibit "A".

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

Section 6: 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 7: 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 _____, 2016.

_____
John M. Muhlfeld, Mayor

ATTEST:

_____
Michelle Howke, City Clerk

Exhibit "A"
Mkay Enterprises Subdivision
WPP 15-07/WPUD 15-01
Approved Zoning Deviation and
Conditions of Approval

Zoning Deviations:

- Minimum Lot Area Varied, but less than the WR-1 zoning standards
- Minimum Lot Width Varied, but less than the WR-1 zoning standards.

Conditions of Approval:

1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.

2. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as "approved plans" by the City Council.

3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)

4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)

5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works. 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. A road extension of Whitefish Avenue shall be fully constructed to the southern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of this roadway extension shall be determined by the Public Works Director. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)

7. A 60-foot right-of-way shall be fully constructed connecting Highway 93 South to Whitefish Avenue with Phase I of the subdivision. The full 60-foot right-of-way shall be dedicated to the City. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)

8. A new approach permit shall be obtained from Montana Department of Transportation. Road plans shall be submitted to MDT for review and approval – this shall also include the drainage plan. (Finding 1)

9. The applicant shall work with the Public Works Department and Montana Department of Transportation on appropriate intersection improvements at Highway 93 South, including conduit for a future stop light. (Finding 1, 8)

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

12. 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)

13. The Whitefish trail shall be installed the entire length of the Whitefish River frontage connecting to trail in the Rivers Edge subdivision. The final details of the trail installation shall be submitted to the Public Works Department for review and approval. (Finding 4; Subdivision Regulations §12-4-11; Pedestrian-Bicycle Plan, 1999)

14. The developer shall enter into a perpetual public access easement agreement with the City of Whitefish for the Whitefish River trail. This easement shall be recorded with the first phase of the subdivision. (Finding 4)

15. 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 signage – limiting public access and identifying the path for foot traffic only, outdoor lighting, weed abatement, 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; Subdivision Regulations §12-4-11)

16. The installation of both the public and private trails shall meet the full requirements of the Water Quality Protection regulations and, if necessary, the Floodplain regulations. (Zoning Regulations §11-3-29 and §11-7-10)

17. Refuse disposal areas shall be reviewed and approved by the Public Works Department and North Valley Refuse. (Engineering Standards, 2009)

18. Architectural Review approval is required for the multi-family structures prior to the issuance of a building permit. (Zoning Regulations §11-3-3)

19. The applicant shall provide the City a financial guarantee in the amount of the cash in lieu of affordable housing pursuant to the Planned Unit Development regulations with Phase I of the plat. This financial guarantee, in the amount of $328,000.00, shall be held by the City until such time as the four (4) affordable units are constructed and the Affordable Rental Housing Restrictive Covenant and Agreement with the City has been recorded on Lot 16. In the event the preliminary plat expires or the applicant fails to construct the units, the City shall use the financial guarantee to put toward affordable housing needs within the City limits. (Finding 7, Zoning Regulations §11-2S-3B(1), Resolution No. 15-39)

20. Four (4) affordable apartments shall be designated within Lot 16. A maximum of two (2) affordable apartments shall be designated per building. Apartments shall have a variety of number of bedrooms and location to serve the greatest variety of clients. The applicant shall enter to an Affordable Rental Housing Restrictive Covenant and Agreement with the City to ensure long-term affordability. This Affordable Rental Housing and Restrictive Covenant and Agreement shall be submitted to the Planning Department for review and recorded on Lot 16 at the time of final plat. (Zoning Regulations §11-2S-3B; Finding 7)

21. 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)

22. Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16. (IFC; Finding 1)

23. The following notes shall be placed on the face of the plat:

- House numbers shall be located in a clearly visible location.
- Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16.

(Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)

24. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)

25. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) 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.
- Long-term maintenance plan for drainage and storm water management facilities.
- The cul-de-sac shown on the final plat is intended to be privately owned and maintained and open to the public. It is understood and agreed that these internal roadways do not conform to City requirements for public roadways. Because of the road configuration, grades and right-of-way widths, these roads are not suitable for all-season maintenance by the public authority. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadway by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadway will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadways. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any government agency or public authority. (Finding 3; Subdivision Regulations §12-4-30; City Engineering Standards, 2009)

26. This approval does not grant any approval or residential density to Lot 17. Any residential development of Lot 17 will be subject to a new PUD application. (Zoning Regulations, §11-2S)

27. The Mkay Enterprises preliminary plat and planned unit development is approved for three years from Council action. (Subdivision Regulations, §12-3-8)

28. Provide a legal description so that the Planned Unit Development overlay only includes Lots 1-16 and Lot 18.

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

April 12, 2016

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

RE: Mkay Enterprise, 6361 Highway 93 S; (WPP 15-07/WPUD 15-01)

Honorable Mayor and Council:

Summary of Requested Action: Michael Morton of Mkay Enterprises is proposing an 18-lot preliminary plat with 41 units (13 detached single family lots, 10 attached single family lots and 18 apartment units) at 6361 and 6365 Highway 93 S. Four (4) of the apartments will be designated as affordable. The properties are undeveloped and are zoned WB-2 (Secondary Business District) and WR-1 (One-Family Residential District). The Whitefish Growth Policy designates the properties as 'General Commercial' and 'Urban'.

Planning & Building Department Recommendation: Staff recommended approval of the preliminary plat and planned unit development application dated January 15, 2016 along with the two requested zoning deviations subject to 27 conditions set forth in the attached staff report.

At the meeting, staff recommended amendments to conditions #19 and #20 and the addition of a 28th condition. The amendments were related to the proposed four (4) affordable rental apartments, the restrictive covenant and agreement with the City and the boundaries of the Planned Unit Development to not include Lot 17 of the preliminary plat.

Public Hearing: The applicant spoke at the March public hearing and three members of the public spoke at the hearing. These comments and the draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on March 17, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval of the project with 28 amended conditions as contained in the staff report, recommended by staff and adopted the staff report as findings of fact. The Planning Board also recommended approval of the two zoning deviations to reduce the lot size and lot width.

Proposed Motion:

- I move to approve WPP 15-07/WPUD 15-01, adopt the Findings of Fact in the staff report, the 28 conditions of approval and the request zoning deviations to lot area and width, as recommended by the Whitefish Planning Board on March 17, 2016.

This item has been placed on the agenda for your regularly scheduled meeting on April 18, 2016. 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: Whitefish Planning Board Recommended Conditions of Approval
Minutes, Planning Board Meeting, 3-17-16

Exhibits from 3-17-16 Staff Packet

1. Staff Report – WPP 15-07/WPUD 15-01, 3-10-16
2. Element Review, 1-26-16
3. Sufficiency Review, 2-11-16
4. Adjacent Landowner Notice, 2-26-16
5. Advisory Agency Notice, 2-26-16
6. Email, James Freyholtz, MDT 3-9-16
7. Letter, Spivy, 3-10-16

The following were submitted by the applicant:

8. Applications for Preliminary Plat/Planned Unit Development + Addendums 1-3, 1-15-16

The following items were submitted at the Planning Board Hearing:

9. WF Zoning Map, Bruce Boody
10. Letter, Spivey, 3-17-16
11. Letter, Citizens for a Better Flathead, 3-17-16

The following items were submitted after the March 2016 Planning Board meeting:

12. Letter, Siegfried, 3-29-16

c: w/att Michelle Howke, City Clerk

c: w/o att Mkay Enterprises, Michael Morton PO Box 997 Whitefish, MT 59937

Bruce Boody, Bruce Boody Landscape Architect Inc 301 E 2nd Street, suite 1B Whitefish, MT 59937

Exhibit A
Mkay Enterprises
WPP 15-07/WPUD 15-01
Whitefish Planning Board
Recommended Conditions of Approval
March 17, 2106

The Planning Board recommended approval of the following requested zoning deviations:

- **Minimum Lot Area.**
- **Minimum Lot Width.**

And the following Conditions of Approval:

1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.

2. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as "approved plans" by the City Council.

3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish's design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)

4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage,

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

5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works. 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. A road extension of Whitefish Avenue shall be fully constructed to the southern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of this roadway extension shall be determined by the Public Works Director. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)

7. A 60-foot right-of-way shall be fully constructed connecting Highway 93 S to Whitefish Avenue with Phase I of the subdivision. The full 60-foot right-of-way shall be dedicated to the City. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)

8. A new approach permit shall be obtained from Montana Department of Transportation. Road plans shall be submitted to MDT for review and approval – this shall also include the drainage plan. (Finding 1)

9. The applicant shall work with the Public Works Department and Montana Department of Transportation on appropriate intersection improvements at Highway 93 S, including conduit for a future stop light. (Finding 1, 8)

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

12. 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)

13. The Whitefish trail shall be installed the entire length of the Whitefish River frontage connecting to trail in the Rivers Edge subdivision. The final details of the trail installation shall be submitted to the Public Works Department for review and approval. (Finding 4; Subdivision Regulations 12-4-11; Pedestrian-Bicycle Plan, 1999)

14. The developer shall enter into a perpetual public access easement agreement with the City of Whitefish for the Whitefish River trail. This easement shall be recorded with the first phase of the subdivision. (Finding 4)

15. 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 signage – limiting public access and identifying the path for foot traffic only, outdoor lighting, weed abatement, 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; Subdivision Regulations §12-4-11)

16. The installation of both the public and private trails shall meet the full requirements of the Water Quality Protection regulations and, if necessary, the Floodplain regulations. (§11-3-29, §11-7-10)

17. Refuse disposal areas shall be reviewed and approved by the Public Works Department and North Valley Refuse. (Engineering Standards, 2009)

18. Architectural Review approval is required for the multi-family structures prior to the issuance of a building permit. (Zoning Regulations §11-3-3)

19. ~~The phasing plan shall be amended to include Lot 16 with Phase 1 of the final plat.~~ The applicant shall provide the City a financial guarantee in the amount of the cash in lieu of affordable housing pursuant to the Planned Unit Development regulations with Phase I of the plat. This financial guarantee, in the amount of $328,000.00, shall be held by the City until such time as the four (4) affordable units are constructed and the Affordable Rental Housing Restrictive Covenant and Agreement with the City has been recorded on Lot 16. In the event the preliminary plat expires or the applicant fails to construct the units, the City shall use the financial guarantee

to put toward affordable housing needs within the City limits. (Finding 7, §11-2S-3B(1), Res. 15-39)

20. Four (4) affordable apartments shall be designated within Lot 16. A maximum of two (2) affordable apartments shall be designated per building. Apartments shall have a variety of number of bedrooms and location to serve the greatest variety of clients. The applicant shall enter to an Affordable Rental Housing Restrictive Covenant and Agreement with the City ~~Whitefish Housing Authority will manage the apartments~~ to ensure long-term affordability. This Affordable Rental Housing Restrictive Covenant and Agreement ~~management agreement~~ shall be submitted to the Planning Department for review and recorded on Lot 16 ~~along with Phase 1~~ at the time of ~~the~~ final plat. ~~These units shall be constructed prior to submitting an application for Phase 2 final plat.~~ (Zoning Code §11-2S-3B; Finding 7)

21. 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)

22. Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16. (IFC; Finding 1)

23. The following notes shall be placed on the face of the plat:
    - House numbers shall be located in a clearly visible location.
    - Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16.

    (Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)

24. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)

25. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) 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.
    - *The cul de sac shown on the final plat is intended to be privately owned and maintained and open to the public. It is understood and agreed that these internal roadways do not conform to City requirements for public roadways. Because of the road configuration, grades and right-of-way widths, these roads are not*

suitable for all-season maintenance by the public authority. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadway by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadway will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadways. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any government agency or public authority. (Finding 3; Subdivision Regulations §12-4-30; City Engineering Standards, 2009)

26. This approval does not grant any approval or residential density to Lot 17. Any residential development of Lot 17 will be subject to a new PUD application. (Zoning Regulations, §11-2S)

27. The Mkay Enterprises preliminary plat and planned unit development is approved for three years from Council action (Subdivision Regulations, §12-3-8)

28. <u>Provide a legal description so that the Planned Unit Development overlay only includes Lots 1-16 and Lot 18.</u>

	footprint size. Planner Compton-Ring said that was just saying it was meeting all the zoning requirements, except for the height they were requesting, and that Finding No. 5 might be more appropriate, and Chair Meckel concurred with her opinion. Rebecca also suggested that the criteria of the community benefit has not been met, which is what Mayre Flowers was also saying, but Chair Meckel said the Board members disagree with Finding No. 5 having to do with the neighborhood impact. Planner Compton-Ring said she had enough information.
PUBLIC HEARING 2: MKAY ENTERPRISES, LLC PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT 8:40 pm	A request by Mkay Enterprises, LLC, for a Preliminary Plat and Planned Unit Development for an 18-lot subdivision with 13 detached single family homes, 10 attached single family homes (two 5-plexes), 18 apartment units in three buildings and one commercial lot. The property is zoned WB-2 (Secondary Business District) and WR-1 (One-Family Residential District). It is located at 6361 & 6365 Highway 93 S and can be legally described as Tract BDB & 1BD in Section 1, Township 30N, Range 22W.
STAFF REPORT WPP 15-07 / WPUD 15-01 (Compton-Ring)	Senior Planner Compton-Ring reviewed her staff report and findings. After the packets were assembled, one letter of concern was received and included in the packets. The questioned townhouses are a permitted use in PUD requests and the level of community benefit. In reviewing the definition of townhouses it is more of a construction standard, but if you look at the definition for multifamily, what the developer is proposing is technically under our definition considered multifamily, and multi-family is a permitted use in the zone in the PUD Chapter. The PUD request is predicated on the building of four affordable housing units. The Staff Report recommended a condition of approval that those units were built with Phase 1, and in follow-up conversations with the developer after the Staff Report came out, they came up with another suggestion. This option would be to give the City a financial guarantee that the units would be built with Phase 2. The developer would provide a financial guarantee in the amount of the cash-in-lieu of providing affordable housing pursuant to the $8,000.00 per unit adopted by the Council, which would equal $8,000.00 times the proposed 41 units. The City would hold this amount until the four units are built. Planner Compton-Ring handed out two amended conditions of approval (#19 and #20), one new Condition of Approval (#28) and read them into the record. Staff recommended adoption of the findings of fact and conditions of approval within staff report WPP 15-07/WPUD 15-01, and for **approval** to the Whitefish City Council.

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BOARD QUESTIONS OF STAFF	Rebecca asked if the public has had an opportunity to look at the changes brought tonight, and Planner Compton-Ring replied no, that is why she read them into the record. Richard asked whether he understood correctly that the agreement regarding affordable housing is an agreement with the City, not the Affordable Housing Authority, and Planner Compton-Ring replied that was correct. Richard wondered if we have or need to make some administrative rules about how we would deal with them since we do not own those types of properties. Planner Compton-Ring confirmed the property owners would still own the properties. As she understands, the City does have an agreement with the Whitefish Housing Authority to do certain types of work and this falls within their realm of action, and the agreement reads those will remain affordable in perpetuity. They have been drafting one for the Whitefish Crossing project, and that template will be used for this project, too.
APPLICANT / AGENCIES	Michael Morton, managing general partner of Mkay Enterprises, PO Box 907 in Whitefish, the applicant before us tonight. He has lived here for 30 years, raised six children in this community, and been involved in other real estate developments. He owned and operated the Chalet Motel, the old Mountain Holiday Motel and the Cheap Sleep Hotel. He currently owns and operates the Whitefish RV Park. Bruce Boody, the project manager and landscape architect is here, along with Ron Nash, the architect for this project and Andy Bestwick, the engineer from TD&H. Mr. Morton said he agrees with the Planning staff's recommendations and conditions, accepts them all and will honor and fulfill them all. Obviously the PUD is an exchange of benefits. He gets a benefit that he would not otherwise be entitled to, to develop 41 units, and the City is entitled to benefits in exchange. Mr. Morton reviewed the project benefits. This is a beautiful site, there are some gorgeous trees on this site – big, tall Ponderosa Pines. When he purchased the site and had the first surveys ordered in the planning process, he asked the surveyors to identify every tree in excess of 8" in diameter, and the green circles on the plats are those trees. They are very conscientious of those trees, endeavored to plan around them, and will continue to preserve and protect all the trees they can. The CC&Rs of this project will require approval from the architectural control committee and homeowner's association before any trees can be cut on the property. If the Planning Board chooses to approve this project, Mr. Morton promised we would not end up with a Greenwood Trailer Park. The project will be very nicely landscaped and preserved.

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Rebecca had questions about the trail not being ADA compliant and asked whether there was a way they could get it paved and make it ADA compliant. Mr. Morton replied the idea of the easement from Whitefish Avenue back to the trail was to 1) provide a buffer and create a setback for the houses that border their project to the north, and 2) to provide an opportunity for their residents to get to the River. It is not required to make it ADA compliant, a public trail would be cost prohibitive and take more property. They are trying to provide a positive benefit to the neighbors and ease the traffic that might otherwise go through Rivers Edge Subdivision to get to the Whitefish River Trail. It is not impossible, but it is impractical, and this design provides a nice benefit.

Richard wondered about the requirement to be a member of HOA and the affordable housing component. He is worried it may be an excuse or a way to remove people utilizing the affordable housing component. Mr. Morton replied there is no advantage to kicking out an affordable housing client, because he would just get another one. He has not considered whether someone utilizing affordable housing could afford it. He thinks it could be a consideration, and possibly that fee could be waived for the four affordable housing units. He will work with Lori at the Housing Authority to take that into consideration.

Richard asked about the width of Akers Lane and the possibility of a left-turn lane being striped into that – is there enough room for three lanes and a few extra inches. Mr. Morton referred the question to Andy Bestwick with TD&H Engineering. Mr. Bestwick said the 36' is something they could expand if need be, but he is not sure what the minimum width is in Whitefish, but it is something they could look at. Richard asked Planner Compton-Ring if it is a logical Condition to include a striped left-turn lane and she replied Condition No. 9 as it is written, "[t]he applicant shall work with the Public Works Department and Montana Department of Transportation on appropriate intersection improvements at Highway 93 S, including conduit for a future stop light," gives adequate flexibility for the engineers to solve the problem. If they think a left-turn lane is needed, then it gives them the flexibility to have the applicant put it in. Mr. Bestwick said if you have 36', you would have 12' for three lanes, so that should be workable.

Rebecca asked Mr. Morton if the cul-de-sac will be maintained by the homeowners' association and he replied it would be.

John asked with regard to Lot 11, is anything requires them to require Lot 11 to go onto the cul-de-sac or could it have a driveway on Whitefish Avenue. Mr. Morton replied city staff requested no driveways be off from

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	Whitefish Avenue. Richard said we have been encouraging not to have the construction of garage forward houses in our developments for multifamily, and he wanted to make sure that was considered throughout the development? Planner Compton-Ring said that would be part of architectural review, but it is not a requirement for single-family. She pointed out the design of the two five-plexes front the other way so no driveways will go onto Whitefish Avenue. Bruce Boody, 301 2nd Street, Suite 1B in Whitefish, wanted to thank Wendy and Dave for working on this and accommodating all their changes. He mentioned issues brought up by the public and further described how they arrived at the acreage to determine density on the project. Because in Whitefish, the zoning boundaries are not surveyed boundaries, they are a line on a map, so when he met with Planner Compton-Ring early on in the project, he told her how they determined the distance from the Highway to where to set that line. He handed out a one-page drawing to describing the boundaries and provided a detailed description to the Board. Regarding the access trail, the ground is really steep there. If the property is 330' from north to south, to make an ADA compliant access trail it would be somewhere in the range of 550-600 lineal feet, so they would have to do the full length of the property, do a switchback and come all the way back across the property to make an ADA compliant access trail and they would be doing that on 30% slopes. So they would not be preserving the River buffer zone if they cut the trail. If we get the extension of Whitefish Avenue south through two adjacent properties, Les Schwab and Dalen, the River trail will have public access to the Rocksund Bridge and access from Shiloh Avenue as well.
PUBLIC COMMENT	Don Spivey, 117 Park Knoll Lane in Whitefish really does not have any real problem with this development now. Most of his needs and questions have been satisfied. He supports it now. In the two-page memo he provided, he talked about what a townhouse is and he thinks that is a moot point now but he wanted to clarify why he made that position and he does know what the rules are with the definition of a multi-family is as well. He likes townhouses and supports the PUD. He backed away from the limitation simply because he thinks the regulations are going to be fixed anyway in the rewrite of this regulation that has been authorized, much with help from the Planning Board. Mr. Spivey asked Planner Compton-Ring whether Lot 17 is no longer in the PUD as he missed what she had said earlier. Planner Compton-Ring replied that is correct, and will be added as a Condition No. 28, and the information received from Bruce Boody today has a legal description for everything except for Lot 17.

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Mr. Spivey further read from his memo. He asked the Board consider all his comments, including those regarding traffic problems with both proposals tonight.

Barbara Morris, 1 Rockwood Creek Court in Whitefish, spoke in favor of the Mkay Housing project. Homeowners of Rivers Edge are very pleased the current plan with housing units designed to be consistent with the existing zoning regulations for the entire lot. The plan has evolved with a number of specific changes beneficial to the project, its future residents and the homeowners at Rivers Edge. One of the most noteworthy is that the multi-family units which had originally been on the east side of Whitefish Avenue have now all been replaced by single-family homes, which mirror the profile of Rivers Edge. After reading the application, she knows all the right things are being done to protect the River along the length of this project, and the pedestrian bike path will be extended which will be greeted with lots of enthusiasm by heavy users around town including those at Rivers Edge. The new project includes a walking path for its residents down to the River, along which the developer as agreed to install a natural buffer between the path and the backyards of the homes along the path to protect the privacy of homeowners. The configuration of the lights will minimize glare. She is pleased with changes which will benefit both the residents of Rivers Edge and their neighbors and wished Mr. Morton good luck as the project proceeds.

John Lowell, 9 Rock Creek Court in Whitefish, said he has probably the largest property boundary with the Mkay project, with probably about 100' of shared lot line, and supports the project as written. Regarding Rebecca's question on making the trail ADA compliant, there is an ADA compliant path about 100' yards north of where the trail is now in Rivers Edge. To try to make that trail ADA compliant down that steep, unstable bank, would require essentially logging the entire area and re-landscaping it in order to put in a trail of adequate width and stability. He recommends since it is right next door to his place that we try to leave it natural and maybe a little more primitive the way it is, as it also serves a wildlife corridor.

Mayre Flowers, Citizens for a Better Flathead, 35 4th Street West in Kalispell, asked the record reflect the written comments she provided, and read, were compiled prior to knowledge of the changes indicated here this evening. She appreciates the fact the developer has stepped forward to address the concerns of the neighbors. The comments in her memo are particular to the real need to rewrite the PUD regulations and the ultimate need to revise the zoning regulations. Ms. Flowers read her memo into the record and identified the following concerns/comments: zoning

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	boundaries, properties with multiple zoning districts, defined multi-family as a commercial use; therefore, not permitted in a residential PUD, as it is not complimentary to existing uses, protection of the trees and transportation. Given that the Board has now recommended a denial for the hotel, she asked the Staff Report reflect the Board and staff consider any implications that might have for the building of the road that they were proposing to build in association with their development. She thinks the point raised earlier about the homeowners' association fees is important for the affordable housing component. Also, she thinks the left-turn lane on Akers Lane is an important option to consider. Michael Morton said he has been reminded that the homeowners' association dues are paid by the owners of the building, not by the tenants, so that will not be an issue.
MOTION / BOARD DISCUSSION	Ken S. moved and Rebecca seconded to adopt the findings of fact within staff report WPP 15-07/WPUD 15-01, with the twenty-eight (28) Conditions of Approval, as proposed by City Staff. Ken S. said Mr. Morton said the tree retention is part of covenants and he does not see why it needs to be a separate condition. Rebecca asked and Planner Compton-Ring responded the applicant had a tree retention plan as one of their application submittals and the covenants are also approved by Council. Richard thought the CC&Rs would cover the issue.
VOTE	Jim called for the question and the motion passed unanimously. The matter is scheduled to go before the Council on April 18, 2016.
NEW BUSINESS 9:46 pm	None.
GOOD AND WELFARE 9:47 pm	1. Matters from Board. Rebecca asked Director Taylor if the County Commissioners have voted on any of the new doughnut changes and he replied the Commissioners voted on it two or three weeks ago and are currently in the comment-taking period. The Mayor sent a letter to the Commissioners last week still outlining some concerns about Karrow, but also thanking them for streamside setback they adopted to protect our watershed. He does not believe they have another vote on it as it has already been adopted but there is a period of waiting. 2. Matters from Staff. None.

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MKAY ENTERPRISES
STAFF REPORT
PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT
WPP 15-07/WPUD 15-01
March 10, 2016

A report to the Whitefish Planning Board and the Whitefish City Council regarding a request by Mkay Enterprises, for a Preliminary Plat and a Planned Unit Development for 41 units (18 apartment units, 10 attached single family units and 13 detached single family units) in three (3) phases on 18 lots on 9.48 acres located to the east of Highway 93 S and south of Whitefish Avenue. A public hearing is scheduled before the Whitefish Planning Board on March 17, 2016 and a subsequent hearing is set before the City Council on April 18, 2016.

I. PROJECT SCOPE

The applicant is proposing an 18-lot subdivision (13 detached single family lots, 10 attached single family lots and 18 apartment units) on a total of 9.48 acres. Gross density over the entire site is 4.32 dwelling units per acre or 6.26 dwelling units per acre without Lot 17 (the commercial lot). The project is designed to locate the higher density residential on the western portion of the project with the medium density attached single family in the center of the project and detached single family lower density to the east side of the project closest to the Whitefish River.

The applicant is proposing to develop the plan in (3) phases. Phase I is proposed to be Lots 1-4 of the detached single family lots. It is anticipated these lots will be developed during 2016-2017. Phase II is Lots 5-13 of the detached single family lots. It is

anticipated these lots will be developed during 2017-2018. Phase III is Lots 14-16 of the attached single family units (the two 5-plexes) and the three apartment buildings. It is anticipated these lots will be developed during 2017-2019. It should be noted that a preliminary plat is valid for three years with possible extensions. These timeframes re estimates at this point that are subject to change based on the market.

The applicant is proposing to jointly construct a new east-west public street from Highway 93 S to Whitefish Avenue with a neighboring project. This road will be located along the north side of the project. In addition, the applicant is proposing to extend Whitefish Avenue, a north-south public right-of-way, through the property to the southern boundary in order to facilitate its future extension. All development will access off one of these two new roadways. In addition, to the east of the newly extended Whitefish Avenue, the applicant is proposing to construct a private cul-de-sac to serve the single family detached homes.

The project has a variety of open space areas located throughout the neighborhood. There are open space areas for the residents within the multifamily portion of the development, along the Whitefish River and a pedestrian connection from Whitefish Avenue to the River. There is a neighborhood walking trail within the open space area to connect Whitefish Avenue to the Whitefish River trail. This walking trail is not designed for public use, only for neighborhood use, as it will be a very narrow path and constructed of mulch or other natural materials. Finally, the applicant is proposing to extend the paved public trail from the Rivers Edge subdivision at the north side of the property to the south property line for future extension. This will be a paved 10-foot wide trail within a 20-foot wide easement and meet City standards.

The property has several existing out buildings that will be removed with this project. The vast majority of the property is undeveloped.

In addition to the subdivision, the applicant is proposing a Planned Unit Development (PUD) to overlay the entire development. The PUD is required for the design of the project, in order to develop multifamily in the WB-2 zoning district and for use of the density bonus option as the project will include affordable housing.

The following **zoning deviation** is being requested through the Planned Unit Development:

- **Minimum Lot Area.** The minimum lot area in the WR-1 zone is 10,000 square feet. The lot sizes in the proposed subdivision range from 9,194 square feet to 6,252 square feet for single family detached lots – the average lot size is 7,421 square feet. The sublots for the attached single family homes average 3,920 square feet or 19,602 square feet per five-plex.

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

- **Minimum Lot Width.** The minimum lot width in the WR-1 zone is 60-feet. Lots range in width between 35-feet to 75-feet and approximately 23-feet for the attached single family lots.

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

- *Affordable Housing.* As part of the project, the applicant is proposing four (4) affordable rental units within the multi-family portion of the project. (Growth Policy, Housing Element)

- *Implementation of the 2009 Transportation Plan.* As part of the project, the applicant is extending Whitefish Avenue to the southern extent of the project, consistent with the Transportation Plan. (MSN-2)

- *Implementation of the 2009 Transportation Plan.* As part of the project, the application is jointly constructing a new east-west public right-of-way which will connect Highway 93 S to Whitefish Avenue, consistent with the Transportation Plan. (South Whitefish Transportation Plan, Res. 00-04)

- *WF River Trail Construction and Easement Dedication*. The applicant will construct a 10-foot wide paved trail for public use within a 20-foot easement dedicated to the City. This public trail is approximately 329-feet and will connect to the public trail to the north. (Whitefish Bicycle & Pedestrian Master Plan, 1999)

This project was submitted prior to the moratorium on density blending, also known as density averaging, imposed by the City Council on February 16, 2016. Additionally, the project is not proposing any density blending; therefore, the moratorium has no impact on this project.

A. Applicant:

Mkay Enterprises
attn: Michael Morton
PO Box 997
Whitefish, MT 59937

Technical Assistance:

Bruce Boody
Bruce Boody Landscape Architect Inc
301 2nd Street, suite 1B
Whitefish, MT 59937

B. Location:

The subject properties are located on east side of Highway 93 S south of Whitefish Avenue and the Mountain Mall. The properties are located at 6361 Highway 93 S and can be legally described as Tracts 1BDB and 1BD in Section 1, Township 30N, Range 22W, P.M.M., Flathead County.

C. Existing Land Use and Zoning:

The properties are undeveloped with a variety of out buildings. The current zoning is WR-1 (One Family Residential District) and WB-2 (Secondary Business District).

D. Adjacent Land Uses and Zoning:

North:	Undeveloped/Residential	WB-2/WR-1/WPUD
West:	Commercial	WB-2
South:	Commercial/Undeveloped	WB-2/WR-1
East:	Whitefish River	No zoning designation

E. Utilities:

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Gas:	Northwestern Energy
Electric:	Flathead Electric Co-op
Phone:	CenturyLink
Police:	City of Whitefish
Fire:	Whitefish Fire Department
Schools:	Whitefish School District #44

F. Public Notice:

A notice was mailed to adjacent land owners within 300-feet of the subject parcel on February 26, 2016. Two signs were posted on the property on February 26, 2016. Advisory agencies were noticed on February 26, 2016. A notice was published in the Whitefish Pilot on March 2, 2016. As of the writing of this report, no public comments have been received.

II. REVIEW AND FINDINGS OF FACT

This request is reviewed in accordance with statutory criteria and the Whitefish Zoning and Subdivision Regulations.

A. Effects of Health and Safety:

Fire: The Whitefish Fire Marshal reviewed the project. The Fire Marshal will approve the placement and design of all fire hydrants prior to their installation and emergency access. In reviewing the plans, and in order to comply with the Fire Code, the Fire Marshal has requested full fire suppression sprinkler and alarm systems in structures built on Lots 4, 7, 11, 14, 15 and 16. Staff will recommend this as a condition of approval.

Wildland Urban Interface: The property is within the city limits and within the city's fire district. The property will be served by city water and hydrants and meet all Fire

Department emergency access requirements. The Fire Marshal recommends the open space areas be properly mitigated for wildland fire protection and maintained yearly.

Flooding: The area along the Whitefish River is a mapped floodplain at 3001.1 feet. (Panel 30029C1090J 11-4-15). The area with the mapped floodplain is within the proposed open space. No development is proposed within the floodplain with the possible exception of the trail for the public and neighborhood residents. The exact alignment of the trail is yet to be finalized, but the site plan shows it completely outside the floodplain. Prior to construction, plans will be submitted to ascertain whether a floodplain permit will be required.

Access: New public rights-of-way will be constructed with this project. The applicant will be constructing a new east-west road with the project to the north with Phase I in order to provide adequate access to the highway due to the City's dead-end street limitation. This road will connect Highway 93 S and Whitefish Avenue. In addition, this road will provide public access to the three multi-family buildings and the two 5-plexes in Phase III. The applicant will also be extending Whitefish Avenue from the north side of the property through the lot to the south property line. A privately owned and maintained cul-de-sac will be constructed on the east side of Whitefish Avenue to access the detached single family homes. The new east-west street and extension of Whitefish Avenue are public rights-of-way with sidewalks, boulevards, street trees and street lights. The private road will be constructed to meet City standards with sidewalks, street lights and street trees.

Traffic Impacts: The applicant conducted a Traffic Impact Study in conjunction with the project to the north, as requested by staff. The TIS found that the intersection of Akers

Lane (on the west side of Highway 93 S) the development site (on the east side of the Highway) and Highway 93 S are going to operate at a levels D/C at the AM peak and F/D during the PM peak for both projects. This means in the late afternoon, generally when the 8-5 work day ends, a vehicle would wait 58.9 seconds to make a left hand turn from the west side of Highway 93 S and 30.9 seconds to make a left-hand turn from the east side of Highway 93 S. A Traffic Impact Study sets level of services 'grades' of intersections, much like a grade in school. However, it should be noted that the City of Whitefish has never officially adopted any level of service standards for our intersections. These levels of services 'grades' are accepted professional engineering standards for intersections, but, if the City wanted, we could establish our acceptable levels of service.

As described in the TIS, warrants – the standard Montana Department of Transportation uses to decide when a stoplight is required – will not be met with this project to merit a traffic light at this intersection. The TIS recommends the City work with MDT and develop a plan for this corridor. The TIS has been forwarded to MDT for comment and they have forwarded it to the Helena office of the Program and Policy Analysis Bureau for review. MDT requests an Approach Permit and an Environmental Checklist. The TIS also suggested some intersection improvements such as right-in/right-out improvements. Staff will recommend a condition of approval directing the applicant to work with Public Works staff and Montana Department of Transportation to develop an appropriate intersection, which will include the installation of conduit for a future light at this intersection.

The TIS describes 60% of the trips will travel north on Highway 93 S and 30% is expected to travel south on Highway 93 S. It is likely that up to 15% of the total trips will use Whitefish Avenue, a public right-of-way, to access the traffic signal at Commerce Street.

It should be noted that this project will be done in phases, it is expected to take three (3) years for total build out; therefore impacts to traffic will be gradual.

The City Council conducted a worksession on Transportation Planning in this south corridor on March 7th and they directed staff to work with MDT on an access management plan and possible update of the South Transportation Plan. There are opportunities to develop smaller transportation plans with MDT funds.

Finding 1: The proposed subdivision will not have a negative effect on public health and safety because the Fire Department has reviewed the proposal for conformance with the fire code, as conditioned will meet the fire code, a very small portion of the property is within a mapped floodplain, but it will be within dedicated open space, access is off new public streets and each lot will have physical access from either a public or private street. The additional vehicles may have an adverse effect on traffic, however, is will be gradual over serval years and mitigation of this intersection is outside City control because these projects do not meet warrants requiring an intersection light and MDT dictates when and where an intersection light will be installed.

B. Effects on Wildlife and Wildlife Habitat: There are no mapped crucial wildlife habitat and/or daily or seasonal migration corridors on this site. It is likely that deer and other animals travel through the property to and from the Whitefish River. The preservation of buffers and other open areas help to maintain these patterns. Staff forwarded an advisory agency notice to Montana Fish, Wildlife and Parks, but did not receive any comments.

Finding 2: The subdivision should not have a negative effect on wildlife and wildlife habitat because there are no mapped crucial wildlife habitat nor migration corridors on this property, the river buffer is being maintained and enhanced, other open areas are located throughout the development, and staff received no comments from MT Fish, Wildlife and Parks.

C. Effects on the Natural Environment:

Surface and groundwater: The developer will extend Municipal water and sewer to the subdivision thereby minimizing any potential impacts to the groundwater. The geotechnical report indicates at their deepest boring depth of 21.5-feet no groundwater or evidence of groundwater was found. The property is mapped as having the potential for high groundwater area, but it should be noted that the mapping is at a planning level and no field verification was conducted with this mapping exercise. The Public Works Department will work with the applicant's engineer to carefully review the infrastructure plans to ensure they function correctly.

Slopes: The property is fairly flat with a steep slope to the Whitefish River on the eastern portion of the lot.

There are building sites within 200-feet of water, but the slopes do not appear to exceed 10%. This will be verified during the building permit review. According to the Water Quality Protection regulations, if a building is located within 200-feet of a water body and is constructed on a slope of 10% or more, a geotechnical letter will need to be supplied along with the building permit.

River: The applicant is proposing to protect the Whitefish River with buffers and setbacks that meet the Water Quality Protection (WQP) regulations. The buffer requirement is top of bank or 75-feet whichever is greater with a 20-foot structural setback. (§11-3-29C(1)) There are four single family lots along the river.

Allowed Activities within the Buffer- (§11-3-29C(5)). Within the buffer they are proposing to construct two trails, which is permitted through the WQP. One trail is an extension of the city's river trail. This is a 10-foot wide paved pedestrian and bicycle path. The other trail is a 3-foot wide mulch path designed to access the public trail. This path is not for public use because it cannot meet ADA grades. This path will need to be well-signed for neighborhood use only.

Storm Water Conveyance: There are no mapped storm water conveyances within the project boundaries.

Drainage: The applicant is proposing to install curb and gutter along the streets in order to convey run-off, treated on-site and discharged to the Whitefish River or infiltrated. All drainage plans are required to meet the current storm water standards and will be reviewed by the city's engineering staff. A standard condition of approval will be included indicating that the preliminary plat may be changed, including density, based on the city's review of the drainage plans.

Finding 3: The subdivision should not have a negative impact on the natural environment because river setbacks and buffers are being met, no evidence of high groundwater was found, City staff will review the storm water plan with the final engineering plans.

D. Effects on Local Services:

Water: The project proposes to utilize the City water system. The extensions from the main will be designed and constructed to City specifications.

Sewer: The project proposes to utilize the City sewer system. The sewer facilities will be designed and constructed to City specifications.

Streets: The streets will be privately constructed, but open to the public. See discussion above regarding traffic impacts.

Schools: The site is within the Whitefish School District #44. At completion, using 2011 census information for Flathead County student generation rate of 0.31 students per single family unit, this subdivision would generate approximately 12 school-age children.

Parks and Open Space: The applicant is proposing to set aside 30% of the project area in open space. As described earlier in the report, the open spaces consist of areas around the multi-family development and a trail connecting to the Whitefish River trail that will be extended with this development. The Whitefish River trail is a public pedestrian-bicycle trail that is part of the City's overall trail system plan. The neighborhood trail connecting to the public trail will not be open to the public and will be a mulch trail at 3-feet wide.

The river trail was reviewed by the Pedestrian-Bicycle Committee in March 2016 and they supported the Whitefish River Trail extension. They requested the Public Works Department share the final drawings with the Committee once they are submitted.

The open space plan was reviewed by the Park Board on March 8, 2016 and the Park Board recommended the 1.04 acre park area be a homeowners' association park that will be maintained by the homeowners' association. The dedicated parkland exceeds that which would be required through the subdivision standards.

The open space area to the north of Lots 1-4 will need to be carefully designed. Staff has experience with these types of the open spaces behind tall fences and they can become yard clipping dumping area and not usable open space. In addition, tall fencing can create a corridor and become so private and secluded that there is no natural surveillance of the areas. The applicant might consider requiring fencing or landscaping that is more open such as picket, chain link or split rail. On the other hand, if no fencing is installed then a user of the open space may not know where private property begins and open space ends. It's a tough balance with this type of design. It needs to be carefully implemented. Staff will recommend a condition of approval that the final details of the open space and landscaping be approved by the Planning Department.

Police: The project is in the City of Whitefish and will be served by the City Police Department. The proposed development will have some impact on the Whitefish Police Department; however, this subdivision is not anticipated to impact current levels of service.

Fire Protection: The Whitefish Fire Department serves the property. The proposed development will have some impact on the Whitefish Fire Department; however, this subdivision is not anticipated to impact current levels of service. See discussion above regarding Fire. (Section II.A.)

Solid Waste: North Valley Refuse is under contract with the City of Whitefish to handle solid waste for the city. Solid waste is taken to the Flathead County Landfill. There is sufficient capacity within the landfill to accommodate the additional solid waste generated from this subdivision.

Medical Services: The Whitefish Fire Department provides emergency medical services to this property with North Valley Hospital a couple of miles south of this property.

Finding 4: The proposed subdivision is not anticipated to create negative effects on local services because City staff has preliminarily reviewed the project for water, sewer and stormwater, the Fire Department has preliminarily reviewed the proposal for conformance with the Fire Code, additional services, such as police and schools, are not anticipated to be affected, adequate park and open space is being set aside for the neighborhood, and the public streets will serve the neighborhood and public efficiently.

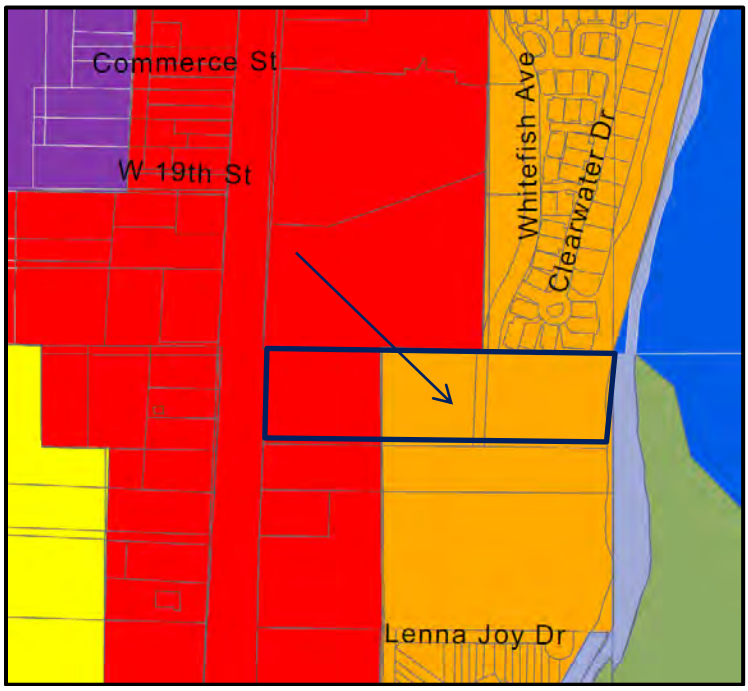
E. Effects on Agriculture and Agricultural Water User Facilities:

The property is in the city limits with direct access to public services and facilities making its viability for long-term agriculture questionable. No property surrounding the subject project is being used for agricultural purposes.

Finding 5: The proposed subdivision does not pose any negative effects to agriculture or agricultural water users because the property is within the city limits and has direct access to public services and facilities.

F. Compliance with Growth Policy:

The Whitefish Growth Policy designates this area as both General Commercial and Urban Residential. 'General Commercial' generally corresponds to WB-2, but WR-3 and mixed-use development may also be appropriate in this category. 'Urban' generally corresponds to WR-2, WR-1 and WLR zones with a range of density of 2 to 12 dwelling units per acre.



Other future land use goals related to the Growth Policy include:

2. Preserve, enhance, and manage environmentally sensitive areas such as river and stream banks, steep slopes, wetlands, forested areas, and critical wildlife habitat.

5. Protect and preserve the special character, scale, and qualities of existing neighborhoods while supporting and encouraging attractive, well-designed, neighborhood compatible infill development.

7. Plan for healthy, efficient, and visually attractive corridors along major transportation routes through the community.

Housing goals:

1. Ensure an adequate supply and variety of housing product types and densities, at affordable prices, to meet the needs of Whitefish's existing and future workforce, and for senior citizens.

2. Maintain a social and economic diversity of Whitefish through affordable housing programs that keep citizens and members of the workforce from being displaced.

Finally, this is an infill project served by all public services and facilities within the city limits which is a priority and main theme in the 2007 Growth Policy versus expanding urban densities into rural areas surrounding the community that would require the extension of public services and facilities.

Finding 6: The project complies with the Growth Policy because the density falls within the guidelines for the Urban and General Commercial designations, it is protecting environmentally sensitive areas within the development, it is complimentary to the surrounding neighborhoods, it is providing a visually attractive corridor, it is providing four affordable rental apartments and it is an infill development.

G. Compliance with Zoning:

The subdivision is zoned WR-1 and a small portion of WB-2 zoning. The WR-1 zoning permits up to 4 dwelling units per acre (DUA) and up to 7 DUA with the affordable housing density bonus. The WB-2 zoning permits up to 13 DUA and up to 20 DUA with the affordable housing density bonus. The applicant is not averaging the residential density across the entire project. Gross density of the project without the commercial lot (Lot 17) is 6.26 dwelling units per acre – less than the 7 dwelling units per acre permitted within the WR-1 zoning district with the affordable housing density bonus. This density is predicated on the construction and development of four (4) affordable units. Staff will recommend a condition of approval that the construction of the affordable dwelling units commence with the development of Phase 1.

The project has a variety of housing types from detached single family homes, to attached single family homes, to apartments. The detached single family density is complimentary to the Rivers' Edge subdivision to the north and the density increases as the project moves west toward the highway. The PUD chapter permits and encourages a variety of housing types from single family to multi-family and any combination thereof. The zoning defines multi-family dwelling as: "A building or buildings attached to each other and containing three (3) or more dwelling units. The term "multi-family dwelling" is intended to apply to dwelling types such as triplex, fourplex or apartments where any dwellings have their primary access to a common hallway or corridor." Staff considers both the apartments and the attached single family in the form of two 5-plexes as multi-family.

Finding 7: The proposed subdivision complies with the zoning because it is within the acceptable density range for the zoning districts with a Planned Unit Development and an affordable housing density bonus, the proposed uses are permitted in the PUD chapter, all zoning standards, with the exception of the zoning deviations being requested, are being met and the affordable housing units will be developed with Phase 1 of the project.

The Planned Unit Development is intended to encourage flexible land use development by allowing development based upon a comprehensive, integrated and detailed plan rather than upon specific requirements applicable on a lot by lot basis. The development, according to the Purpose and Intent of the PUD chapter, provides the following benefits, as applicable. As many of the following items were evaluated earlier in this report, the pertinent section is referenced:

1. Preserve and/or enhance environmentally sensitive areas of the site. (See Section II.C.) Pursuant to the Water Quality Protection regulations and as described above, the applicant is proposing to protect the Whitefish River with buffers and setbacks that meet the Water Quality Protection (WQP) regulations. The buffer requirement is top of bank or 75-feet whichever is greater with a 20-foot structural setback. (§11-3-29C(1)) There are four single family lots along the river.

2. Preserve crucial wildlife habitat and/or daily or seasonal migration corridors. See Section II.B.

3. Provide usable open space. As described above, the applicant is proposing to set aside 1.04 acres in dedicated open space. Approximately 66% of the site (6.24 acres) is in open space, which is defined in the PUD chapter as those areas not encumbered with streets and buildings. These open space areas have adequate access and are conveniently located within the neighborhood.

4. Preserve and protect the character and qualities of existing neighborhoods. The proposed neighborhood has a variety of residential product types from detached single family residential, attached single family and apartments. The project has located the detached single family adjacent to the existing Rivers Edge subdivision

and located the higher density aspects of the development further to the west. The lot sizes of the detached single family lots range in size from 6,252 to 9,198 square feet. Lots within the Rivers Edge subdivision, immediately adjacent to this subdivision, are similar sized from 4,865 to 7,153 square feet.

The open space areas are designed to preserve the character of the existing neighborhood by extending the Whitefish River trail and preserving the bank of the river area in a natural state. The applicant is also locating a 20-foot wide open space behind Lots 1-4 that includes a 3-foot mulch path. The purpose of the open space in this location is to provide an additional buffer to the neighborhood to the north. Homes will be built a minimum of 40-feet from the adjacent subdivision compared to 20-feet if the open space was not located along the back of these lots.

The multi-family structures (apartments and the attached single family structures) will be required to obtain Architectural Review approval. There are a number of standards that will apply to this project to ensure the preservation of neighborhood character. These standards include making sure there is visual variety among the multi-family structures, scale, mass, materials and colors.

5. Make efficient use of infill property. The proposed project is served by City water and sewer and is located in the City limits. The applicant is making efficient use of this infill property and is proposing a transition from the large lots to the east of this project density with increasing to the west of this neighborhood.

6. Provide effective buffers or transition between potentially incompatible uses of land. As described above, the project is naturally buffered to the east by the river. Also, as described above, the project is proposing a 20-foot wide open space behind Lots 1-4 adjacent to the subdivision to the north. There are no incompatible uses within the neighborhood that would warrant buffering from the adjacent neighborhood.

7. Facilitate street continuity and connectivity, and attractive high quality streetscapes. This project is implementing the Whitefish Transportation Plan through the extension of two roads – the east-west public right-of-way from Highway 93 S to Whitefish Avenue and Whitefish Avenue to the south property line.

   The east-west public right-of-way, as proposed within the South Whitefish Transportation Plan, will connect Highway 93 S to Whitefish Avenue. This connectivity will help to bring the dead-end street serving the Rivers Edge subdivision into compliance with both the City's subdivision regulations and engineering standards, as dead-end streets are not permitted and secondary access is required when a primary street is longer than 1,500-feet. The subdivision is over 2,000-feet from Highway 93 S (via Greenwood Drive and Whitefish Avenue).

Both streets will be built to City standards with curb, gutter, boulevard, street trees, street lights and sidewalks.

The project is proposing a well landscaped area along both street frontages. Buildings will be setback 15 to 20-feet from the new east-west street and 10 to 30-feet from Whitefish Avenue. The applicant is proposing landscaping between the sidewalk and buildings to create a high-quality streetscape. Whitefish Avenue is further enhanced by not having any vehicular access onto this street – similar to the Rivers Edge subdivision.

8. Provide pedestrian and bicycle facilities and encourage transportation alternatives. Both new streets will be constructed with sidewalks for pedestrians and the Whitefish River trail which, once connected to the larger City trail system, will provide a viable transportation alternative. The sidewalks on the streets will connect to the larger sidewalk system on Highway 93 S and Whitefish Avenue to encourage transportation alternatives. Both Eagle Transit and the S.N.O.W. bus have a bus stop at the Mountain Mall which is a short walk from this subdivision.

9. Provide affordable housing. The application is requesting a density bonus; therefore, is providing four (4) affordable housing units working with the Whitefish Housing Authority in the form of rental apartments. These apartments are located within Lot 16 which the applicant has identified as Phase 3 of this project. Staff will make a recommended condition of approval that Lot 16 be part of Phase I in order to facilitate a deed restriction for the future construction of the affordable housing.

10. Provide a variety of residential product type while avoiding a monotonous and institutional appearance. The applicant is providing three different residential product types – attached single family homes, detached single family homes and apartments.

    The Architectural Review standards require a development with multiple multi-family buildings be designed so they do not all look the same and this will be a requirement for this project. The standards also require no garage-forward designs for multi-family projects.

11. Compliance with and/or implementation of the growth policy. (See Section II.F.)

Finding 8: With the imposition of conditions, staff has finds that the above twelve criteria are being met or are not applicable and provides a community benefit to allow for the deviations to the zoning standards.

Amendments – Section 11-7-10D:
The following considerations from §11-7-10D (also MCA 76-2-304) are intended to guide both the Planning Board and the City Council when considering an amendment to the official zoning map.

Considerations from Section 11-7-10(E)	Staff Report Section Reference/Comments
Zoning Regulations Must Be:	
Made in Accordance with a Growth Policy	see Section II.F.
Designed to:	
Secure safety from fire and other dangers	see Section II.A.
Promote public health, public safety and general welfare	see Section II.A.
Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements	See Section I.E. and II.D.; as described earlier in the report, MDT commented on the project and requested an approach permit and environmental checklist.
In the adoption of zoning regulations, the city shall consider:	
Reasonable provision of adequate light and air	The applicant will be required to meet all applicable Building Code requirements. The applicant has not applied for any variances to the Building Code that would affect "light and air."
The effect on motorized and nonmotorized transportation systems	see Section II.A. and D.
Promotion of compatible urban growth	see Section II.F., G.
The character of the district and its particular suitability of the property for the particular uses	see Section II.G.
Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area; and	This criterion is subjective at best, but staff can identify no instances where "buildings" will be subject to a diminution in value because of the proposed development. However, it is permissible for the Board to consider testimony from nearby residents as prima facie evidence of adverse impact. This proposal only applies to the subject property, and sets no binding precedent for any other zone change or PUD proposal.
That historical uses and established uses patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other.	The Planning Board and the City Council should consider the historical and established use patterns, including trends, when making a decision on the project.

Finding 9: This project has been reviewed according to the considerations found in §11-7-12E and are being met or are not applicable.

H. Compliance with Whitefish Subdivision Regulations:

Finding 10: With the imposition of conditions, the subdivision complies with the Whitefish Subdivision Regulations.

I. Compliance with the Montana Subdivision and Planning Act:
Staff has reviewed the proposal for compliance with the Montana Subdivision and Platting Act and found that the requirements have been met.

Finding 11: The proposed subdivision complies with the Montana Subdivision and Platting Act, MCA 76-3.

III. STAFF ANALYSIS OF ZONING DEVIATIONS.

Lot Sizes/Lot Width. The applicant has requested smaller lot sizes and lot widths in order to accommodate the development. As described earlier in this report, the detached single family lot sizes range from 6,252 to 9,198 square feet where the standard is 10,000 square feet. In addition, the sublot sizes for the attached single family (the two 5-plexes) are less than 10,000 square feet. The WR-1 lot width requirement is 60-feet and, with the reduced lot areas the lot width is also reduced. Staff is satisfied with this request and the lots sizes are not out of character with the neighborhood.

RECOMMENDATION

It is recommended the Whitefish Planning Board adopt the findings of fact within staff report WPP 15-07/WPUD 15-01 and recommend to the Whitefish City Council the preliminary plat for the Mkay Enterprises Subdivision be **approved**, as submitted by the applicant, subject to the following conditions, and the deviation from the zoning standards as requested by the applicant, be **approved**:

1. The subdivision shall comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.

2. Except as amended by these conditions, the development of the subdivision and planned unit development shall be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as “approved plans” by the City Council.

3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off site infrastructure shall be submitted to and approved by the Whitefish Public Works Department. The improvements (water, sewer, roads, street lights, trails, sidewalks, driveways, etc.) within the development shall be designed and constructed by a licensed engineer and in accordance with the City of Whitefish’s design and construction standards. The Public Works Director shall approve the design prior to construction. Plans for

grading, drainage, utilities, streets, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (City Engineering Standards, 2009)

4. Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion. (City Engineering Standards, 2009)

5. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works. 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. A road extension of Whitefish Avenue shall be fully constructed to the southern edge of the property and shall be signed 'Future Street Connection'. The final location and alignment of this roadway extension shall be determined by the Public Works Director. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)

7. A 60-foot right-of-way shall be fully constructed connecting Highway 93 S to Whitefish Avenue with Phase I of the subdivision. The full 60-foot right-of-way shall be dedicated to the City. (Finding 1, 4, 6, 8; Subdivision Regulations, §12-4-15; City Engineering Standards 2009)

8. A new approach permit shall be obtained from Montana Department of Transportation. Road plans shall be submitted to MDT for review and approval – this shall also include the drainage plan. (Finding 1)

9. The applicant shall work with the Public Works Department and Montana Department of Transportation on appropriate intersection improvements at Highway 93 S, including conduit for a future stop light. (Finding 1, 8)

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

12. 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)

13. The Whitefish trail shall be installed the entire length of the Whitefish River frontage connecting to trail in the Rivers Edge subdivision. The final details of the trail installation shall be submitted to the Public Works Department for review and approval. (Finding 4; Subdivision Regulations 12-4-11; Pedestrian-Bicycle Plan, 1999)

14. The developer shall enter into a perpetual public access easement agreement with the City of Whitefish for the Whitefish River trail. This easement shall be recorded with the first phase of the subdivision. (Finding 4)

15. 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 signage – limiting public access and identifying the path for foot traffic only, outdoor lighting, weed abatement, 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; Subdivision Regulations §12-4-11)

16. The installation of both the public and private trails shall meet the full requirements of the Water Quality Protection regulations and, if necessary, the Floodplain regulations. (§11-3-29, §11-7-10)

17. Refuse disposal areas shall be reviewed and approved by the Public Works Department and North Valley Refuse. (Engineering Standards, 2009)

18. Architectural Review approval is required for the multi-family structures prior to the issuance of a building permit. (Zoning Regulations §11-3-3)

19. The phasing plan shall be amended to include Lot 16 with Phase 1 of the final plat. (Finding 7)

20. Four (4) affordable apartments shall be designated within Lot 16. A maximum of two (2) affordable apartments shall be designated per building. Apartments shall have a variety of number of bedrooms and location to serve the greatest variety of clients. The Whitefish Housing Authority will manage the apartments to ensure long-term affordability. This management agreement shall be submitted to the Planning Department and recorded on Lot 16 along with Phase 1 of the final plat. These units shall be constructed prior to submitting an application for Phase 2 final plat. (Zoning Code §11-2S-3B; Finding 7)

21. 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)

22. Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16. (IFC; Finding 1)

23. The following notes shall be placed on the face of the plat:
    - House numbers shall be located in a clearly visible location.
    - Full fire suppression sprinkler and alarm systems shall be installed in structures built on Lots 4, 7, 11, 14, 15 and 16.

    (Subdivision Regulations §12-4-6; Staff Report Finding 5; City Engineering Standards, 2009)

24. A common off-street mail facility shall be provided by the developer and approved by the local post office. (Subdivision Regulations §12-4-24)

25. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) 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.
    - The cul de sac shown on the final plat is intended to be privately owned and maintained and open to the public. It is understood and agreed that these internal

roadways do not conform to City requirements for public roadways. Because of the road configuration, grades and right-of-way widths, these roads are not suitable for all-season maintenance by the public authority. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadway by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadway will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadways. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any government agency or public authority. (Finding 3; Subdivision Regulations §12-4-30; City Engineering Standards, 2009)

26. This approval does not grant any approval or residential density to Lot 17. Any residential development of Lot 17 will be subject to a new PUD application. (Zoning Regulations, §11-2S)

27. The Mkay Enterprises preliminary plat and planned unit development is approved for three years from Council action (Subdivision Regulations, §12-3-8)

Element Review
Preliminary Plat Application

RE: Element Review for: Mkay Enterprises

Pursuant to MCA 76-3604(1)(a) and Whitefish Subdivision Regulations Section 12-3-4(A) we have determined your application:

- [x] Contains all the required Elements to begin a Sufficiency Review
- [ ] Is missing the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.

Staff Signature

1-26-16

Date

P:\Files\Admin\Forms\Element Review_letter to applicant.docx

Sufficiency Review
Preliminary Plat Application

RE: Sufficiency Review for: Mkay Enterprises

Pursuant to MCA 76-3-604(2)(a) and Whitefish Subdivision Regulations Section 12-3-4(B) we have determined your application:

☑ Contains sufficient detail to commence review of the application. Your application will be scheduled for Planning Board on March 17, 2016 and City Council on April 18, 2016.

☐ Is lacking required detail in the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.

Staff Signature

February 11, 2016
Date

P:\Files\Admin\Forms\Sufficiency Letter_preliminary plats.docx

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

Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Mkay Enterprises is proposing an 18-lot subdivision that contains thirteen (13) detached single family homes, ten (10) attached single family homes, 18 apartments units in three (3) buildings and one (1) commercial lot. In addition to the subdivision, the applicant is requesting a Planned Unit Development (PUD) in order to overlay the subdivision. The purpose of the PUD overlay is to develop residential in the WB-2 zone portion of the project and reduce the minimum lot size & width within the WR-1 portion of the project. The property is currently developed with a single family home and is zoned WB-2 (General Commercial) and WR-1 (One-Family Residential District). The property is located at 6361 & 6365 Highway 93 S and can be legally described as Tracts BDB and 1BD in Section 1, Township 30N, Range 22W, P.M.M., 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, March 17, 2016
6:00 p.m.
Whitefish City Council Chambers, City Hall
1005 Baker Avenue, 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, April 18, 2016** 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, March 7, 2016, will be included in the packets to the Planning Board members. Comments received after the deadline will be summarized to the Planning Board members at the public hearing.

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS

MAR 1 0 2016

March 9, 2016

Memo to: Whitefish Planning Board and staff

Subject: March 17, 2016 Planning Board meeting--Observations on the MKay and Marriott proposals

From: Don Spivey, 117 Park Knoll Lane, Whitefish

I am providing some addition background observations and possible challenges for your information. I am not taking a position on these projects at this time but may choose to do so in the public hearing.

I like many aspects of the MKay proposal, such as the use of single family homes along the river east of the extension of Whitefish Ave. and the elimination of ingress/egress onto Whitefish from the proposed townhouses west of that street. I would add some clarifications that might prove useful as you evaluate these proposals.

MKay proposal

1. Townhouses---I like townhouses and their use in this proposal is appropriate, but as currently written, the WPUD regulations do not permit townhouses. This is a residential PUD and permitted uses include single family homes, two family homes (duplexes) and multifamily homes or any combination of the 3. Each of the 3 permitted uses have specific definitions in the Regulations (11-9-2). Townhouses also have a separate explicit definition in that same section quite different from the 3 permitted uses. Townhouses have been allowed in past PUDs but that, in itself, does not necessarily override the regulations as written. (another challenge for the PUD re-write when that gets underway). As you consider this proposal, that is your decision to make. If you decide to support the proposed townhouses I would recommend that you include in your findings forwarded to council, the rational for recommending an exception to the WPUD regulations.
2. The open space along the Whitefish River is apparently being allowed to satisfy the requirement for open space. That river bank area is protected as open space in perpetuity by the Water Quality Ordinance whether or not any development occurs in this area. It is therefore not a gift to the city by this development.
3. Bike Path---I like the bike path and as a retired member of the Bike and Pedestrian committee am delighted that it is being provided. However, in this situation or in any development that includes a section of our designated bike path route (from our Bike and Pedestrian Master Plan), the bike path essentially becomes a "condition of approval" requiring that the developer build it, at their expense , to City trail standards. This path, although terrific, is a requirement and not a special gift to the City.
4. Affordable Housing---Although 4 units are far less than the original number considered for this site, 4 is better than none. Here again, however, the 4 units meets the 10% **minimum** requirement in order to achieve the affordable Housing density bonus allowing 7 units/acre instead of the normal of 4 units/acre in the WR-1 zoning. The regulations also require that

sooner or later specific units must be designated . In this case I'm confident the Housing Authority is involved in several ways.

5. Lot 17---This PUD covers all land up to US 93 along the western edge of the proposed PUD. Lot 17 is included in this PUD. The regulations in section 11-2S-6(A) requires a "Complete land development program" and goes on to detail what is included. None of that exists for Lot 17. Independent of that requirement the City deserves to understand the planned usage for the entire PUD. Either a plan needs to be provided or the size of the PUD needs to be reduced.
6. Traffic—These comments apply to both the MKay and Marriott proposals. Both the Mkay and Marriott ingress/egress points are onto Akers Lane, the new road required of the Marriott extending from US 93 to Whitefish Ave. all that traffic has to go someplace, either left or right onto US 93 at the Akers Lane intersection, or take Whitefish Ave. north to Greenwood and then out to US 93 for turns toward Whitefish, or for left hand turns toward Kalispell, through the private Mall parking lot to the signaled intersection at Commerce street (entrance to the Mall).

   The primary issue involves left hand turns from either side of US 93. US 93 in that area is a 45 MPH 5 lane road. The center merge lane (sometimes called suicide lane) legally does not allow a driver making a left hand turn onto US 93 to use that lane as a merge lane. In other words, a driver wishing to make a left hand turn onto the highway must wait until the path is clear from where he is entering US 93 all the way into the lane he wants to occupy. A whole paper could be written about these traffic problems. Suffice it to say these traffic problems are recognized as problems by the City Council and staff. They are hoping to find a solution. In the City Council work session on March 5 it was discussed along with other South Whitefish traffic challenges. Any action on US 93, e.g. another signal, requires MDT approval as they own that road. MDT was represented but did not offer any solution nor did they offer specific help finding one.

   There may be several solutions but the two most obvious are: a signal at the Akers Lane intersection with US 93, which is my strong preference, and extending Whitefish Ave. all the way south to intersect JP Road where there is a signal. Both were discussed in the work session but no specific action or direction to staff was taken. In the work session Public Works focused a lot of their attention on the Signal solution. We are left dealing with the problem described above with no solution at this time. The signal solution involves MDT approval which can take a lot of time. Extending Whitefish Ave. south does not involve MDT and falls totally within the City's jurisdiction.

   I am not sure what action to recommend. Here are a couple of possibilities: possibly hold approval pending at least a mutually acceptable direction for resolving this problem is reached, or you could recommend that City Council exercise their approval options as defined in section (11-2-7-D) where it states," Because the site planning and design issues involved in PUDs can be complex, there is no time limit for final action by the city council".

I summary I am having difficulty satisfying all the purpose and intent definitions in section (11-2S-1) of the WPUD regulations and defining **real** benefits to the city for granting this PUD.

Marriott hotel proposal

In addition to the traffic discussion above I would address these items:

1. I am certain that when the City established the current floor space limits they did so, at least partially, to control large box stores in Whitefish. I believe allowing this Conditional Use Permit would set a precedent that might prove unfortunate in the future. Accordingly I would recommend denial of this request.
2. The PUD height variance request---Although these kinds of variances have been granted in the past, continued approval clearly establishes a precedent and I would recommend denial or revisiting that 35' limit somehow to make these variances possible with clear guidelines on how much is allowed and how used and when applicable, how much is available and just how high, etc.
3. To be absolutely clear, all the traffic discussion above including the possible actions are intended to apply to the Marriott proposal as well.

Respectfully submitted,

Don Spivey

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

Date: February 26, 2016

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, March 17, 2016 at 6:00 pm in the Whitefish City Council Chambers at **1005 Baker Avenue**. During the meeting, the Board will hold a public hearing on the item listed below. Upon receipt of the recommendation by the Planning Board, the Whitefish City Council will also hold a subsequent public hearing on Monday April 18, 2016. City Council meetings start at 7:10 pm at **1005 Baker Avenue** in the Whitefish City Council Chambers.

1. A request by Whitefish TP llc for a Conditional Use Permit and a Planned Unit Development to construct a 111-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6405 Highway 93 S and can be legally described as Tract 1L in Section 1 Township 30N Range 22W. (WPUD 16-01/WCUP 16-02) Compton-Ring

2. A request by Mkay Enterprises llc for a Preliminary Plat and Planned Unit Development for an 18-lot subdivision with 13 detached single family homes, 10 attached single family homes (two 5-plexes), 18 apartment units in three buildings and one commercial lot. The property is zoned WB-2 (Secondary Business District) and WR-1 (One-Family Residential District). It is located at 6361 & 6365 Highway 93 S and can be legally described as Tract BDB & 1BD in Section 1, Township 30N, Range 22W. (WPP 15-07/WPUD 15-01) Compton-Ring

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

Wendy Compton-Ring

From: Wendy Compton-Ring <wcompton-ring@cityofwhitefish.org>
Sent: Friday, February 26, 2016 1:50 PM
To: 'Anne Moran (asmoran@mt.gov)'; April O'Neal (publicworks@cityofwhitefish.org); Ashley Keltner (a.keltner@flathead.coop); 'Ben DeVall'; Bill Dial (bdialw1@bresnan.net); Christie Hollenbeck (chollenbeck@mt.gov); Christina L Schroeder (christina.l.schroeder@usace.army.mil); 'Chuck Curry (ccurry@flathead.mt.gov)'; Columbia Falls Fire Department (cffire@centurytel.net); Dan Graves (dgraves@skiwhitefish.com); Dennis Oliver (doliver@mt.gov); 'Eric Smith (eric.smith@northwestern.com)'; Erik Rasmussen (erik.rasmussen@charter.com); Gary Krueger (gkrueger@flathead.mt.gov); Ginger Kauffman (gingerk@flatheadcd.org); Greg Acton; Heather Davis Schmidt; Jack Eggensperger (jeggensperger@flathead.mt.gov); James Boyd (jboyd@flathead.mt.gov); 'James Freyholtz (jfreyholtz@mt.gov)'; Jim Schmit (jim.schmit@centurylink.com); 'Joe Page' (jpage@cityofwhitefish.org); 'Judy Williams (juwilliams@mt.gov)'; Justin Juelfs (jjuelfs@mt.gov); Karin Hilding (khilding@cityofwhitefish.org); 'Kate Cassidy (kcassidy@flathead.mt.gov)'; 'Lisa Timchak (latimchak@fs.fed.us)'; 'Lorch, Steve'; Lori Collins; 'Lynn Zanto (lzanto@mt.gov)'; 'Mark Baumler (mbaumler@mt.gov)'; 'Mark Deleray (mdeleray@mt.gov)'; Mark Mussman (mmussman@flathead.mt.gov); Mayre Flowers (flowers@digisys.net); Mayre Flowers (mayre@flatheadcitizens.org); North Valley Refuse (nvr@montanawastesystems.com); 'Pamela Holmquist (pholmquist@flathead.mt.gov)'; 'Patti V (pattiv@flathead.mt.gov)'; Phil Mitchell (pmitchell@flathead.mt.gov); 'Pris, Jeremy'; 'Randy Reynolds'; 'Rita Hanson (for Whitefish Water & Sewer District)'; Ronald O Smith (ronald.o.smith@centurylink.com); 'Steve Kilbreath (skilbreath@mt.gov)'; 'Steve Kvapil (steve.j.kvapil@usps.gov)'; 'Stickney, Nicole'; Tara Fugina (tfugina@flathead.mt.gov); 'Tom Kennelly'; 'Traci Sears '; 'Whitefish Parks and Recreation'; William Reed (william.reed@bnsf.com)
Cc: David Taylor; Bailey Minnich (bminnich@cityofwhitefish.org)
Subject: Whitefish Planning Board: March Meeting Notice
Attachments: 3-2016_PB meeting.pdf

Attached please find the advisory agency notice for the March Planning Board meeting. Please let us know if you have any questions.

Wendy Compton-Ring, AICP
Senior Planner
City of Whitefish
406-863-2418

Wendy Compton-Ring

From: Freyholtz, James <jfreyholtz@mt.gov>
Sent: Wednesday, March 09, 2016 7:46 AM
To: Wendy Compton-Ring
Cc: Burnett, Jonathan
Subject: Town Place Suites and MKay Enterprises developments

Wendy,

Thanks for contacting the Montana Department of Transportation (MDT) regarding the proposed Town Place Suites and MKay Enterprises developments. The proposals are located just south of the Mountain Mall in Whitefish and will have a joint use direct access to US Highway 93. The new roadway will also connect to Whitefish Avenue which extends to the north behind the mall.

The proposals will require a new approach permit to be approved by MDT thus a Driveway Approach Application & Permit; and an Environmental Checklist will need to be submitted to MDT. This proposal will need to be reviewed through MDT's Systems Impact Action Process (SIAP) thus everything is being forwarded to the MDT Helena office of the Program and Policy Analysis Bureau to coordinate the review. The SIAP process is a coordinated review of projects initiated outside of MDT that may significantly and permanently impact the transportation system. Jon Burnett from the Helena office has been assigned to coordinate the review for this.

Following is a link the Guide to the System Impact Process which discusses what the review will entail.
https://www.mdt.mt.gov/other/webdata/external/planning/SIAP-DEVELOPERS-GUIDE/siap_guide.pdf

Feel free to contact me if you have any questions.

James Freyholtz, P.E.
Kalispell Area Traffic Engineer
Montana Department of Transportation (MDT)
(406) 751-2066

MKAY ENTERPRISES

APPLICATION FOR:
Preliminary Plat & Planned Unit Development

January 15, 2016

TABLE OF CONTENTS

PRELIMINARY PLAT APPLICATION

Preliminary Plat Application Form
Appendix F – Environmental Assessment
Appendix B – Preliminary Plat Supplements

PLANNED UNIT DEVELOPMENT

Planned Unit Development Application Form
Narrative
C – Describe Proposed Use - Written Description
D – Findings

SUPPLEMENTS

Certified Adjacent Owners List
Deed and Encumbrance Report – Warranty Deed
Letter to Whitefish School District
Geotechnical Report
Traffic Impact Study
CC&Rs
Architectural Drawings
- Building Sketches & Elevations

Plots (11x17 size)
- Sheet 1 - Site Plan
- Sheet 2 - Utility Plan
- Sheet 3 - Tree Preservation & Street Tree Planting Plan
- Sheet 4 - Phasing Plan

Plots (24x36 size)
- Sheet 1 - Site Plan
- Sheet 2 - Utility Plan
- Sheet 3 - Tree Preservation & Street Tree Planting Plan
- Sheet 4 - Phasing Plan
- FEMA FIRM Panel #1090

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

File #: _____
Date: _____
Intake Staff: _____
Element Review: _____
Sufficiency Review: _____

MAJOR PRELIMINARY PLAT APPLICATION

FEE ATTACHED$ 6,570.00
(See current fee schedule)

INSTRUCTIONS:

☐ A Site Review Meeting with city staff is required. Date of Site Review Meeting: 01-07-16

☐ Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department. The City recommends complete applications be submitted a minimum of **sixty (60) days prior** to the Planning Board meeting at which this application will be heard.

☐ Schedule a Date and Time with City Staff to Submit the Application: 01-15-16 (Date/Time)

☐ 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 /Subdivision Name: Mkay Enterprises
Street Address 6361 (1BDB) & 6365 (1BD) Hwy. 93. So., Whitefish, MT 59937

Assessor's Tract No.(s) WB-2 (BDB) & WR-1 (1BD) Lot No(s) N/A
Block # N/A Subdivision Name _____
1/4 Sec NE 1/4, SE1/4 Section 1 Township 30N 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.

Michael Morton — January 15, 2016
Owner's Signature[1] — Date

Michael Morton
Print Name

Bruce Boody ASLA — January 15, 2016
Applicant's Signature — Date

Bruce Boody
Print Name

Bruce Boody ASLA — January 15, 2016
Representative's Signature — Date

Bruce Boody
Print Name

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

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
- ✓ 11 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
- ✓ Deed and Encumbrance Report (aka 'title report') no more than 90 days old
- ✓ Environmental Assessment
- ✓ Applicable items from Appendix B of the Whitefish Subdivision Regulations (can be found *at: www.cityofwhitefish.org*)
- ___ 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 (submit a separate check, which will be returned to you after you return the sign to the Planning Office)

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 §12-3-5(D). The Council must act within 60 working days or 80 working days if the subdivision has 50 or more lots.

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.

Bruce Boody ASLA — January 15, 2016

Applicant — Date

B. OWNER(S) OF RECORD:

Name: Mkay Enterprises Phone: 406-270-9630

Mailing Address: P.O. Box 907

City, State, Zip: Whitefish, MT 59937

Email: morton@montana.com

APPLICANT (if different than above):

Name: Bruce Boody Landscape Architect Inc. Phone: 406-862-4755

Mailing Address: 301 Second Street, Suite 1B

City, State, Zip: Whitefish, MT 59937

Email: boodyla@bruceboody.com

TECHNICAL/PROFESSIONAL:

Name: same as above Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

C. GENERAL DESCRIPTION OF SUBDIVISION

- ☑ 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: _____

ZONING DESIGNATION: WR-1 & WB-2

If proposing to change the underlying zoning, proposed zoning: WR-1 & WB-2 with PUD Overlay

LOTS AND ACREAGE:

Total Acreage in Subdivision: 9.48 ac Number of Lots or Rental Spaces: 17

Maximum Size of Lots or Spaces: 2.36 ac Minimum Size of Lots or Spaces: 0.14 ac

Total Acreage in Lots: 6.99 ac Total Acreage in Streets or Roads: 0.89 ac

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

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

Recreational Vehicle Park: _____ Commercial: ✓ Industrial: ✓

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

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 12-4-10). A recommendation from the Park Board is required to be submitted along with the application, unless exempted under the subdivision regulations 12-4-10(C).

- Date of Parks Board Meeting (prior to submitting an application): _____
- Market Value before Improvements: _____
- Total Acreage in Parks, Open Spaces and/or Common Areas: _____

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): Storm Sewer Private

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: _____

D. VARIANCES:

ARE ANY VARIANCES TO THE SUBDIVISION REGULATIONS BEING REQUESTED? Yes/No
If yes, please complete the Variance Section (attached) and submit the applicable fee.

No

APPENDIX F

ENVIRONMENTAL ASSESSMENT

This Environmental Assessment format shall be used by the applicant in compiling a thorough description of the potential impacts for the proposed subdivision. Each question pertinent to the proposal must be addressed in full (both maps and text); those questions not applicable shall be so stated. Incomplete Environmental Assessments will not be accepted.

The sources of information for each section of the Assessment shall be identified. All Environmental Assessments shall contain the signature, date of signature and mailing address of the owner of the property and the person, or persons, preparing the report

There are three major parts to the Environmental Assessment: Resource Assessment, Impact Criteria Report and Community Impact Report. Any exceptions to these parts must be done by receiving a written waiver from the planning department.

PART 1 – RESOURCE ASSESSMENT

1. **Surface Water**
   a. Locate on a plat overlay or sketch map
   See drawing: 1 of 4 "Site Plan"

   b. Any natural water systems such as streams, rivers, intermittent streams, lakes or marshes (also indicate the names and sizes of each).
   The Whitefish River is the only water system near the site.

   c. Any artificial water systems such as canals, ditches, aqueducts, reservoirs, and irrigation systems (also indicate the names, sizes and present uses of each).
   No artificial water systems exist on site

   d. Time when water is present (seasonally or all year).
   Water present year-around in Whitefish River. No other known water present on site seasonally or all year.

   e. Any areas subject to flood hazard, or in delineated 100 year floodplain.
   All proposed construction to take place above the 100 year floodplain.

   f. Describe any existing or proposed streambank alteration from any proposed construction or modification of lake beds or stream channels. Provide information on location, extent, type and purpose of alteration, and permits applied for.
   A proposed extension of the Whitefish River Trail is proposed to be constructed within 50' of the Whitefish River bank. The immediate river bank and bank within the 100 year flood area will not be altered.

2. **Groundwater**

Using available data, provide the following information:

a. The minimum depth to water table and identify dates when depths were determined. What is the location and depth of all aquifers which may be affected by the proposed subdivision? Describe the location of known aquifer recharge areas which may be affected.
TD&H Engineering completed multiple borings and did not encounter groundwater up to 21.5'. See Geotechnical Report in the Supplemental Information section for additional information.

b. Describe any steps necessary to avoid depletion or degradation of groundwater recharge areas.
Depletion or degradation of groundwater recharge is not expected as groundwater was not encountered and the proposed development will be hooked up to City water.

3. **Topography, Geology and Soils**

a. Provide a map of the topography of the area to be subdivided, and an evaluation of suitability for the proposed land uses. On the map identify any areas with highly erodible soils or slopes in excess of 15% grade. Identify the lots or areas affected. Address conditions such as:

i. Shallow bedrock
A geotechnical investigation showed no evidence of shallow bedrock. See the Geotechnical Report in the Supplemental Information section for additional information.

ii. Unstable slopes
There are some indications of unstable slopes on the East end of the proposed development along the Whitefish River. This area has been dedicated for public use. The only proposed development in this area is the extension of the 10' wide Whitefish Trail, and a 3' wide access trail. Areas where slopes appear unstable will be repaired with the safety of the public in mind.

iii. Unstable or expansive soils
A geotechnical investigation did identify the presence of relatively soft soils at depth, and moderately expansive soils near the anticipated footing elevations. The site is suitable for the use of conventional shallow foundations bearing on compacted native soils or compacted structural fill. This soil type is typical for the Whitefish area. See the Geotechnical Report in the Supplemental Information section for additional information.

iv. Excessive slope
20% to 40% slopes exist within the proposed dedicated open space areas along the river. The only proposed development is the extension of the 10' wide Whitefish Trail, and a 3' wide access trail. These low impact updates will be designed with the safety of the public in mind.

b. Locate on an overlay or sketch map:

Any known hazards affecting the development which could result in property damage or personal injury due to:

A. Falls, slides or slumps -- soil, rock, mud, snow.
Not applicable

B. Rock outcroppings
Not applicable

C. Seismic activity.
Not applicable

D. High water table
Not applicable

c. Describe measures proposed to prevent or reduce these dangers.
Not applicable

d. Describe the location and amount of any cut or fill more than three feet in depth. Indicate these cuts or fills on a plat overlay or sketch map. Where cuts or fills are necessary, describe plans to prevent erosion and to promote vegetation such as replacement of topsoil and grading.
No cuts deeper than 3' are anticipated.

4. Vegetation

a. On a plat overlay or sketch map:

i. Indicate the distribution of the major vegetation types, such as marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest.
The majority of the site is coniferous forest. Some of the area has been previously cleared and is covered in grassland.

ii. Identify the location of critical plant communities such as:

A. Stream bank or shoreline vegetation
The native and existing river bank and shoreline vegetation is to remain.

B. Vegetation on steep, unstable slopes
The native and existing vegetation on the steep slopes is to remain.

C. Vegetation on soils highly susceptible to wind or water erosion
NA

D. Type and extent of noxious weeds
There are extensive areas of weeds, including Canadian Thistle and Knapweed on the adjacent property to the south. Some small areas of weeds have encroached on the property. These weeds on the property to the south are going to put the Mkay property at risk for a major infestation once the construction begins and the ground is disturbed.

Extensive noxious weed infestation on adjacent property to the south

Existing native vegetation on Mkay property immediately to the north of opposite photo

Weed Management
A program of monitoring and regular spot spraying will be implemented. The first control measures will take place prior to construction to contain the small areas of weeds that exist on site. Post construction monitoring and a regular schedule of spraying will be implemented.

b. Describe measures to:
   i. Preserve trees and other natural vegetation (e.g. locating roads and lot boundaries, planning construction to avoid damaging tree cover).
      See drawing Sheet 3 of 4: "Tree Preservation and Street Trees"

   ii. Protect critical plant communities (e.g. keeping structural development away from these areas), setting areas aside for open space.
      Plant communities in the dedicated open space area will be preserved.

   iii. Prevent and control grass, brush or forest fires (e.g. green strips, water supply, access.)
      Fire hydrants are to be installed in the subdivision. Fire fuel (dead trees, logs and twigs) are to be removed on site.

   iv. Control and prevent growth of noxious weeds
      Native topsoils shall be stockpiled and re-used in planting areas after construction.

5. Wildlife

a. Identify species of fish and wildlife use the area affected by the proposed subdivision.
   Whitetail Deer & Moose

b. On a copy of the preliminary plat or overlay, identify known critical wildlife areas, such as big game winter range, calving areas and migration routes; riparian habitat and waterfowl nesting areas; habitat for rare or endangered species and wetlands.
   No known critical wildlife areas exist on site.

c. Describe proposed measures to protect or enhance wildlife habitat or to minimize

degradation (e.g. keeping buildings and roads back from shorelines; setting aside wetlands as undeveloped open space).
Building lots are set back from the Whitefish River bank. The natural river corridor is to be maintained in a natural state except for the 10' wide Whitefish River Trail extension.

PART II - SUMMARY OF PROBABLE IMPACTS

Summarize the effects of the proposed subdivision on each topic below. Provide responses to the following questions and provide reference materials as required:

1. **Effects on Agriculture**
   a. Is the proposed subdivision or associated improvements located on or near prime farmland or farmland of statewide importance as defined by the Natural Resource Conservation Service? If so, identify each area on a copy of the preliminary plat.
   No, the site does not meet the criteria defining the land a prime farmland because it has never been farmed. The site is not adjacent to prime farmland.

   b. Describe whether the subdivision would remove from production any agricultural or timber land.
   The land has never been under agricultural cultivation. There is some forested area on site that does not appear to have been previously logged. Any potential timber land would be taken out of production.

   c. Describe possible conflicts with nearby agricultural operations (e.g., residential development creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds or applying pesticides; agricultural operations suffering from vandalism, uncontrolled pets or damaged fences).
   No possible conflicts would conflict with nearby agricultural operations.

   d. Describe possible nuisance problems which may arise from locating a subdivision near agricultural or timber lands.
   No possible conflicts would conflict with nearby timber lands.

   e. Describe effects the subdivision would have on the value of nearby agricultural lands.
   The site of the proposed subdivision is not adjacent to agricultural land. Traffic would not impact any agricultural land. Therefore, the subdivision would not have any impact on the value of nearby agricultural land.

2. **Effects on Agricultural Water User Facilities**
   a. Describe conflicts the subdivision would create with agricultural water user facilities (e.g. residential development creating problems for operating and maintaining irrigation systems) and whether agricultural water user facilities would be more subject to vandalism or damage because of the subdivision.
   The site of the proposed subdivision is not in proximity to agricultural water user facilities. Therefore, no conflicts are foreseen in regards to agricultural water user facilities.

   b. Describe possible nuisance problems which the subdivision would generate with regard to agricultural water user facilities (e.g. safety hazards to residents or water problems from irrigation ditches, head gates, siphons, sprinkler systems, or other agricultural

water user facilities).
The site of the proposed subdivision is not in proximity to agricultural water user facilities. Therefore, no possible nuisance problems are foreseen in regards to agricultural water user facilities.

3. **Effects on Local Services**

a. Indicate the proposed use and number of lots or spaces proposed for the subdivision, i.e. single family residential, multi-family residential, commercial, industrial.
The proposed subdivision will create 18 lots: 13 single-family lots, two five-plex lots, one–multi-family lot, one future mixed-use lot and one open space lot. Rights-of-way will occupy 1.44 acres of the tract.

b. Describe the additional or expanded public services and facilities that would be demanded of local government or special districts to serve the subdivision.
No additional or expanded services or facilities will be required as a result of this subdivision. The subject property is zoned and designated by the Growth Policy for the type and intensity of development proposed. The site is currently served by all municipal utilities and services.

i. Describe additional costs which would result for services such as roads, bridges, law enforcement, parks and recreation, fire protection, water, sewer and solid waste systems, schools or busing, (including additional personnel, construction, and maintenance costs).
All improvements (roads, water, sewer, storm, etc) within the proposed subdivision will be constructed to the standards established by the City of Whitefish and privately financed by the developer.

ii. Who would bear these costs (e.g. all taxpayers within the jurisdiction, people within special taxing districts, or users of a service)?
All improvements (roads, water, sewer, storm, etc.) within the proposed subdivision will be privately financed by the developer and constructed to the standards established by the City of Whitefish. The HOA will provide for the long term maintenance of the storm facilities and open space. Roads, Water and Sewer mains will be extended at the expense of the developer but long term maintenance is provided by the City with the costs of plant investment and hook-up fees being paid by the developer and/or future unit owners. Costs for law enforcement, fire protection, parks and recreation and schools will be paid by the taxpayers within the service jurisdictions and future lot owners.

iii. Can the service providers meet the additional costs given legal or other constraints (e.g. statutory ceilings on mill levies or bonded indebtedness)?
The City of Whitefish has adopted impact, plant investment and connection fees for public facilities in order for new development to pay its way. As with most fees and taxes there is typically a lag between the increase in new users and the accumulation of funds to upgrade or expand existing public facilities. Future capital improvement needs are based in part on city growth policies and zoning and development such as that proposed is anticipated.

iv. Describe off-site costs or costs to other jurisdictions may be incurred (e.g. development of water sources or construction of a sewage treatment plant; costs borne by a nearby municipality).
No such costs have been identified.

c. Describe how the subdivision allows existing services, through expanded use, to operate more efficiently, or makes the installation or improvement of services feasible (e.g. allow installation of a central water system, or upgrading a country road).
The proposed development was designed to facilitate the City of Whitefish's long range Transportation Plan by providing rights-of way, dedicated to the city, which will allow for the continuation of Whitefish Avenue to the south and a future east-west street connecting between Whitefish Avenue and Highway 93.

g. Would any special improvement districts be created which would obligate local government fiscally or administratively? Are any bonding plans proposed which would affect the local government's bonded indebtedness?
No special improvement districts will be created nor are there bonding plans associated with the proposed subdivision.

4. **Effects on the Historic or Natural Environment**
   a. Describe and locate on a plat overlay or sketch map known or possible historic, paleontological, archaeological or cultural sites, structures, or objects which may be affected by the proposed subdivision.
   NA

   b. How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features within the subdivision or on adjacent land? Describe plans to protect these sites.
   Permeable area would be reduced. Where possible, trees & vegetation are to be preserved. Other areas of the site will take on a more urban landscape appearance.

      i. Would any streambanks or lake shorelines be altered, streams rechanneled or any surface water contaminated from sewage treatment systems, run-off carrying sedimentation, or concentration of pesticides or fertilizers?
      The Whitefish River bank would not be altered. Native vegetation is to be preserved on the slope to to the river. No water conveyance systems on site would carry sedimentation or concentration of pesticides or fertilizers.

      ii. Would groundwater supplies likely be contaminated or depleted as a result of the subdivision?
      No, groundwater supplies are not likely to be contaminated or depleted as a result of the subdivision. The subdivision will be on City domestic water.

      iii. Would construction of roads or building sites require cuts and fills on steep slopes or cause erosion on unstable, erodible soils? Would soils be contaminated by sewage treatment systems?
      No construction of roads or buildings would require cuts and fills on steep slopes. As a subdivision, sewage would be managed via the city municipal sewage system. No soils

would be contaminated by sewage treatment systems.

iv. Describe the impacts that removal of vegetation would have on soil erosion, bank, or shoreline instability.
No vegetation is proposed for removal with the exception of the 10' wide city trail in the Whitefish River corridor. Disturbed areas will be minimized. All disturbed areas will be restored or landscaped.

v. Would the value of significant historical, visual, or open space features be reduced or eliminated?
No significant historical, visual, or open space features would be reduced or eliminated.

vi. Describe possible natural hazards the subdivision be could be subject to (e.g., natural hazards such as flooding, rock, snow or landslides, high winds, severe wildfires, or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes).
Due to the geology and geography of the site, no natural hazards are likely to affect the site.

c. How would the subdivision affect visual features within the subdivision or on adjacent land? Describe efforts to visually blend the proposed development with the existing environment (e.g. use of appropriate building materials, colors, road design, underground utilities, and revegetation of earthworks).
The proposed subdivision would require removal of some trees, however efforts will be made to preserve trees and to retain natural visual buffers.

5. **Effects on Wildlife and Wildlife Habitat**
   a. Describe what impacts the subdivision or associated improvements would have on wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands, or important habitat for rare or endangered species.
   The site of the proposed subdivision would impact Whitetail deer habitat. The proposed preliminary plat maintains a natural corridor along the Whitefish River.

   b. Describe the effect that pets or human activity would have on wildlife.
   Whitetail deer and Moose habitat would be preserved in the dedicated open space area in the Whitefish River corridor. The rest of the site is within the city limits, and will be built as an urban area.

6. **Effects on the Public Health and Safety**
   a. Describe any health or safety hazards on or near the subdivision, such as: natural hazards, lack of water, drainage problems, heavy traffic, dilapidated structures, high pressure gas lines, high voltage power lines, or irrigation ditches. These conditions, proposed or existing should be accurately described with their origin and location identified on a copy of the preliminary plat.
   No potential natural hazards pose a threat to the site of the proposed subdivision. There is no lack of water, drainage problems, heavy traffic, dilapidated structures, high pressure gas lines, voltage power line, or irrigation ditches on site.

   b. Describe how the subdivision would be subject to hazardous conditions due to high

voltage lines, airports, highways, railroads, dilapidated structures, high pressure gas lines, irrigation ditches, and adjacent industrial or mining uses.
There are no hazardous conditions due to high voltage lines, airports, highways, roads, dilapidated structures, high pressure gas lines, irrigation ditches or adjacent industrial or mining uses on the site of the proposed subdivision. US Highway 93 abuts the property on the west. There is a proposed city ROW on the North edge of the property to be coordinated with the Montana Department of Transportation.

c. Describe land uses adjacent to the subdivision and how the subdivision will affect the adjacent land uses. Identify existing uses such as feed lots, processing plants, airports or industrial firms which could be subject to lawsuits or complaints from residents of the subdivision.
To the north is the Rivers Edge subdivision, and open land. The Whitefish River borders the site to the East, with a sewage treatment facility on the east side of the river. To the south is a partially utilized parcel containing a commercial tire shop. The west side of the site borders the Highway 93 Right of Way.

d. Describe public health or safety hazards, such as dangerous traffic, fire conditions, or contamination of water supplies which would be created by the subdivision.
The proposed subdivision would generate commuter traffic. No safety hazards such as fire hazards or contamination of water supplies would be created by the subdivision.

PART III - COMMUNITY IMPACT REPORT

Provide a community impact report containing a statement of estimated number of people coming into the area as a result of the subdivision, anticipated needs of the proposed subdivision for public facilities and services, the increased capital and operating cost to each affected unit of local government. Provide responses to each of the following questions and provide reference materials as required.

1. Water, Sewage, and Solid Waste Facilities

a. Briefly describe the water supply and sewage treatment systems to be used in serving the proposed subdivision (e.g. methods, capacities, locations).
Water service to the proposed lots will be provided by a public water supply system owned, operated and maintained by the City of Whitefish. There is an existing 10" water main in Whitefish Avenue and an existing 12" Water main in US 93 North Right-of-Way. A water main extension, looping through the development and extended to the south boundary of the project will be required to serve the proposed lots. See Water and Sewer Plans accompanying this Preliminary Plat submittal. Plans for proposed extension will need to be reviewed and approved by the City of Whitefish and the Montana Department of Environmental Quality (MDEQ).

Sewer service to the proposed lots will be provided by a public wastewater collection and treatment system owned, operated and maintained by the City of Whitefish. There is an existing 8" sewer main south of the proposed development. A sewer main extension, will be required to serve the proposed lots. See Water and Sewer Plans accompanying this Preliminary Plat submittal. Plans for an extension of the existing wastewater collection system will have to be reviewed and approved by the City of Whitefish and the MDEQ.

b. Provide information on estimated cost of the system, who will bear the costs, and how the system will be financed.
The owners/developers will be responsible for installing the water system and sewer system improvements, and following construction and testing, the City of Whitefish will own, operate and maintain the water supply and sewage collection systems. The cost of water system improvements is estimated to be $150,000. The cost of sewer system improvements is estimated to be $100,000.

c. Where hook-up to an existing system is proposed, describe estimated impacts on the existing system, and show evidence that permission has been granted to hook up to the existing system.
Plans for modifications to, and extensions of, the City's public water and sewer systems, are necessary to serve the lots being proposed in the development,and will need to be reviewed and approved by the City of Whitefish and the MDEQ. In the City's review of the plans for water and sewer system improvements, impacts on the respective systems will be addressed.

d. All water supply and sewage treatment plans and specifications will be reviewed and approved by the Department of Environmental Quality (DEQ) and should be submitted using the appropriate DEQ application form.
The proposed preliminary plat will need to be reviewed by the City of Whitefish. The applicants cannot submit plans for review by the City and MDEQ until the Whitefish City Council approves the preliminary plat as the signed approval statement is a required element of the submittal.

Following preliminary plat approval by the Whitefish City Council, the engineering consultants will prepare detailed engineering plans and specifications for sewer, water and storm water drainage and submit the drawings to the City of Whitefish Public Works Department and MDEQ for review and final approval.

e. Describe the proposed method of collecting and disposing of solid waste from the development.
Solid Waste will be collected and disposed of by North Valley Refuse. Each lot will have a refuse container and will be responsible for taking it out on the day(s) of pick-up and putting it back that evening. As this is an area frequented by wildlife, the owners will be required to keep refuse containers indoors except for the day of pick-up.

f. If use of an existing collection system or disposal facility is proposed indicate the name and location of the facility.
Solid Waste will be collected and disposed of by North Valley Refuse. Each lot will have a refuse container and will be responsible for taking it out on the day(s) of pick-up and putting it back that evening. As this is an area frequented by wildlife, the owners will be required to keep refuse containers indoors except for the day of pick-up.

2. Roads and Maintenance

a. Estimate how much daily traffic the subdivision, when fully occupied, will generate on existing streets and arterials.
Please refer to The Traffic Impact Study prepared by Abelin Traffic Services, attached.

b. Describe the capability of existing and proposed roads to safely accommodate this increased traffic.
The road system will be constructed to City of Whitefish Standards for Design and Construction and dedicated to the City. Sidewalks will be constructed along both sides of the street to provide pedestrian movement through the development and to pedestrian paths along Highway 93 and along the Whitefish River.

Access to the development, in general, is provided by an existing approach onto Highway 93 to the west and the existing Whitefish Avenue to the north.

c. Describe increased maintenance problems and increased cost due to this increase in volume.
The new streets will be designed to meet the City's design standards, there should not be maintenance problems associated with the streets. Traffic volumes were generally anticipated in the development of the adjacent streets.

d. Describe proposed new public or private access roads including:

i. Measures for disposing of storm run-off from streets and roads.
Runoff from the project will generally be collected with an inlet and piping system, and will flow in an easterly direction to a treatment structure prior to discharge to the Whitefish River.

ii. Type of road surface and provisions to be made for dust.
All of the roadways within the subdivision will be paved to provide longevity of the roadways and to reduce or eliminate dust from vehicle traffic. All new roads will have curbs and gutters and roads will be crowned along the centerline to direct runoff water to the respective gutters.

iii. Facilities for streams or drainage crossing (e.g. culverts, bridges).
No streams or drainage crossings exist on site

iv. Seeding of disturbed areas.
All areas outside of roadways that are disturbed during construction will be graded, covered with topsoil, and will then be raked and hydro-seeded.

e. Describe the closing or modification of any existing roads.
No roads will be closed as a result of the proposal and no modification of existing roads is proposed; The subdivision proposes extending Whitefish Avenue south through the site, and adding a road along the north side of the site to connect Whitefish Avenue with Highway 93.

f. Explain why road access was not provided within the subdivision, if access to any individual lot is directly from arterial streets or roads.
N/A. Road access will be provided within the subdivision. No arterial streets will provide direct access to the development.

g. Is year-round access by conventional automobile over legal rights-of-way available to the subdivision and to all lots and common facilities within the subdivision? Identify the owners of any private property over which access to the subdivision will be provided.

Legal year-round access is provided to all lots and common facilities within the proposed subdivision.

h. Estimate the cost and completion date of the system, and indicate who will pay the cost of installation, maintenance and snow removal.
The street system will be constructed by the developer and dedicated to the City for long term maintenance which would include snow removal. Completion of the infrastructure is dependent upon the market for lots and therefore it could happen anytime during the approved subdivision timeline. The cost of constructing the new roadways, along with sidewalks, curb & gutter, street lights and boulevard improvements, is estimated to be $300,000.

3. Fire, Police Protection and Emergency Services

a. Describe the fire, police protection and emergency services available to the residents of the proposed subdivision including number of personnel and number of vehicles or type of facilities for:
Emergency services, including police, fire and ambulance/EMT, are dispatched from the City's Emergency Services facility located less than one mile from the proposed subdivision. Current Fire staff includes Chief, Marshall, fifteen Fighter/EMTs and eight volunteers. Current fire equipment list includes, but is not limited to, three engines, two tenders, four ambulances, three boats, one all terrain vehicle, one emergency/heavy rescue vehicle. Current Police staff includes Chief, Assistant Chief, Lieutenant, two Sergeants, Senior Detective and ten Officers.

i Fire protection -- is the proposed subdivision in an existing fire district? If not, will one be formed or extended? Describe what fire protection procedures are planned?
The proposed subdivision is located within the Whitefish Fire Service Area and the city limits of Whitefish. The subdivision will connect to the Whitefish public water system. As part of the approval of the water system, Public Works and the Fire Marshall will review the sizing, pressure, and location of hydrants needed to serve the development. The attached sewer and water plans indicate the probable locations of the Water mains.

ii Law enforcement protection – Is the proposed subdivision within the jurisdiction of a County Sheriff or municipal police department?
The proposed subdivision is within the jurisdiction of the Whitefish Police Department.

b. Can the fire and police protection service needs of the proposed subdivision be met by present personnel and facilities? If not, describe the additional expenses that would be necessary to make these services adequate, and who would pay the costs?
Police and fire services can be met through the existing personnel and facilities.

4. Education and Busing

a. Describe the available educational facilities which would serve this subdivision.
Whitefish School District 44 includes the following facilities to serve the proposed subdivision:

- *Muldown Elementary School (K- 4th)*
- *Whitefish Middle School (5th- 8th)*
- *Whitefish High School 9th- 12th)*
- *Whitefish Alternative High School*

b. Estimate the number of school children that will be added by the proposed subdivision.

Provide a statement from the administrator of the affected school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system. If not, estimate the increased expenditures that would be necessary to do so.

Using County wide average of 0.31 school aged children per residence, (There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 95 units would generate approximately 30 students in the school system.

Because the proposed development is within the three mile transportation envelope, the existing busing system would not be impacted. The Whitefish School District recently completed a major reconstruction of the Central School facility and a major upgrade of the High School Facility. The proposed subdivision in its current form does not appear to negatively impact the school system.

A letter was sent to the Superintendent's office seeking comment but no response has been received.

5. **Payment for extension of Capital Facilities**

   a. Indicate how the subdivider will pay for the cost of extending capital facilities resulting from expected impacts directly attributable to the subdivision.

   The developer will use a combination of investors and construction loans from lending institutions to raise the capital to build the infrastructure required for the subdivision.

APPENDIX B

PRELIMINARY PLAT: SUBMITAL REQUIREMENTS

I. SUPPLEMENTS TO THE PRELIMINARY PLAT

A. A completed and signed subdivision application form

B. The required review fee.

C. One or more vicinity map(s) showing

1. Ingress and egress to the subdivision from the adjoining or nearest public roads.
See drawing: 1 of 4 "Site Plan"

2. Any rivers, streams or creeks adjoining or in the vicinity of the proposed subdivision.
See drawing: 1 of 4 "Site Plan"

3. Names of any adjoining platted subdivisions and/or numbers of adjoining certificates of survey on record in the office of the County Clerk and Recorder
See drawing: 1 of 4 "Site Plan"

4. Location of any buildings, railroads, power lines, towers, roads, and other land uses.
Buildings – See drawing: 1 of 4 "Site Plan"
Railroads – NA
Power Lines – NA
Towers – NA
Roads – See drawing: 1 of 4 "Site Plan"
Other Land Uses – NA

5. Any existing or proposed zoning
WB-2 & WR-1 – Shown on Plan, See drawing: 1 of 4 "Site Plan"

B. If a the preliminary plat is a major subdivision, a list of the names and addresses of the owner of each tract, lot or land parcel within 300-feet of the boundaries of the subdivision that has been certified by the Flathead County Clerk and Recorder (GIS Department). Where the subdivision abuts a public right-of-way, or water course less than 300-feet in width, the properties across such right-of-way or water course shall be considered as adjacent.
See attached list provided by the Flathead County Clerk and Recorder

C. If a the preliminary plat is a minor subdivision, a list of the names and addresses of the owner of each tract, lot or land parcel within 150-feet of the boundaries of the subdivision that has been certified by the County Clerk and Recorder (GIS Department). Where the subdivision abuts a public right-of-way, or water course less than 150-feet in width, the properties across such right-of-way or water course shall be considered as adjacent.
NA

D. Title report, no more than 90 days old.
See attached title report in Supplemental Information section

E. Any existing covenant and/or deed restrictions.
NA

F. A preliminary grading plan which includes a weed management plan and a plan for temporary erosion and sedimentation control during development of the site.
A preliminary grading plan with approximate contours and finished floor elevations for the major structures is shown in Sheet 2 of 4-Preliminary Plat-Utility Site Plan. Erosion and sediment control will consist of straw wattles in conjunction with silt fencing. Both of these BMPs will be installed along the natural contour. Equipment tracking pads will also be implemented at all entrances to the project in accordance with City of Whitefish Standards.

See Appendix F – Environmental Assessment, Section 4-ii-D for description of type and extent of noxious weeds and weed management plan.

G. A preliminary stormwater management plan for the entire site. See section 12-4-25
Sheet 2 of 4- Utility Plan shows the topography of the site and surrounding areas. Minimal run-on from adjacent sites is expected as the site is bordered by HWY 93 on the West (which utilizes a storm drain system) and the Whitefish River on the East. There is an undeveloped lot to the North that drains away from the proposed development towards the Mountain Mall's stormwater retention pond. Additional run-off associated with the proposed development of the lot will be detained in a detention pond or an underground chamber system. Stormwater will be treated by providing sediment storage in the detention system and/or mechanical treatment. Any area within 500' of the Whitefish River will not require flow attenuation per Whitefish Engineering Standards however, all stormwater will be treated before leaving the site and entering the river.

H. Preliminary road and utility layout, which includes water, sewer and stormwater
See Sheet 2 of 4- Utility Plan for road, utility, water, sewer, and stormwater layouts.

I. Parkland dedication calculations.
Per Section 12-4-11 of the City of Whitefish Regulations (Park Land and Open Space Requirements), the proposed subdivision is exempt from parkland dedication requirements. Subsection 12-4-11(C)(4) (Exemptions) states that "Planned unit developments or other developments which propose lands permanently set aside for park and recreation purposes to meet the needs of the persons who ultimately reside in the development and equals or exceeds the dedication requirements of subsection A of this section" are exempt. In this instance a Planned Unit Development (PUD) application accompanies this plat application. The PUD includes a permanent 1.04-acre common area lot (Lot 16 of the preliminary plat) adjacent to the Whitefish River at the easternmost edge of the site. Access to Lot 16 will be via a permanent easement along the northerly property line of the subdivision between Whitefish Avenue and the river. The river-side common area of 1.04 acres exceeds the parkland dedication requirement of 0.43 acres (as determined by the formula found in 12-4-11(A)).

This figure was calculated as follows:

12-4-11.A(2)	*11% of Lots ½ acre and smaller.*		
	Lots 1-15	*3.12 acres X 0.11 =*	*0.34 acres*
12-4-11.A (5)	*2.5% of Lots between 3 and 5 acres*		
	Lots 17-18	*3.87 acres X 0.025 =*	*0.10 acres*
Total parkland dedication =			*0.43 acres*

Subsection 12-4-11(C)(7) also exempts the proposed preliminary plat from parkland dedication:

"Where a subdivision provides for long term protection of an area identified as a water quality protection area under section 11-3-29, "Water Quality Protection", of this code, important wildlife habitat; significant cultural, historical or natural resources; agricultural interests or aesthetic values and the land area equals or exceeds the dedication requirements of subsection A of this section."

J. If applicable, a Critical Areas Report consistent with the requirements outlined in Section 11-3-29, Critical Areas, of the Whitefish Zoning Jurisdiction Regulations.

K. FIRM or FEMA panel map and letter identifying floodplain status
See attached FIRM Map, Panel #1090 of 3525. The FEMA floodplain map identifies elevation 3001' as the 100 year flood level. See the Site plan for 3001' contour.

L. If applicable, a Geotechnical Review: Site Characterization, Section 12-4-9
The East end of the proposed development along the Whitefish River does contain slopes in excess of 10%., TD&H Engineering performed a geotechnical evaluation of the proposed development. Results are included in the Geotechnical Report in the Supplemental Information section.

M. If applicable, a copy of the draft covenants for the subdivision.
See attached draft of the CC&Rs in the Supplemental Information section

N. If applicable, a tree preservation plan.
See drawing: 3 of 4 "Tree Preservation & Street Tree Planting"

O. If applicable, a traffic impact analysis.
See attached traffic impact analysis performed by Abelin Traffic Services in the Supplemental Information section.

P. If any common area is proposed to be part of the subdivision, the subdivider shall submit a plan for long term management of these areas. If common property and/or facilities within the subdivision are to be maintained by an association of the property owners, the subdivider shall submit a draft of the restrictions which will govern the association. These restrictions shall, at a minimum, provide that:
See attached draft of the CC&Rs in the Supplemental Information section

1. The property owners association will be formed prior to sale of any lots within the subdivision;
After approval, the homeowners association will be formed prior to the sale of any lots. See attached draft of the CC&Rs in the Supplemental Information section for more information.

2. Membership is mandatory for all property owners in the subdivision;
See attached draft of the CC&Rs in the Supplemental Information section for more information

3. The association is responsible for any liability insurance, payment of taxes on common property and maintenance of common use areas and facilities.
See attached draft of the CC&Rs in the Supplemental Information section for more information

Q. If the subdivision will be phased, a phasing plan as part of the preliminary plat submittal, the subdivider may propose to delineate on the preliminary plat two or more final plat filing phases and establish an estimated schedule for completion.

1. Each phase must be free-standing, that is, fully capable of functioning with all the required improvements in place in the event the future phases are not completed or completed at a much latter time.

2. If the subdivision is proposed to be phased, a phasing plan must be submitted which includes

a. A preliminary plat that clearly numbers and shows each individual phase,
See drawing: 4 of 4 "Phasing Plan"

b. A time frame for the development of each phase,
See drawing: 4 of 4 "Phasing Plan"

c. A street and utility extension plan for each phase. Said plan is premised on the understanding that each phase is intended to be free standing on its own merits should additional phases not occur.
While the proposed development will be phased, all streets, utilities, and public infrastructure will be built out during Phase 1 of development.

i. As such, certain streets and utility extensions may be required to be extended beyond a particular phase for safety and service purposes.

ii. Temporary dead end streets are not allowed. Where a street temporarily dead ends, a temporary cul-de-sac may be required. If said street exceeds cul-de-sac standards for length or is critical to the traffic flow of the area, it may be required to be extended beyond the immediate

R. A community impact report, for both major an minor subdivisions, assessing the anticipated needs of the proposed subdivision for local services, including education and busing; roads and maintenance; water, sewage, and solid waste facilities; and fire and police protection as outlined in Appendix F.
See Attached Appendix F

S. An environmental assessment.

See Attached Appendix F

T. If the subdivision will be utilizing on-site water and / or sewage treatment, the subdivider shall provide information on the new water supply and / or wastewater facilities that includes information that is provided on the forms and format required by the Montana Department of Environmental Quality for the use of on-site water and waste water facilities, as required under Section 76-3-622 of the MSPA.
Subdivision to be serviced by City of Whitefish municipal water & sewer service

U. Any other land use applications that may apply to the project such as a: rezone application, planned unit development application, variance request, growth policy amendment (text or map), etc
See attached planned unit development application.

V. Other items identified by the planning director or designee through the pre-application process.

II. CONTENTS OF THE PRELIMINARY PLAT
The preliminary plat may be comprised of one (1) or more sheets. Each sheet shall be either 18" x 24" or 24" x 36" in size and shall be drawn to a scale not less than 200 feet to an inch. The following information shall be shown on the face of the preliminary plat:

A. Name and location of the subdivision, scale and north point;
See drawing: 1 of 4 "Site Plan"

B. Location of all section corners or subdivision corners pertinent to the subdivision boundary;
See drawing: 1 of 4 "Site Plan"

C. Exterior boundaries of the tract to be subdivided including bearings and distances sufficient to locate the exact area proposed for subdivision;
See drawing: 1 of 4 "Site Plan"

D. All lots and blocks designated by numbers, approximate dimensions scaled to the nearest foot, and the area of each lot estimated to the nearest 0.1 acre;
See drawing: 1 of 4 "Site Plan"

E. A table indicating the gross and net acreage of each lot, the total area in lots, the total area in road, total area of parks, common area or open space and the total area of the subdivision.
See drawing: 1 of 4 "Site Plan"

F. Ground contours for the tract shall use the North American Vertical Datum (NAVD) 1988 in accordance to the following requirements:

Location of the clearing limits:	Two (2) foot contour intervals
Remainder of parcel:	Five (5) foot contour intervals
Areas with greater than 30% slope:	Shaded or Highlighted

If a uniform contour interval is not practical, the contour interval may be changed for steep areas, if such a change is clearly identifiable through shading or other appropriate graphic technique;

G. All existing and adjoining streets and alleys, avenues, roads and highway, and width of the right-of-way with existing and proposed street names and access points from the nearest public roads
See drawing: 1 of 4 "Site Plan" for existing and proposed street names.
Cul-de-sac name to be determined

H. Any existing and proposed utilities, utility easements and right-of-way easements located or proposed to be located on or adjacent to the tract, including description of their width and purpose;
See drawing: 2 of 4 "Utility Plan"

I. Location, boundaries, dimensions and areas of any parks or areas dedicated for common or public use;
See drawing: 1 of 4 "Site Plan"

J. Location and size of existing buildings, structures and improvements, if to be retained;
No existing buildings, structures and improvements are to be retained on site.

K. Designated one hundred year (100-year) floodway and/or floodplain area, if any
See drawing: 1 of 4 "Site Plan"
See attached FIRM Map, Panel #1090 of 3525

L. Location and size of all natural and environmental features on the site including wetlands, rivers, streams, springs, ponds, and lakes.
See drawing: 1 of 4 "Site Plan"

M. Any critical areas as defined by the Section 11-3-29, Critical Areas, of the Whitefish Zoning Jurisdiction Regulations within the site or within 200-feet of the subdivision boundaries.
No Critical Areas

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

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

PLANNED UNIT DEVELOPMENT

FEE ATTACHED $ 4,532.40
(See current fee schedule)

INSTRUCTIONS:

- ☐ A Site Review Meeting with city staff is required. Date of Site Review Meeting: 01-07-16
- ☐ 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.
- ☐ 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 Address: 6325 & 6321 Hwy 93 So., Whitefish, MT 59937

Total Area of Property: 9.483 acres (COS 11155)

Zoning District: WB-2 and WR-1

Assessor's Tract No.(s) 1BDB & 1BD Lot No(s) n/a
Block # n/a Subdivision Name n/1
Section 01 Township 30N 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.

Michael Morton
Owner's Signature[1]

January 15, 2016
Date

Michael Morton
Print Name

Bruce Boody AGA
Applicant's Signature

January 15, 2016
Date

Bruce Boody
Print Name

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

Revised 1-7-15

January, 2016

Representative's Signature | Date

Bruce Boody

Print Name

APPLICATION CONTENTS:

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

✓ Planned Unit Development Application – **11 copies**

✓ Site Plan – **11 copies** The site plan, drawn to scale, which shows in detail the proposed use; property lines and setback lines; topography – slopes, drainage, ridges, etc.; existing and proposed buildings; location and type of landscaping; Vehicle, emergency and pedestrian access, traffic circulation and control, including pedestrian and bikeway linkages to existing and/or proposed trails beyond project boundaries; location and type of open space and common areas; fencing

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

✓ Narrative Addressing the Following - **11 copies**

- Total acreage and present zoning classifications;
- Zoning classification of all adjoining properties;
- Density in dwelling units per gross acre;
- Location, size, height and number of stories for buildings and uses proposed for buildings;
- Location, size, height, color and materials of signs;
- Location, height, and material of fencing and/or screening;
- Proposed maintenance of common areas and open space;
- Special design standards, materials and / or colors;
- An overall description of the goals and objectives for the development of the project.
- The extent to which the plan deviates from zoning, subdivision regulations and/or "Standards for Design and Construction" (public works standards). The standards that may be deviated from through the approval of a Planned Unit Development are listed in section 11-2S-5.A. Please describe the public benefit for such departures including how they further the intent and purpose of the Planned Unit Development as set forth in Sec. 11-2S-1.

- The nature and extent of all open space in the project and the provisions for maintenance and conservation of the common open space; assess the adequacy of the amount and function of the open space in terms of the land use, densities, and dwelling types proposed in the plan.
- The manner in which services will be provided such as water, sewer, storm water management, schools, roads, traffic management, pedestrian access, recreational facilities and other applicable services and utilities.
- The relationship of the planned development upon the adjacent and surrounding neighborhoods. Specifically address any potential adverse impacts and how they may be avoided or effectively mitigated.
- How the plan provides reasonable consideration to the character of the neighborhood and the particular suitability of the property for the proposed use.
- How the development plan will further the goals, policies and objectives of the Whitefish Growth Policy.
- If affordable housing is a component of the project, describe how the project is implementing the standards in Section 11-2S-3.B.

✓ Proposed schedule of completion and phasing of the development, if applicable – **11 copies**

✓ Covenants, conditions and restrictions (CC&Rs) – **11 copies**

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

✓ Where new buildings or additions are proposed, building sketches and elevations shall be submitted – **11 copies**

✓ Electronic version of entire application such as .pdf

✓ Certified adjacent owners list for properties within 150-feet of subject site (300-feet if accompanying a Major Subdivision request) – **1 copy**

✓ Any other additional information requested during the pre-application process

___ Any other information that may be deemed relevant and appropriate to allow for adequate review

✓ If the project accompanies a Subdivision request, a preliminary plat shall be prepared in accordance with the requirements of the Subdivision Regulations (see applicable form)

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.

Project Name: Mkay Enterprises

☑ Initial Planned Unit Development
☑ Amendment to an Approved/Existing Planned Unit Development

B. OWNER(S) OF RECORD:

Name: Mkay Enterprises Phone: 406-270-9630

Mailing Address: P.O. Box 907

City, State, Zip: Whitefish, MT 59937

Email: morton@montana.com

APPLICANT (if different than above):

Name: Bruce Boody Landscape Architect Inc. Phone: 862-4755

Mailing Address: 301 Second Street, Suite 1B

City, State, Zip: Whitefish, MT 59937

Email: boodyla@bruceboody.com

TECHNICAL/PROFESSIONAL:

Name: same as above Phone: ___

Mailing Address: ___

City, State, Zip: ___

Email: ___

NARRATIVE

• Total acreage and present zoning classifications;
The site is approximately 9.5 acres and is in two zoning districts: the WB-2 Secondary Business District (3.5 acres+/-) and the WR-1 One Family Residential District (6.0 acres+/-).

• Zoning classification of all adjoining properties;
North: WB-2 Secondary Business District
WR-1 One Family Residential District w/ Planned Unit Development (PUD) Overlay
South: WB-2 Secondary Business District
WR-1 One Family Residential District
East: Whitefish WA
West: WB-2 Secondary Business District (beyond the Highway 93 right-of-way)

• Density in dwelling units per gross acre;
The residential density of the PUD is 10 dwelling units/acre (95 dwelling units on 9.5 acres).

• Location, size, height and number of stories for buildings and uses proposed for buildings;
The PUD includes the following buildings and uses (please refer to the site plan for locations):
Residential: *13 detached single-family homes*
2 five-plex townhomes (10 units)
2 6-unit apartment buildings (12 units)
1 24-unit apartment building (24 units)

(Future) Mixed-Use: *One two and one half-story mixed-use building with a footprint of +/-22,000 square feet. This building, when constructed) will have office and commercial uses on the ground floor and a maximum of 36 residential units (apartments) above.*

• Location, size, height, color and materials of signs;
No signs are proposed at this time. Any signage identifying the development or tenants of the mixed-use building will be compatible with the PUD's architecture and compliant with city sign regulations.

• Location, height, and material of fencing and/or screening;
Landscape screening of all parking areas as required by Whitefish off-street parking standards will be met. Please refer to site plan.

• Proposed maintenance of common areas and open space;
Maintenance of all common areas and open space will be managed by the homeowner's association or the professional property management company that will be responsible for management of the rental units. Maintenance of the bike/pedestrian path will be the responsibility of the city.

• Special design standards, materials and / or colors;
Elevations of all multi-family buildings are attached.

• An overall description of the goals and objectives for the development of the project.
The goal of the proposed PUD is to develop a diverse mix of affordable and market-rate residential units, in a variety of sizes and types, in a manner that is both consistent with the city's growth policy

and complementary to the surrounding neighborhood. The proposed PUD, encompassing approximately 9.5 acres of now-vacant property, is situated between the Whitefish River to the east and Highway 93 to the west. The Les Schwab Tire Center is located immediately south of the site. To the north is a vacant parcel fronting Highway 93 and the River's Edge residential PUD which is situated between Whitefish Avenue and the Whitefish River.

The proposal includes a total of 95 residential units in a mix of detached single-family lots (13 in number), attached townhomes in two five-plex configurations and apartments in two two-story, 6-unit buildings and one three-story, 24-unit structure. Also proposed is a future mixed-use building near the Highway 93 frontage that will, when constructed, include professional office and commercial uses on the ground floor and up to thirty-six (36) residential apartment units above. The applicants intend to provide up to 72 units of affordable housing in the Planned Unit Development (76% of the total) and in doing so take advantage of the residential density bonus afforded by Section 11-2S-3(B) of the Whitefish Municipal Code.

The proposed PUD is under single ownership but the site will be developed by two separate entities. For that reason and to better describe and refer to particulars of the PUD the site has been divided into an Area "A" and an Area "B." Area A encompasses the westerly +/-4.5 acres fronting Highway 93 and Area B describes the remaining +/-5 acres that terminates on the east at the Whitefish River. Area A includes the three large multi-family structures, the future mixed-use building and the appurtenant parking for all four buildings. The remaining townhomes and single-family lots are located in Area B.

• The extent to which the plan deviates from zoning, subdivision regulations and/or "Standards for Design and Construction" (public works standards). The standards that may be deviated from through the approval of a Planned Unit Development are listed in section 11-2S-5.A. Please describe the public benefit for such departures including how they further the intent and purpose of the Planned Unit Development as set forth in Sec. 11-2S-1.

Zoning Deviation

Minimum Lot Area: The WR-1 district requires minimum lot sizes of 10,000 square feet (11-2F-4). The thirteen single-family lots within the proposed PUD average 7,421 square feet. The requested deviation allows the development of smaller homes on smaller lots which results in more-affordable housing. The smaller lot sizes being requested in the PUD are consistent with similar lot size reductions approved in the adjacent River's Edge Planned Unit Development. Lots 31-34 of River's Edge, which are situated at the southerly end of the PUD, measure 6,600 sf, 5,619 sf, 5,009 sf and 6,900 sf respectively. Lots 1-4 of the proposed PUD are located immediately south of River's Edge and measure 8,408 sf, 6,390 sf, 6,510 sf and 9,195 sf.

While the applicant is seeking a deviation from the minimum lot size required by the underlying WR-1 zoning, it appears that Article S (WPUD Planned Unit Development District) standards permit decreased lot sizes such as those proposed. Specifically, Section 11-2S-3(B), Standards of Development, permits a maximum PUD density of 7 dwelling units per acre in a WR-1 district if a minimum of ten percent of the units are affordable. This standard would appear to allow/permit lot sizes of 6,223 square feet (1 acre or 43,560 sf divided by 7 = 6,223). Single-family lots within the proposed PUD, all with an underlying zoning of WR-1, are all in excess of 6,223 sf.

• The nature and extent of all open space in the project and the provisions for maintenance and conservation of the common open space; assess the adequacy of the amount and function of the

open space in terms of the land use, densities, and dwelling types proposed in the plan.

The PUD includes a sizeable open space corridor along the Whitefish River at the easterly edge of the site. This open space will be preserved and will accommodate a segment of the city's bike/pedestrian trail system. Immediately adjacent to the open space is the required 20-foot setback, which serves to further protect the river and its environs. In addition to the river-side open space the PUD also includes a 20-foot-wide open space corridor adjacent to the north property line between Whitefish Avenue and the river. This corridor will provide a means for residents of the PUD to access the bike/pedestrian path, and, coupled with the rear yard setbacks of adjacent single-family lots, represents a 40-foot open space buffer between the PUD and the River's Edge development to the north.

Maintenance of all common areas and open space will be managed by the homeowner's association and the property management company for the rental units. Maintenance of the bike/pedestrian path will be the responsibility of the city.

• The manner in which services will be provided such as water, sewer, storm water management, schools, roads, traffic management, pedestrian access, recreational facilities and other applicable services and utilities.

Municipal sewer and water services are available to serve the site. Stormwater management will occur on site. Whitefish Avenue will be extended through the site to the southerly property line of the PUD and will provide access to the westernmost portion of the development (Area B). The applicants will be dedicating a 30-foot-wide right-of-way along the property's northerly edge between Highway 93 and Whitefish Avenue. The property owner to the north of the PUD will be required to provide a similar right-of-way dedication, and, when complete, this new street will provide access to the PUD as well as another means of ingress and egress for the River's Edge PUD.

Between Whitefish Avenue and the Whitefish River the applicant will provide a 20-foot-wide open space corridor which will include an easement providing residents of the PUD access, via a 3' wide mulched trail. Due to grade limitations this access trail will not be ADA compliant to the city's bike/pedestrian path which runs parallel with the river.

The proposed residential PUD will have an impact on the local school system. It is anticipated that a certain number of the people moving into the PUD will already be residents of Whitefish and therefore will not add to the local school population. It must also be assumed that a residential subdivision of this size and density will generate, now and in the future, a significant number of school-aged children. The school district has been contacted for its comments on the proposal. The increase in the tax base resulting from development of the PUD will direct additional tax dollars to the school district and help offset the costs associated with increased enrollment.

• The relationship of the planned development upon the adjacent and surrounding neighborhoods. Specifically address any potential adverse impacts and how they may be avoided or effectively mitigated.

Traffic

As a result of the extension of Whitefish Avenue south from its current terminus, traffic will increase on Whitefish Avenue as a result of this proposal but should not overburden the local street system. This increase will be mitigated in part once the connecting street between Whitefish Avenue and Highway 93 is completed. Both the extension of Whitefish Ave. and the east-west connector to Hwy

93 are a part of the Whitefish Transportation Plan. The city's transportation plan anticipates an eventual extension southward of Whitefish Avenue to JP Road. While this extension is not high on the city's transportation improvements priority list at this time, as development and redevelopment of tracts south of the subject property occurs it will become more vital. There are 2 parcels south of this project separating the existing Whitefish Avenue from JP Road.

The attached Traffic Impact Study prepared by Abelin Traffic Services addresses existing conditions and trip generation, assignment, and distribution as a result of the proposed development.

Neighborhood compatibility.
In order to minimize impact on the River's Edge development to the north the applicants have sited the single-family home component of the PUD opposite similar uses and densities. The twenty-foot-wide easement providing foot access to the city's bike/pedestrian trail, coupled with the twenty-foot rear yard setbacks on the northernmost single-family lots, provides a significant buffer between the two developments. Density within the proposed PUD increases from west to east, with the lower density development along the river and adjacent to River's Edge, and increasingly higher density as you move toward Highway 93. Additionally the applicants will be enhancing and preserving the riverside open space corridor and providing residents of the PUD access to the public bike/pedestrian path system.

• How the plan provides reasonable consideration to the character of the neighborhood and the particular suitability of the property for the proposed use.
Please refer to the response stated above. The proposed site plan is respectful of and complementary to established uses in the area. Single-family lots 1-4 of the proposed PUD measure 8,408 sf, 6,390 sf, 6,510 sf and 9,195 square feet respectively and each lot has a minimum twenty-foot rear yard setback. These four lots are situated immediately south of lots 31-34 of the River's edge PUD and are further separated by a 20-foot-wide easement. Lots 31-34 of River's Edge measure 6,600 sf, 5,619 sf, 5,009 sf and 6,900 square feet respectively and have rear-yard setbacks as small as fifteen feet.

The proposal is consistent with the city's Growth Policy and will be developed within the parameters of the PUD District standards. Proposed residential densities in the PUD are respectful of the underlying zoning of the property and sited in a manner that is least impactful to existing development in the area.

• How the development plan will further the goals, policies and objectives of the Whitefish Growth Policy.
Development of the proposed PUD plan was guided by the below-cited policies of the Growth Policy and strives to meet the goals of those policies. (Note: the numbering of the goals, policies and recommended actions included below are as found in the city's Growth Policy. ***Italicized text*** *is taken directly from the Growth Policy)*

AIR QUALITY

Air Quality Goals:

1. Keep the Whitefish area's air quality high for the health and enjoyment of residents and visitors alike, and continue to explore ways to reduce air pollution even further.

Air Quality Policies:

1. It shall be the policy of the City of Whitefish to require analysis of non-motorized transportation alternatives in development projects.

Air Quality Recommended Actions:

1. Require dust-free surfaces on all new driveways and parking and vehicle storage areas within the planning jurisdictional area.

2. Require developments to provide off-site pedestrian and bikeway improvements "up front" so that facilities are available concurrently with demand.

> *"When communities grow in a sprawling fashion and the places where people work and shop grow more and more homogeneous and move ever farther away from residential areas transportation choices become limited to the private automobile. People spend increasing amounts of time in their cars, lane mileage per capita increases, spending for roadway improvements increases, VMT (vehicle miles traveled) increases, and so does air pollution. Communities cannot control the efficiency of the national fleet of cars and trucks, but they can plan for future growth in such a way that alternative transportation modes are possible, and even desirable* (Growth Policy p.14)."

The location of the proposed PUD will afford residents direct access to the city's extensive bike/pedestrian pathway system and is in convenient proximity to grocery and other retail shopping, restaurants, the North Valley Hospital campus and the large sportsplex east of the hospital. This location affords the opportunity for residents to minimize VMT.

WATER QUALITY

Water Quality Policies:

1. It shall be the policy of the City of Whitefish that no development activity, private or public, shall cause soil erosion, sedimentation, nutrient loading, or stormwater discharge that adversely impacts other properties, roads, wetlands, or any water body. Zero sedimentation and zero nutrient loading shall be the target for all development activity.

2. The protection and enhancement of water quality shall be a primary objective in review of development projects, including detailed drainage plans. On site retention of stormwater shall be required in all areas without storm sewer, and encouraged in areas that have storm drainage facilities.

3. Effective erosion control and sedimentation prevention measures shall be incorporated into all construction impact mitigation plans for public and private developments.

4. Management of natural riparian vegetation in order to preserve its environmental functions is a top priority in development review and in construction mitigation. Preserving natural vegetation along lakes and stream banks shall take precedent over recreational access and development.

"The Whitefish River forms an open space corridor with trails and parks that are treasured by the entire community, and bald eagles soar a few blocks from downtown because this same river provides food and roosting areas (Growth Policy p.15)."

The proposed PUD includes preservation of the open space adjacent to the river and access to and continuation of the riverside trail.

LAND USE

The Growth Policy speaks to the importance of sustainability as it relates to land use and transportation issues; the applicants feel the location of the proposed PUD and its connectivity to multiple modes of transportation will contribute to the goal of a sustainable community:

"The concept of sustainability touches many areas of a community plan. In land use and transportation planning, sustainability would support a compact growth pattern, discourage sprawl, and provide opportunities for mixed and multiple uses of land to reduce or eliminate vehicle trips. Sustainable development preserves transportation choices such as walking, transit, and cycling, as opposed to leaving a private automobile trip as the only viable transportation choice (p. 8).

Future Land Use

The subject property is designated by the Growth Policy for "General/Highway Commercial" and "Urban Residential" uses. The westerly +/-400 feet of the site, with frontage on Highway 93, has the General/Highway Commercial designation; the remainder is designated for Urban Residential use. The proposed PUD is consistent with the definitions of the two designations as defined by the Growth Policy:

"General/Highway Commercial:

Generally applied to the Hwy 93 corridor north of the Highway 40 intersection, this designation is defined by auto-oriented commercial and service uses. Specific land uses include retail, restaurants of all types and quality ranges (including those with drive-up facilities), professional offices, auto sales and services, hotels/motels, supermarkets, shopping centers or clusters, and convenience shopping, including the dispensing of motor fuels. Primary access is by automobile with ample parking provided on site. Development sites are properly landscaped to screen parking and drive areas and to provide a high-quality visual image. Zoning is generally WB-2, but higher density residential with WR-3 zoning, and mixed use development may also be appropriate in this area (p. 66)."

Urban:

This is generally a residential designation that defines the traditional neighborhoods near downtown Whitefish, but it has also been applied to a second tier of neighborhoods both east of the river and in the State Park Road area. Residential unit types are mostly one and two-family, but town homes and lower density apartments and condominiums are also acceptable in appropriate locations using the PUD. Densities

generally range from 2 to 12 units per acre. Limited neighborhood commercial located along arterial or collector streets are also included in this designation. Zoning includes WLR, WR-1, and WR-2 (p. 67)."

Future Land Use Goals:

2. Preserve, enhance, and manage environmentally sensitive areas such as river and stream banks, steep slopes, wetlands, forested areas, and critical wildlife habitat.

5. Protect and preserve the special character, scale, and qualities of existing neighborhoods while supporting and encouraging attractive, well-designed, neighborhood compatible infill development.

Future Land Use Policies:

2. It shall be the policy of the City of Whitefish to require concurrency of all urban services, including but not limited to:
Water and sewer
Drainage
Streets
Public safety and emergency services
Pedestrian, bikeway, and trail facilities
Parks
Schools

5. It shall be the policy of the City of Whitefish to encourage and support sustainability in land use planning so that the needs of the present are met while ensuring that future generations have the same or better opportunities.

7. Waterfront development, including roads, utilities, and trails, shall not be allowed to degrade water quality, illegally or otherwise improperly alter natural stream backs and lakeshores, destroy riparian vegetation, degrade riparian wildlife habitat.

8. As a matter of policy, development shall be required to "pay its way" in terms of costs for services and facilities needed to serve it.

13. All waterfront structures shall be appropriately set back from the waterfront to preserve views, minimize adverse environmental impacts, preserve the aesthetic qualities of the lake or river front, meet sanitation requirements, and protect water quality.

From page 8 of the Growth Policy:

> *"New growth will provide opportunities for new urban forms to emerge. We welcome new and infill development that is compatible with the character and qualities of Whitefish, that respects existing neighborhoods, and that maintains connections to existing and planned streets, pathways, schools, parks, and open spaces."*

The proposed PUD is consistent with type of development envisioned and embraced by the Growth Policy as articulated above.

COMMUNITY FACILITIES

Municipal Water Service Policies:

1. Maintain adequate fire flows in all new developments, and require off-site improvements when necessary to achieve required fire flows.

2. Require that all new water main extensions be made in accordance with the City of Whitefish Water Utility Plan, including routing and sizing to serve future developments.

Wastewater Collection and Treatment Policies:

1. Through the Land Use Element of this Growth Policy and land development regulations, direct growth to areas of the community already served by municipal sewers.

2. New sewer main extensions to serve new development shall be made in compliance with the City's Wastewater Utility Plan, including both location and routing of new mains and main line capacities to account for future development

Stormwater Management Policies:

2. It shall be the policy of the City of Whitefish to ensure that the highest standards of environmental protection are met in public construction projects such as streets, utilities, structures, parks, and trails.

3. Stormwater management systems to accommodate new development shall be constructed and maintained in accordance with the Whitefish Stormwater System Utility Plan (WSSUP) and the City of Whitefish Standards for Design and Construction.

Financing and Improvement Mechanisms Policies:

2. It is the policy of the City of Whitefish to work with prospective developers to provide high quality, efficient, and sustainable infrastructure for existing and future residents alike.

3. New development shall "pay its way", and will not be subsidized by existing ratepayers.

The proposed PUD will pay its way in terms of providing all required water, sewer, transportation and stormwater infrastructure improvements and/or extensions. The applicants will also dedicate thirty feet of right-of-way toward the construction of a new east-west city street north of the site, and will extend Whitefish Avenue through to the southerly boundary of the PUD.

Parks and Recreation Goals:

1. Expand the diversity of parks, open spaces, and high-quality recreational opportunities for the growing Whitefish area.

The open space at the eastern edge of the site will accommodate the city's bike/pedestrian trail adjacent to the Whitefish River.

• If affordable housing is a component of the project, describe how the project is implementing the standards in Section 11-2S-3.B.

The applicants are proposing to provide 36 affordable units on-site (with possibly 36 future units), rather than paying an in-lieu fee or providing a land dedication. The housing will be in the form of rental apartments and rents will fall within the city's guidelines for affordable housing. The Whitefish Housing Authority will be part of the team that develops the affordable rental units.

C. DESCRIBE PROPOSED USE:

The proposal includes a total of 95 residential units in a mix of detached single-family lots (13 in number), ten attached townhomes in two five-plex configurations and apartments in two two-story, 6-unit buildings and one three-story, 24-unit structure. Also proposed is a future mixed-use building near the Highway 93 frontage that will include professional office and commercial uses on the ground floor and residential units above. The applicants intend to provide 36 units of affordable housing (with the possibility of 36 additional future units) in the Planned Unit Development (38% of the total immediately and up to 76% in the future) and in doing so take advantage of the residential density bonus afforded by Section 11-2S-3(B) of the Whitefish Municipal Code.

D. FINDINGS:

The following criteria form the basis for approval or denial of the Planned Unit Development (§11-2S-1). 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. Each criteria shall be addressed with an eye toward community benefit and how the project goes above and beyond the standard requirements.

1. Preserve and/or enhance environmentally sensitive areas of the site.

The PUD includes a sizeable open space corridor along the Whitefish River at the easterly edge of the site. This open space will be preserved and will accommodate a segment of the city's bike/pedestrian trail system. Immediately adjacent to the open space is the required 20-foot setback, which serves to further protect the river and its environs. Development of the bike/pedestrian path, per city policy, shall not be allowed to "degrade water quality, illegally or otherwise improperly alter the stream bank, destroy riparian vegetation, or degrade riparian wildlife habitat."

The design, use and maintenance of the open space adjacent to the river will comply with all applicable aspects of the Whitefish Water Quality Protection Regulations.

No other identified environmentally sensitive areas on the site

2. Preserve crucial wildlife habitat and/or daily or seasonal migration corridors.

Although not mapped as crucial wildlife habitat we know anecdotally that wildlife – deer in particular – do the use the river corridor. As stated above in response to (1), the corridor will accommodate the city's bike/pedestrian trail but will be otherwise preserved in its natural state.

3. Provide usable open space.

In addition to the river-side open space described above, the PUD also includes a 20-foot-wide open space corridor adjacent to the north property line between Whitefish Avenue and the river. This corridor will provide a means for residents of the PUD to access the river-side open space and bike/pedestrian path, and, coupled with the rear yard setbacks of adjacent single-family lots, a 40-foot open space buffer between the PUD and the development to the north.

4. Preserve and protect the character and qualities of existing neighborhoods.

In order to minimize impact on the River's Edge development to the north the applicants have sited the single-family home component of the PUD opposite similar uses and densities in River's Edge. The twenty-foot-wide easement providing foot access to the city's bike/pedestrian trail, coupled with the twenty-foot rear yard setbacks on the northernmost single-family lots, provides a significant 40-foot-wide buffer between the two developments.

Density within the proposed PUD increases from east to west, with the lowest density development along the river and adjacent to the River's Edge PUD, and increasingly higher densities as you move toward Highway 93. The extension of Whitefish Avenue through the development serves as an effective transition line between single-family and higher density townhomes and apartments to the west. Once the east-west street immediately north of the site is completed the PUD will be effectively

separated and buffered from future development to the north. With respect to the PUD site itself, all perimeter setbacks and landscape buffer requirements will be met. Additionally, the applicants will be enhancing and preserving the riverside open space corridor and providing an easement for continuation of the public bike/pedestrian path system through the site. To the extent possible the native conifer trees will be preserved.

5. Make efficient use of infill property.

While this site would not be considered typical "infill" property, it is a large vacant tract within the municipal limits of Whitefish and is served by all necessary utilities and services. With the goal of producing much-needed affordable workforce housing, it is in an ideal location. The city has recently approved two new hotels which are under construction and a third is being considered immediately north of this site. These new developments will need large numbers of employees who in turn will need affordable housing.

6. Provide effective buffers or transitions between potentially incompatible uses of land.

Please refer to response to (4), above.

No significantly incompatible uses – within the proposed PUD or on adjacent lands – have been identified. Les Schwab to the south and a proposed hotel to the north are both uses anticipated by their respective zoning and growth policy designations. The River's Edge PUD to the north along the river is similar in use and density to that proposed in the easterly quadrant of the proposed PUD.

7. Facilitate street continuity and connectivity, and attractive high quality streetscapes.

If approved the PUD will result in the extension of Whitefish Avenue and help facilitate a new east-west street between Whitefish Avenue and Highway 93. Streetscapes within the PUD will meet all city standards and requirements including curb, gutter, sidewalk, landscaping and street trees, and street lighting.

8. Provide pedestrian and bicycle facilities and encourage transportation alternatives.

Residents will have access to the city's bike/pedestrian path adjacent to Whitefish River and sidewalks will be provided throughout the proposed PUD. Bike racks will be installed in the vicinity of the multi-family buildings. The site is located in proximity to grocery and other retail shopping, restaurants, movie theatres, North Valley Hospital and the city's large sportsplex. Parks, recreation and schools are accessible via the City bike/ped trail system and streets.

9. Provide affordable housing.

The intent is that all rental units developed in Area "A" will be affordable to individuals and households earning 60% of Area Median Income or less. These units will be affordable for at least 46 years due to funding being sought for the development. Area "A" will be developed in two phases The first 36 units will be in Phase I and will include the two 6-plex townhomes structures and the 24-unit Multi-Family apartment structure noted on the site plan. The second phase of affordable housing will include another 36 units in a mixed-use type building along Highway 93. The Whitefish Housing Authority will be part of the development team that owns and manages these affordable units.

10. Provide a variety of residential product type while avoiding a monotonous and institutional appearance.

The PUD includes the following mix of residential units:

- *Single-Family homes*
- *Five-plex Townhomes*
- *Multi-family Apartment structures of 6-24 units each*

There will be a mix of affordable and market-rate dwelling units within the PUD.

11. Compliance with and/or implementation of the growth policy.

Please refer to discussion above.

CERTIFIED ADJACENT OWNERS LIST

Flathead County GIS
800 South Main Street
Kalispell, MT 59901
Phone (406) 758-5540
Fax (406) 758-2139

Certified Ownership List Request Form

Must be filled out by the Planning Office, Surveyor, or Engineer

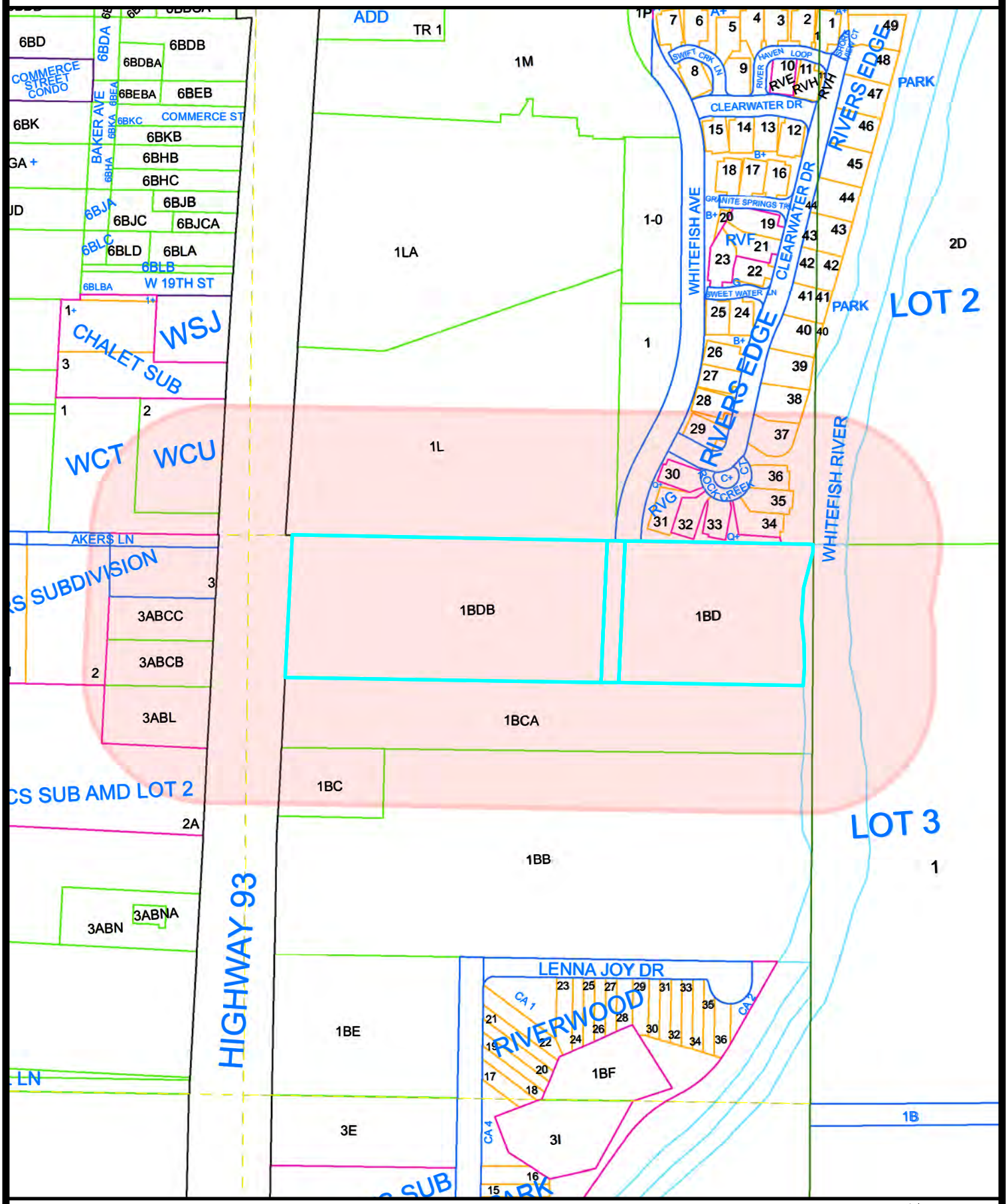
SUBJECT PROPERTY OWNER	MKAY ENTERPRISES
SUBJECT PROPERTY ASSESSOR #	0980444 & 0954600
SUBJECT PROPERTY LEGAL DESCRIPTION	Tract 1 & Tract 2 of COS 11155
SEC-TOWNSHIP-RANGE	S1-T30N-R22W
BUFFER FOOTAGE	300 FT
CONTACT PERSON	Bruce Boody
CONTACT PHONE #	406-862-4755
TODAY'S DATE	09-23-2015
PICK UP DATE	Please email to: boodyla@bruceboody.com (will pick up hard copy
SPECIAL HANDLING INSTRUCTIONS	Please Rush
PLANNER, SURVEYOR OR ENGINEER SIGNATURE	

Orders can be submitted in the GIS office, via mail or email (gis_ownership@flathead.mt.gov). Incomplete forms will not be accepted.

Certified Ownership List – completed within 1 week from receipt of payment	$75.00
Certified Ownership List Rush – completed within 48 hours from receipt of payment	$150.00

TRACTS 1BDB, 1BDB - E42, 1BD IN S01 T30N R22W PMM

300 FOOT OWNERSHIP



FLATHEAD COUNTY GIS

Date: 9/25/2015

Project: 150 Foot Buffer

The areas depicted on this map are for illustrative purposes only and do not necessarily meet mapping, surveying, or engineering standards. Deriving conclusions from this map is done at the user's risk.

N

OWN	Addr1	Addr2	Addr3	Addr4	Addr5	ASSRNO
BERUBE, DANIEL & BRENDA	4696 62ND AVE	TABER AB T1G 2H3	CANADA			0501210
BRIAR PURDY LLC	121 PHEASANT RUN	KALISPELL MT 59901				0502141
CHALET MOTEL INC	6430 HIGHWAY 93 S	WHITEFISH MT 59937				0502140
CHALET MOTEL INC	6430 US HIGHWAY 93 S	WHITEFISH MT 59937				0001708
CITY OF WHITEFISH	PO BOX 158	WHITEFISH MT 59937				E019350
CLOUSE, CHRIS ANNE	1921 OLD MILITARY RD	CENTRAL POINT OR 97502				0501212
COYNE, WENDY	3 ROCK CREEK CT	WHITEFISH MT 59937				0501206
DALEN LIVING TRUST, ETHELYN LORRAINE	6335 US HIGHWAY 93 S	WHITEFISH MT 59937				0181450
DALEN PROPERTY HOLDINGS LLC	6345 HIGHWAY 93 S	WHITEFISH MT 59937				0001109
DALEN SR FAMILY TRUST, HAROLD A	6335 US HIGHWAY 93 S	WHITEFISH MT 59937				0181450
DEAR TRACK RESIDENCES	343 NW COLE TER STE 201	LAKE CITY FL 32055				0506080
FAI, RANDY & PATRICIA	PO BOX 247	MEDICINE HAT AB T1A 7E9	CANADA			0501208
HENSLEY, RICHARD R & MARILYN E	PO BOX 4543	WHITEFISH MT 59937				0501211
HIGH PLAINS PIZZA INC	AD% HIGH PLAINS PIZZA	PO BOX 2438	LIBERAL KS 67905			0971793
HIGH PLAINS PIZZA INC	PO BOX 2438	LIBERAL KS 67905				0971946
HOLIDAY PLAZA LLC	320 BLANCHARD HOLLOW	WHITEFISH MT 59937				0405007
HOPPES, TOBIN & MOLLY	5 ROCK CREEK CT	WHITEFISH MT 59937				0501207
KLEIN, CYNTHIA R	12228 DOUBLE EAGLE DR	MUKILTEO WA 98276				0501209

LOWELL, JOHN M	12228 DOUBLE EAGLE DR	MUKILTEO WA 98276				0501209
MKAY ENTERPRISES	PO BOX 907	WHITEFISH MT 59937				0000257
MKAY ENTERPRISES	PO BOX 907	WHITEFISH MT 59937				0954600
MKAY ENTERPRISES	PO BOX 907	WHITEFISH MT 59937				0980444
MOFFATT, EDWARD CHARLES	1921 OLD MILITARY RD	CENTRAL POINT OR 97502				0501212
MORMINO, MICHAEL D & PAULETTE L	9120 KAY JAY LN	LAKESIDE CA 92040				0501203
MORRIS, BARBARA YOUNG	1 ROCK CREEK CT	WHITEFISH MT 59937				0501205
MORRIS, BARBARA YOUNG	1 ROCK CREEK CT	WHITEFISH MT 59937				0501213
RIVERS EDGE HOMEOWNERS ASSOCIATION	PO BOX 243	WHITEFISH MT 59937				0501226
RIVERS EDGE HOMEOWNERS ASSOCIATION	PO BOX 29	STEVENSVILLE MT 59870				0501225
RIVERS EDGE PROPERTIES INC	PO BOX 29	STEVENSVILLE MT 59870				0974628
RUSSELL, RYAN & SHERRI	76 HERITAGE LAKE MEWS	DEWINTON AB T0L 0X0	CANADA			0501204
SCHUMACHER INTERESTS INC	2995 WOODSIDE RD # 400	WOODSIDE CA 94062				0404956
SFP-B LIMITED PARTNERSHIP	PO BOX 5350	BEND OR 97708				0758950
WEHR, SHIRLEY LAUREL	150 N MAIN	KALISPELL MT 59901				0977816
WEHR, SHIRLEY LAUREL	83 DERN RD	KALISPELL MT 59901				0975134

DEED AND ENCUMBERANCE REPORT

Debbie Pierson, Flathead County MT by SS
201500012217
Page: 1 of 4
Fees: $28.00
6/19/2015 9:37 AM

Debbie Pierson, Flathead County MT by NW
201500009730
Page: 1 of 2
Fees: $14.00
5/21/2015 11:49 AM

PO BOX 997

AND WHEN RECORDED MAIL TO: Re-Recording to correct legal description.
Mkay Enterprises
PO BOX 997
Whitefish, MT 59937

Filed for Record at Request of:
First American Title Company

Space Above This Line for Recorder's Use Only

Order No.: 539114-WT
Parcel No.: 0954600

WARRANTY DEED

FOR VALUE RECEIVED,

Karen S. Stevens, Trustee of the Karen S. Stevens Revocable Trust, dated January 9, 2006

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

Mkay Enterprises, a Montana General Partnership

whose address is: **6361 Highway 93 South, Whitefish, MT 59937**

Hereinafter called the Grantee, the following described premises situated in **Flathead** County, **Montana**, to-wit:

PARCEL 1:
A TRACT OF LAND SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, KNOWN AS:

TRACT 1 OF CERTIFICATE OF SURVEY NO. 11155.

PARCEL 2:
A TRACT OF LAND SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, KNOWN AS:

TRACT 2 OF CERTIFICATE OF SURVEY NO. 11155. SEE ATTACHED Legal

SUBJECT TO covenants, conditions, restrictions, provisions, easements and encumbrances apparent or of record.

Approved 6/19/15 LF
Approved 5/21/2015 ky
0954600,0980444,0000257

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 19, 2015

Karen S. Stevens, Trustee of the Karen S. Stevens Revocable Trust, dated January 9, 2006

Karen S. Stevens

Karen S. Stevens, Trustee

STATE OF Montana)
ss.
COUNTY OF Flathead)

This instrument was acknowledged before me on June 19, 2015, by **Karen S. Stevens, Trustee of the Karen S. Stevens Revocable Trust, dated January 9, 2006.**

Theresa B. Dugan

THERESA B DUGAN
NOTARY PUBLIC for the
State of Montana
Residing at Columbia Falls, Montana
My Commission Expires
February 23, 2019

Theresa B. Dugan
Notary Public for the State of Montana
Residing at: Columbia Falls
My Commission Expires: February 23, 2019

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 18, 2015

Karen S. Stevens, Trustee of the Karen S. Stevens Revocable Trust, dated January 9, 2006

Karen S. Stevens, Trustee

STATE OF Montana)
ss.
COUNTY OF Flathead)

This instrument was acknowledged before me on May 18, 2015, by **Karen S. Stevens, Trustee of the Karen S. Stevens Revocable Trust, dated January 9, 2006.**

Theresa B. Dugan
Notary Public for the State of Montana
Residing at: Columbia Falls
My Commission Expires: February 23, 2019

THERESA B DUGAN
NOTARY PUBLIC for the
State of Montana
Residing at Columbia Falls, Montana
My Commission Expires
February 23, 2019

File No.: **539114-WT (tbd)**

EXHIBIT 'A'

LEGAL DESCRIPTION:

PARCEL 1:
A TRACT OF LAND SITUATED, LYING AND BEING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, KNOWN AS:

TRACT 1 OF CERTIFICATE OF SURVEY NO. 11155.

PARCEL 2:
A TRACT OF LAND SITUATED, LYING AND BEING IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, KNOWN AS:

TRACT 2 OF CERTIFICATE OF SURVEY NO. 11155.

LETTER TO WHITEFISH SCHOOL DISTRICT

LETTER SENT 1- 5-2016

January 5, 2016

Dr. Heather Davis Schmidt
Superintendent of Schools
Whitefish School District
600 East Second Street
Whitefish, MT 59937

Re: MKay Enterprises Proposed Planned Unit Development
Highway 93 South, Whitefish

Dear Dr. Schmidt:

I am assisting MKay Enterprises in the preparation of an application for Preliminary Plat and residential Planned Unit Development (PUD) approval for a site adjacent to the Les Schwab Tire Center on Highway 93 South in Whitefish. The proposed development includes as many as seventy-two "affordable" apartment units, sixteen townhouses and ten single-family lots. A preliminary site plan is attached for your use. The purpose of this letter is to solicit comment from your office relative to the proposed subdivision ahead of a January 15th application submittal deadline.

While we anticipate the apartments to accommodate individuals and couples in the local work force, it is likely that the townhomes and single-family lots will appeal to families with school-aged children. Although we are not likely to generate a large number of additional students (and the corresponding per-pupil state support), it is hoped that the district will benefit from the property tax revenue generated by the project.

The City of Whitefish Subdivision Regulations require a developer to initiate contact with all agencies, including the school district, which may be affected by a proposed subdivision. Acknowledgement of this contact would be greatly appreciated, as would any comments you may have regarding the proposed subdivision. If you have any questions, feel free to contact me at the number or e.mail address above. Thanking you in advance for your response, and on behalf of MKay Enterprises.

Sincerely,

Bruce Boody

GEOTECHNICAL REPORT

REPORT OF GEOTECHICAL INVESTIGATION
MKAY ENTERPRISES DEVELOPMENT
WHITEFISH, MONTANA

JANUARY 2016

CLIENT: **MKay Enterprises**
PO Box 997
Whitefish, MT 59937

ENGINEER: **TD&H Engineering**
1800 River Drive North
Great Falls, MT 59401
Contact: Craig Nadeau, PE

Great Falls ● Bozeman ● Kalispell ● Shelby, Montana
Spokane, Washington ● Lewiston, Idaho
Watford City, North Dakota ● Media, Pennsylvania

450 Corporate Drive, Suite 101 • Kalispell, MT 59901 • (406) 751-5246

Job No. K15-052-001

Table of Contents

1.0 EXECUTIVE SUMMARY 1
2.0 INTRODUCTION 2
2.1 Purpose and Scope 2
2.2 Project Description 2
3.0 SITE CONDITIONS 4
3.1 Geology and Physiography 4
3.2 Surface Conditions 5
3.3 Subsurface Conditions 5
3.3.1 Soils 5
3.3.2 Ground Water 7
4.0 ENGINEERING ANALYSIS 8
4.1 Introduction 8
4.2 Site Grading and Excavations 9
4.3 Conventional Shallow Foundations 10
4.4 Foundation and Retaining Walls 11
4.5 Floor Slabs and Exterior Flatwork 11
4.6 Pavements 12
4.7 Limited Slope Stability Analysis 13
4.8 Storm Water Retention / Detention 13
5.0 RECOMMENDATIONS 15
5.1 Site Grading and Excavations 15
5.2 Conventional Shallow Foundations 16
5.3 Foundation and Retaining Walls 18
5.4 Floor Slabs and Exterior Flatwork 19
5.5 Pavements 21
5.6 Continuing Services 22
6.0 SUMMARY OF FIELD AND LABORATORY STUDIES 24
6.1 Field Explorations 24
6.2 Laboratory Testing 24
7.0 LIMITATIONS 26

APPENDIX

- Boring Location Map (Figure 1)
- Logs of Exploratory Borings (Figures 2 through 16)
- Laboratory Test Data (Figures 17 through 33)
- Construction Standard 02801-06C
- Construction Standard 02801-08
- Soil Classification and Sampling Terminology for Engineering Purposes
- Classification of Soils for Engineering Purposes

GEOTECHNICAL REPORT
MKAY ENTERPRISES DEVELOPMENT
WHITEFISH, MONTANA

1.0 EXECUTIVE SUMMARY

The geotechnical investigation for the proposed MKay Development to be located on the east side of US 93 near the existing Les Schwab Tire Center encountered predominantly high-plasticity lean and fat clay soils with occasional lenses of silty sand and silt. Several borings exhibited increased sand and silt deposits deeper within the soil profile. Based on the soil conditions encountered and our experience with the subsurface soils in Whitefish, Montana, the seismic site class is E. The soils encountered in the borings pose no significant risk of seismically-induced liquefaction or soil settlement to the project unless basement configurations are to be widely used. The soils which are susceptible to liquefaction and soil settlement are generally located at depths greater than 10 to 20 feet and are unlikely to have significant impacts on shallow crawlspace or slab-on-grade construction. Basement configurations which place footings in closer proximity to these layers increase the potential for loading the seismically sensitive soils and may warrant additional evaluation. The primary geotechnical concerns regarding this project are the presence of relatively soft soils at depth, seismic concerns, and moderately expansive soils near the anticipated footing elevations. The site is suitable for the use of conventional shallow foundations bearing on compacted native soils or compacted structural fill based on the desired design bearing pressure outlined in the recommendations section of the report. Structural fill may be utilized on shallow footings (crawlspace and slab-on-grade structures) to improve the design bearing pressure and help reduce overall footing sizes for the larger structures. Due to the softening soil conditions and risk of seismic impacts at depth on this site, basement configurations will require the addition of structural fill beneath foundation elements and should utilize a reduced design bearing pressure. For these reasons, it is our opinion that the use of crawlspace or surface slab-on-grade configurations incorporating shallow footings with depths on the order of four feet are best suited for the site conditions encountered.

2.0 INTRODUCTION

2.1 Purpose and Scope

This report presents the results of our geotechnical study for the MKay Enterprises Development to be located on the east side of US 93 near the existing Les Schwab Tire Center. The purpose of the geotechnical study is to determine the general surface and subsurface conditions at the proposed site and to develop geotechnical engineering recommendations for support of the proposed structures and design of related facilities. This report describes the field work and laboratory analyses conducted for this project, the surface and subsurface conditions encountered, and presents our recommendations for the proposed foundations and related site development.

Our field work included drilling 15 soil borings across the proposed site. Samples were obtained from the borings and returned to our Great Falls laboratory for testing. Laboratory testing was performed on selected soil samples to determine engineering properties of the subsurface materials. The information obtained during our field investigations and laboratory analyses was used to develop recommendations for the design of the proposed foundation systems.

This study is in general accordance with the proposal submitted by Mr. Doug Peppmeier, PE of our firm. Our work was authorized to proceed by Mr. Michael Morton of MKay Enterprises by his signed acceptance of our proposal.

2.2 Project Description

It is our understanding that the proposed project consists of approximately five acres located on the east side of US 93 directly north of the existing Les Schwab Tire Center. The property extends from US 93 to the Whitefish River located approximately 1,300 feet to the east. The development is to include a variety of structures ranging from single-story residential homes to multi-story apartment buildings. Additionally, a multi-story mixed use building is also planned for the second phase of the project. Little information has been provided regarding the proposed construction on this project; however, we have assumed that the residential construction will utilize conventional shallow foundations with either a crawlspace or basement configuration. Similar structures are also anticipated to utilize conventional slab-on-grade construction in any attached garages. Structural loads had not been developed at the time of this report. However, for the purpose of our analysis, we have assumed that wall loads for the residential construction (single-family and duplex structures) will be less than 2,500 pounds per lineal foot and column loads, if any, will be less than 50 kips.

The larger four-plex structures and multi-story apartments are anticipated to utilize conventional shallow foundation and we anticipate the use of conventional slab-on-grade construction for these buildings. Assumed structural loads include wall loads of up to 4,000 pounds per lineal foot and column loads of up to 90 kips.

The method of construction or size of the future mixed use building included in Phase II of the project has not been specified at this time. The magnitude of structural loading can vary considerably depending on the construction method and overall size of the structure. For the purposes of our preliminary analysis of this building, we have assumed that wall loads of up to 6,000 pounds per lineal foot and column loads of up to 150 kips may be possible for this structure.

Additional site development is anticipated to include landscaping, exterior concrete flatwork, on-site storm water retention ponds, and asphalt pavements for parking lots and access roads. If the assumed design values presented above vary from the actual project parameters, the recommendations presented in this report should be re-evaluated and revised as necessary based on the actual project conditions.

3.0 SITE CONDITIONS

3.1 Geology and Physiography

The site is geologically comprised of alluvial, fluvial, and glaciolacustrine deposits consisting of well-bedded, sometimes laminated, sand, silt, and clay. These deposits within the City of Whitefish and adjacent to Whitefish Lake and the Whitefish River tend to be soft, normally-consolidated soils which extend to significant depths. The soft alluvium is generally underlain at depth by dense glacial till deposits consisting of a variable blend of boulders, cobbles, gravel, sand, and silt. Bedrock depths in the City of Whitefish are likely deep (in excess of 200 feet) and are believed to consist of metasedimentary bedrock of the Belt Supergroup. Similar rock units are observed near the ground surface to the west of Whitefish along US 93.

Geologic Map of Montana
Montana Bureau of Mines & Geology (2007)

Based on the subsurface conditions encountered within the upper 20 feet, the soils soften considerably below a depth of approximately ten feet. The seismic site classification is based on the soil properties within the uppermost 100 feet of the soil profile. Based on our experience, very soft saturated conditions are common below depths of 20 feet; thus, we believe the use of a Site Class E is appropriate for this project. Additional investigation utilizing CPT methods and deeper drilling can be performed to further define the Seismic Site Classification, but significant improvements in the soil conditions necessary to utilize Site Class D are not anticipated. Please let us know if you are interested in further evaluating the seismic site classification for the project.

The appropriate International Building Code (IBC) seismic design parameters for the site include site coefficients of 1.164 and 3.068 for F_a and F_v, respectively. The recommended design spectral response accelerations at short periods (SD_s) and at 1-second period (SD_1) are 0.605g and 0.477g, respectively. These values represent two-thirds of the mapped response accelerations following correction for the Site Class E classification. Based on our experience with soils in Whitefish, soils at depths greater than 20 feet may be susceptible to liquefaction; however, similar soils are not likely to impact the proposed lightly loaded residential construction. Thus, additional evaluation of liquefaction is not warranted for the wood-framed homes and apartments on this project unless basement options are being considered. The proposed mixed use building in Phase II may warrant additional evaluation pending additional information regarding the proposed construction and configuration for this structure.

3.2 Surface Conditions

The proposed project site is located on the east side of US 93 directly north of the existing Les Schwab Tire Center. The site consists of approximately five acres which is currently vegetated with native grasses and trees. An existing gravel surfaced access road is located along the northern limit of the property which provides access to a small house and garage located in the northeast corner. A few other small structures including a shed, wooden Quonset, and carport, are located throughout the property. Based on background information and site observations, the site slopes downward toward the east. The site is generally considered relatively flat; however, the eastern edge of the property slopes strongly down to the Whitefish River below. This portion of the project would be considered relatively steep terrain; however, it is located outside the limits of the proposed construction. We understand that a pedestrian trail is to traverse this area; however, the analysis of this trail system was not included within our scope of work for this project.

3.3 Subsurface Conditions

3.3.1 Soils

The subsurface soil conditions appear to be relatively consistent based on our exploratory drilling; however, some localized anomalies were encountered. In general, the subsurface soil conditions encountered within the borings consist of high-plasticity lean or fat clay with occasional zones of silty sand and sandy silt. These zones of silty material ranged in thickness from approximately one foot to more than 11 feet at some locations. The depth at which the silty material was encountered was generally 7 to 10 feet below grade, but did exhibit some variability. Similar soils extended to depths of at least 21.5 feet, which was the maximum depth investigated. The largest anomaly which was encountered was the presence

of well-graded sand with silt in boring B-8. This stratum was encountered at a depth of 7.0 feet and extended to at least the bottom of the boring (21.5 feet). However, the borings around this location did not exhibit similar stratigraphy and encountered predominantly lean clay material through the entire boring depth of 21.5 feet.

The subsurface soils are described in detail on the enclosed boring logs and are summarized below. The stratification lines shown on the logs represent approximate boundaries between soil types and the actual in situ transition may be gradual vertically or discontinuous laterally.

HIGH-PLASTICITY LEAN / FAT CLAY

Clay soils are the dominant soil type on the project and consist of high-plasticity lean clay with limited zones which classify as marginally fat clay. The clay material ranges from very stiff to very soft as indicated by penetration resistance values which ranged from 1 to 29 blows per foot (bpf) and averaged 10 bpf. The in-situ stiffness of the clay in each boring exhibits a softening trend with depth. Several samples of the clay were tested to evaluate the consolidation and expansive properties. Overall, the soils encountered are considered moderately compressible and slightly to moderately expansive. Ten samples of the material contained trace gravels (i.e. less than one percent), between 0 and 7 percent sand, and between 93 and 100 percent fines (clay and silt). Sixteen samples of the lean / fat clay material exhibited liquid limits ranging from 39 to 51 percent and plasticity indices ranging from 17 to 27 percent. This is considered a relatively tight grouping based on the number of test performed, which indicates that the clay is generally uniform through the site over the depth sampled. The natural moisture contents varied from 11 to 44 percent and averaged 29 percent.

SANDY SOILS

The sandy materials encountered during the investigation ranged from silty sand to well-graded sand with silt. Portions of the silty sand also contained relatively high proportions of gravel. The sandy soils are loose to medium dense as indicated by penetration resistance values which ranged from 6 to 26 bpf and averaged 11 bpf. Two samples of the material contained between 12 and 32 percent gravel, between 54 and 77 percent sand, and between 10 and 14 percent fines (silt and clay). The natural moisture contents varied from 2 to 10 percent and averaged 5 percent.

SILTS

The silty soils encountered on the project generally consisted of thin layers within the clay soils; however, some thicker deposits were encountered at depths greater than 15 feet in three of the borings. The silts range from silt to sandy silt and are loose to medium dense as

indicated by penetration resistance values which ranged from 10 to 21 bpf and averaged 14 bpf. Four samples of the material contained between 0 and 2 percent gravel, between 11 and 41 percent sand, and between 57 and 89 percent fines (silt and clay). During visual classifications, these samples exhibited the properties of sandy soils until wetted. Based on the properties observed, it is anticipated that the silts would be granular and non-plastic. The natural moisture contents varied from 5 to 13 percent and averaged 9 percent.

3.3.2 Ground Water

Ground water was not encountered within the borings to depths up to 21.5 feet below the ground surface. Areas of elevated moisture or heavy mottling which would commonly indicate a seasonal ground water presence was not observed and the more permeable layers exhibited relatively low moistures which are also consistent with a relatively dry site. The presence or absence of observed ground water may be directly related to the time of the subsurface investigation. Numerous factors contribute to seasonal ground water occurrences and fluctuations, and the evaluation of such factors is beyond the scope of this report.

4.0 ENGINEERING ANALYSIS

4.1 Introduction

The primary geotechnical concerns regarding this project is the presence of soft soils at depth and the expansive potential of the clay soils which dominate the subsurface profile. The expansive properties of the high-plasticity lean and fat clay encountered are such that significant impacts to the foundations of the proposed structures are unlikely. However, lightly-loaded slab-on-grade construction is more susceptible to displacements caused by soil expansion than conventional, exterior shallow spread footings. This is because the structural dead load acts as surcharge resistance and, in part, because exterior footings extend deeper and are less influenced by seasonal moisture fluctuations. Building components supported directly on the concrete slab, such as lightly-loaded bearing walls and partition walls, are also susceptible to upward movements. Typically, distresses are detrimental differential displacements first noticed at interior door and window frames and at locations where slab-supported partition walls are connected to the relatively non-yielding perimeter walls. Continued movements are then realized along partition walls and the center of the interior floor as locations that often represent maximum deflection.

Affinity for water is what provides expansive soil the ability for soil expansion and swelling of expansive soil cannot occur without increases in soil moisture. In general, the theoretical sources of additional soil moisture contributing to soil expansion include the following:

1) Surface water infiltration due to poor site grading, especially along exterior foundation walls.
2) Excessive landscape irrigation or poorly-designed and/or poorly-maintained landscape irrigation systems.
3) Roof downspouts discharging near exterior foundation walls.
4) Leaky underground utility lines.
5) Seasonal ground water occurrences and fluctuations.
6) Evapotranspiration and/or thermal osmosis moisture accumulation due to the construction of a vapor barrier such as a floor slab.

It is our opinion that, even without any readily identifiable, external or internal sources of water, slab displacements may still eventually occur over time simply as a result of slab-on-grade construction over expansive soils. The magnitude of displacements can vary substantially and are largely controlled, in part, by the thickness of the clay beneath the slab, the thickness of the "buffer" zone separating the slab from the expansive soil, and the stiffness of the concrete slab. Slab displacements often occur beneath slab-on-grade construction due to increases in soil moisture resulting from the

disruption of the natural evapotranspiration process and thermal osmosis effect created by placing an impervious membrane (concrete slab) directly over the expansive soils. Additional sources of soil moisture would tend to expedite soil expansion and amplify the differential displacements due to non-uniform soil expansion caused by non-uniform moisture infiltration and varying soil conditions.

For the reasons discussed above, it is our opinion that the use of crawlspace construction is best, where practical, to eliminate the expansive risk to slab-on-grade construction. This approach would suspend the floor over the expansive soil and increase the dead load carried by the foundations, aiding in resisting expansive movements at footing locations. Where the use of a crawlspace configuration is either not practical or not desired, the risk of slab displacements can be reduced by improving the underslab conditions. This is commonly achieved by increasing the thickness of a structural gravel layer beneath the slab. This approach removes a portion of the expansive soil and increases the "buffer" zone or separation between the expansive soil and the slab-on-grade construction. Similar approaches are able to reduce the overall magnitude of expansive displacements which may occur but cannot eliminate the risk completely. Some risk of expansive movements must be acceptable to the Owner if slab-on-grade construction is used on this site; however, we provide some recommendations which can help mitigate the impacts of potential slab movements to interior finishes.

Whitefish, Montana, lies in a relatively active seismic area, and things like liquefaction, seismically induced settlement, and seismically induced slope failures are of concern. Based on our investigation, the majority of soils encountered are considered to be at a relatively low risk of liquefaction or seismically induced settlement due to their high clay content and relative stiffness. The sandy and silty soils encountered at depth are more susceptible to strength loss due to liquefaction and potential settlements. Thus, structures which bear on or near these strata may require additional evaluation. However, crawlspace and surface slab-on-grade options which utilize shallow foundations should be separated from the potentially liquefiable zones sufficiently to limit potential impacts associated with strength loss and differential settlements.

4.2 Site Grading and Excavations

The ground surface at the proposed site is considered relatively flat until reaching the extreme east end of the property where it slopes strongly downward towards the Whitefish River. At this time, we anticipate that both crawlspace and basement options may be considered for the residential housing included on the project as well as the possibility of slab-on-grade construction for some larger structures. Due to the expansive concerns associated with slab-on-grade construction and the softer soil conditions encountered at depth, it is our opinion that the use of crawlspaces or shallow slab-on-grade construction is best suited for this site. However, footing depths on the order of three to nine

feet below existing site grades are anticipated depending on the preferred foundation configurations. At these depths, predominantly high-plasticity lean / fat clay will be encountered along with occasional pockets or seams of sandy or silty soils. Based on the borings, ground water should be below the anticipated depths of footing and utility excavations; however, depending on the time of year, occasional pockets of trapped or perched ground water associated with recent precipitation events should be anticipated.

4.3 Conventional Shallow Foundations

Considering the subsurface conditions encountered and the nature of the proposed construction, structures can be supported on conventional spread footing and strip footing foundations bearing on either compacted native soils or compacted structural fill extending down to properly compacted native soils. The addition of structural fill beneath footings is considered an optional addition to help increase the allowable design bearing pressure which will reduce the overall footings size. This approach is best suited for the larger structures, including the multi-story apartment buildings and mixed use building, where structural loads are likely to require footings exceeding the minimum values outlined in the applicable building codes.

Based on our experience, the one-dimensional consolidation results, and using an allowable bearing pressure of 2,000 pounds per square foot (psf), we estimate the total settlement for footings at the crawlspace elevation (approximately four feet below grade) will be less than less than one inch for footings supported on properly compacted native soils. Due to the softening of the soils with depth, basement alternatives will result in a reduced allowable bearing pressure in order to provide a similar level of performance. Thus, basement options are recommended to incorporate a structural fill layer beneath the foundation to increase bearing and control footing size. Based on our analysis, footings supported on at least 24 inches of compacted structural fill overlying native soils may be designed using a maximum allowable soil bearing pressure of 2,000 psf and should experience similar performance with settlements not exceeding one inch. With all the alternatives outlined in this report, differential settlements within individual structures should be on the order of one-half the total settlement. Options for utilizing structural fill beneath shallow crawlspace and slab-on-grade structures to increase bearing pressures on the larger structures are described in the recommendations sections of this report.

The lateral resistance of spread footings is controlled by a combination of sliding resistance between the footing and the foundation material at the base of the footing and the passive earth pressure against the side of the footing in the direction of movement. Design parameters are given in the recommendations section of this report.

4.4 Foundation and Retaining Walls

Foundation walls and other soil retaining structures will be subjected to horizontal loading due to lateral earth pressures. The lateral earth pressures are a function of the natural and backfill soil types and acceptable wall movements, which affect soil strain to mobilize the shear strength of the soil. More soil movement is required to develop greater internal shear strength and lower the lateral pressure on the wall. To fully mobilize strength and reduce lateral pressures, soil strain and allowable wall rotation must be greater for clay soils than for cohesionless, granular soils.

The lowest lateral earth pressure against walls for a given soil type is the active condition and develops when wall movements occur. Passive earth pressures are developed when the wall is forced into the soil, such as at the base of a wall on the side opposite the retained earth side. When no soil strain is allowed by the wall, this is the "at-rest" condition, which creates pressures having magnitudes between the passive and active conditions.

The distribution of the lateral earth pressures on the structure depends on soil type and wall movements or deflections. In most cases, a triangular pressure distribution is satisfactory for design and is usually represented as an equivalent fluid unit weight. Design parameters are given in the recommendations section of this report.

During a seismic event, the lateral force applied to buried structures increases due to the horizontal acceleration of the soil strata adjacent to the walls. Seismic design values have been provided in the recommendations section of this report for your consideration. Lateral bracing of the foundation systems should considered the seismic loading to ensure that foundation walls are properly reinforced and braced to mitigate potential damage during seismic events.

4.5 Floor Slabs and Exterior Flatwork

The natural on-site soils, exclusive of topsoil, are suitable to support lightly to moderately loaded, slab-on-grade construction. However, the native lean / fat clay materials are considered moderately expansive, and conventional slab-on-grade construction is likely to experience some degree of vertical displacement associated with soil expansion. At a minimum, a six-inch leveling course of granular fill directly beneath the slab is recommended to provide a structural cushion, a capillary-break from the subgrade, and a drainage medium. Similar construction is likely to realize up to 1.5 inches of potential slab displacement which can begin to impact the operation of doors and cause damage to interior walls supported on the slab system. Commonly, it is desirable to limit potential slab displacements to less than one inch in order to reduce the potential effects of slab movement. Based on our analyses, increasing the zone of structural gravel beneath the slab-on-grade

construction to 24 inches would be sufficient to provide adequate separation and reduce the potential for slab displacements to less than one inch. Alternatively, structural improvements to the slab system can be considered to achieve similar results. Similar improvements generally include the use of a thicker slab section with additional steel reinforcement to resist the applied uplift pressure. Design swelling pressures are included below for your consideration of this alternative.

4.6 Pavements

A pavement section is a layered system designed to distribute concentrated traffic loads to the subgrade. Performance of the pavement structure is directly related to the physical properties of the subgrade soils and the magnitude and frequency of traffic loadings. Pavement design procedures are based on strength properties of the subgrade and pavement materials, along with the design traffic conditions. Traffic information was not available at the time of this report. We have assumed that traffic for the development would be limited to primarily passenger-type vehicles with occasional delivery or larger truck traffic.

The potential worst case subgrade material is the high-plasticity lean/fat clay encountered near the surface of each boring performed. Since the site is relatively flat, we do not anticipate any large cuts or fills associated with construction of the proposed development. The existing clays classify as an A-7-6 soil, in accordance with the American Association of State Highway and Transportation Officials (AASHTO) classification. AASHTO considers this soil type to be a relatively poor subgrade due to its poor drainage properties and relatively weak condition when wetted. Typical California Bearing Ratio (CBR) values for this type of soil range from 2 to 5 percent when properly prepared and compacted during construction. This was confirmed by a laboratory measured CBR value of 3.5 percent when properly placed and compacted. Thus, it will be necessary to scarify and recompact the subgrade soils prior to placing fill material associated with the pavement section. The fill should be selected, placed, and compacted in accordance with our recommendations.

While not structurally required for the performance of the pavement system, a geotextile acting as a separator is recommended between the pavement section gravels and the clay subgrade. The geotextile will prevent the upward migration of fines and the loss of aggregate into the subgrade, effectively reducing the thickness of the pavement section and enhancing its load carrying capability. The use of a suitable separation fabric is considered a cost effective approach to maintain the long-term structure and performance of the pavement system.

The pavement section presented in this report is based on the laboratory CBR value of 3.5 percent, assumed traffic loadings, recommended pavement section design information presented in the

Asphalt Institute and AASHTO Design Manuals, and our past pavement design experience in Whitefish.

4.7 Limited Slope Stability Analysis

A detailed assessment of the slope located along the eastern edge of the property and overlooking the Whitefish River was excluded from our scope of work on this project. However, during our field investigation, no signs of instability were observed. We encountered no visible slumping, sliding, tension cracks, or displacement in the existing vegetation which would support the presence of on-going slide activity. The existing slope is at an approximate pitch of three horizontal to one vertical, which is generally a stable grade for most site conditions. Similar slopes generally experience instability associated with erosion of the toe caused by the high flow rates and limited scour protection at the edge of the adjacent river. If needed, TD&H can assist in designing some form of rip rap or scour protection that can be implemented along the base of the slope to minimize potential erosion which can impact overall slope stability.

Based on the limited information available about the slope, preliminary modeling was performed which indicates that adequate safety factors against sliding are present under static conditions. During an extreme seismic event, the safety factor drops slightly below one, indicating that sliding may occur under similar conditions. However, the analyses performed are considered preliminary, and additional investigation, laboratory testing, and detailed modeling would be required to verify the assumed soil strength parameters and fully evaluate the stability of the slope under seismic and static conditions.

At this time, we observed no indications of stability which would preclude construction adjacent to the existing slope. At a minimum, all structures should conform to the setback requirements outlined in Section 1808.7 of the International Building Code (IBC). This standard requires the minimum setback measured from the top of the slope to the outmost edge of the footing to be the lower of one-third the slope height or 40 feet. Based on the estimated slope height from the topographic survey of the site, a minimum setback distance of at least twelve feet should be anticipated. However, larger setbacks from the slope are advised, if possible based on the final development plan.

4.8 Storm Water Retention / Detention

As part of the project, several storm water retention / detention ponds are planned. Site specific infiltration tests were not performed as part of our scope of work; however, soil classification obtained from laboratory testing can be used to identify a probable range of infiltration rates for your consideration. The uppermost ten to fifteen feet of soil is almost purely comprised of high-plasticity

lean or fat clay which generally exhibits very slow infiltration rates. Laboratory testing indicates that the clays are comprised of more than 93 percent fines. Typical infiltration rates for similar materials range from 1×10^{-7} to 1×10^{-4} inches per hour. We advise that design utilize an infiltration on the lower side of this range in the absence of site specific infiltration testing.

5.0 RECOMMENDATIONS

5.1 Site Grading and Excavations

1. All topsoil and organic material, concrete, and related construction debris should be removed from the proposed building and pavement areas and any areas to receive site grading fill. For planning purposes, a minimum stripping thickness of 6 inches is anticipated. Thicker stripping depths may be warranted to remove all detrimental organics as determined once actual stripping operations are performed.

2. All fill and backfill should be non-expansive, free of organics and debris and should be approved by the project geotechnical engineer. The on-site soils, exclusive of topsoil, are suitable for use as backfill and general site grading fill on this project provided all design parameters as outlined below are incorporated. All fill should be placed in uniform lifts not exceeding 8 inches in thickness for fine-grained soils and not exceeding 12 inches for granular soils. All materials compacted using hand compaction methods or small walk-behind units should utilize a maximum lift thickness of 6 inches to ensure adequate compaction throughout the lift. All fill and backfill shall be compacted to the following percentages of the maximum dry density determined by a standard proctor test which is outlined by ASTM D698 or equivalent (e.g. ASTM D4253-D4254).

   a) Below Foundations or Spread Footings 98%
   b) Below Slab-on-Grade Construction..... 95%
   c) Foundation Wall Backfill..... 95%
   d) Below Streets, Parking Lots, or Other Paved Areas 95%
   e) General Landscaping or Nonstructural Areas 90%

3. Imported structural fill, if used, should be non-expansive, free of organics and debris, and selected per the following gradation requirements:

Screen or Sieve Size	Percent Passing by Weight
3-inch	100
1½-inch	80 – 100
¾-inch	60 – 100
No. 4	25 – 60
No. 200	12 maximum

4. Develop and maintain site grades which will rapidly drain surface and roof runoff away from foundation and subgrade soils; both during and after construction.

5. Downspouts from roof drains should convey directly to a storm drain system or at a minimum discharge at least 10 feet from the buildings onto areas which are properly sloped away from the foundation to quickly drain water.

6. Irrigation around the perimeter of individual structures should be limited within ten feet of the foundation walls to reduce potential infiltration volumes around the structures. Landscaping in this zone should consider dry landscaping methods or plant varieties that do not require significant irrigation such as drought-resistant species.

7. It is the responsibility of the Contractor to provide safe working conditions in connection with underground excavations. Temporary construction excavations greater than four feet in depth, which workers will enter, will be governed by OSHA guidelines given in 29 CFR, Part 1926. For planning purposes, subsoils encountered in the borings are considered Type B for native clays and Type C for the silts and sands present on site. The soil conditions on site can change due to changes in soils moisture or disturbances to the site prior to construction. Thus, the contractor is responsible to provide an OSHA knowledgeable individual during all excavation activities to regularly assess the soil conditions and ensure that all necessary safety precautions are implemented and followed.

5.2 Conventional Shallow Foundations

The design and construction criteria below should be observed for a conventional shallow foundation system utilizing spread or continuous strip footings. The construction details should be considered when preparing the project documents.

8. Both interior and exterior footings should bear on either properly compacted native soils or properly compacted structural fill (Item 3) overlying native soils based on the selected design bearing values as summarized below.

Structure Configuration	Structural Fill Thickness (ft)	Maximum Allowable Bearing Pressure (psf)
Crawlspace or Slab-on-Grade	Not Required	2,000
Crawlspace or Slab-on-Grade	2.0	3,500
Basement	2.0	2,000

Each of the alternatives outlined above is based on a maximum settlement value of up to one inch, which must be acceptable if used. If this level of displacement is not acceptable, TD&H should be consulted to revise these recommendations to provide the desired level of performance. The limits of over-excavation and replacement with compacted structural fill should extend downward and outward laterally from the bottom edges of the footings at a 1:1 (horizontal to vertical) projection in all directions.

For consideration of dynamic loadings, such as seismic forces, a one-third increase in the bearing values provided is permitted.

9. To reduce structural distress caused by slab movements, all interior load-bearing walls within the slab space should be supported on separate spread footings bearing at least two feet below the finish slab elevation and designed using the same alternative outlined in Item 8 as was used on the exterior foundations. Conventional slab-on-grade construction consisting of interior walls bearing directly on the slab or thickened portions of the slab is not recommended for this project and site conditions.

10. Soils disturbed below the planned depths of footing excavations should either be re-compacted to the requirements of Item 2 above or be replaced with compacted structural fill (Item 3).

11. Footings shall be sized to satisfy the minimum requirements of the applicable building codes while not exceeding the maximum allowable bearing pressure provided in Item 8 above which is appropriate for the particular structure and foundation configuration.

12. Exterior footings and footings beneath unheated areas should be placed at least 48 inches below finished exterior grade for frost protection.

13. The bottom of the footing excavations should be free of cobbles and boulders to avoid stress concentrations acting on the base of the footings. Based on the field investigation, the risk of encountering these materials is considered low; however, if encountered these materials should be removed and replaced with suitable backfill as outlined in Item 10.

14. Lateral loads are resisted by sliding friction between the footing base and the supporting soil and by lateral pressure against the footings opposing movement. For design purposes, a friction coefficient of 0.25 or 0.45 is appropriate for footings bearing on properly compacted native clays or compacted structural fill (Item 3), respectively. A lateral resistance pressure of 150 psf per foot of depth is appropriate for backfill consisting of properly compacted native clays anticipated for use as backfill on this project.

15. In order to verify that proper compaction was achieved on all bearing soils, we recommend a representative of TD&H Engineering observe all footing excavations and backfill phases prior to the placement of concrete formwork.

5.3 Foundation and Retaining Walls

The design and construction criteria presented below should be observed for foundation and retaining walls. The construction details should be considered when preparing the project documents.

16. Basement and foundation stem walls which are laterally supported and can be expected to undergo only a slight amount of deflection should be designed for a lateral earth pressure computed on the basis of an equivalent fluid unit weight of 75 pcf for backfill consisting of native clay soils under static loading conditions. For consideration of seismic loadings, a seismic lateral earth pressure of 100 pcf should be utilized.

17. Retaining structures which can deflect sufficiently to mobilize the full active earth pressure condition, approximately three percent of the exposed wall height (i.e. 4 inches per ten feet of exposed wall height), may be designed for a lateral earth pressure computed on the basis of an equivalent fluid unit weight of 60 pcf for backfill consisting of native clay soils under static loading conditions. For consideration of seismic loadings, a seismic lateral earth pressure of 90 pcf should be utilized.

18. The allowable bearing pressure and lateral resistance of basement and retaining wall footings can be determined using the parameters given in Items 8 and 14 above.

19. Backfill placed against the sides of the footings and the base of the walls to resist lateral loads should be placed and compacted per the requirements of Item 2c above.

20. Backfill should be selected, placed, and compacted per Items 2 and 3 above. Care should be taken not to over-compact the backfill since this could cause excessive lateral pressure on the walls. Only hand-operated compaction equipment should be used within 5 feet of retaining and foundation walls.

21. Retaining walls over 4 feet in height should incorporate backfill drainage systems and/or weep holes to prevent the accumulation of hydrostatic pore pressures.

22. Exterior footing drains are recommended to remove ground water seepage and infiltrated surface runoff away from foundation soils. This is especially important along basement and crawlspace foundation walls. Drains should consist of a minimum 3-inch diameter, geotextile-wrapped, flexible, slotted pipe (ADS) or perforated, SDR 35, 4-inch diameter, PVC drain tile in poorly-graded gravel with geotextile placed at or below exterior footing grade. Drains shall be covered by at least 12 inches of free-draining, open-graded, granular material. The open-graded granular material should be enveloped in a geotextile to prevent the migration of fines. Use of a single piece of geotextile with a full-width lap at the top is preferred; however, two separate pieces of fabric may be used provided a minimum overlap distance of 12 inches is maintained at all joints. Drains should be sloped to an interior sump or a storm water system. A typical perimeter foundation drain is shown on Construction Standard No. 02801-06C.

    Commercially available systems such as Form-A-Drain or NDS EZflow are not considered equal to the system described above and are not recommended for the site conditions encountered on this project due to the expansive potential of the native clays.

23. Foundation walls for crawlspace and basement alternatives should de damp-proofed in accordance with Section 1805.2 of the International Building Code (IBC)/Section R406.1 of the International Residential Code (IRC).

5.4 Floor Slabs and Exterior Flatwork

24. For normally loaded, slab-on-grade construction, a minimum 6-inch cushion course consisting of free-draining, crushed gravel should be placed beneath the slabs and compacted to the requirements of Item 2 above. This material should conform to the requirements outlined in Section 02235 of the Montana Public Works Standard Specifications (MPWSS) and incorporate a maximum particle size of ¾-inch. Prior to

placing the cushion course, the upper six inches of subgrade should be compacted per Item 2. Similar slab-on-grade construction may realize vertical displacements associated with expansion of up to 1.5 inches. This is considered acceptable for exterior flatwork but should only be used for interior slabs provided the Owner is aware of and willing to accept this risk.

25. In order to reduce the potential for expansive movements beneath interior floor slabs, slab-on-grade construction which is underlain by at least 24 inches of compacted structural fill conforming to the requirements of Item 3 above is not anticipated to realize vertical displacements exceeding one inch. Similar performance is generally acceptable for interior slab systems.

26. If structural improvements to the concrete slab are to be considered in lieu of the structural fill alternative provided in Item 25 above, the following design parameters should be utilized. The slab design should be performed by a licensed structural engineer and the slab should be designed to resist a potential uplift force throughout the slab area of 1,500 psf. The design should also limit potential slab movements to a maximum of one inch or a tighter tolerance as specified for the structure.

27. All exterior flatwork should be structurally isolated from stem walls, column footings or other structural members. Isolation joint material should be used between slab pours and structural members to avoid concrete to concrete bonding and to allow unrestrained vertical limits. This will facilitate selective demolition and replacement of slab-on-grade construction in the future should displacements be considered excessive.

28. *Geotechnically*, an underslab vapor barrier is not required for this project. A vapor barrier is normally used to limit the migration of soil gas and moisture into occupied spaces through floor slabs. The need for a vapor barrier should be determined by the architect and/or structural engineer based on interior improvements and/or moisture and gas control requirements.

29. Interior, non-bearing partition walls resting on floor slabs should be provided with slip joints so that potential slab movements cannot be transmitted to the upper structure. Slip joint construction consisting of fastening studs to the upper joints with lateral restraint at the bottom is preferred. A typical detail is shown on Construction Standard 02801-08.

5.5 Pavements

30. One of the following pavement sections or an approved equivalent section should be selected in accordance with the discussions in the Engineering Analysis. For your consideration, the light section is considered best suited for low volume roadways within single-family and duplex living areas. The heavy section is best suited to larger parking lots and those areas experiencing increased traffic volumes.

Pavement Component	Light Section	Heavy Section
Asphaltic Concrete Pavement	3”	4”
Crushed Base Course	12”	12”
Crushed Subbase Course	-----	-----
Total (inches)	**15”**	**16”**

As an alternative, up to six inches of the crushed base course can be substituted using crushed subbase material. Due to reduced fracture and increased fines associated with the subbase material, six inches of crushed base course would be considered equivalent to 9 inches of crushed subbase. If subbase material is to be utilized, the pavement sections above should be adjusted accordingly.

31. Final pavement thicknesses exceeding 3 inches shall be constructed in two uniform lifts.

32. Gradations for the crushed base courses shall conform to Section 02235 of the Montana Public Works Standard Specifications (MPWSS). The gradation for the subbase shall conform to Section 02234 of the MPWSS and incorporate a maximum particle size of 3-inch.

33. Where the existing grades will be raised more than the thickness of the pavement section, all fill should be placed, compacted and meet the general requirements given in Item 2 above.

34. A separation geotextile is not structurally required with the pavement sections provided; however, the inclusion of a separation geotextile would improve the long term performance and stability of the pavement section by preventing the migration

of fines upward into the gravel and the loss of aggregate into the subgrade. For your consideration, a Mirafi 500X, Geotex 200ST, or equivalent geotextile is appropriate for use on this project.

35. The asphaltic cement should be a Performance Graded (PG) binder having a 58-28 grade in accordance with AASHTO MP1.

5.6 Continuing Services

Three additional elements of geotechnical engineering service are important to the successful completion of this project.

36. Consultation between the geotechnical engineer and the design professionals during the design phases is highly recommended. This is important to ensure that the intentions of our recommendations are incorporated into the design, and that any changes in the design concept consider the geotechnical limitations dictated by the on-site subsurface soil and ground water conditions.

37. Observation, monitoring, and testing during construction is required to document the successful completion of all earthwork and foundation phases. A geotechnical engineer from our firm should observe the excavation, earthwork, and foundation phases of the work to determine that subsurface conditions are compatible with those used in the analysis and design.

38. During site grading, placement of all fill and backfill should be observed and tested to confirm that the specified density has been achieved. We recommend that the Owner maintain control of the construction quality control by retaining the services of an experienced construction materials testing laboratory. We are available to provide construction inspection services as well as materials testing of compacted soils and the placement of Portland cement concrete and asphalt. In the absence of project specific testing frequencies, TD&H recommends the following minimum testing frequencies by used:

Compaction Testing

Beneath Column Footings	1 Test per Footing per Lift
Beneath Wall Footings	1 Test per 25 LF of Wall per Lift
Beneath Slabs	1 Test per 400 SF per Lift
Foundation Backfill	1 Test per 50 LF of Wall per Lift
Parking Lot & Access Roads	1 Test per 600 SF per Lift

LF = Lineal Feet SF = Square Feet

Concrete Testing

Structural Concrete†	1 Test per 50 CY per Day
Non-Structural Concrete	1 Test per Day

† Structural concrete includes all footings, stem walls, slabs, and other load bearing elements
CY = Cubic Yards

6.0 SUMMARY OF FIELD AND LABORATORY STUDIES

6.1 Field Explorations

The field exploration program was conducted between November 30th and December 2nd, 2015. A total of 15 borings were drilled to a depth of 21.5 feet at each of the locations shown on Figure 1 to observe subsurface soil and ground water conditions. The borings were advanced through the subsurface soils using a truck-mounted CME-45 drill rig equipped with 8-inch O.D. hollowstem augers. The subsurface exploration and sampling methods used are indicated on the attached boring logs. The borings were logged by Mr. Terry Stonehocker, PE of TD&H Engineering. The location and elevation of the borings were determined by TD&H Engineering survey personnel in the field using conventional total station surveying methods and referenced to nearby monuments.

Samples of the subsurface materials were taken using 1⅜-inch I.D. split spoon samplers. The samplers were driven 18 inches, when possible, into the various strata using a 140-pound drop hammer falling 30 inches onto the drill rods. For each sample, the number of blows required to advance the sampler each successive six-inch increment was recorded, and the total number of blows required to advance the sampler the final 12 inches is termed the penetration resistance ("N-value"). This test is known as the Standard Penetration Test (SPT) described by ASTM D1586. Penetration resistance values indicate the relative density of granular soils and the relative consistency of fine-grained soils. Samples were also obtained by hydraulically pushing a 3-inch I.D., thin-walled Shelby tube samplers into the subsoils. Logs of all soil borings, which include soil descriptions, sample depths, and penetration resistance values, are presented on the Figures 2 though 16.

No evidence of ground water was encountered. Drilling tools appeared dry, free water was not observed on cuttings or soil samples, and the sound created by dropping rocks into the hole did not indicate the presence of water.

6.2 Laboratory Testing

Samples obtained during the field exploration were returned to our materials laboratory where they were observed and visually classified in general accordance with ASTM D2487, which is based on the Unified Soil Classification System. Representative samples were selected for testing to determine the engineering and physical properties of the soils in general accordance with ASTM or other approved procedures.

Tests Conducted:	To determine:
Natural Moisture Content	Representative moisture content of soil at the time of sampling.
Grain-Size Distribution	Particle size distribution of soil constituents describing the percentages of clay/silt, sand and gravel.
Atterberg Limits	A method of describing the effect of varying water content on the consistency and behavior of fine-grained soils.
Consolidation	Measurements of the percent compression experienced under various loading conditions. For use in settlement analysis and foundation design.
Constant Volume Swell	Determination of the maximum uplift force exerted by a soil specimen during inundation by gradual increases in the applied resisting force to maintain a fixed samples height.
Moisture-Density Relationship	A relationship describing the effect of varying moisture content and the resulting dry unit weight at a given compactive effort. Provides the optimum moisture content and the maximum dry unit weight. Also called a Proctor Curve.
California Bearing Ratio	The measure of a subgrade's or granular base's ability to resist deformation due to penetration during a saturated condition. Used to assist in pavement thickness designs.

The laboratory testing program for this project consisted of 101 moisture-visual analyses, 16 sieve (grain-size distribution) analyses, and 16 Atterberg Limits analyses. The results of the water content analyses are presented on the boring logs, Figures 2 through 16. The grain-size distribution curves and Atterberg limits are presented on Figures 17 through 26. In addition, four consolidation tests, one constant volume swell test, one proctor (moisture-density) test, and one California Bearing Ratio (CBR) test were performed. The consolidation and swell tests are presented on Figures 27 through 31. The CBR and moisture density relationships are shown on Figures 32 and 33.

7.0 LIMITATIONS

This report has been prepared in accordance with generally accepted geotechnical engineering practices in this area for use by the client for design purposes. The findings, analyses, and recommendations contained in this report reflect our professional opinion regarding potential impacts the subsurface conditions may have on the proposed project and are based on site conditions encountered. Our analysis assumes that the results of the exploratory borings are representative of the subsurface conditions throughout the site, that is, that the subsurface conditions everywhere are not significantly different from those disclosed by the subsurface study. Unanticipated soil conditions are commonly encountered and cannot be fully determined by a limited number of soil borings and laboratory analyses. Such unexpected conditions frequently require that some additional expenditures be made to obtain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra costs.

The recommendations contained within this report are based on the subsurface conditions observed in the borings and are subject to change pending observation of the actual subsurface conditions encountered during construction. TD&H cannot assume responsibility or liability for the recommendations provided if we are not provided the opportunity to perform limited construction inspection and confirm the engineering assumptions made during our analysis. A representative of TD&H should observe all construction activities associated with subgrade preparation, foundations, and other geotechnical aspects of the project to ensure the conditions encountered are consistent with our assumptions. Unforeseen conditions or undisclosed changes to the project parameters or site conditions may warrant modification to the project recommendations.

Long delays between the geotechnical investigation and the start of construction increase the potential for changes to the site and subsurface conditions which could impact the applicability of the recommendations provided. If site conditions have changed because of natural causes or construction operations at or adjacent to the site, this report should be reviewed by TD&H to determine the applicability of the conclusions and recommendations provide considering the time lapse or changed conditions.

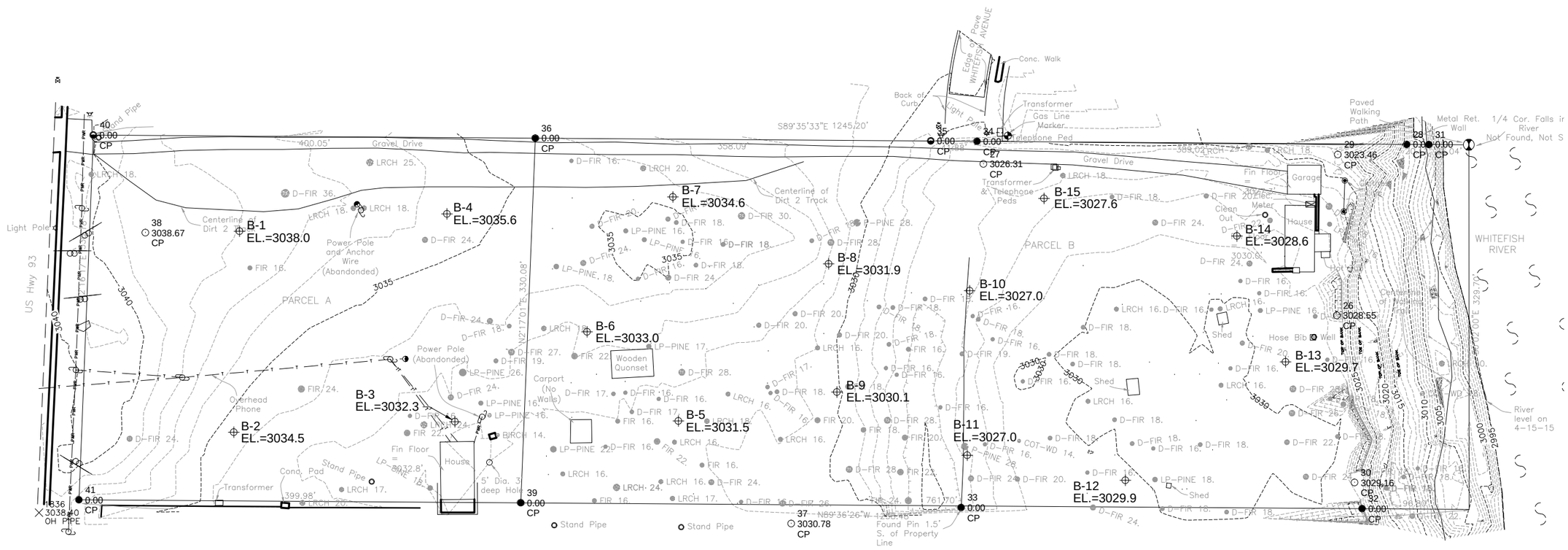
Misinterpretation of the geotechnical information by other design team members is possible and can result in costly issues during construction and with the final product. We strongly advise that TD&H review those portions of the plans and specifications which pertain to earthwork and foundations to determine if they are consistent with our recommendations and to suggest necessary modifications as warranted. In addition, TD&H should be involved throughout the construction process to observe construction, particularly the placement and compaction of all fill, preparation of all foundations, and all other geotechnical aspects. Retaining the geotechnical engineer who prepared your geotechnical

report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

This report was prepared for the exclusive use of the owner and architect and/or engineer in the design of the subject facility. It should be made available to prospective contractors and/or the contractor for information on factual data only and not as a warranty of subsurface conditions such as those interpreted from the boring logs and presented in discussions of subsurface conditions included in this report.

Prepared by: _____
Craig Nadeau, PE
Geotechnical Manager

Reviewed by: _____
Peter Klevberg, PE
Sr. Geotechnical Engineer



LEGEND

B-12 EL.=3029.9	BORE HOLE LOCATION AND ELEVATION
----------	CONTOUR MAJOR
----------	CONTOUR MINOR

FIGURE 1

REV	DATE	REVISION

TD&H Engineering
tdhengineering.com
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO
WATERTOWN NORTH DAKOTA

DRAWN BY:	TWC
DESIGNED BY:	CRN
QUALITY CHECK:	
DATE:	1/8/16
JOB NO.	K15-052
FIELDBOOK	

MKAY DEVELOPEMENT
WHITEFISH, MONTANA

BORING LOCATION MAP

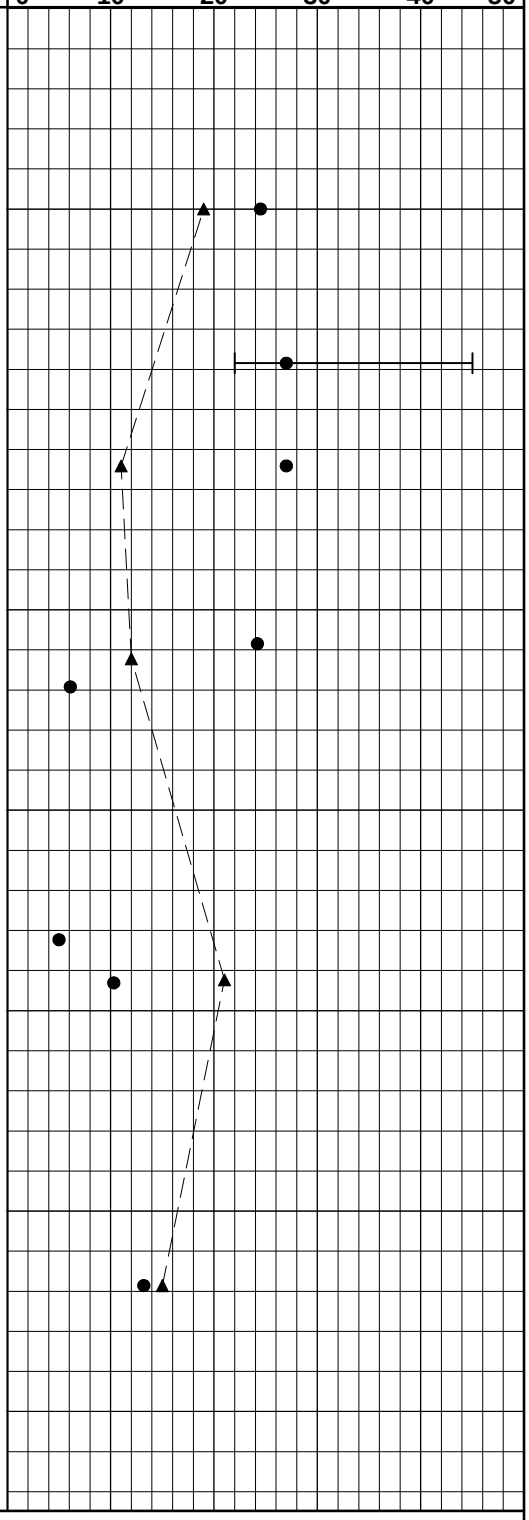
K15-052 BORING LOCATIONS .DWG

SHEET 1

GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,038.0 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE	DEPTH (FT)
	Lean CLAY, stiff to very stiff, light brown, moist, high-plasticity				0
			BULK		
			4-8-11		3.25
	- See Figure 27 for results of Consolidation testing				
			PUSH		
					6.5
			4-5-6		
					9.75
		10.7	4-6-6		
	Silty SAND, medium dense, light gray, slightly moist				13
		15.2			
	Sandy SILT, medium dense to dense, light gray to tan, slightly moist		6-10-11		16.25
					19.5
			3-7-8		
		21.5			
	Bottom of Boring	Ground water not encountered			22.75

PENETRATION RESISTANCE/MOISTURE CONTENT

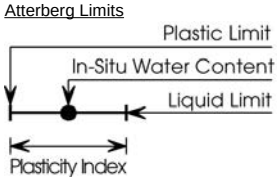
● = MOISTURE CONTENT
▲ = BLOWS PER FOOT



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-1

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

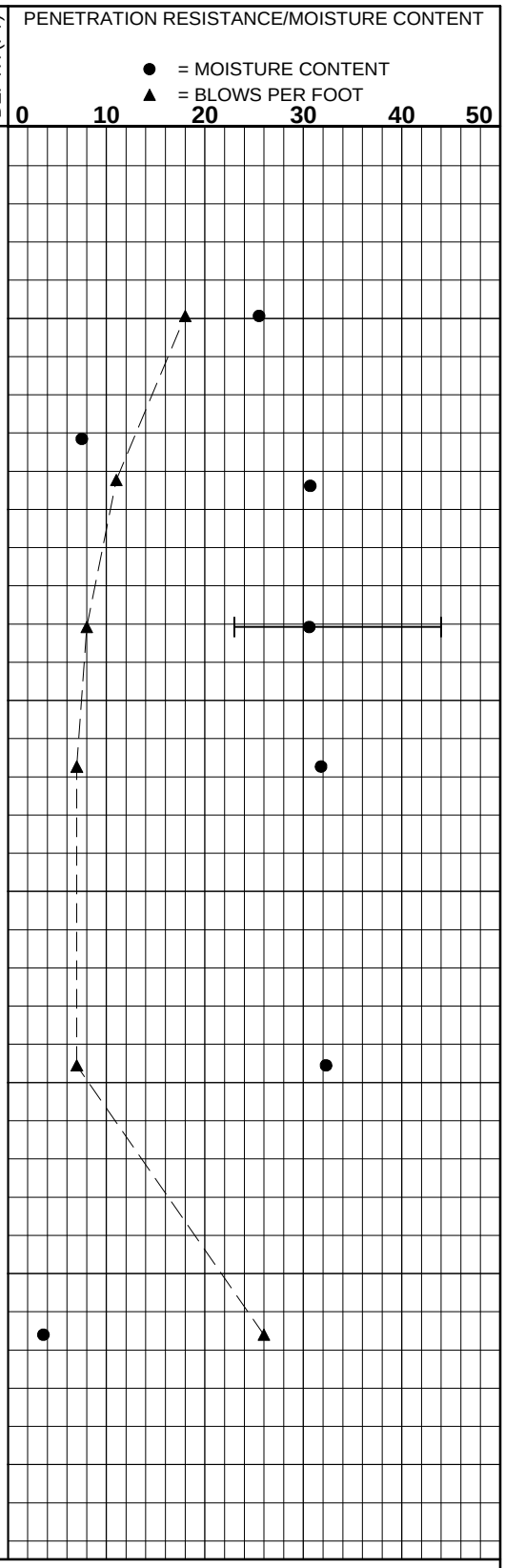
Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

November 30, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

Figure No. 2
Sheet 1 of 1

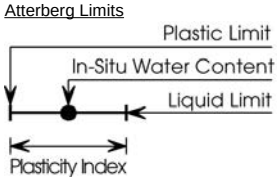
GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,034.5 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff to firm, light brown, slightly moist, high-plasticity			0
			5-8-10	3.25
	- Thin lens of Silty SAND near 5.0 feet		3-5-6	6.5
			3-4-4	9.75
			3-3-4	13
			2-3-4	16.25
		18.5		
	Silty SAND with Gravel, medium dense, tan, moist			19.5
			8-12-14	
		21.5		
	Bottom of Boring	Ground water not encountered		22.75



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-2

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

November 30, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

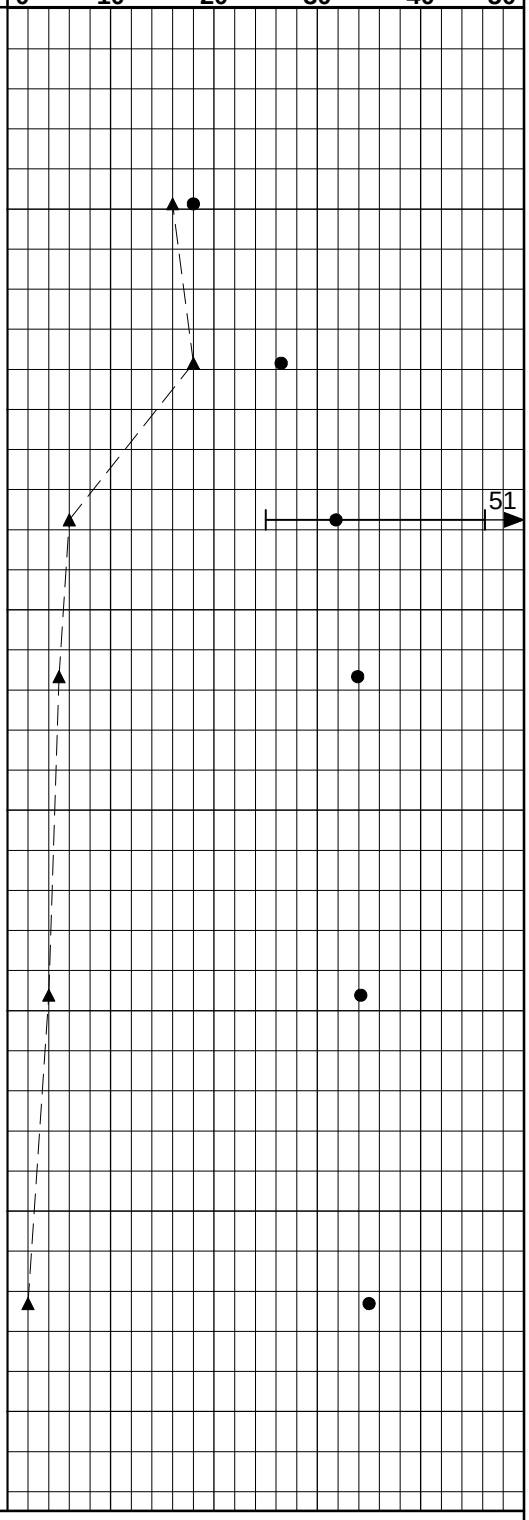
Figure No. 3
Sheet 1 of 1

SURFACE: Native Grasses & Trees
SURFACE ELEVATION: 3,032.3 feet

SOIL DESCRIPTION	DEPTH (FT)	GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
Lean CLAY, very stiff, light brown, slightly moist, thinly laminated, high plasticity			5-7-9	0 / 3.25
			6-7-11	6.5
	7.0			
Fat CLAY, soft, gray, moist			3-2-4	9.75
	10.0			
Lean CLAY, firm to very soft, light brown to tan, moist, high-plasticity			2-2-3	13
			1-2-2	16.25
				19.5
	21.5		0-0-2	
Bottom of Boring		Ground water not encountered		22.75

PENETRATION RESISTANCE/MOISTURE CONTENT

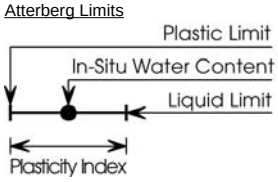
● = MOISTURE CONTENT
▲ = BLOWS PER FOOT



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-3

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

November 30, 2015 K15-052-001

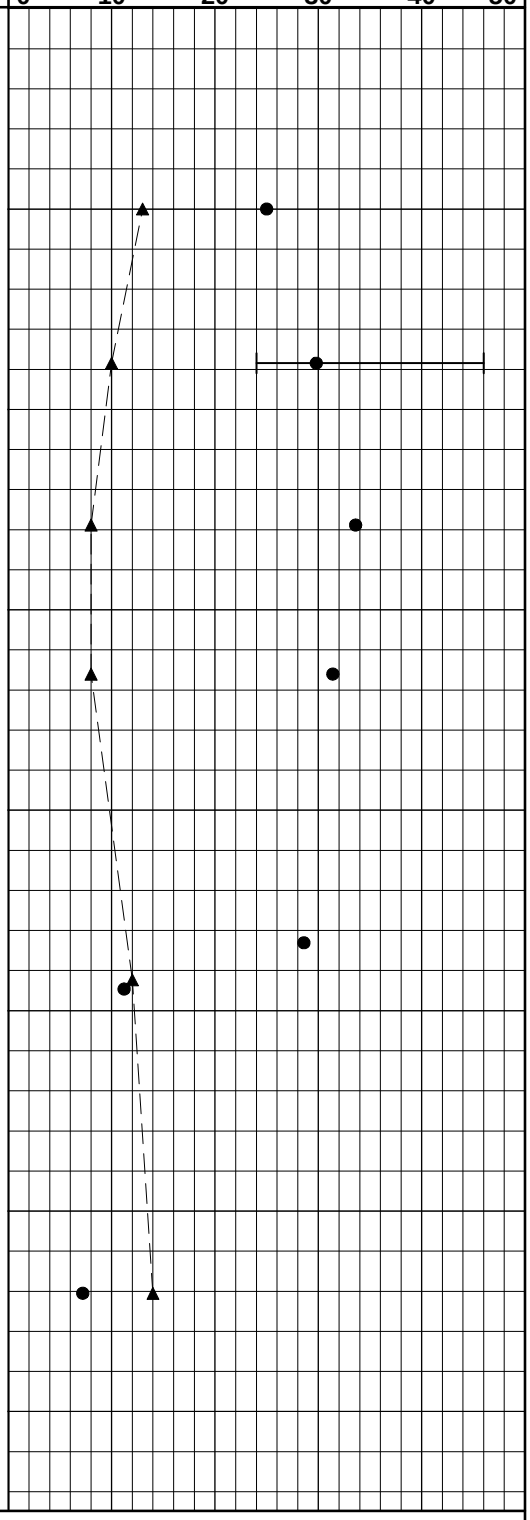
TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

Figure No. 4
Sheet 1 of 1

GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,035.6 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, stiff to firm, light gray to brown, moist, high-plasticity		4-5-8 3-5-5 2-4-4 2-4-4	0 3.25 6.5 9.75 13
	Sandy SILT, medium dense, gray to tan, slightly moist	15.3 21.5	3-5-7 4-6-8	16.25 19.5
	Bottom of Boring	Ground water not encountered		22.75

PENETRATION RESISTANCE/MOISTURE CONTENT

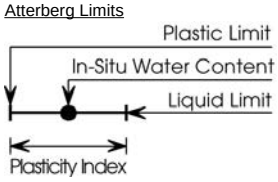
● = MOISTURE CONTENT
▲ = BLOWS PER FOOT



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-4

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

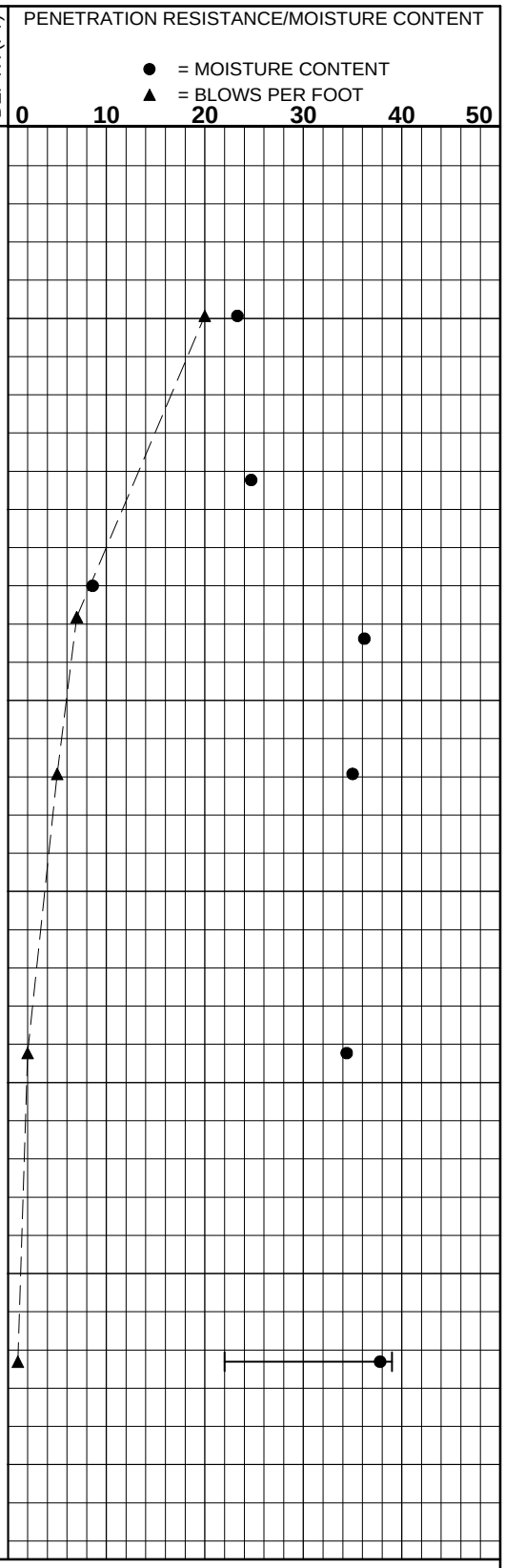
December 1, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

Figure No. 5
Sheet 1 of 1

SURFACE: Native Grasses & Trees
SURFACE ELEVATION: 3,031.5 feet

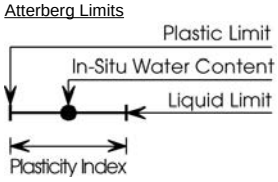
GRAPHIC LOG	SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff, light brown, moist, high-plasticity			0
			6-8-12	3.25
	- See Figures 28 and 31 for results of Consolidation/ swell testing		PUSH	6.5
		7.5		
	SILT, loose, light brown, slightly moist	8.4	3-4-3	
	Lean CLAY, firm to very soft, light brown, moist, high-plasticity			9.75
			1-3-2	
				13
			0-0-2	16.25
				19.5
		21.5	0-0-1	
	Bottom of Boring	Ground water not encountered		22.75



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-5

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

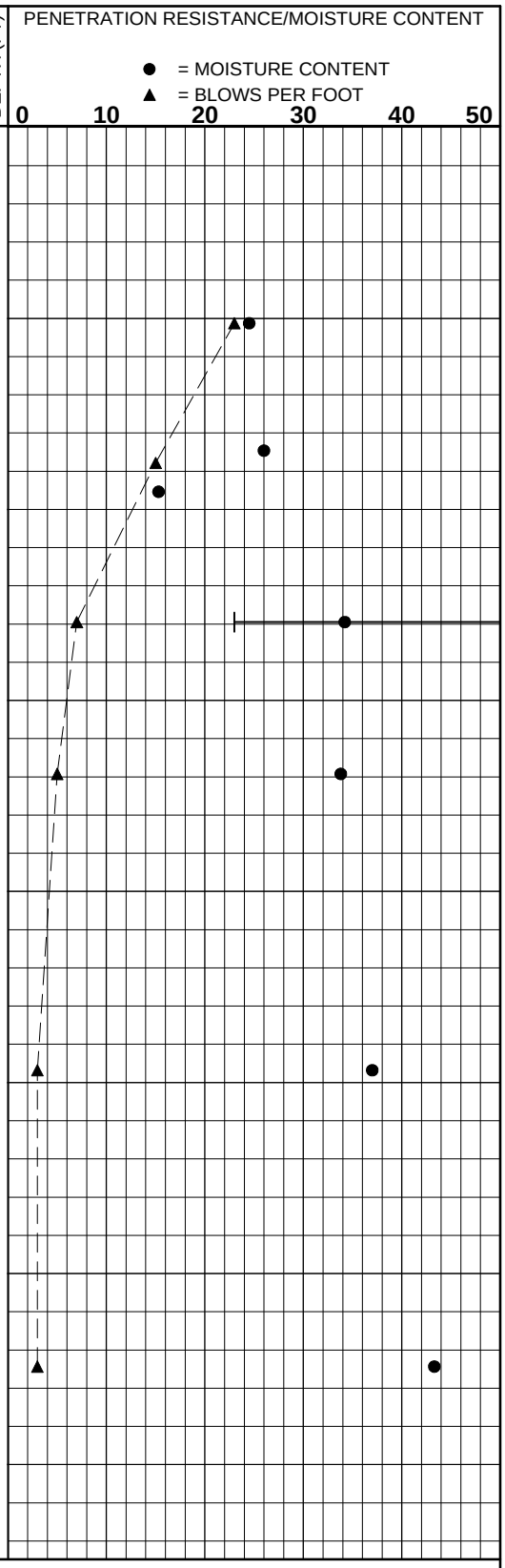
December 1, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS

Figure No. 6

Sheet 1 of 1

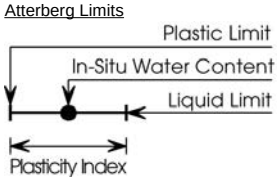
GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,033.0 feet SOIL DESCRIPTION	DEPTH (FT)	GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff to stiff, light brown, moist, high-plasticity				0
				5-9-14	3.25
				4-6-9	
	- Thin lens of silty sand between 6.0 and 6.5 feet				6.5
		7.0			
	Fat CLAY, firm, light brown, moist			1-3-4	
		9.5			
	Lean CLAY, firm to soft, light brown, moist, high-plasticity				9.75
				1-2-3	
					13
				2-1-2	16.25
					19.5
		21.5		0-1-2	
	Bottom of Boring	Ground water not encountered			22.75



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-6

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 1, 2015 K15-052-001

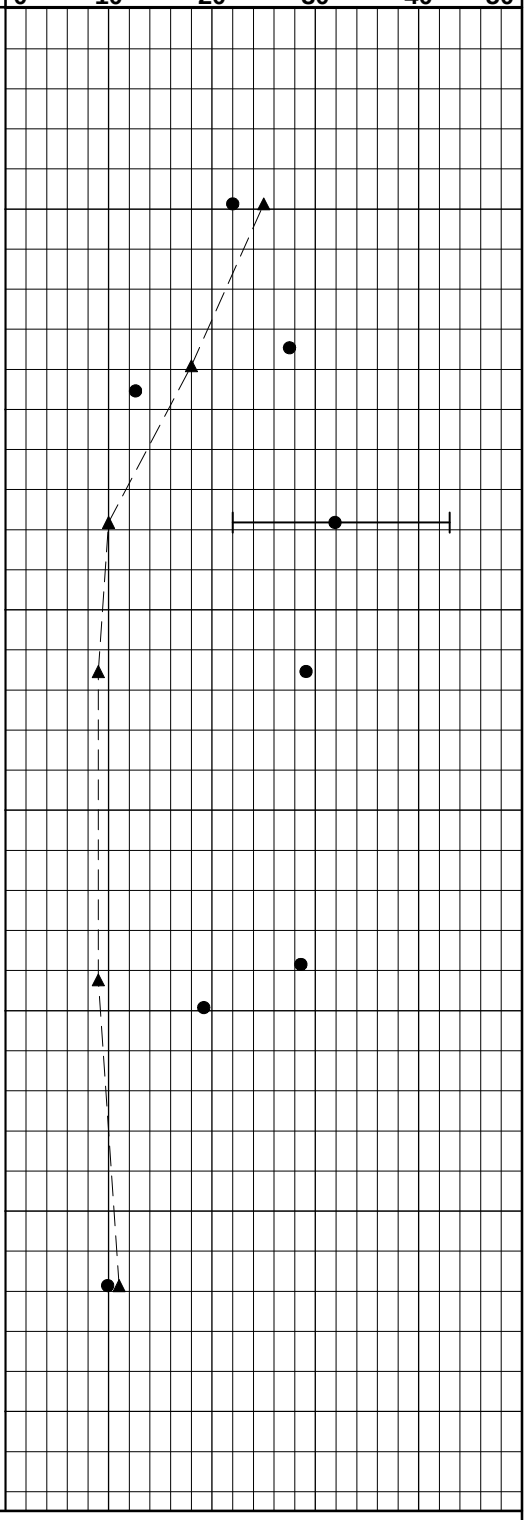
TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

Figure No. 7
Sheet 1 of 1

GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,034.6 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff to stiff, light brown, moist, high-plasticity			0
			6-10-15	3.25
			4-7-11	6.5
	- Thin lens of SILT from 6.0 to 6.5 feet		4-4-6	9.75
			3-3-6	13
			1-2-7	16.25
	- Zone of Sandy Lean CLAY from 16.0 to 16.5 feet	19.8		19.5
	Sandy SILT, medium dense, light brown, slightly moist	21.5	4-6-5	22.75
	Bottom of Boring	Ground water not encountered		

PENETRATION RESISTANCE/MOISTURE CONTENT

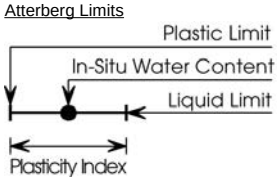
● = MOISTURE CONTENT
▲ = BLOWS PER FOOT



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-7

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

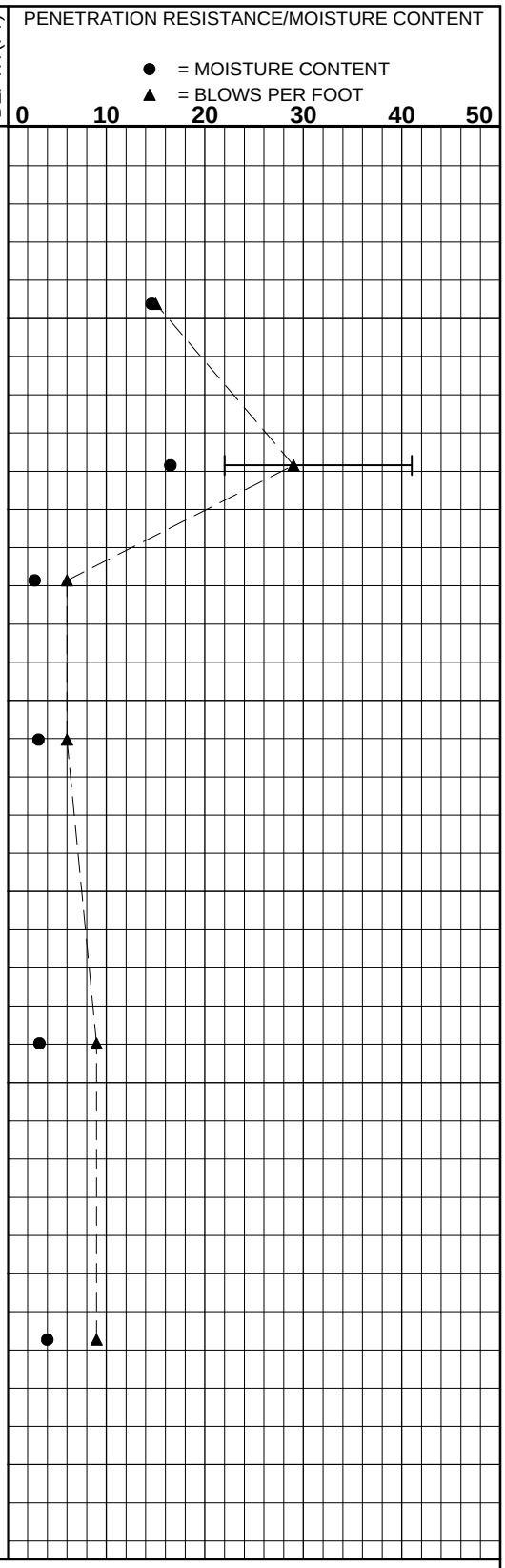
December 1, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS

Figure No. 8

Sheet 1 of 1

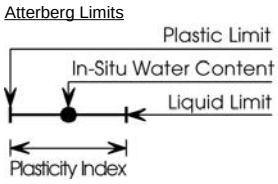
GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,031.9 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff to stiff, light brown, moist, high-plasticity		4-7-8	0 3.25
			9-12-17	6.5
		7.0		
	Well-Graded SAND with Silt, loose, tan, slightly moist		2-2-4	9.75
			3-3-3	13
			4-5-4	16.25
			4-4-5	19.5
		21.5		
	Bottom of Boring	Ground water not encountered		22.75



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- ▼ Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-8

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

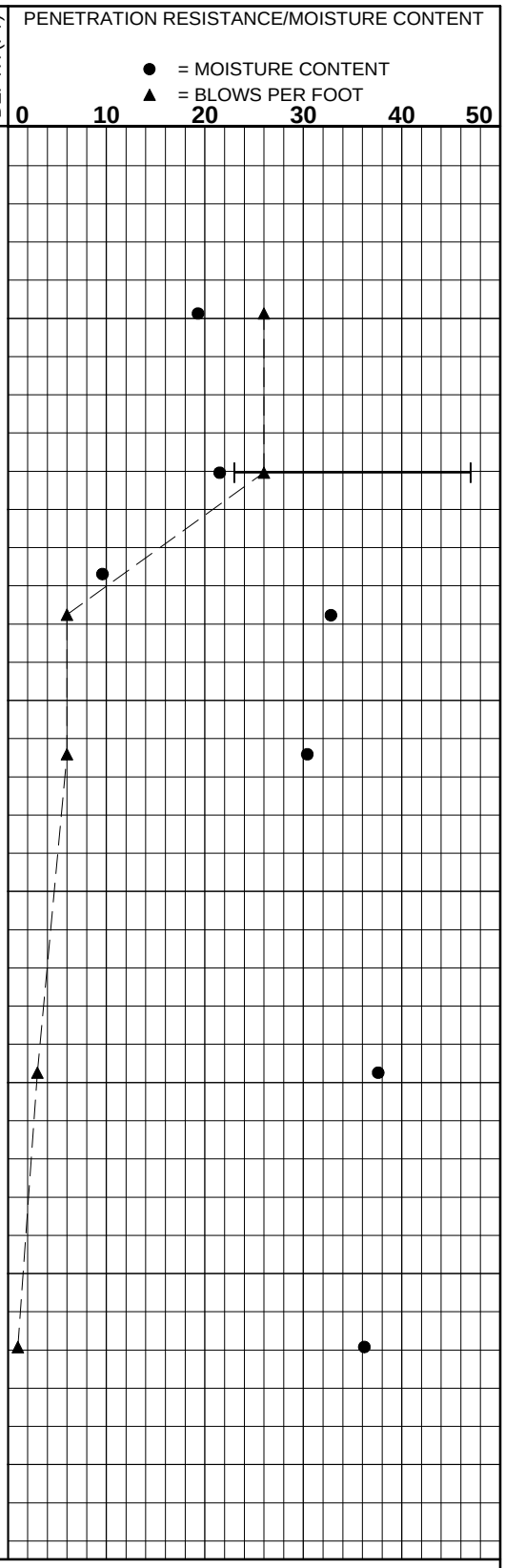
Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 1, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE LEWISTON WASHINGTON IDAHO

Figure No. 9
Sheet 1 of 1

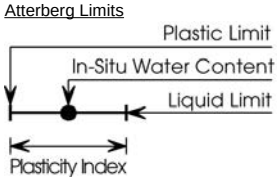
GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,030.1 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff, light brown, moist, high-plasticity			0
			6-11-15	3.25
			6-10-16	6.5
	- Thin lens of Silty SAND from about 7.5 to 7.7 feet	7.7		
	Lean CLAY, firm to very soft, light brown, moist, high-plasticity		3-3-3	9.75
			2-2-4	13
			1-1-2	16.25
			0-0-1	19.5
		21.5		22.75
	Bottom of Boring	Ground water not encountered		



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-9

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

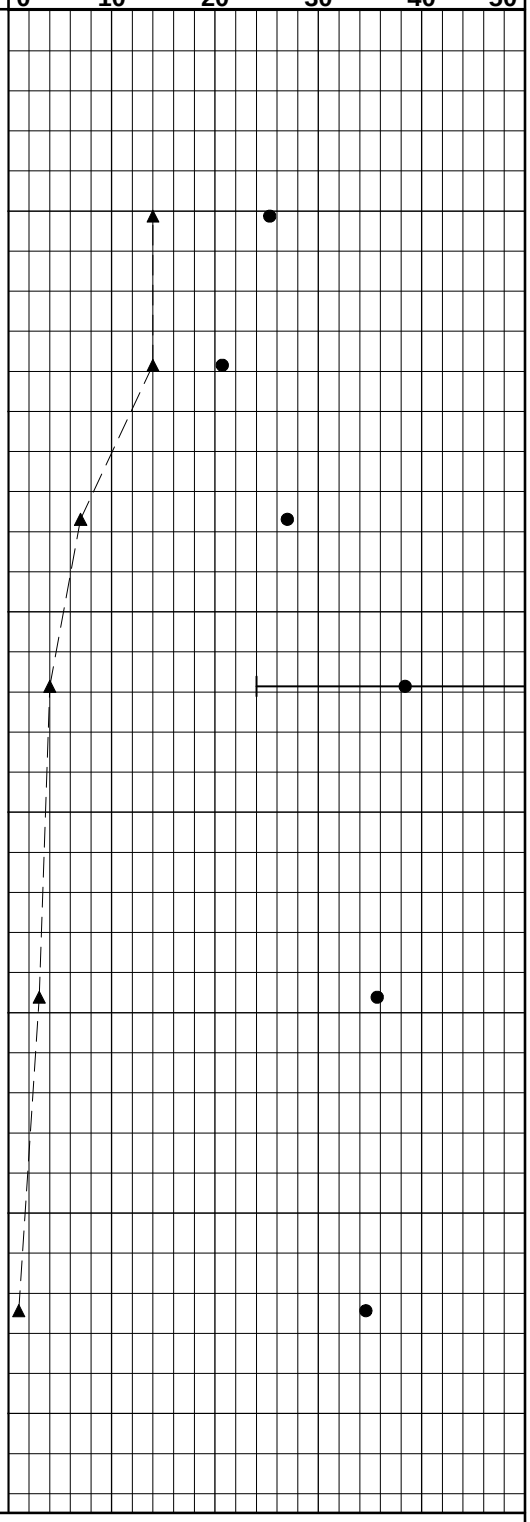
November 30, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS

Figure No. 10

Sheet 1 of 1

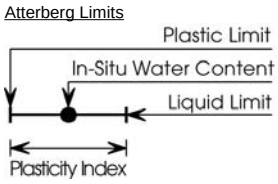
GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,027.0 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, stiff to very soft, light brown, moist, high-plasticity			0
			5-6-8	3.25
			4-6-8	6.5
			2-4-3	9.75
			2-2-2	13
			0-1-2	16.25
				19.5
		21.5	0-0-1	22.75
	Bottom of Boring	Ground water not encountered		



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-10

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 2, 2015 K15-052-001

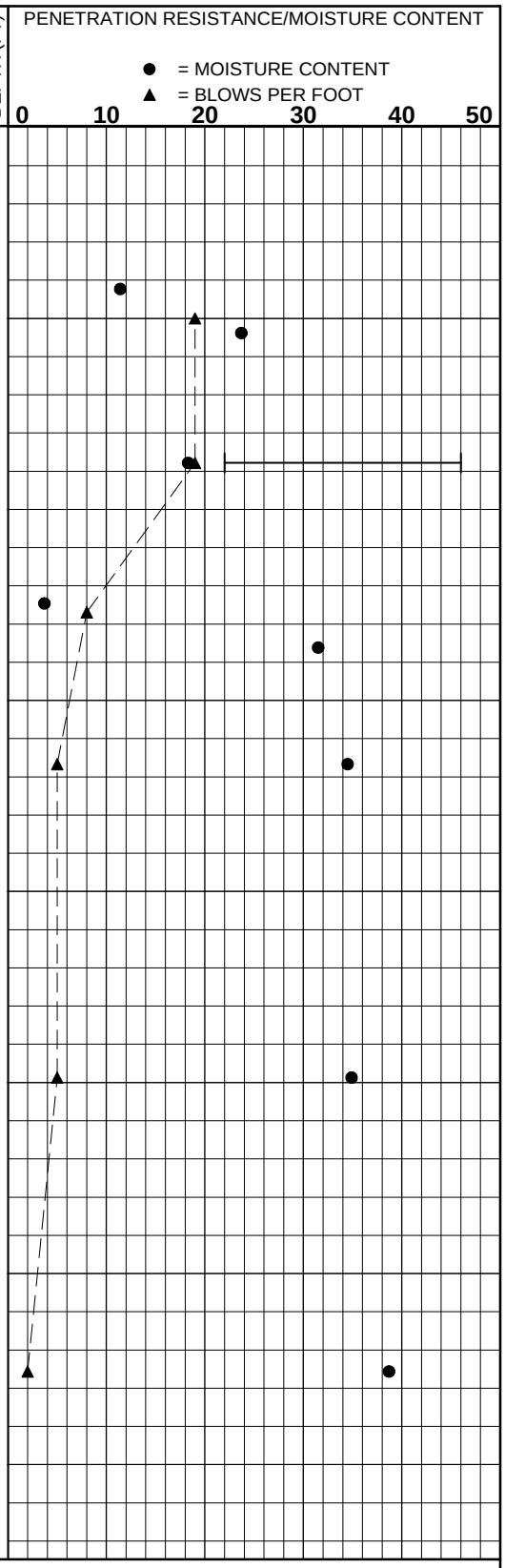
TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS

Figure No. 11

Sheet 1 of 1

SURFACE: Native Grasses & Trees
SURFACE ELEVATION: 3,027.0 feet

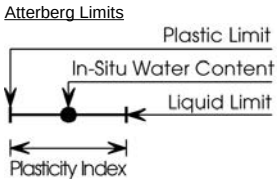
GRAPHIC LOG	SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff, light brown, moist, high-plasticity		6-9-10	0 / 3.25
			7-9-10	6.5
		7.0		
	Silty SAND, loose, tan, slightly moist, fine-grained	8.7	3-4-4	
	Lean CLAY, firm to very soft, light brown, moist, high-plasticity		2-2-3	9.75 / 13
			2-3-2	16.25 / 19.5
		21.5	1-1-1	22.75
	Bottom of Boring	Ground water not encountered		



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- ▼ Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-11

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

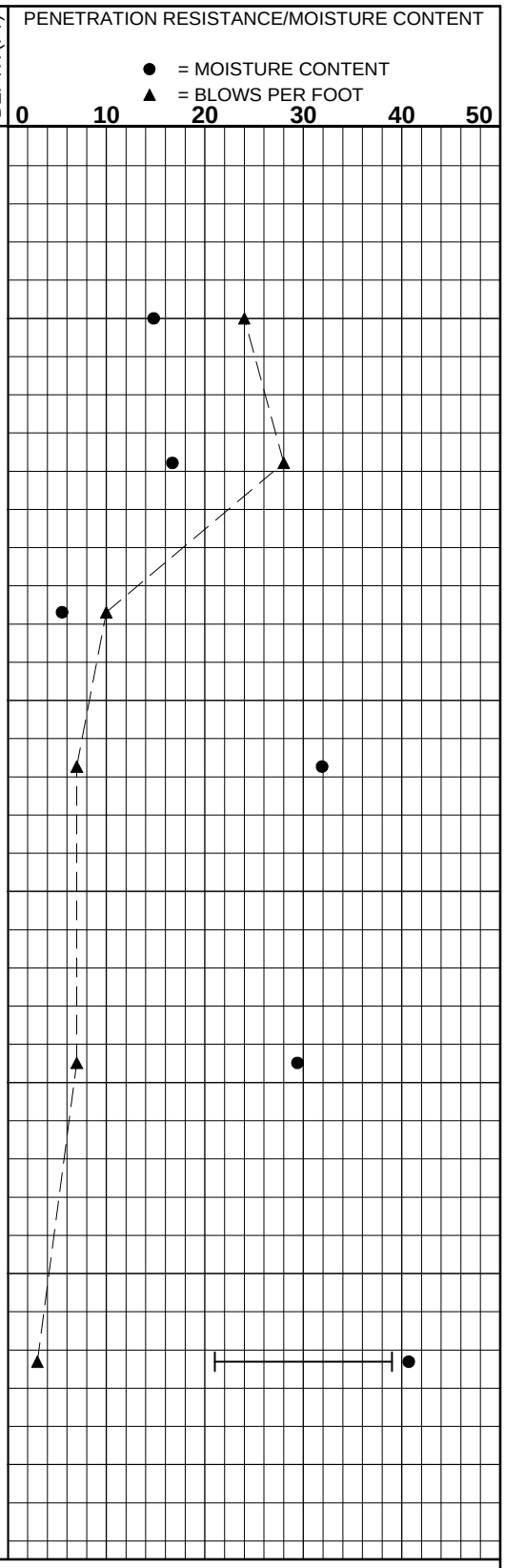
Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 2, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

Figure No. 12
Sheet 1 of 1

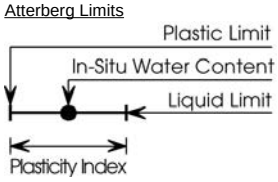
GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,029.9 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff, light brown, slightly moist, high-plasticity		BULK 7-12-12	0 3.25
			6-13-15	6.5
		7.5		
	SILT, loose, tan, slightly moist		5-5-5	
		8.9		
	Lean CLAY, firm to soft, light brown, moist, high-plasticity		3-3-4	9.75 13
			2-4-3	16.25 19.5
		21.5	0-1-2	
	Bottom of Boring	Ground water not encountered		22.75



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-12

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 2, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS

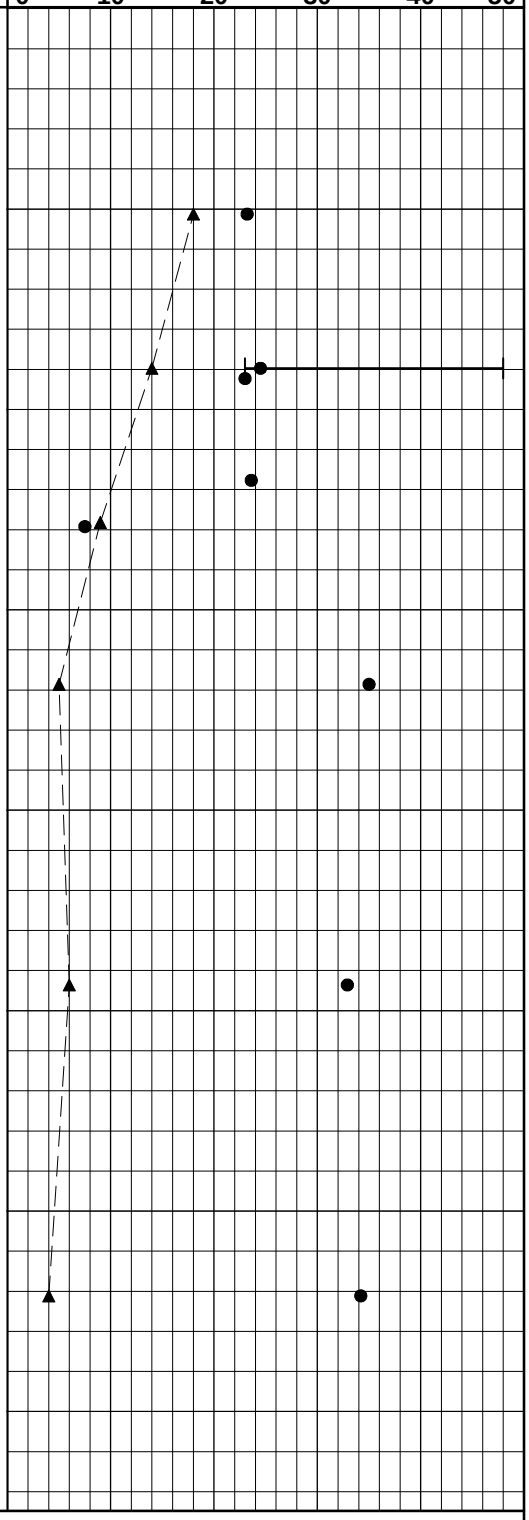
Figure No. 13

Sheet 1 of 1

GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,029.7 feet SOIL DESCRIPTION	DEPTH (FT)	GROUND WATER	SPT BLOW COUNTS	SAMPLE	DEPTH (FT)
	Lean CLAY, very stiff to stiff, light brown, moist, high-plasticity					0
				4-8-10		3.25
	- See Figure 29 for results of consoldiation testing			4-6-8 PUSH		6.5
		7.8				
	Silty SAND, loose, slighly moist, fine- grained			2-4-5		
		9.5				
	Lean CLAY, firm to soft, light brown, moist, high-plasticity					9.75
				1-2-3		
						13
				1-3-3		16.25
						19.5
		21.5		0-2-2		
	Bottom of Boring	Ground water not encoun-tered				22.75

PENETRATION RESISTANCE/MOISTURE CONTENT

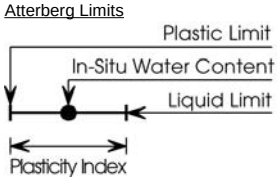
● = MOISTURE CONTENT
▲ = BLOWS PER FOOT



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-13

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

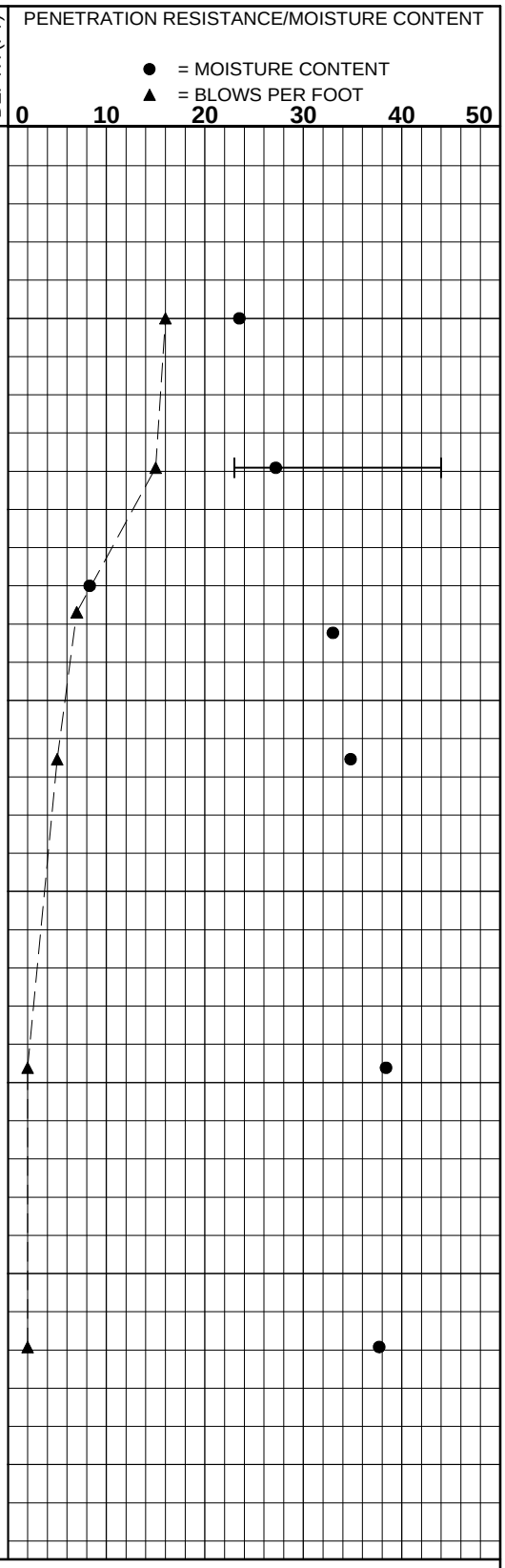
Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 2, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

Figure No. 14
Sheet 1 of 1

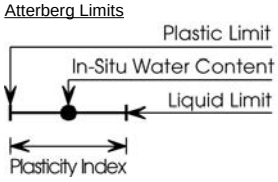
GRAPHIC LOG	SURFACE: Native Grasses & Trees SURFACE ELEVATION: 3,028.6 feet SOIL DESCRIPTION	DEPTH (FT) GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff, light brown, moist, high-plasticity		BULK 5-7-9	0 3.25
			3-6-9	6.5
		7.5		
	Silty SAND, loose, light brown, moist, fine-grained	8.2		
	Lean CLAY, firm to very soft, light brown, moist, high-plasticity		3-3-4	9.75
			1-2-3	13
			0-1-1	16.25
			0-1-1	19.5
		21.5		
	Bottom of Boring	Ground water not encountered		22.75



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- ▼ Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-14

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 2, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA SPOKANE WASHINGTON LEWISTON IDAHO

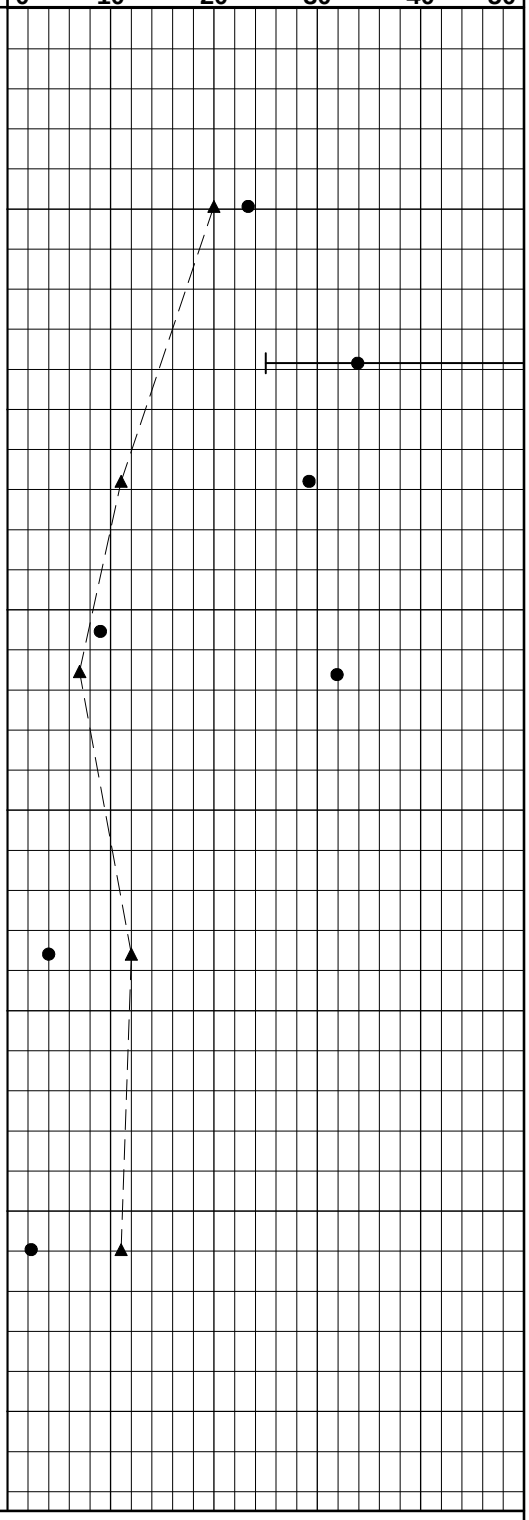
Figure No. 15
Sheet 1 of 1

SURFACE: Native Grasses & Trees
SURFACE ELEVATION: 3,027.6 feet

GRAPHIC LOG	SOIL DESCRIPTION	DEPTH (FT)	GROUND WATER	SPT BLOW COUNTS	SAMPLE DEPTH (FT)
	Lean CLAY, very stiff, light brown, moist, high-plasticity			4-8-12	0, 3.25
	Fat CLAY, relatively stiff, light brown, moist - See Figure 30 for results of consolidation testing	4.5		PUSH 3-3-8	6.5
	Silty SAND, relatively loose, light brown, moist	8.5			
	Lean CLAY, firm to stiff, light brown, moist, high-plasticity	10.2		3-2-5	9.75, 13
	Silty SAND with Gravel, medium dense, light brown, slightly moist	14.5		3-4-8 3-4-7	16.25, 19.5
	Bottom of Boring	21.5	Ground water not encountered		22.75

PENETRATION RESISTANCE/MOISTURE CONTENT

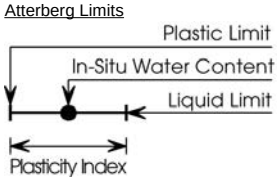
● = MOISTURE CONTENT
▲ = BLOWS PER FOOT



LEGEND

- ▲ SPT blows per foot
- ● Field Moisture content
- Groundwater Level
- Grab/composite sample
- 1-3/8-inch I.D. split spoon
- 2-1/2-inch I.D. split spoon
- 2-1/2-inch I.D. ring sampler
- 3-inch I.D. thin-walled sampler
- ✱ No sample recovery

Atterberg Limits



GNP = Granular and Nonplastic

Note: The stratification lines represent approximate boundaries between soil types. Actual boundaries may be gradual or transitional.

LOG OF SOIL BORING B-15

MKay Development
Whitefish, Montana

Logged by: Terry Stonehocker, PE

Drilled by: In-N-Out Drilling
Truck-mounted CME-45 with 8-inch HSA

December 2, 2015 K15-052-001

TD&H THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS
GREAT FALLS–BOZEMAN–KALISPELL–HELENA MONTANA
SPOKANE WASHINGTON
LEWISTON IDAHO

Figure No. 16
Sheet 1 of 1

Particle Size Distribution Report

	+3"	% GRAVEL	% SAND	% SILT	% CLAY	USCS	LL	PL	PI
○	0.0	0.0	0.3	99.7		CL	45	22	23
□	0.0	31.9	54.2	13.9		SM			
△	0.0	0.0	0.4	99.6		CL			

SIEVE inches size	PERCENT FINER ○	□	△
1"		100.0	
3/4"		88.8	
1/2"		80.1	
3/8"		77.4	
GRAIN SIZE			
D_{60}		1.8283	
D_{30}		0.2700	
D_{10}			
COEFFICIENTS			
C_c			
C_u			

SIEVE number size	PERCENT FINER ○	□	△
#4	100.0	68.1	100.0
#10	100.0	60.6	100.0
#20	100.0	54.1	100.0
#40	100.0	43.9	100.0
#60	100.0	28.0	100.0
#80	100.0	21.8	100.0
#100	100.0	18.8	100.0
#200	99.7	13.9	99.6

Material Description

○ Lean CLAY

□ Silty SAND with Gravel

△ Lean CLAY

REMARKS:

○ Report No. A-12128-206

□ Report No. A-12142-206

△ Report No. A-12146-206

○ Location: B-1 Depth: 5.0 - 6.5 ft Sample Number: A-12128
□ Location: B-2 Depth: 20.0 - 21.5 ft Sample Number: A-12142
△ Location: B-3 Depth: 10.0 - 11.5 ft Sample Number: A-12146

TD&H Engineering

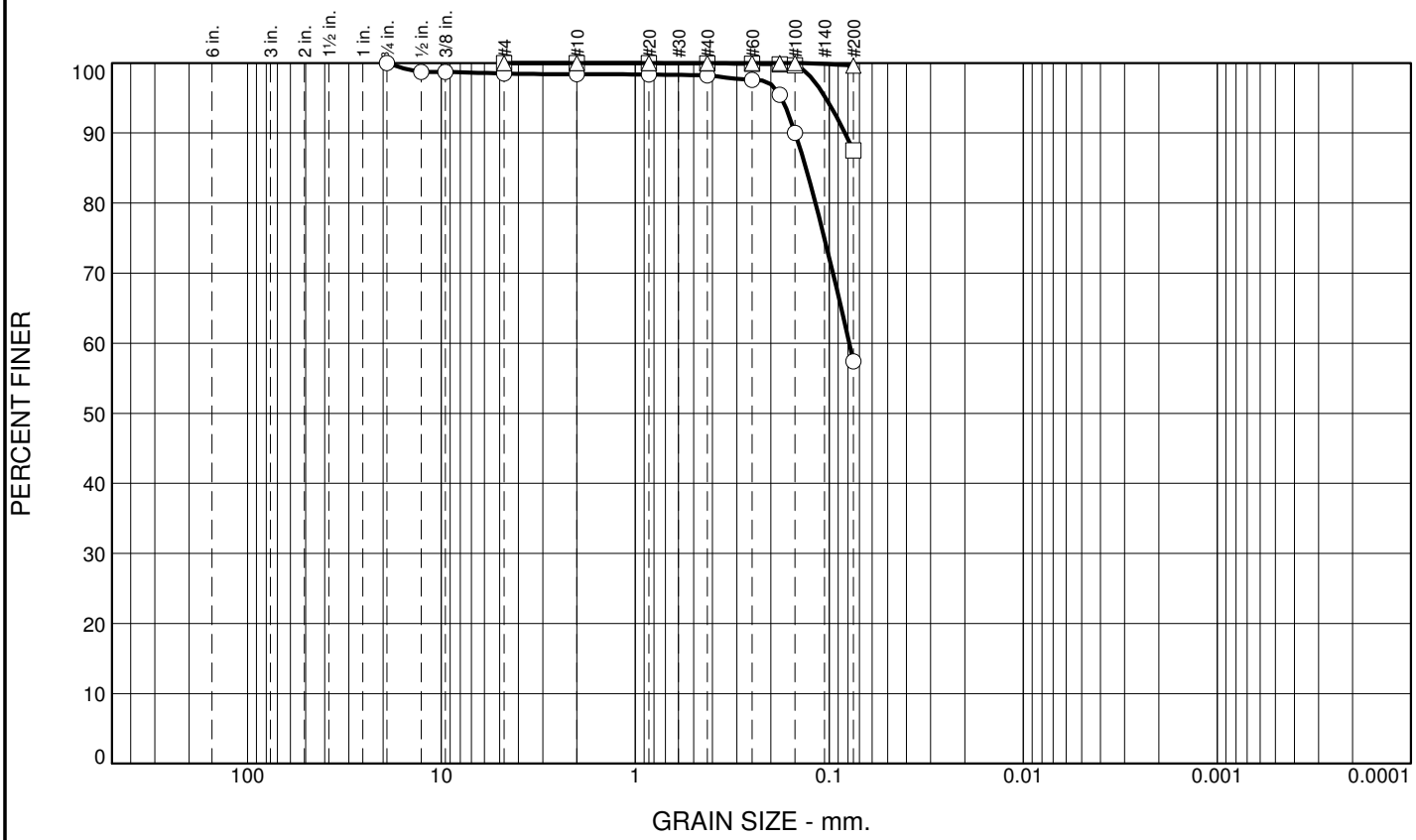
Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Client: MKay Enterprises
Project: MKay Development
Whitefish, Montana
Project No.: K15-052-001

Figure 17

Tested By: MS **Checked By:** Craig R Madsen

Particle Size Distribution Report



	+3"	% GRAVEL	% SAND	% SILT	% CLAY	USCS	LL	PL	PI
○	0.0	1.5	41.1	57.4		ML			
□	0.0	0.0	12.5	87.5		ML			
△	0.0	0.0	0.4	99.6		CL			

SIEVE inches size	PERCENT FINER ○	□	△
3/4"	100.0		
1/2"	98.7		
3/8"	98.7		
GRAIN SIZE			
D_{60}	0.0788		
D_{30}			
D_{10}			
COEFFICIENTS			
C_c			
C_u			

SIEVE number size	PERCENT FINER ○	□	△
#4	98.5	100.0	100.0
#10	98.4	100.0	100.0
#20	98.4	100.0	100.0
#40	98.2	99.9	100.0
#60	97.6	99.9	100.0
#80	95.4	99.8	100.0
#100	90.0	99.7	100.0
#200	57.4	87.5	99.6

Material Description

○ Sandy SILT

□ SILT

△ Lean CLAY

REMARKS:

○ Report No. A-12154-206

□ Report No. A-12158-206

△ Report No. A-12168-206

○ Location: B-4 Depth: 15.3 - 16.5 ft Sample Number: A-12154
□ Location: B-5 Depth: 7.5 - 8.4 ft Sample Number: A-12158
△ Location: B-6 Depth: 15.0 - 16.5 ft Sample Number: A-12168

TD&H Engineering

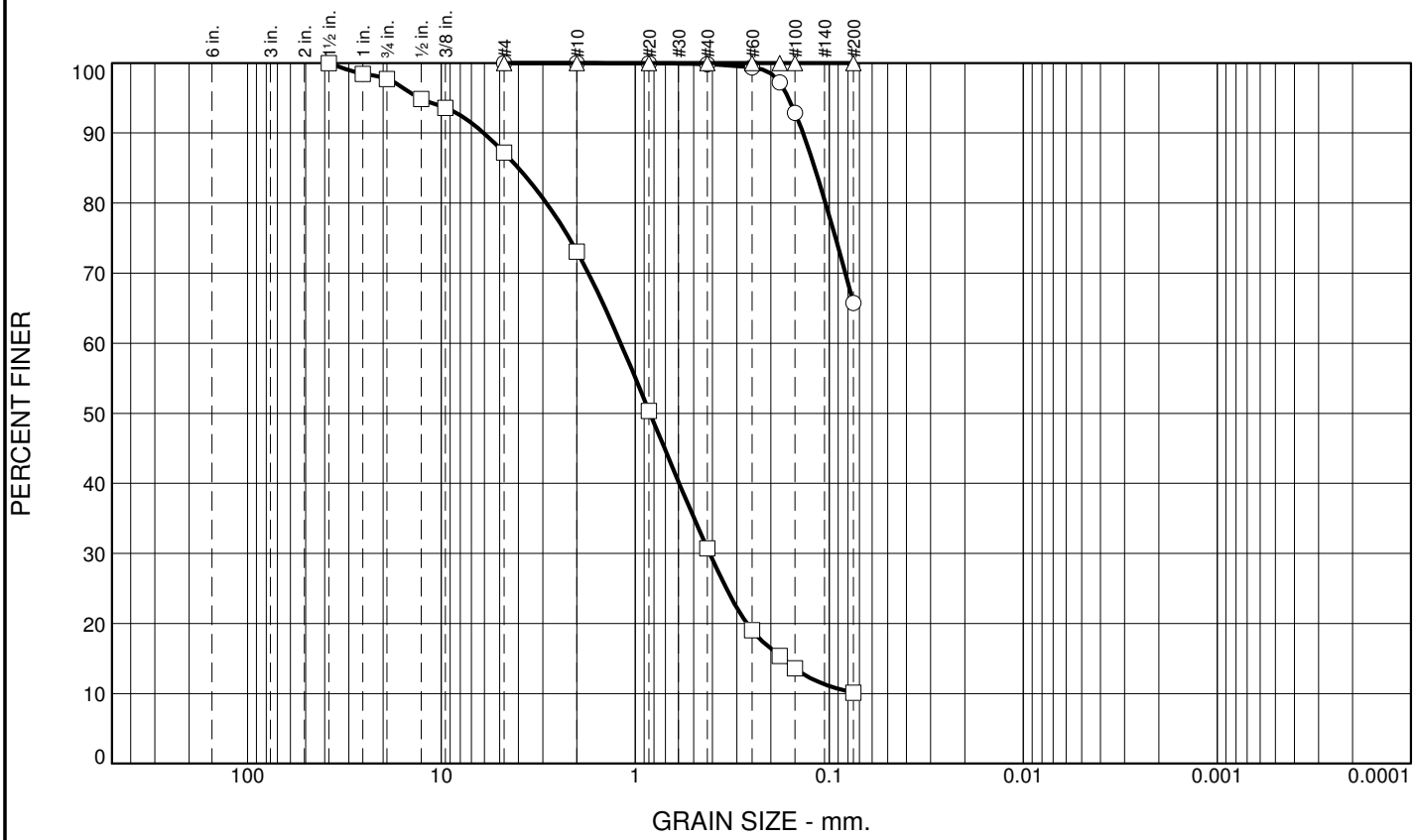
Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Client: MKay Enterprises
Project: MKay Development
Whitefish, Montana
Project No.: K15-052-001

Figure 18

Tested By: MS **Checked By:** Craig R Madsen

Particle Size Distribution Report



	+3"	% GRAVEL	% SAND	% SILT	% CLAY	USCS	LL	PL	PI
○	0.0	0.0	34.3	65.7		ML			
□	0.0	12.8	77.1	10.1		SW-SM			
△	0.0	0.0	0.0	100.0		CL			

SIEVE inches size	PERCENT FINER ○	□	△
1 1/2"		100.0	
1"		98.5	
3/4"		97.7	
1/2"		94.9	
3/8"		93.6	
GRAIN SIZE			
D_{60}		1.1903	
D_{30}		0.4135	
D_{10}			
COEFFICIENTS			
C_c			
C_u			

SIEVE number size	PERCENT FINER ○	□	△
#4	100.0	87.2	100.0
#10	100.0	73.1	100.0
#20	99.9	50.4	100.0
#40	99.8	30.7	100.0
#60	99.3	19.0	100.0
#80	97.2	15.4	100.0
#100	92.9	13.6	100.0
#200	65.7	10.1	100.0

Material Description

○ Sandy SILT

□ Well-Graded SAND with Silt

△ Lean CLAY

REMARKS:

○ Report No. A-12177-206

□ Report No. A-12180/12181/12182/12183-206
Composite of four similar samples

△ Report No. A-12189-206

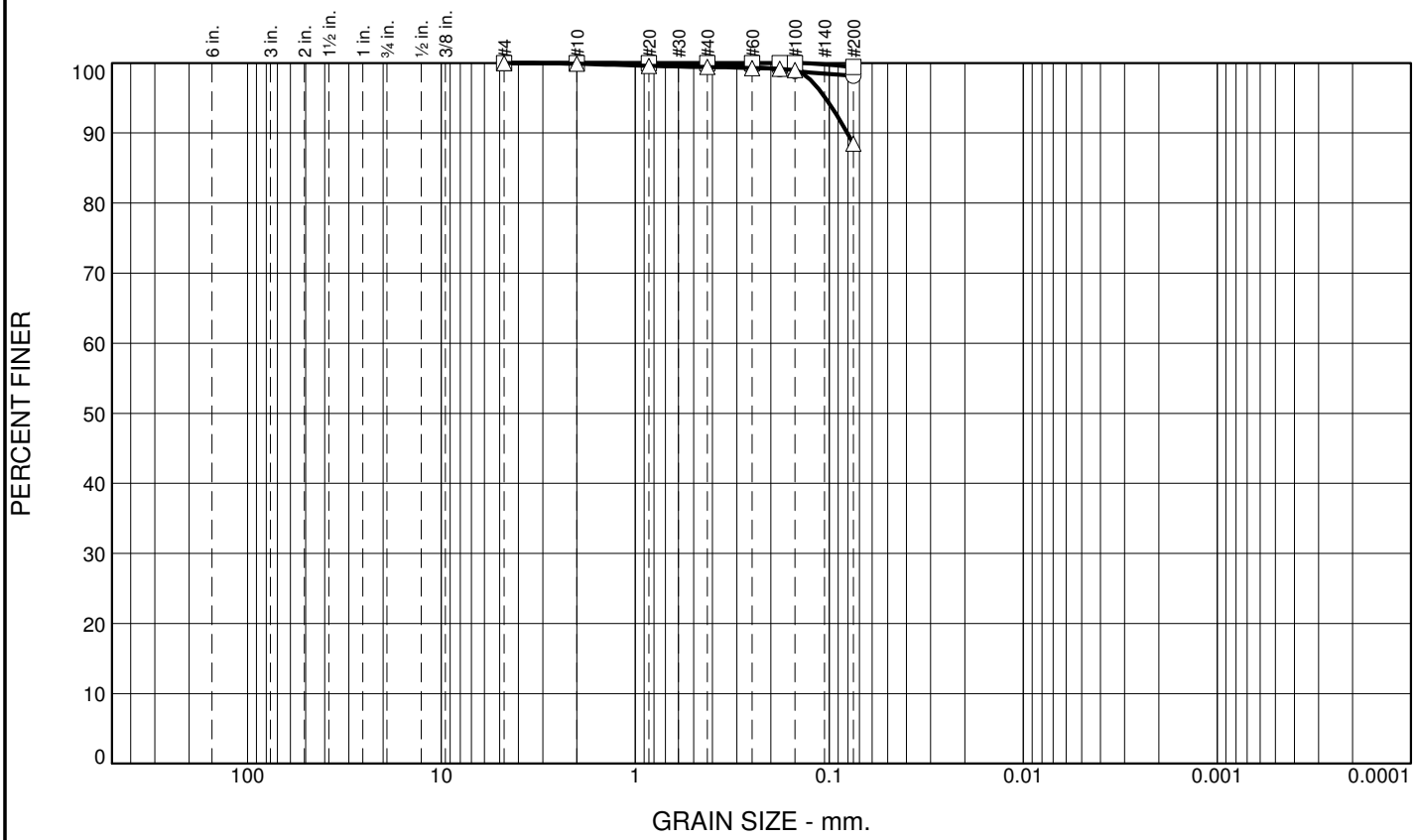
○ Location: B-7 Depth: 20.0 - 21.5 ft Sample Number: A-12177
□ Location: B-8 Depth: 7.5 - 21.5 ft Sample Number: Composite
△ Location: B-9 Depth: 15.0 - 16.5 ft Sample Number: A-12189

TD&H Engineering
Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Client: MKay Enterprises
Project: MKay Development
Whitefish, Montana
Project No.: K15-052-001
Figure 19

Tested By: ● JS ■ KR ▲ KR **Checked By:** Craig R Madsen

Particle Size Distribution Report



	+3"	% GRAVEL	% SAND	% SILT	% CLAY	USCS	LL	PL	PI
○	0.0	0.0	1.8	98.2		CL			
□	0.0	0.0	0.6	99.4		CL			
△	0.0	0.0	11.5	88.5		ML			

SIEVE inches size	PERCENT FINER ○	□	△
GRAIN SIZE			
D_{60}			
D_{30}			
D_{10}			
COEFFICIENTS			
C_c			
C_u			

SIEVE number size	PERCENT FINER ○	□	△
#4	100.0	100.0	100.0
#10	100.0	100.0	99.9
#20	99.9	100.0	99.6
#40	99.8	100.0	99.4
#60	99.4	100.0	99.3
#80	99.1	100.0	99.2
#100	98.9	100.0	99.0
#200	98.2	99.4	88.5

Material Description

○ Lean CLAY

□ Lean CLAY

△ SILT

REMARKS:

○ Report No. A-12193-206

□ Report No. A-12203-206

△ Report No. A-12208-206

○ Location: B-10 Depth: 7.5 - 9.0 ft Sample Number: A-12193

□ Location: B-11 Depth: 15.0 - 16.5 ft Sample Number: A-12203

△ Location: B-12 Depth: 7.5 - 9.0 ft Sample Number: A-12208

TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Client: MKay Enterprises

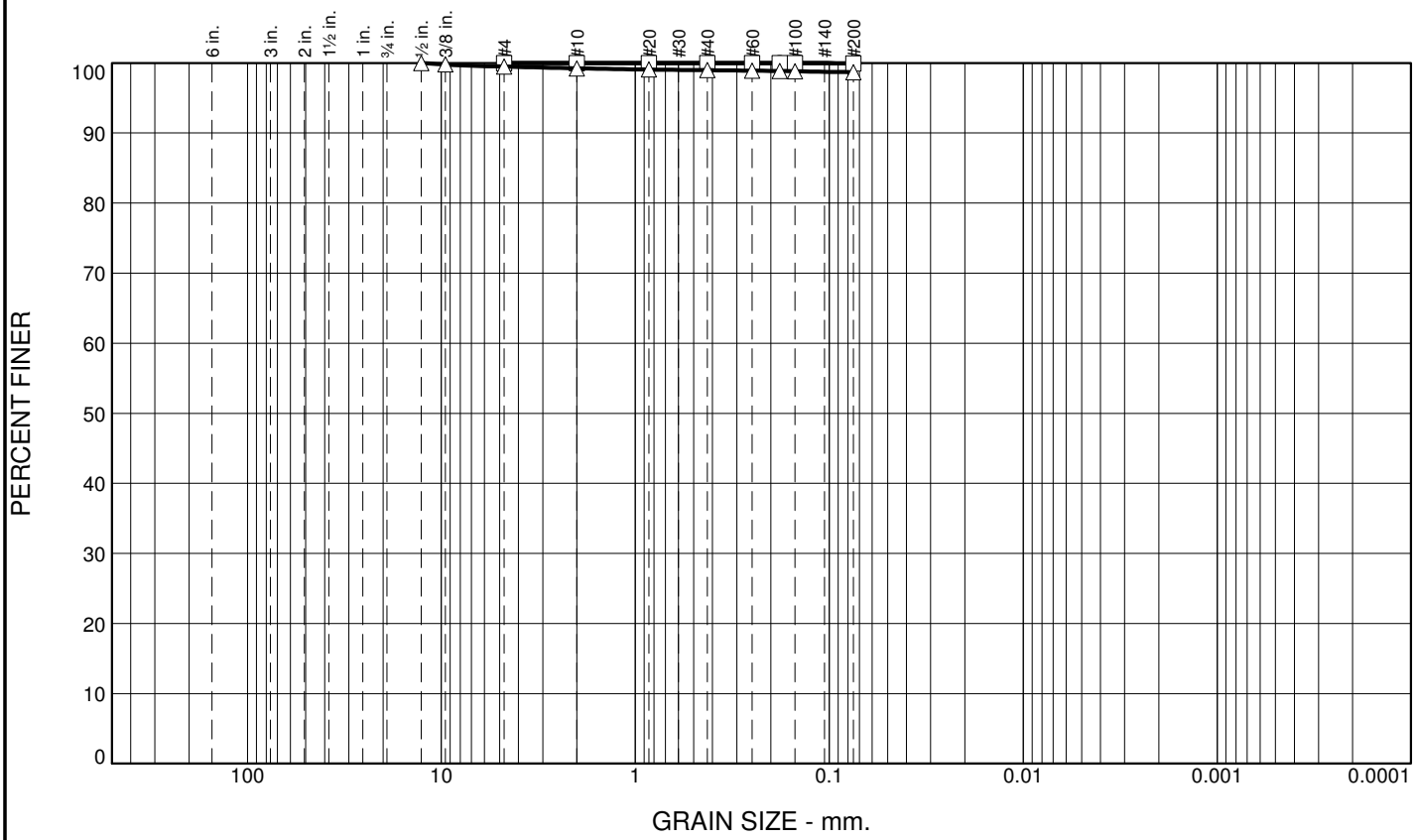
Project: MKay Development
Whitefish, Montana

Project No.: K15-052-001

Figure 20

Tested By: KR **Checked By:** Craig R Madsen

Particle Size Distribution Report



	+3"	% GRAVEL	% SAND	% SILT	% CLAY	USCS	LL	PL	PI
○	0.0	0.0	0.1	99.9		CL			
□	0.0	0.0	0.1	99.9		CL			
△	0.0	0.5	0.8	98.7		CH	50	25	25

SIEVE inches size	PERCENT FINER ○	□	△
1/2"			100.0
3/8"			99.8
GRAIN SIZE			
D_{60}			
D_{30}			
D_{10}			
COEFFICIENTS			
C_c			
C_u			

SIEVE number size	PERCENT FINER ○	□	△
#4	100.0	100.0	99.5
#10	100.0	100.0	99.2
#20	100.0	100.0	99.1
#40	100.0	100.0	99.0
#60	100.0	100.0	98.9
#80	100.0	100.0	98.9
#100	100.0	100.0	98.8
#200	99.9	99.9	98.7

Material Description
○ Lean CLAY
□ Lean CLAY
△ Fat CLAY

REMARKS:
○ Report No. A-12217-206
□ Report No. A-12225-206
△ Report No. A-12229-206

○ Location: B-13 Depth: 10.0 - 11.5 ft Sample Number: A-12217
□ Location: B-14 Depth: 10.0 - 11.5 ft Sample Number: A-12225
△ Location: B-15 Depth: 5.0 - 6.5 ft Sample Number: A-12229

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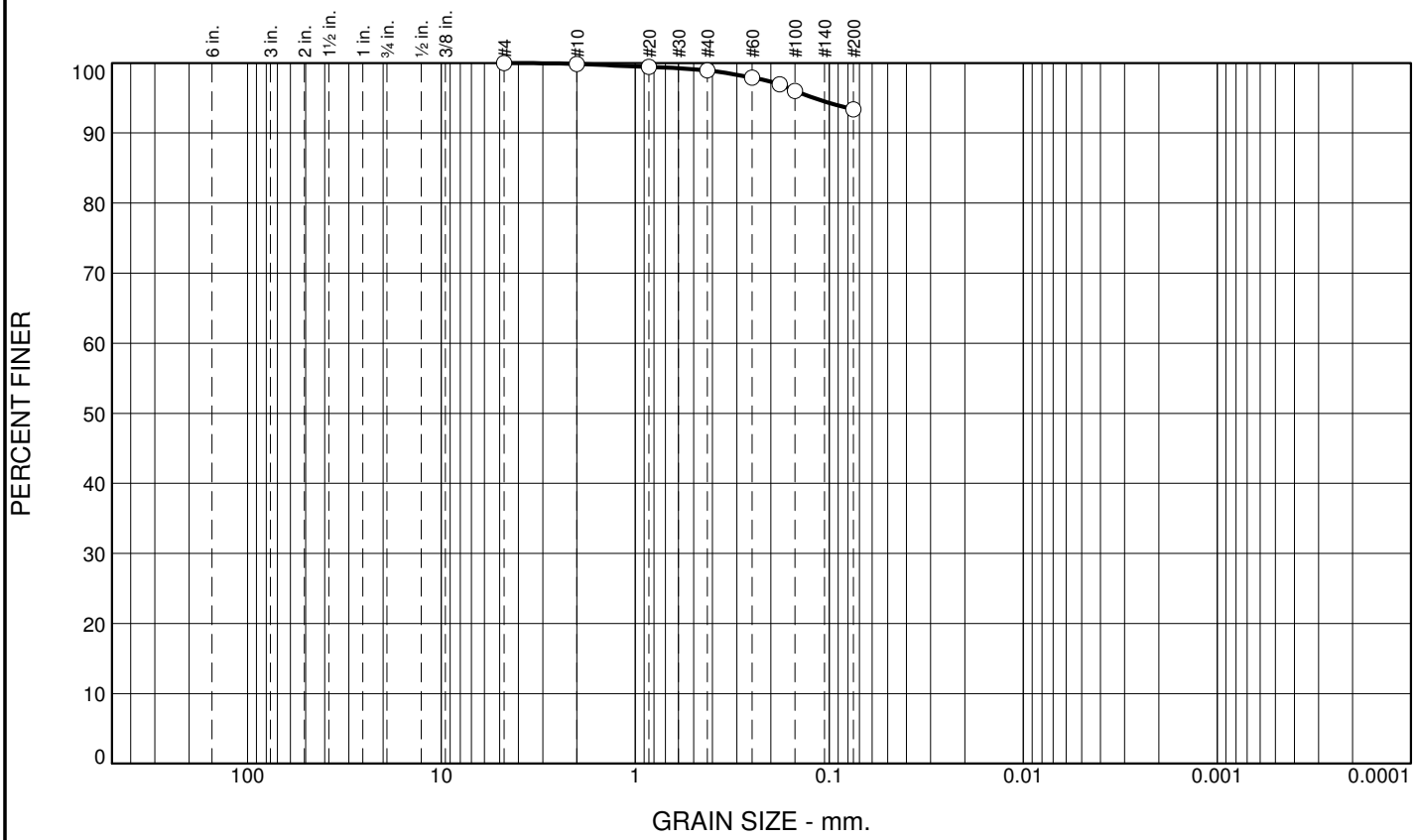
Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Client: MKay Enterprises
Project: MKay Development
Whitefish, Montana
Project No.: K15-052-001
Figure 21

Tested By: KR **Checked By:** Craig R Madsen

Particle Size Distribution Report



	+3"	% GRAVEL	% SAND	% SILT	% CLAY	USCS	LL	PL	PI
○	0.0	0.0	6.6	93.4		CL	43	22	21

SIEVE inches size	PERCENT FINER ○		
	GRAIN SIZE		
D_{60}			
D_{30}			
D_{10}			
	COEFFICIENTS		
C_c			
C_u			

SIEVE number size	PERCENT FINER ○		
#4	100.0		
#10	99.9		
#20	99.4		
#40	98.9		
#60	97.9		
#80	96.9		
#100	96.0		
#200	93.4		

Material Description

○ Lean CLAY

REMARKS:

○ Report No. A-12135/12206/12220-206
Composite Sample from Various Borings

○ Location: B-1, B-12, B-14 Depth: 1.0 - 4.0 ft Sample Number: Composite

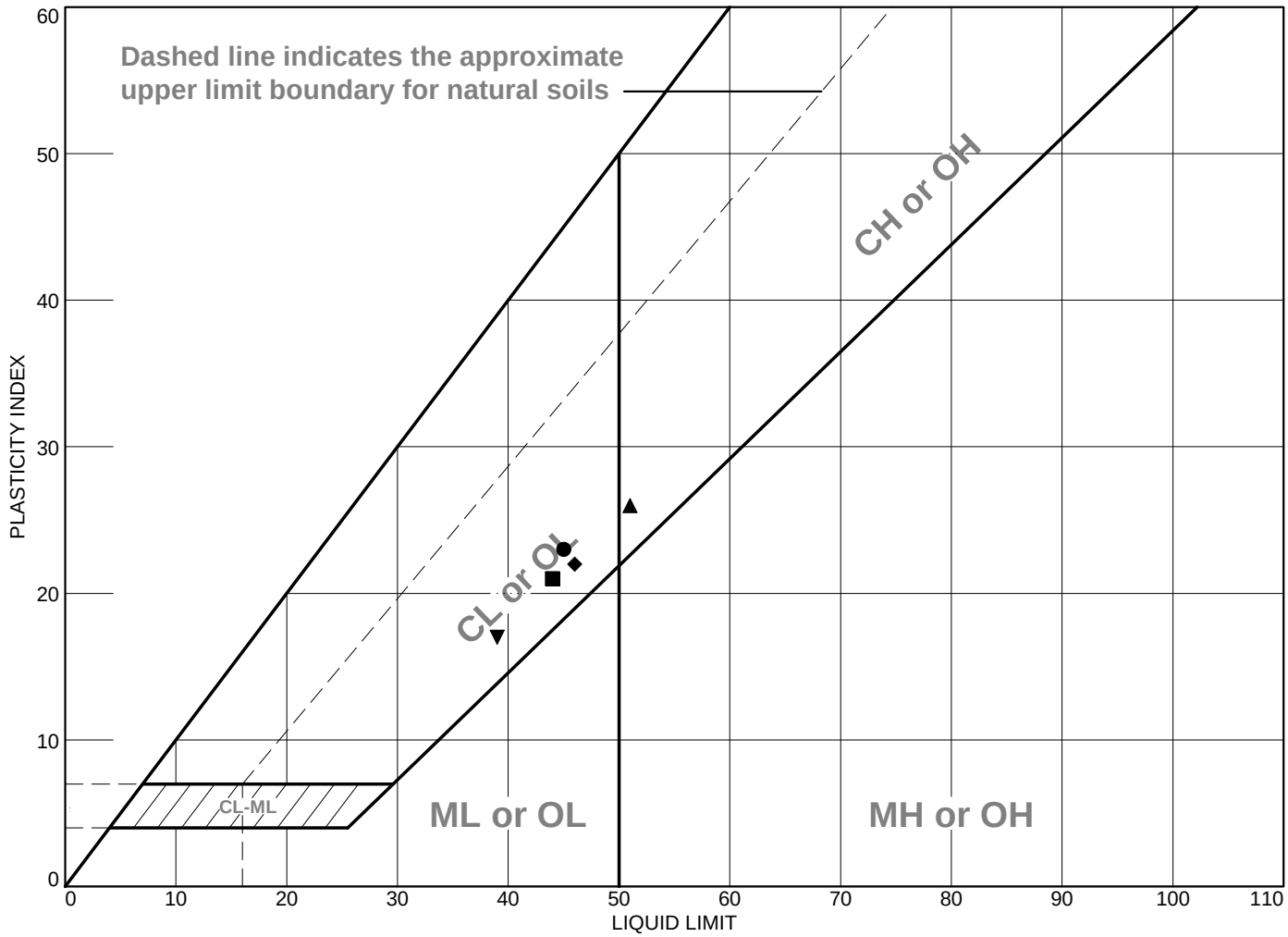
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Client: MKay Enterprises
Project: MKay Development
Whitefish, Montana
Project No.: K15-052-001 Figure 22

Tested By: MS **Checked By:** Craig R Madsen

LIQUID AND PLASTIC LIMITS TEST REPORT



	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Lean CLAY	45	22	23	100.0	99.7	CL
■	Lean CLAY	44	23	21			CL
▲	Fat CLAY	51	25	26			CH
◆	Lean CLAY	46	24	22			CL
▼	Lean CLAY	39	22	17			CL

Project No. K15-052- **Client:** MKay Enterprises

Project: MKay Development

Whitefish, Montana

● **Location:** B-1 **Depth:** 5.0 - 6.5 ft **Sample Number:** A-12128

■ **Location:** B-2 **Depth:** 7.5 - 9.0 ft **Sample Number:** A-12139

▲ **Location:** B-3 **Depth:** 7.5 - 9.0 ft **Sample Number:** A-12145

◆ **Location:** B-4 **Depth:** 5.0 - 6.5 ft **Sample Number:** A-12150

▼ **Location:** B-5 **Depth:** 20.0 - 21.5 ft **Sample Number:** A-12162

Remarks:

● Report No. A-12128-207
■ Report No. A-12129-207
▲ Report No. A-12145-207
◆ Report No. A-12150-207
▼ Report No. A-12162-207

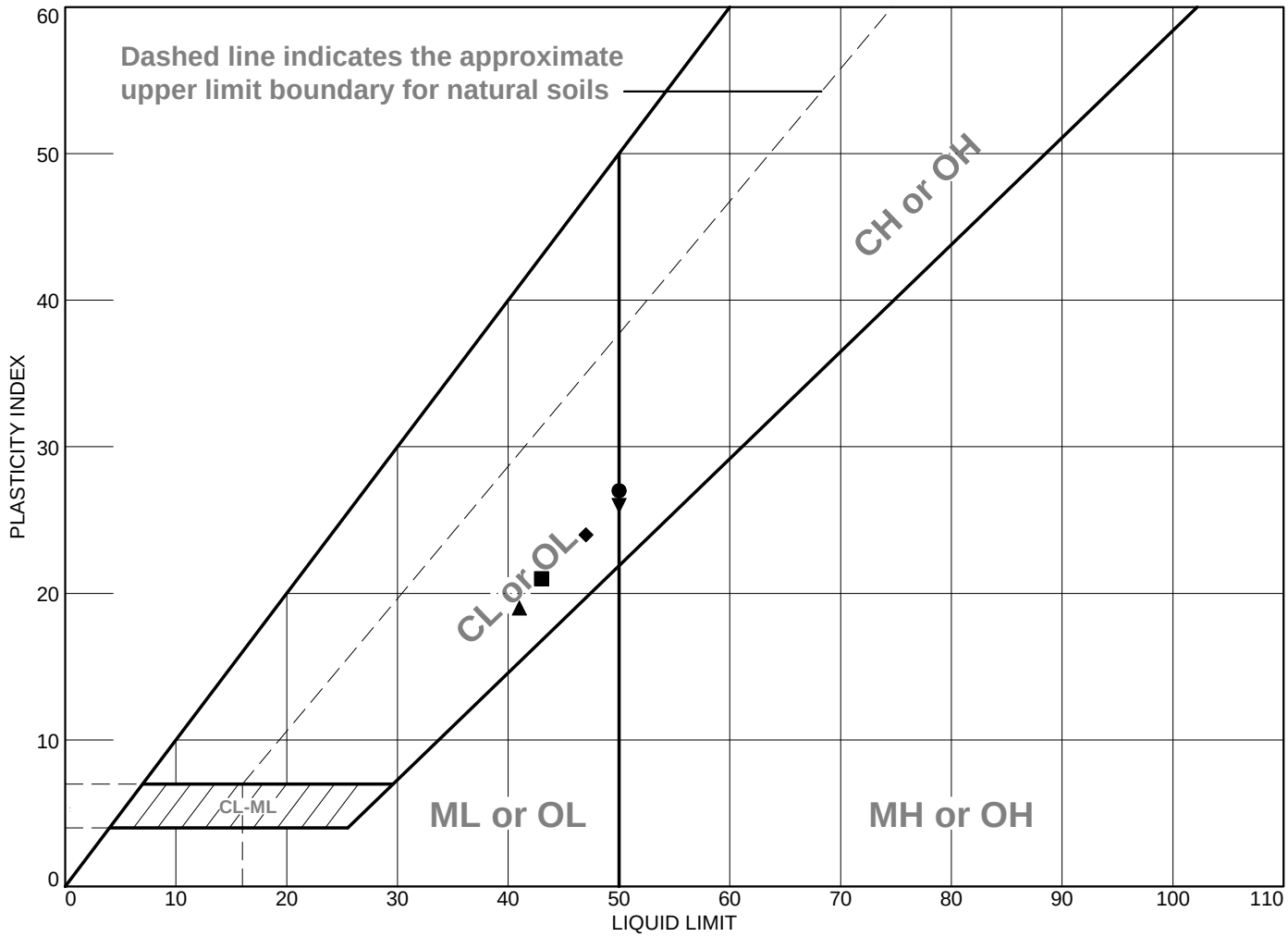
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 23

Tested By: ○ MS □ JS △ MS ◇ JS ▽ MS **Checked By:** Craig R Madsen

LIQUID AND PLASTIC LIMITS TEST REPORT



	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Fat CLAY	50	23	27			CH
■	Lean CLAY	43	22	21			CL
▲	Lean CLAY	41	22	19			CL
◆	Lean CLAY	47	23	24			CL
▼	Fat CLAY	50	24	26			CH

Project No. K15-052- **Client:** MKay Enterprises

Project: MKay Development

Whitefish, Montana

● **Location:** B-6 **Depth:** 7.5 - 9.0 ft **Sample Number:** A-12166

■ **Location:** B-7 **Depth:** 7.5 - 9.0 ft **Sample Number:** A-12173

▲ **Location:** B-8 **Depth:** 5.0 - 6.0 ft **Sample Number:** A-12179

◆ **Location:** B-9 **Depth:** 5.0 - 6.5 ft **Sample Number:** A-12185

▼ **Location:** B-10 **Depth:** 10.0 - 11.5 ft **Sample Number:** A-12194

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Engineering Consultants

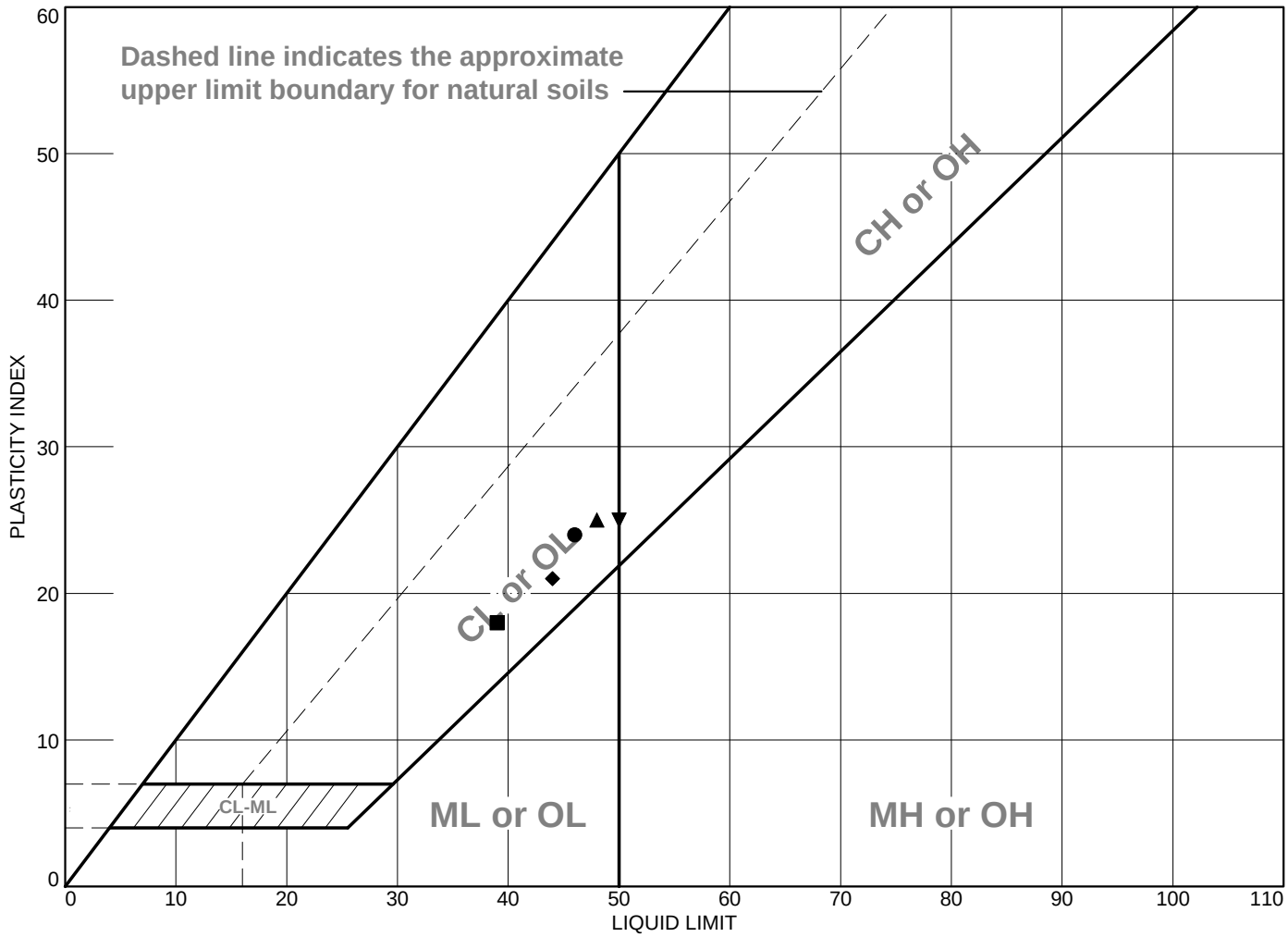
Remarks:

● Report No. A-12166-207
■ Report No. A-12173-207
▲ Report No. A-12179-207
◆ Report No. A-12185-207
▼ Report No. A-12194-207

Figure 24

Tested By: ● MS ■ MS ▲ JS ◆ JS ▼ JS **Checked By:** Craig R Madsen

LIQUID AND PLASTIC LIMITS TEST REPORT



	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Lean CLAY	46	22	24			CL
■	Lean CLAY	39	21	18			CL
▲	Lean CLAY	48	23	25			CL
◆	Lean CLAY	44	23	21			CL
▼	Fat CLAY	50	25	25	99.0	98.7	CH

Project No. K15-052- **Client:** MKay Enterprises

Project: MKay Development

Whitefish, Montana

● **Location:** B-11 **Depth:** 5.0 - 6.5 ft **Sample Number:** A-12199

■ **Location:** B-12 **Depth:** 20.0 - 21.5 ft **Sample Number:** A-12211

▲ **Location:** B-13 **Depth:** 5.0 - 6.0 ft **Sample Number:** A-12213

◆ **Location:** B-14 **Depth:** 5.0 - 6.5 ft **Sample Number:** A-12222

▼ **Location:** B-15 **Depth:** 5.0 - 6.5 ft **Sample Number:** A-12229

Remarks:

● Report No. A-12199-207

■ Report No. A-12211-207

▲ Report No. A-12213-207

◆ Report No. A-12222-207

▼ Report No. A-12229-207

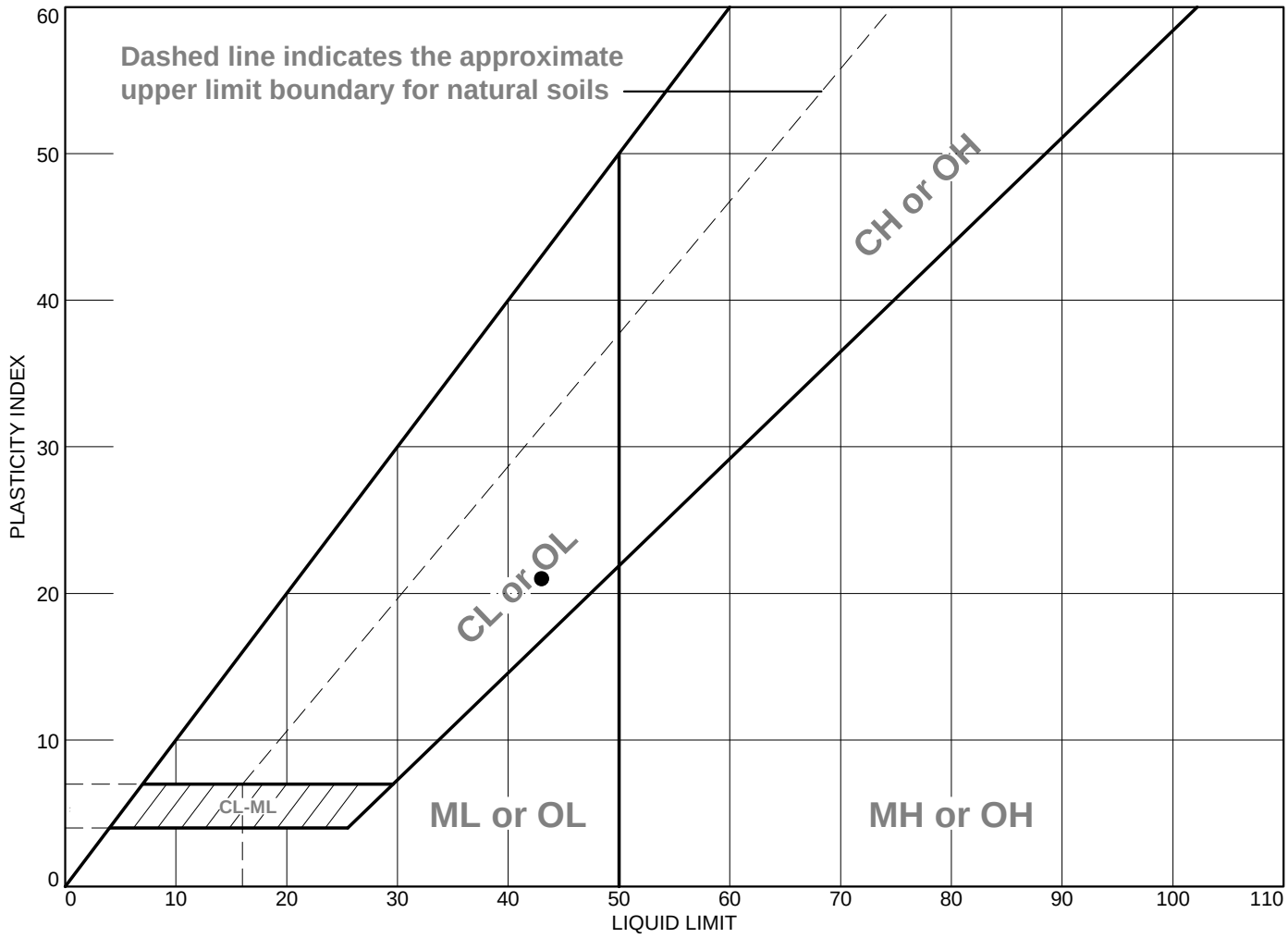
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 25

Tested By: JS **Checked By:** Craig R Madsen

LIQUID AND PLASTIC LIMITS TEST REPORT



	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	Lean CLAY	43	22	21	98.9	93.4	CL

Project No. K15-052- **Client:** MKay Enterprises

Project: MKay Development

Whitefish, Montana

● **Loc.:** B-1, B-12, B-14 **Depth:** 1.0 - 4.0 ft **Sample No.:** Composite

Remarks:

● Report No. A-12135/12206/ 12220-207
Composite Sample from Various Borings

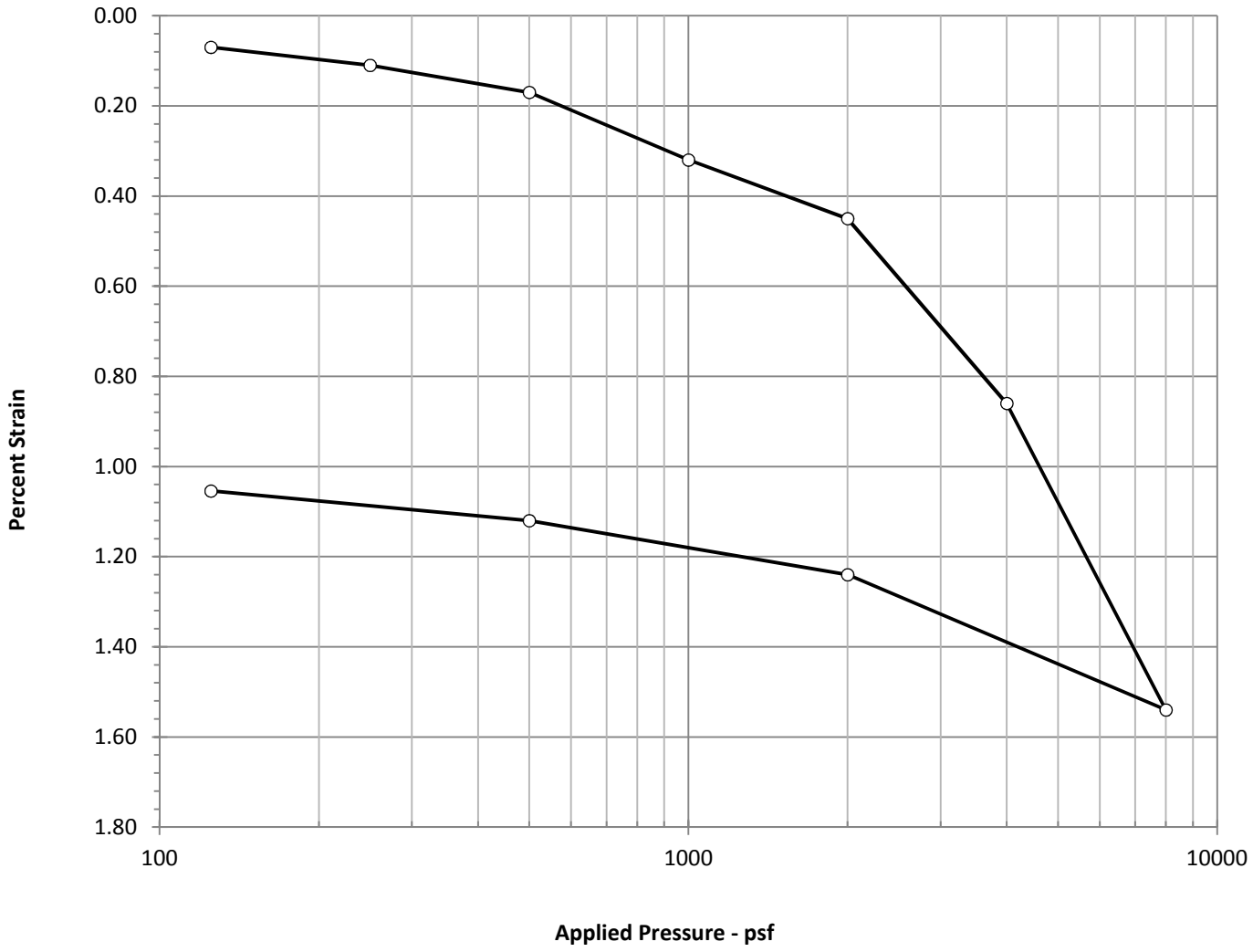
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 26

Tested By: JS **Checked By:** Craig R Madsen

CONSOLIDATION TEST REPORT



Natural Sat.	Natural Moist	Dry Density (pcf)	LL	PI	Sp. Gr.	Overburden (psf)	Pc (psf)	C_c	C_s	Swell Pressure (psf)	Swell (%)	e_o
95.2	27.0	95.2	45	23	2.7	720	~ 2,600	0.032	0.006	N/A	N/A	0.765

MATERIAL DESCRIPTION	USCS	AASHTO
Lean CLAY	CL	A-7-6

Project No. K15-052-001 **Client:** MKay Enterprises

Project: MKay Development
Whitefish, Montana

Location: B-1 **Sample Depth (ft):** 5.0 - 6.5

Remarks:
Report No. A-12128-219

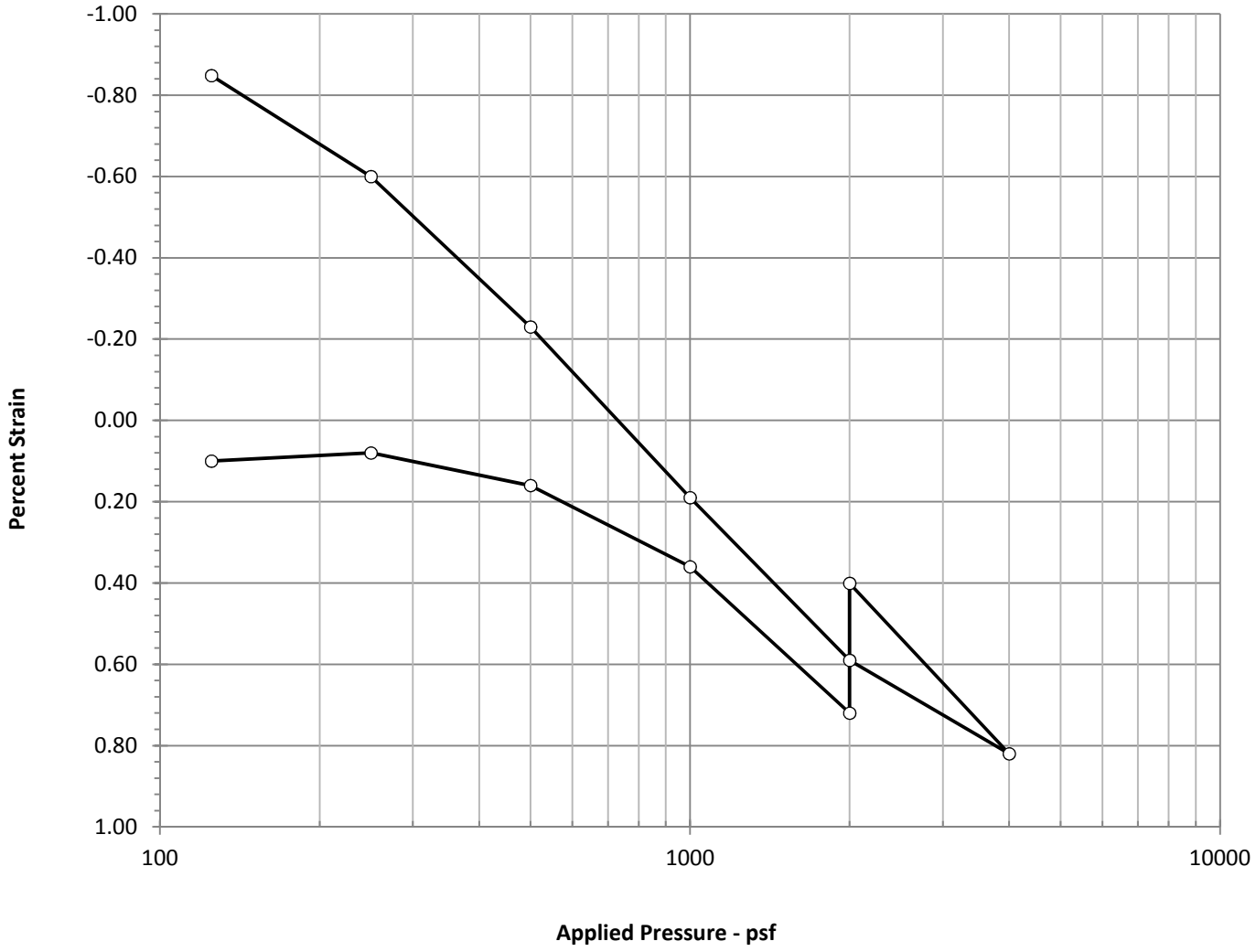
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 27

Technician : CRN Reviewed By: Craig R Nadeau

CONSOLIDATION TEST REPORT



Natural Sat.	Natural Moist	Dry Density (pcf)	LL	PI	Sp. Gr.	Overburden (psf)	Pc (psf)	C_c	C_s	Swell Pressure (psf)	Swell (%)	e_o
94.0	24.7	98.4	-----	-----	2.7	730	~ 1,500	0.02	0.005	2,000	0.32	0.708

MATERIAL DESCRIPTION	USCS	AASHTO
Lean CLAY	CL	A-7-6

Project No. K15-052-001 **Client:** MKay Enterprises

Project: MKay Development
Whitefish, Montana

Location: B-5 **Sample Depth (ft):** 5.0 - 7.2

Remarks:
Report No. A-12157-219

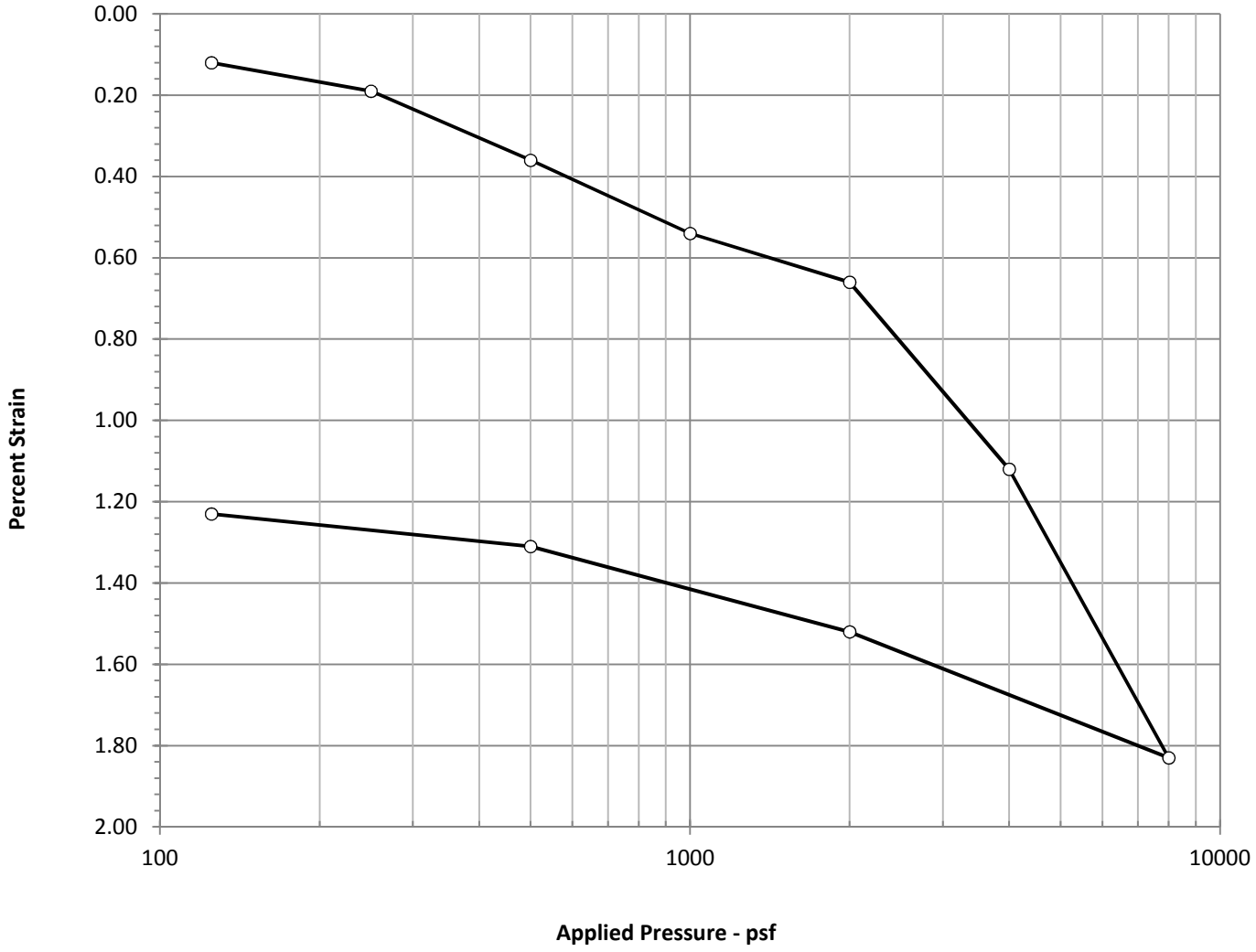
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 28

Technician : CRN Reviewed By: Craig R Nadeau

CONSOLIDATION TEST REPORT



Natural Sat.	Natural Moist	Dry Density (pcf)	LL	PI	Sp. Gr.	Overburden (psf)	Pc (psf)	C_c	C_s	Swell Pressure (psf)	Swell (%)	e_o
99.8	33.0	88.8	48	25	2.7	700	~ 2,300	0.037	0.008	-----	-----	0.893

MATERIAL DESCRIPTION	USCS	AASHTO
Lean CLAY	CL	A-7-6

Project No. K15-052-001 **Client:** MKay Enterprises

Project: MKay Development
Whitefish, Montana

Location: B-13 **Sample Depth (ft):** 5.0 - 7.0

Remarks:
Report No. A-12214-219

TD&H Engineering

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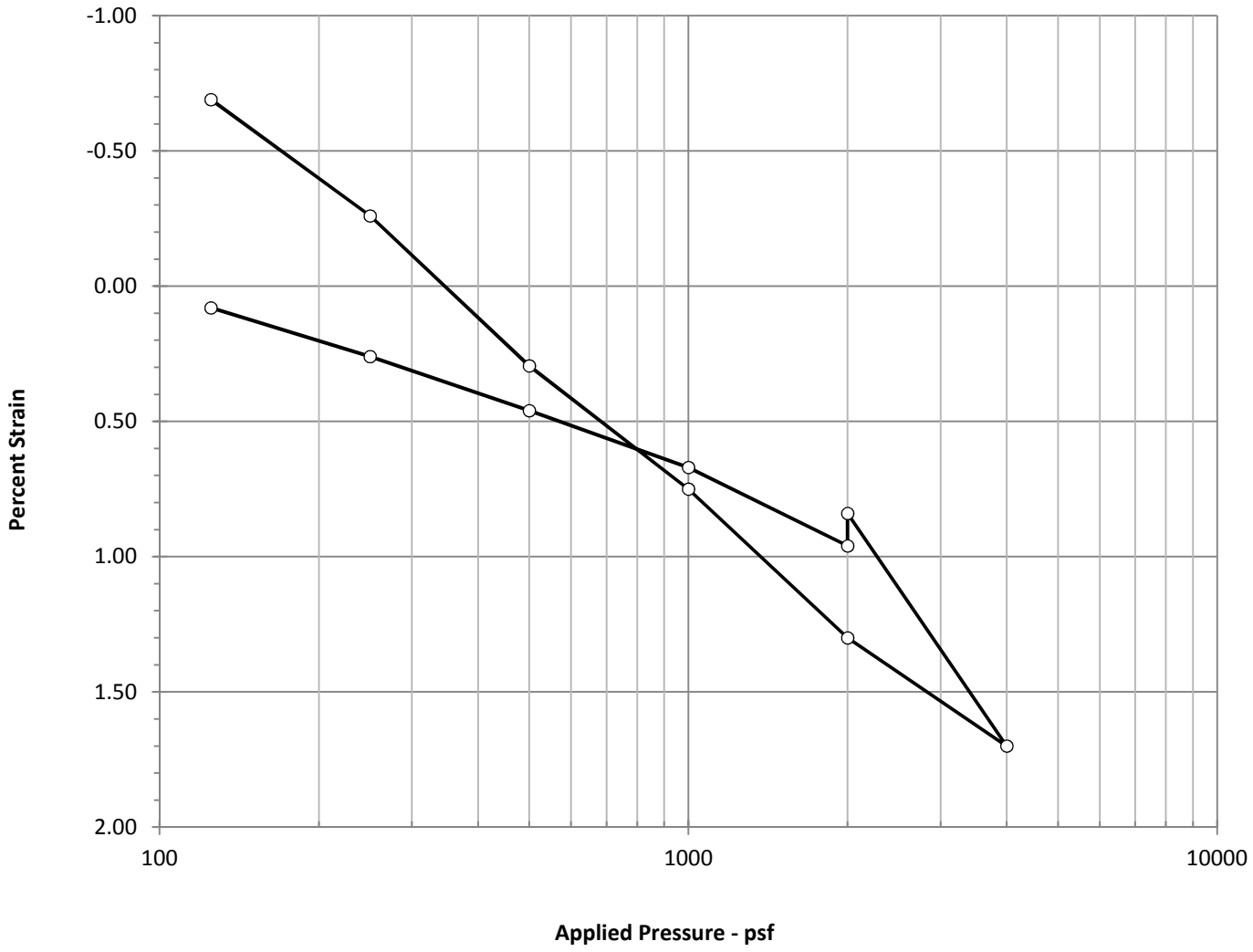
Engineering Consultants

Figure 29

Technician : CRN Reviewed By: Craig R Nadeau

CONSOLIDATION TEST REPORT



Natural Sat.	Natural Moist	Dry Density (pcf)	LL	PI	Sp. Gr.	Overburden (psf)	Pc (psf)	C_c	C_s	Swell Pressure (psf)	Swell (%)	e_o
97.0	33.9	86.5	50	25	2.7	690	> 2,000	-----	0.014	2,000	0.12	0.943

MATERIAL DESCRIPTION	USCS	AASHTO
Fat CLAY	CH	A-7-6

Project No. K15-052-001 **Client:** MKay Enterprises
Project: MKay Development
Whitefish, Montana

Location: B-15 **Sample Depth (ft):** 5.0 - 6.5

Remarks:
Report No. A-12229-219

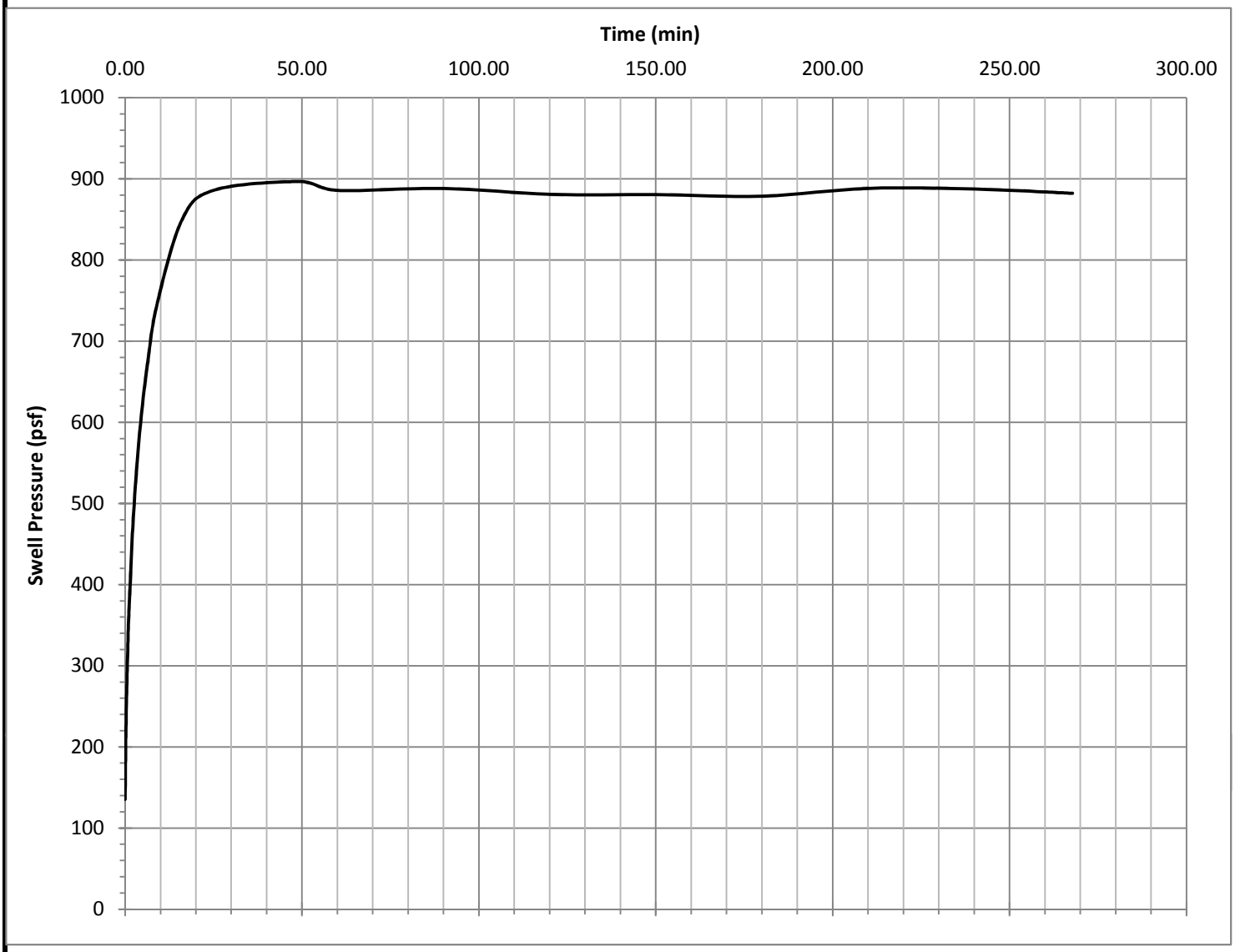
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 30

Technician : CRN Reviewed By: Craig R Nadeau

CONSTANT VOLUME SWELL TEST REPORT



Natural Sat.	Natural Moist	Dry Density (pcf)	LL	PI	Sp. Gr.	Overburden (psf)	Pc (psf)	C_c	C_s	Swell Pressure (psf)	Swell (%)	e_o
95.7	30.0	91.1	-----	-----	2.7	710	N/A	N/A	N/A	~ 900	N/A	0.846

MATERIAL DESCRIPTION	USCS	AASHTO
Lean CLAY	CL	A-7-6

Project No. K15-052-001 **Client:** MKay Enterprises
Project: MKay Development
Whitefish, Montana

Location: B-5 **Sample Depth (ft):** 5.0 - 7.2

Remarks:
Report No. A-12157-216

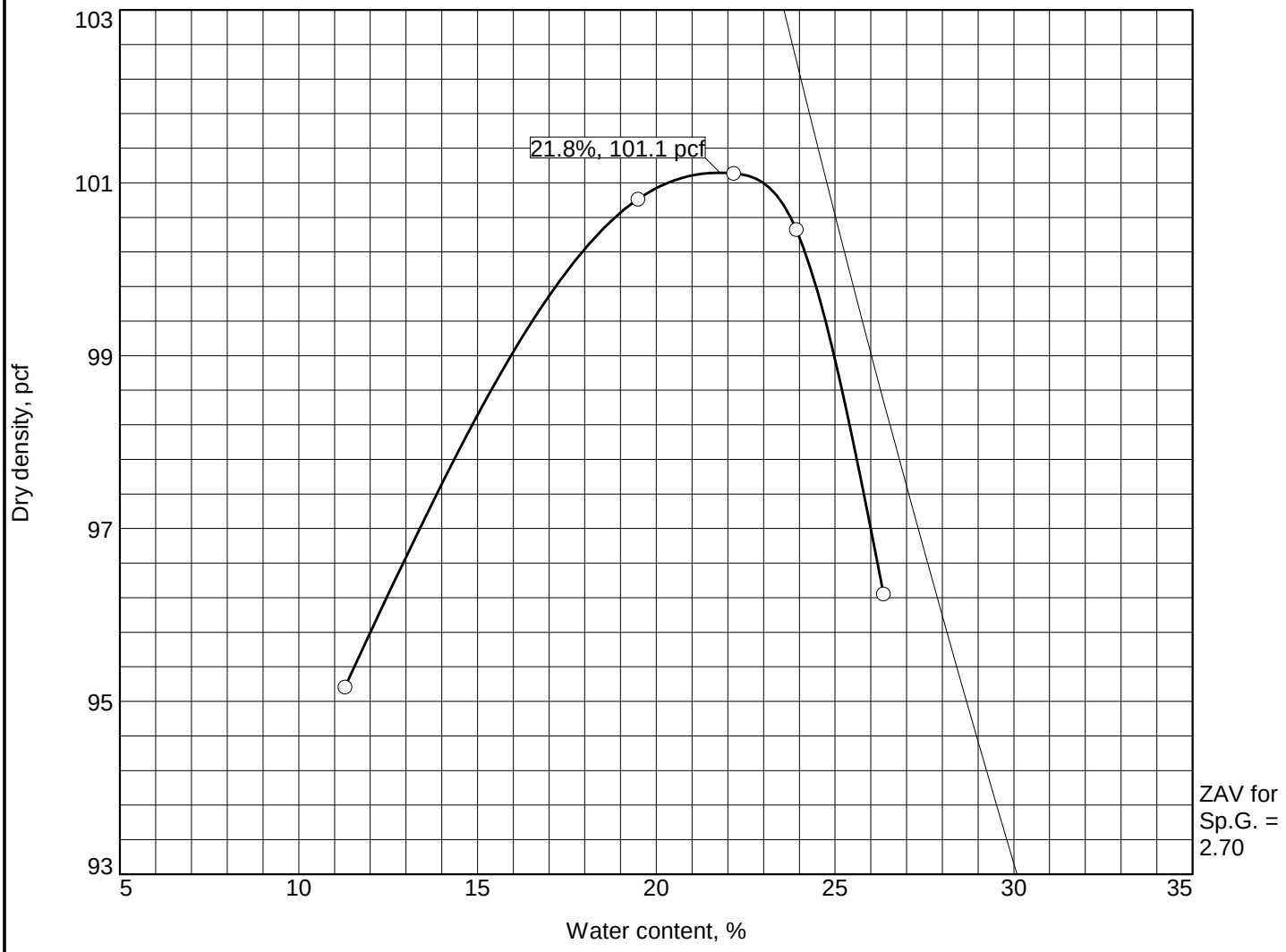
TD&H Engineering

Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Figure 31

Technician: CRN Reviewed By: Craig R Nadeau

Moisture-Density Test Report



Test specification: ASTM D 698-12 Method A Standard

Elev/ Depth	Classification		Nat. Moist.	Sp.G.	LL	PI	% > #4	% < No.200
	USCS	AASHTO						
1.0 - 4.0 ft	CL	A-7-6(21)		2.7	43	21	0.0	93.4

TEST RESULTS	MATERIAL DESCRIPTION
Maximum dry density = 101.1 pcf Optimum moisture = 21.8 %	Lean CLAY

Project No. K15-052- **Client:** MKay Enterprises
Project: MKay Development
Whitefish, Montana
○ **Location:** B-1, B-12, B-14 **Sample Number:** Composite

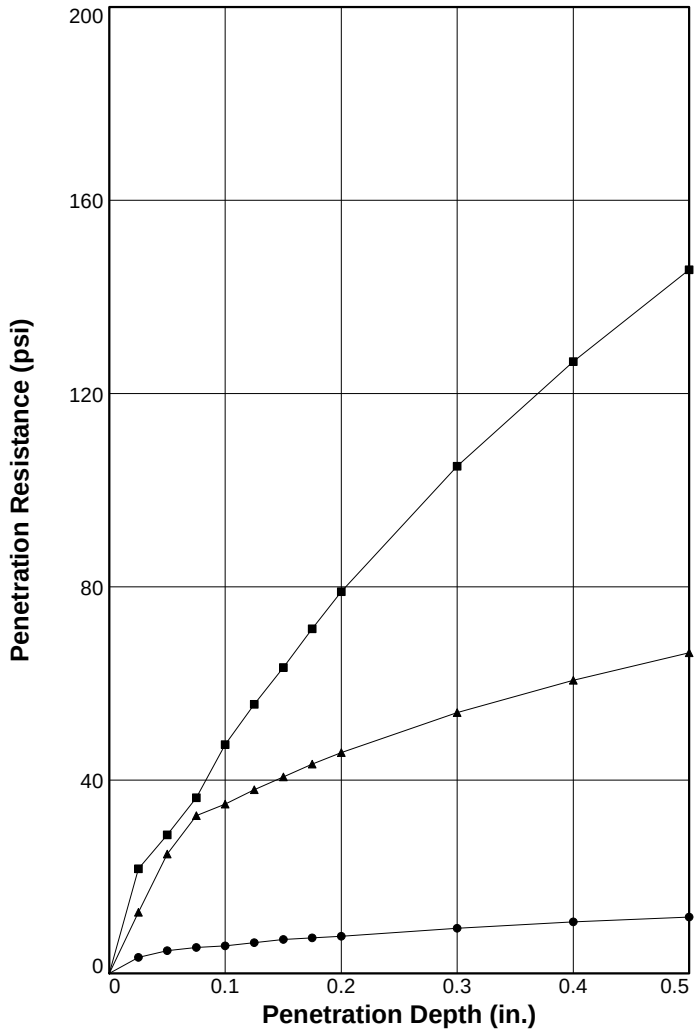
Remarks:
Report No. A-12135/12206/12220-204
Composite Sample from Various Borings

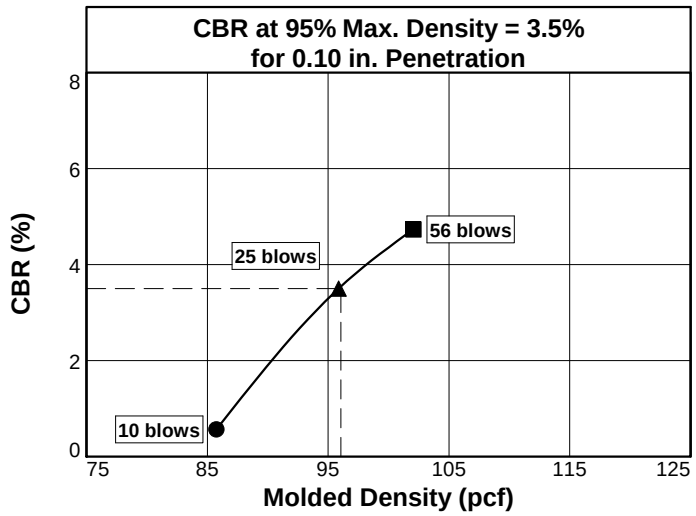
TD&H Engineering
Thomas, Dean & Hoskins, Inc.
Engineering Consultants

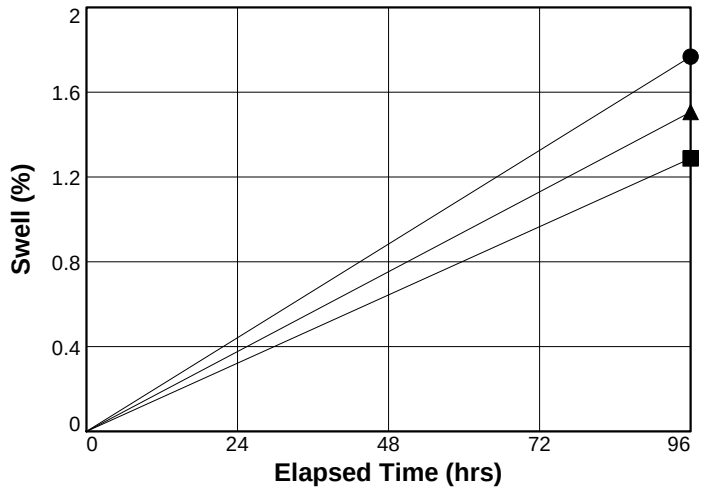
Figure 32

Tested By: MS/WJC **Checked By:** Craig R Madsen

BEARING RATIO TEST REPORT
ASTM D 1883-07







	Molded			Soaked			CBR (%)		Linearity Correction (in.)	Surcharge (lbs.)	Max. Swell (%)
	Density (pcf)	Percent of Max. Dens.	Moisture (%)	Density (pcf)	Percent of Max. Dens.	Moisture (%)	0.10 in.	0.20 in.			
1 ○	85.7	84.8	21.1	84.3	83.3	32.6	0.6	0.5	0.000	10	1.8
2 △	95.9	94.9	21.8	94.4	93.4	26.5	3.5	3.0	0.000	10	1.5
3 □	102.1	101	22.1	100.8	99.7	23.5	4.7	5.3	0.000	10	1.3

Material Description	USCS	Max. Dens. (pcf)	Optimum Moisture (%)	LL	PI
Lean CLAY	CL	101.1	21.8	43	21

Project No: K15-052-001

Project: MKay Development Whitefish, Montana

Location: B-1, B-12, B-14

Sample Number: Composite **Depth:** 1.0 - 4.0 ft

Date:

Craig R Radcan

TD&H Engineering

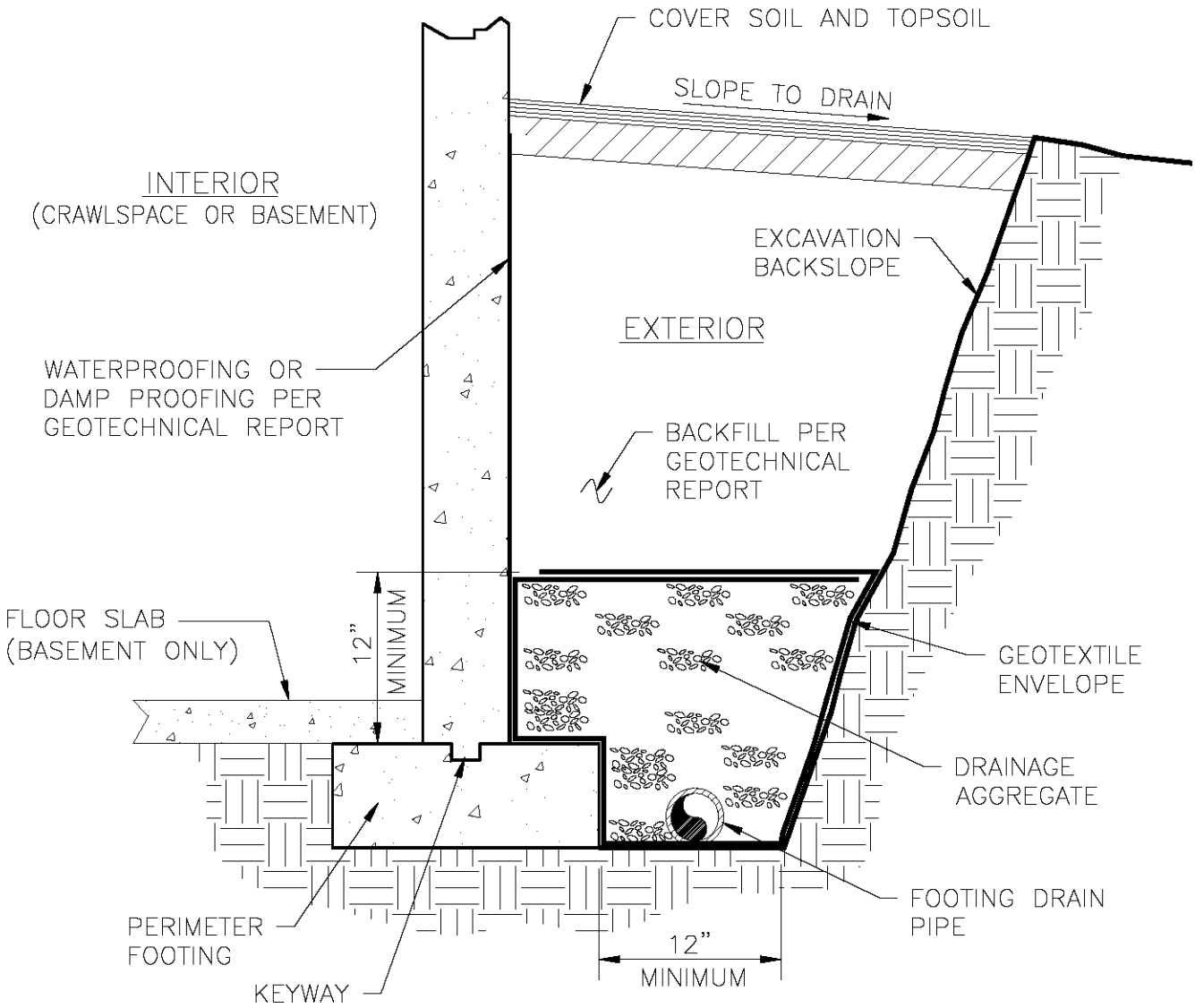
Thomas, Dean & Hoskins, Inc.
Engineering Consultants

Test Description/Remarks:

ASTM D698 with 6-inch CBR
96 hour soak prior to testing

Report No. A-12135/12206/12220-210
Composite Sample from Various Borings

Figure 33



PERIMETER FOUNDATION DRAIN

NO SCALE

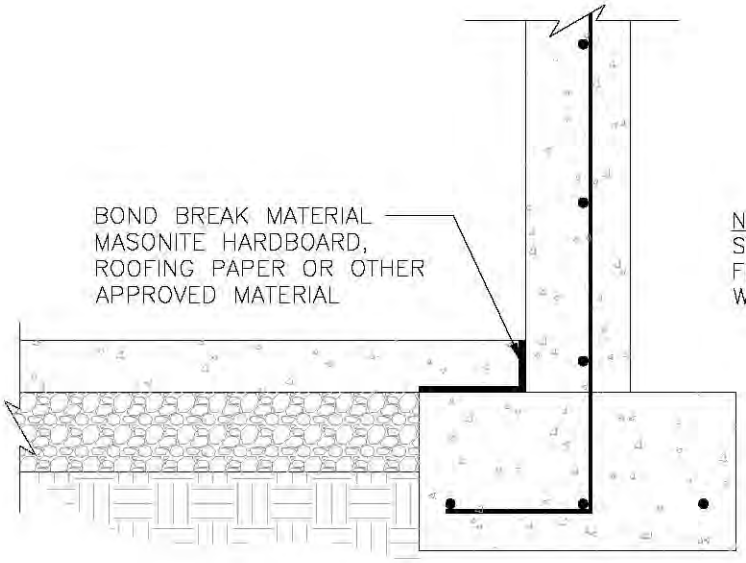
NOTES

1. FOOTING DRAIN PIPE SHALL CONSIST OF A MINIMUM 3-INCH DIAMETER, GEOTEXTILE-WRAPPED, FLEXIBLE, SLOTTED PIPE, ADVANCED DRAINAGE SYSTEM (ADS) WITH DRAIN GUARD OR APPROVED EQUIVALENT.
2. GEOTEXTILE ENVELOPE SHALL INCLUDE A FULL WIDTH OVERLAY AT THE TOP. GEOTEXTILE SHALL BE SOILTEX ST120N, MIRAFI 140NC OR APPROVED EQUIVALENT.
3. DRAINAGE AGGREGATE SHALL BE WASHED OR SCREENED GRAVEL CONFORMING TO THE FOLLOWING GRADATION:

SIEVE SIZE	PERCENT PASSING
1 1/2-INCH	100
3/4-INCH	75-95
3/8-INCH	10-20
NO. 4	0-5

4. FOOTING DRAINS SHALL HAVE A MINIMUM SLOPE OF 0.2 PERCENT TOWARDS A SUMP PUMP OR DAY-LIGHTED A MINIMUM OF 15 FEET AWAY FROM THE FOUNDATION.

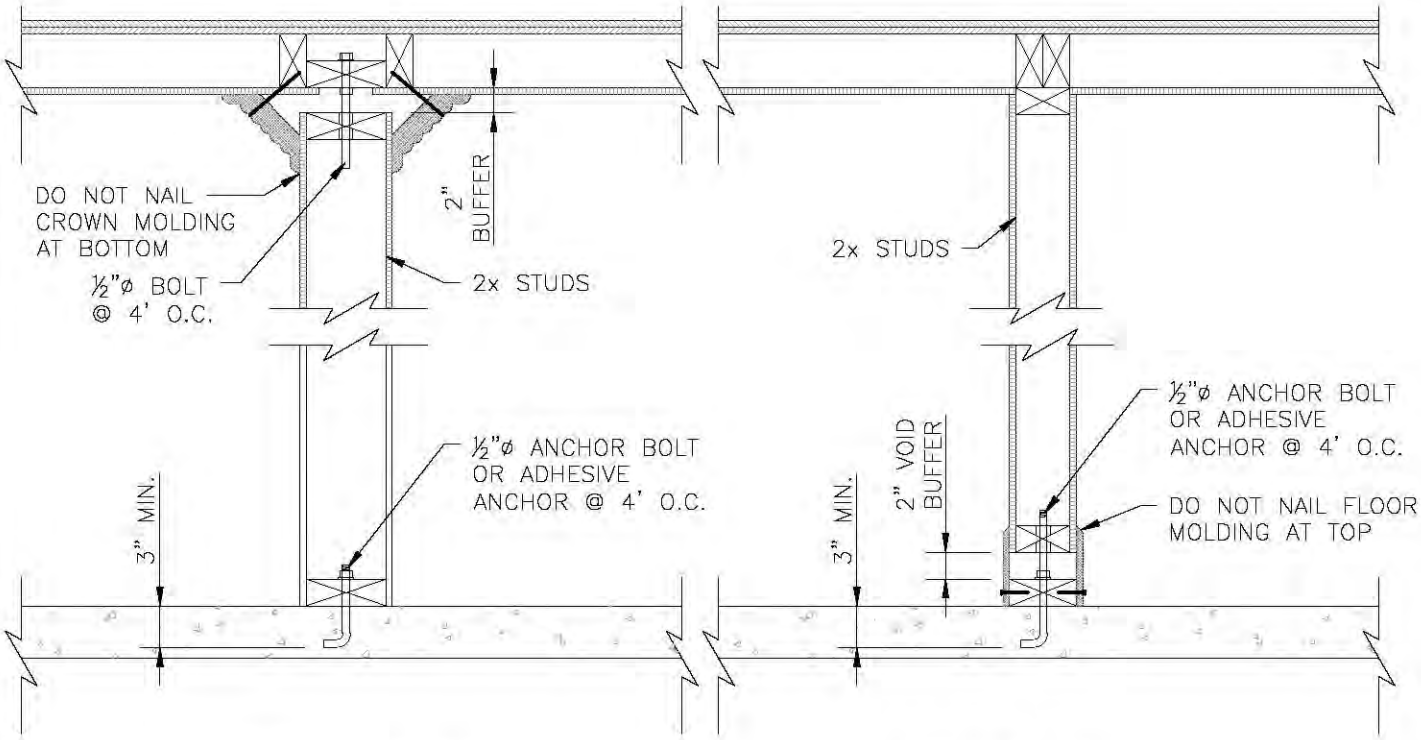
CONSTRUCTION STANDARD NO. 02801-06C	TD&H Engineering tdhengineering.com GREAT FALLS BOZEMAN KALISPELL SHELBY SPOKANE LEWISTON WATFORD CITY MONTANA WASHINGTON IDAHO NORTH DAKOTA	DRAWN BY: RLT	FIGURE
		DESIGNED BY: CRN	
		QUALITY CHECK: MMJ	
PERIMETER FOUNDATION DRAIN		DATE: 5/21/15	
RESIDENTIAL CONSTRUCTION		JOB NO.	
		CAD NO. 02801-06C	



NOTE:
STRUCTURALLY ISOLATE SLAB FROM STEM WALLS, BASEMENT WALLS, COLUMNS, ETC.

FLOATING SLAB–ON–GRADE

NO SCALE



FLOOR SUPPORTED
(LATERALLY RESTRAINED AT CEILING)

CEILING SUPPORTED
(LATERALLY RESTRAINED AT FLOOR)

NON–BEARING PARTITION WALL FRAMING DETAILS

NO SCALE

CONSTRUCTION STANDARD NO. 02801-08	TD&H Engineering tdhengineering.com GREAT FALLS BOZEMAN KALISPELL SHELBY SPOKANE LEWISTON WATFORD CITY MONTANA WASHINGTON IDAHO NORTH DAKOTA	DRAWN BY: RLT DESIGNED BY: CRN QUALITY CHECK: MMJ DATE: 5/21/15 JOB NO. CAD NO. 02801-08	FIGURE
MISCELLANEOUS DETAILS FOR SLAB-ON-GRADE CONSTRUCTION OVER EXPANSIVE SOILS			

STANDARD PENETRATION TEST (ASTM D1586)

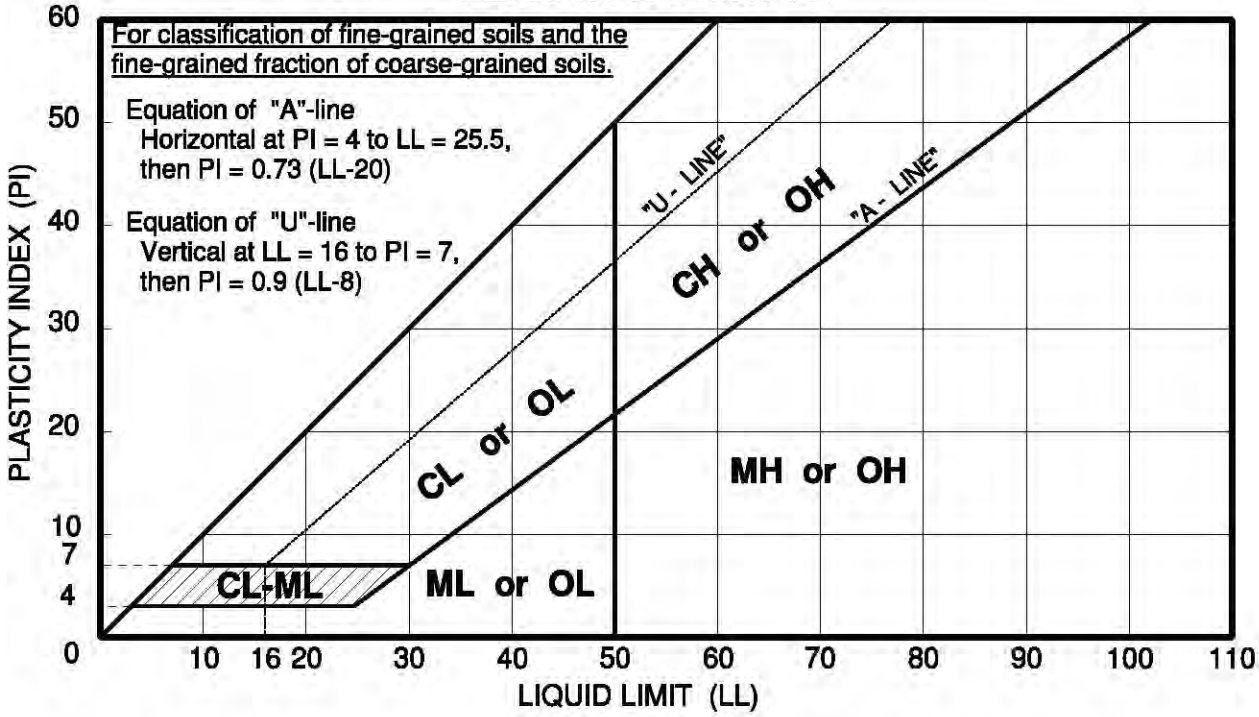
RELATIVE DENSITY*		RELATIVE CONSISTENCY*	
Granular, Noncohesive (Gravels, Sands, & Silts)	Standard Penetration Test (blows/foot)	Fine-Grained, Cohesive (Clays)	Standard Penetration Test (blows/foot)
Very Loose	0-4	Very Soft	0-2
Loose	5-10	Soft	3-4
Medium Dense	11-30	Firm	5-8
Dense	31-50	Stiff	9-15
Very Dense	+50	Very Stiff	15-30
		Hard	+30

* Based on Sampler-Hammer Ratio of 8.929 E-06 ft/lbf and 4.185 E-05 ft^2/lbf for granular and cohesive soils, respectively (Terzaghi)

PARTICLE SIZE RANGE

Sieve Openings (Inches)					Standard Sieve Sizes						
12"		3"		3/4"	No.4		No.10		No.40	No.200	<No.200
BOULDERS	COBBLES	GRAVELS			SANDS						SILTS & CLAYS
		Coarse	Fine		Coarse	Medium	Fine				(Distinguished By Atterberg Limits)

PLASTICITY CHART



GW - Well-graded GRAVEL
GP - Poorly-graded GRAVEL
GM - Silty GRAVEL
GC - Clayey GRAVEL

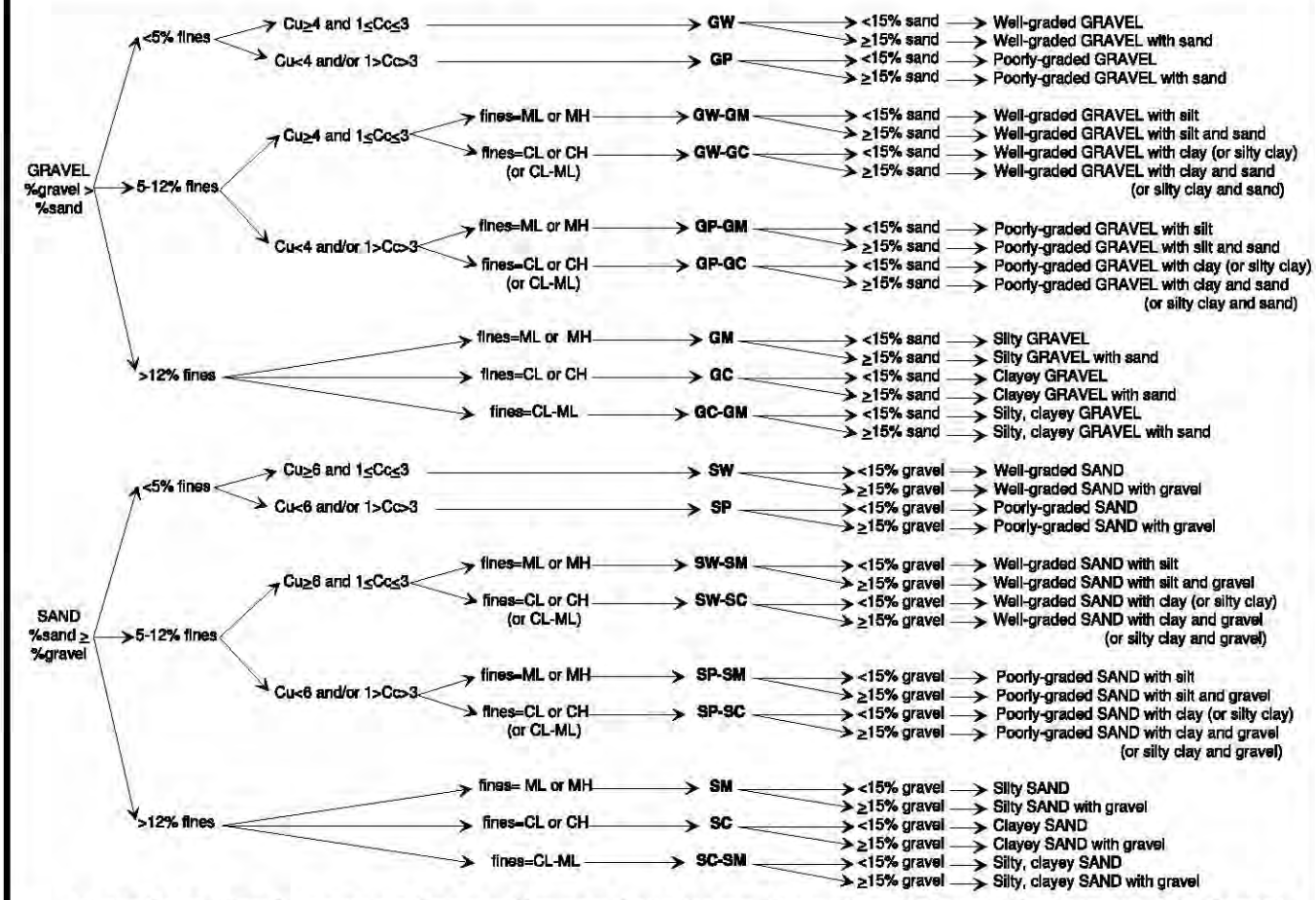
SW - Well-graded SAND
SP - Poorly-graded SAND
SM - Silty SAND
SC - Clayey SAND

CL - Lean CLAY
ML - SILT
OL - Organic SILT/CLAY
CH - Fat CLAY
MH - Elastic SILT
OH - Organic SILT/CLAY

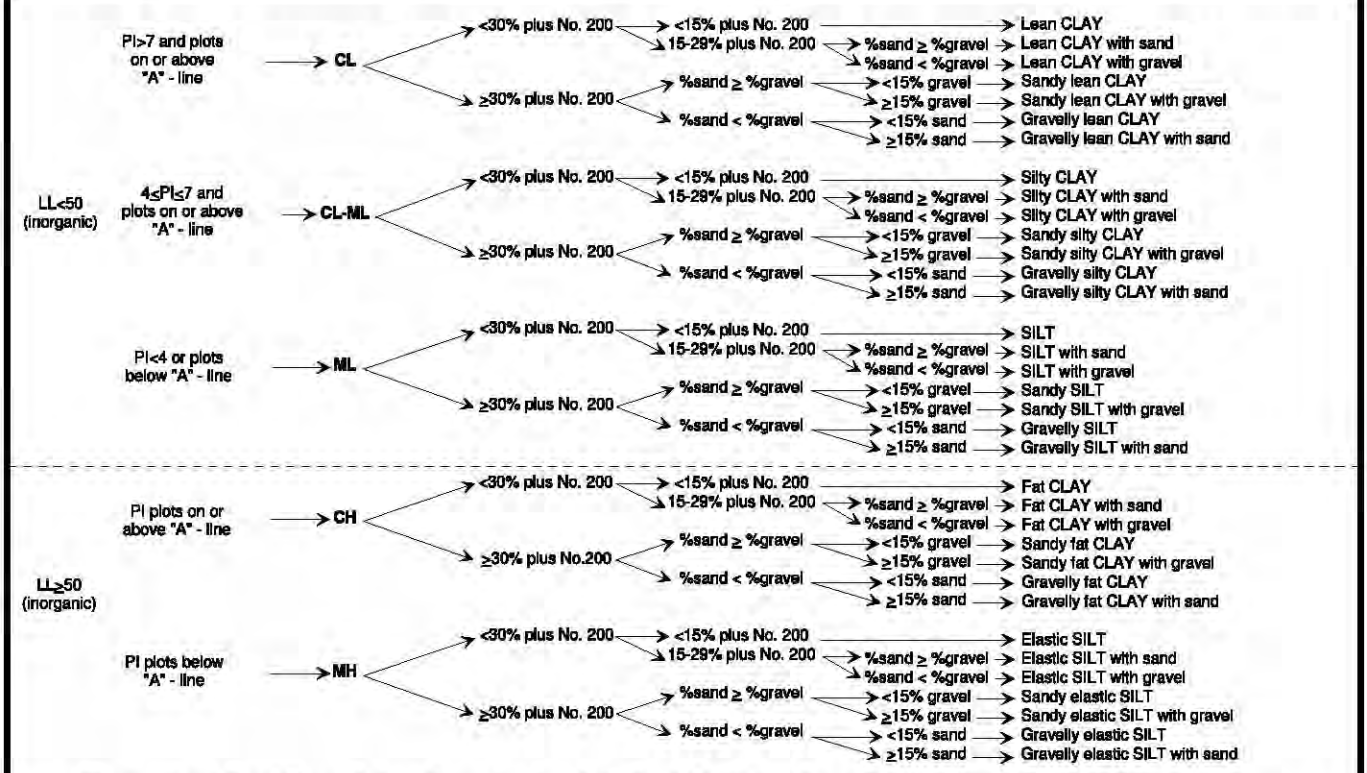
03/01

TD&H Engineering Consultants
Great Falls, Kalispell, Bozeman, MT
Spokane, WA; Lewiston, ID, Watford City, ND

ASTM D2487 CLASSIFICATION OF SOILS FOR ENGINEERING PURPOSES



Flow Chart For Classifying Coarse-Grained Soils (More Than 50 % Retained On The No. 200 Sieve)



Flow Chart For Classifying Fine-Grained Soils (50 % Or More Passes The No. 200 Sieve)

03/98

TRAFFIC IMPACT STUDY

Towne Place & Mkay Enterprises
Traffic Impact Study

Whitefish, Montana

Prepared For:

3 Engineering
2929 E. Camelback Rd., Suite # 116
Phoenix, AZ 85016

January, 2016

130 South Howie Street
Helena, Montana 59601

Table of Contents

A. *Executive Summary* *1*
B. *Project Description* *1*
C. *Existing Conditions* *1*
Adjacent Roadways *1*
Traffic Counts *2*
Historic Traffic Data *3*
Adjacent Developments *3*
Level of Service *3*
D. *Proposed Development* *4*
E. *Trip Generation and Assignment* *5*
F. *Trip Distribution* *5*
G. *Traffic Impacts Outside of the Development* *8*
H. *Impact Summary & Recommendations* *10*

List of Figures

Figure 1 – Proposed Development Site *2*
Figure 2 – Towne Place Suites Hotel *6*
Figure 3 – MKay Enterprises Development *7*
Figure 4 – Trip Distribution *8*

List of Tables

Table 1 – Historic Traffic Data *3*
Table 2 – 2015 Level of Service Summary *4*
Table 3 – Trip Generation Rates *5*
Table 4 – Level of Service Summary With Development *8*

Towne Place & Mkay Enterprises Traffic Impact Study
Whitefish, Montana

A. EXECUTIVE SUMMARY

The 111 room Towne Place Suites Hotel and 23 unit Mkay Enterprises residential development are currently proposed along U.S. Highway 93 south of the Mountain Mall. The 72 unit Commonwealth Apartments are also being considered for this area. The section of U.S. Highway 93 near the proposed development is operating near a LOS D in the PM peak and at a LOS C in the AM peak. The addition of more approaches and additional vehicles will decrease the LOS in this area. The City of Whitefish would like to see more road connections and additional traffic control along this section of Highway 93. This would include formalizing Akers Lane as a public Street, extending Baker Avenue, connecting Whitefish Avenue to the south, and adding traffic signals to Highway 93. While these improvements would be beneficial for the community, they are not imminently needed. The Towne Place Suites, Mkay Enterprises, and Commonwealth Apartments projects provide an opportunity to promote a portion of these road improvements with the construction of Akers Lane, east of Highway 93, to Whitefish Avenue. The developers should work with the City and MDT to promote these projects.

B. PROJECT DESCRIPTION

This document studies the possible effect on the surrounding road system from the proposed Towne Place Suites Hotel and Mkay Enterprises development east of U.S. Highway 93. The Towne Place Suites Hotel and Mkay Enterprises project are separate developments but are being analyzed together for the purposes of this report. The report also includes a separate assessment of the Commonwealth Apartments project adjacent to the Towne Place Suites and MKay Enterprises project. The document identifies any traffic mitigation efforts that these projects may require.

C. EXISTING CONDITIONS

The subject property consists of 18-acres of land east of Highway 93 in the City of Whitefish. A total of 8.9 acres are currently dedicated to the Towne Place Suites, 4.7 acres are dedicated to the MKay Enterprises residential development, and 4.7 acres to the Commonwealth Apartments. The property is located just south of the Mountain Mall and east of Akers Lane. The property is currently undeveloped. See **Figure 1** for a location map of the proposed development.

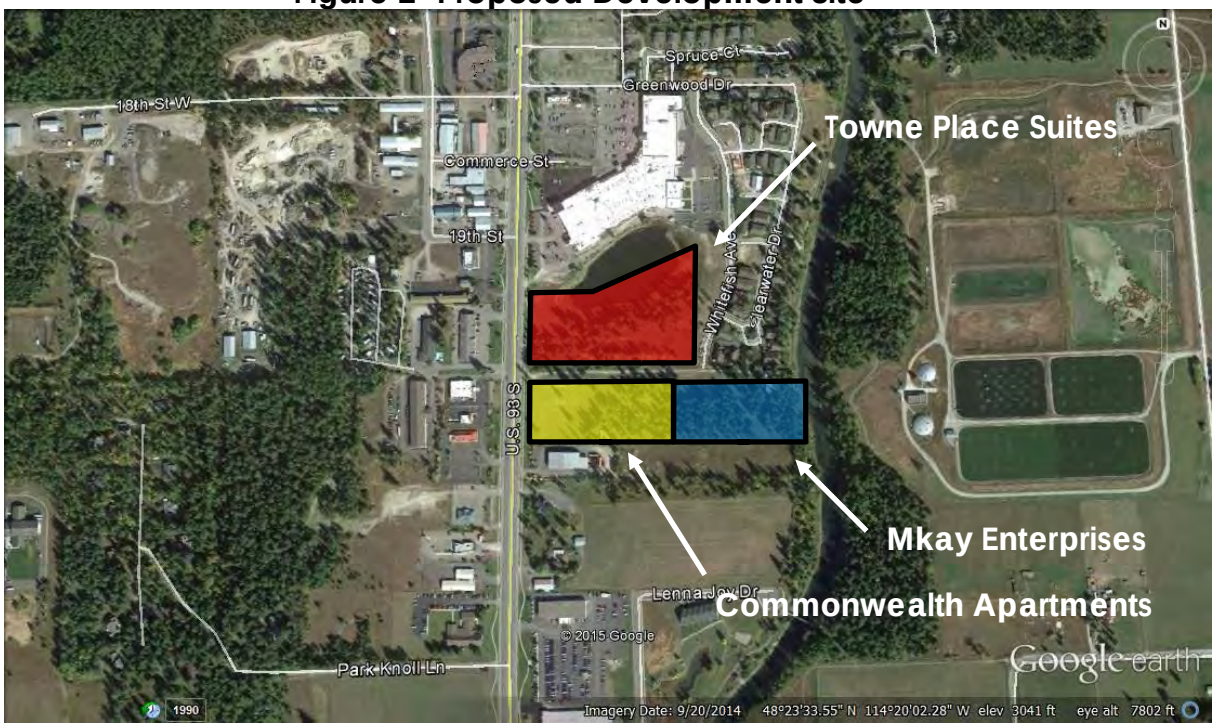
Adjacent Roadways

U.S. Highway 93 in a north/south route that extends through the City of Whitefish. This section of the highway as a five cross-section with a center two-way left-turn. The posted speed limit is 45 MPH. According to traffic counts conducted by MDT in 2014, the roadway currently carries 25,000 Vehicles per Day (VPD).

Akers Lane is currently a shared commercial approach which access a variety of restaurants, hotels, an RV Park, and other commercial businesses west of Highway 93. The approach has a vegetated median and is not currently a formal public street. The road does not extend to the east side of Highway 93.

Whitefish Avenue currently extends north of the proposed development property and connects with U.S. Highway 93 and north of the Mountain Mall. The road provides access to 76 residential lots east of the Mountain Mall.

Figure 1- Proposed Development Site



Traffic Counts

In October 2015 Abelin Traffic Services (ATS) collected vehicle use information at locations around the proposed development site. This included peak-hour turning movement counts at intersections along U.S. Highway 93 including Akers Lane, Commerce Street, and JP Road.

The raw traffic data is included in **Appendix A** of this report.

Historic Traffic Data

Abelin Traffic Services collected historic traffic data for the surrounding road system to help develop short-term background growth rates for the area. The information indicates that traffic volumes along Highway 93 have increased steadily over the past ten years at a rate of 1.5%.

Table 1 – Historic Average Daily Traffic Data

Location	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
U.S. Highway 93 South of 15th St.	17,000	18,970	18,910	18,970	18,580	18,900	17,860	16,800	21,000	21,320	21,870
U.S. Highway 93 South of 19th St.	22,600	22,280	22,280	22,350	22,030	20,860	24,060	20,050	24,320	24,690	24,950

Adjacent Developments

A variety of additional projects are currently underway near the proposed development site. These project are in various stages of completion and planning. Some of these projects may not ultimately be constructed as proposed. A 60 unit apartment project is currently underway west of U.S. Highway 93 south of Akers Lane along with the 75 room Hampton Inn Hotel. Both of these projects will access highway 93 through existing commercial approaches near Akers Lane.

The City of Whitefish has expressed interest in improving the road network through this portion of the City. The City of Whitefish has expressed an interest in extending Baker Avenue to the south from 19th Street south to Akers Lane, formalizing Akers Lane as a City Street, and creating a public approach onto Highway 93 at that location. The City would also like to see Akers Lane extended across Highway 93 to connect with Whitefish Avenue. Similarly, the City would like to see Whitefish Avenue extended to the south to ultimately connect with Shiloh Avenue and to JP Road. These roads would improve the overall north/south connectivity through this portion of Whitefish. The City currently has no specific plans to complete these projects.

Level of Service

Using the data collected for this project, ATS conducted a Level of Service (LOS) analysis at area intersections. This evaluation was conducted in accordance with the procedures outlined in the Transportation Research Board's *Highway Capacity Manual (HCM) - Special Report 209* and the Highway Capacity Software (HCS) version 6.5. Intersections are graded from A to F representing the average delay that a vehicle entering an intersection can expect. Typically, a LOS of C or better is considered acceptable for peak-hour conditions.

Table 2 –Existing 2015 Level of Service Summary

	AM Peak Hour		PM Peak Hour	
Intersection	**Delay (Sec.)**	**LOS**	**Delay (Sec.)**	**LOS**
Highway 93 & Commerce Street	6.3	A	11.0	B
Highway 93 & Akers Lane	19.1	C	22.7	C
Highway 93 & JP Road	8.2	A	6.6	A

Table 2 shows the existing 2015 LOS for the AM and PM peak hours without the traffic from the Towne Place and MKay Enterprises projects. The LOS calculations are included in **Appendix C**. The analysis shows that these intersections are currently operating at an acceptable level of service. No intersection or road modifications are required at this time to improve capacity. However, it should be noted that the intersection of Akers Lane is currently nearing LOS D in the PM peak hour. This issue is symptomatic of the current access issues along this section of Highway 93. The intersection is likely currently operating at LOS D during the peak summer months. Although the approach totals from Akers Lane are relatively small (less than 30 VPH) the delay accessing Highway 93 at this location can be high due to the large amount of traffic on Highway 93 (over 25,000 VPD). These delay issues will increase as this area continues to grow, unless alternative access controls are implemented. Based on the current traffic volume growth rates along U.S. Highway 93, the LOS at this intersection will likely fall to D within the next five years without any development on the adjacent properties.

D. PROPOSED DEVELOPMENT

The current Towne Place Suites Hotel proposal includes 8.9 acres of land east of Highway 93 which would be developed into a 111 room hotel. The hotel would be accessed from two approaches onto Akers Lane. Akers Lane would be extended from Highway 93 to Whitefish Avenue as part of this project. The MKay Enterprises development includes 4.7 acres of land south of Akers Lane and east of the Towne Place Suites. This residential development would include 13 single family homes and 10 condominium/townhouse units. The project would also include a portion of a southern extension of Whitefish Avenue. The projects are expected to be constructed by the 2017. The current site plans for the Towne Suites and MKay Enterprises are shown in shown in **Figures 2 & 3**.

The Commonwealth Apartments project is a proposed affordable housing development which could ultimately include up to 72 apartment units on a 4.7 acre lot just south of the Towne Place Suites. Planning for this project is currently underway, but may ultimately depend on available grants to make the project possible. It is not known if or when this project may be completed.

E. TRIP GENERATION AND ASSIGNMENT

ATS performed a trip generation analysis to determine the anticipated future traffic volumes from the subdivision using the trip generation rates contained in *Trip Generation* (Institute of Transportation Engineers, Ninth Edition). These rates are the national standard and are based on the most current information available to planners. A vehicle "trip" is defined as any trip that either begins or ends at the development site. ATS determined that the critical traffic impacts on the intersections and roadways would occur during the weekday morning and evening peak hours. The Towne Place Suites would produce 59 AM peak hour trips, 67 PM peak hour trips, and 907 daily trips. The MKay Enterprises would produce up to 14 AM peak hour trips, 18 PM peak hour trips, and 182 daily trips. Additionally, the Commonwealth Apartment Complex would produce, 479 daily trips if completed. The trip generation rates and totals are shown in **Table 3**. The detailed trip generation calculations are included in **Appendix B**.

Table 3 - Trip Generation Rates

Land Use	Units	AM Peak Hour Trip Ends per Unit	Total AM Peak Hour Trip Ends	PM Peak Hour Trip Ends per Unit	Total PM Peak Hour Trip Ends	Weekday Trip Ends per Unit	Total Weekday Trip Ends
Hotel	**111**	**0.53**	**59**	**0.6**	**67**	**8.17**	**907**
Single Family Residential	13	0.75	10	1	13	9.52	124
Townhouse	10	0.44	4	0.52	5	5.81	58
MKay Subtotal			**14**		**18**		**182**
Apartment	**72**	**0.51**	**37**	**0.62**	**45**	**6.65**	**479**
TOTAL			**110**		**130**		**1,568**

F. TRIP DISTRIBUTION

The traffic distribution and assignment for the proposed subdivision was based upon the existing ADT volumes along the adjacent roadways and the peak-hour turning volumes. It is expected that 60% of traffic would use Highway 93 to the north, 30% would use Highway 93 to the south, and 10% would use Akers Lane to access the commercial areas to the west. It is also likely that up to 15% of traffic from the proposed development would use Whitefish Avenue to access the Mountain Mall and the traffic signal at Commercial Avenue. Traffic is expected to distribute onto the surrounding road network as shown on **Figure 4**.

Figure 2 – Towne Place Suites Hotel

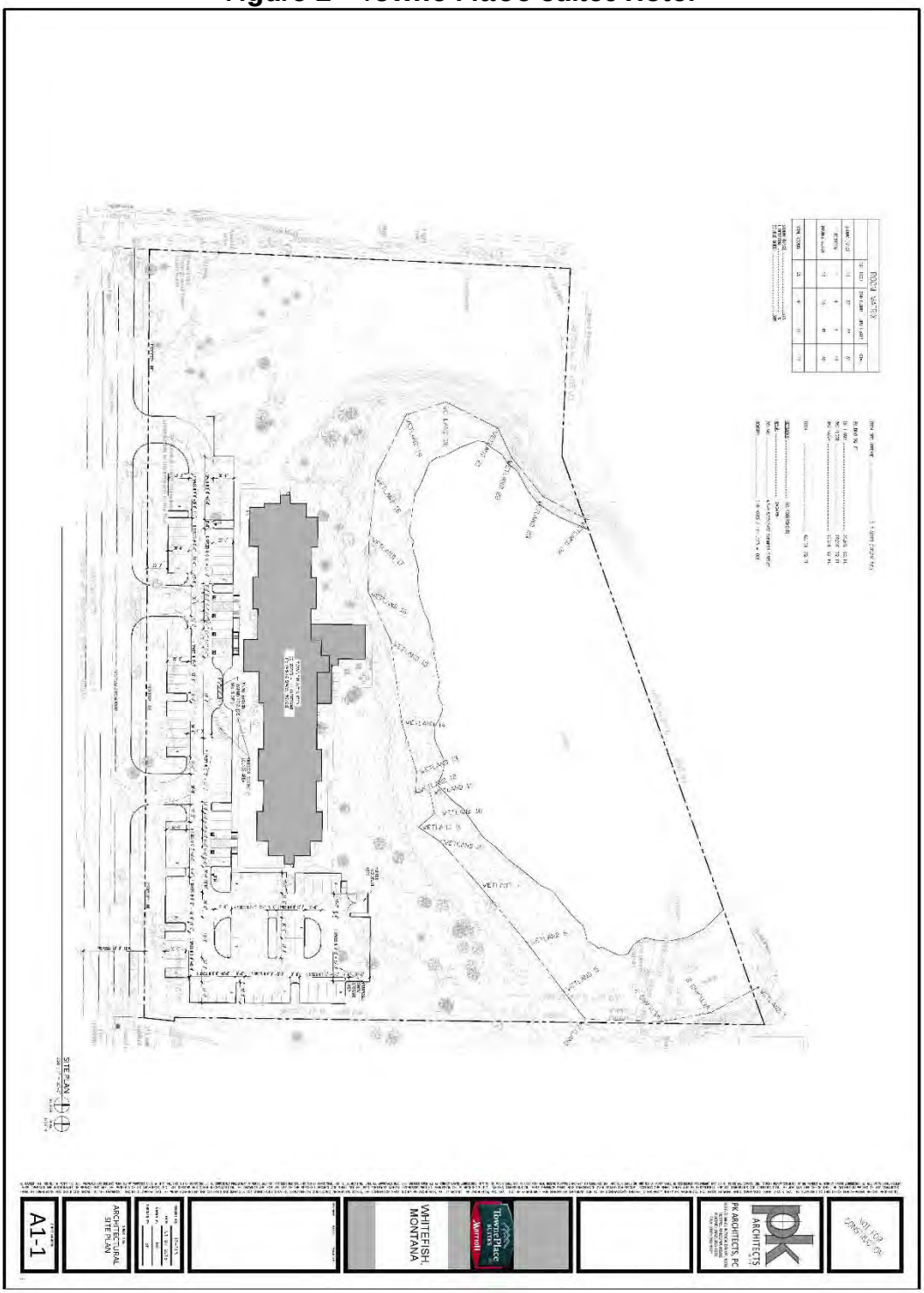


Figure 3 – MKay Enterprises Development

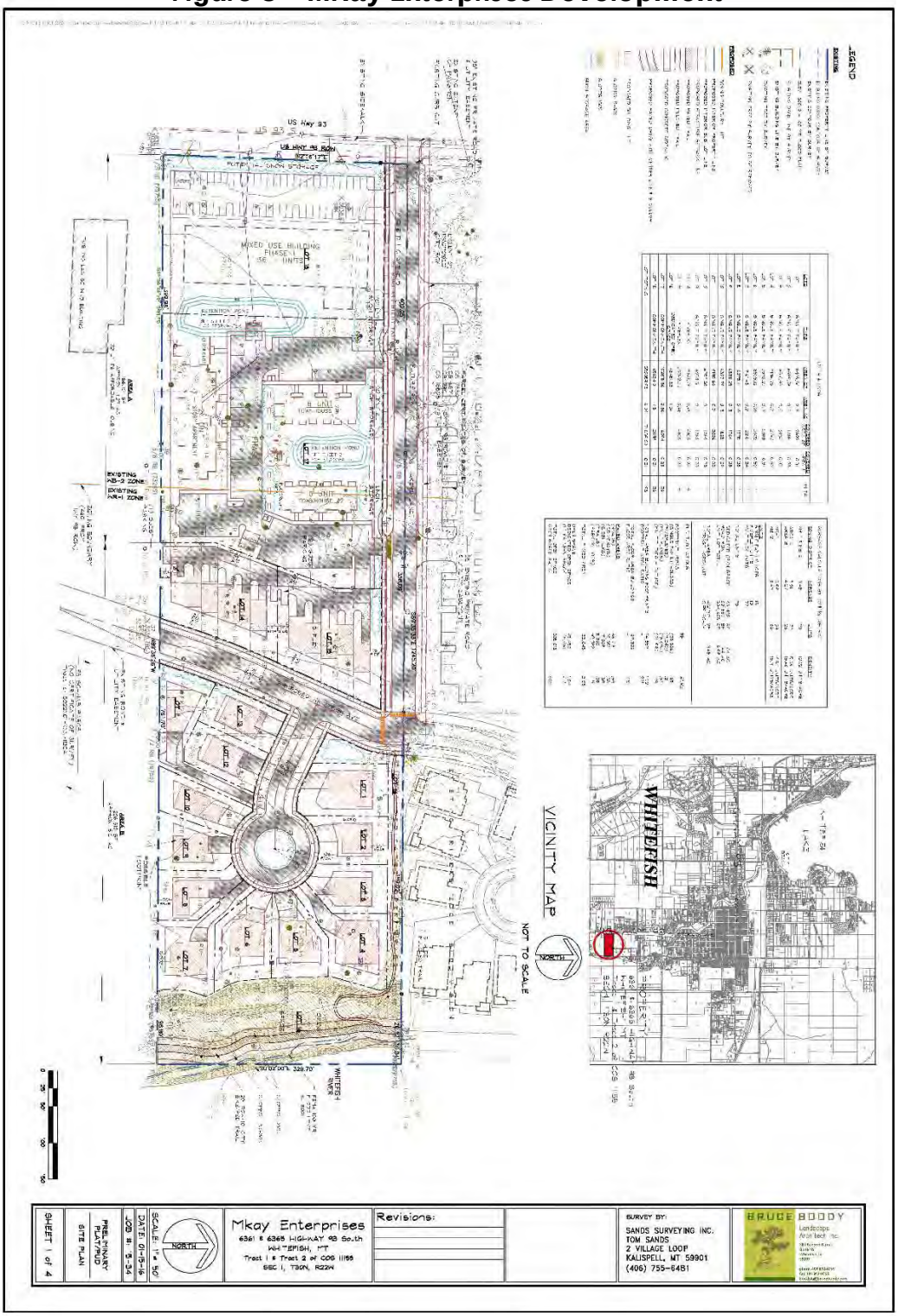
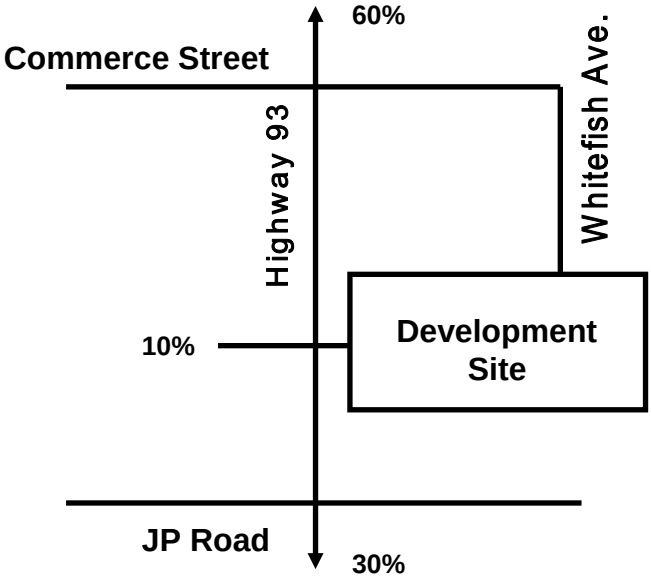


Figure 4 – Trip Distribution



G. TRAFFIC IMPACTS OUTSIDE THE DEVELOPMENT

Using the trip generation and trip distribution numbers, ATS determined the future Level of Service for the area intersections. The anticipated intersection LOS with the Towne Place Suites and Mkay Enterprises is shown in **Table 3**. The LOS with the addition of Commonwealth Apartments is shown in **Table 4**. These calculations are based on the projected model volumes included in **Appendix B** of this report.

Table 3 indicates that the two signalized approaches at Commerce Street and JP Road will not see any significant impacts from the proposed Towne Place Suites and Mkay Enterprises projects. The new approach at Akers Lane will have some operational difficulties mostly at the approach on the west side of Highway 93. These issues will be compounded with the construction of the Commonwealth Apartments as shown in **Table 4**.

Table 4 –Level of Service Summary
With the Towne Place Suites and Mkay Enterprises

	AM Peak Hour		PM Peak Hour	
Intersection	**Delay (Sec.)**	**LOS**	**Delay (Sec.)**	**LOS**
Highway 93 & Commerce Street	6.4	A	11.9	B
Highway 93 & Akers Lane*	33.3/16.7	D/C	59.3/31.1	F/D
Highway 93 & JP Road	9.9	A	7.4	A

*Eastbound/Westbound LOS & Delay.

Table 4 –Level of Service Summary
With the Commonwealth Apartments

	AM Peak Hour		PM Peak Hour	
Intersection	**Delay (Sec.)**	**LOS**	**Delay (Sec.)**	**LOS**
Highway 93 & Commerce Street	6.6	A	12.1	B
Highway 93 & Akers Lane*	37.9/18.0	E/C	83.4/37.5	F/E
Highway 93 & JP Road	9.9	A	7.4	A

*Eastbound/Westbound LOS & Delay.

There are a variety of ways to address the projected delay problems at Akers Lane. The new approach on Akers Lane from the development site could be changed to a right-out only intersection which would correct the LOS problem on the east side of Highway 93 from the proposed development site, but the existing approach on the west side of 93 would still function at LOS F. Restricting right-out movement at Akers Lane on the west side of 93 would simply force vehicles to a different approach location in this area and would not solve the overall access problem. Additionally, adding right-turn restrictions may force drives into making U-turns on highway 93 which would cause additional safety concerns.

Another option to provide enhanced access to the proposed development site would be to extend Whitefish Avenue to the south to connect with Shiloh Avenue and JP Road. This road connection would improve access to the east side of Highway 93. While the City of Whitefish would be in favor of making this connection, the right-of-way for this road connection is not currently unavailable. This would also not likely change the level of service on the west side of the intersection of Highway 93 and Akers Lane.

It would also be possible to address the LOS problem at this location by the addition of a traffic signal or roundabout. While a roundabout may function at this location, it would not be congruent with the existing traffic control signals at other adjacent intersections and is not recommended at this time.

A traffic signal would likely function similar to the existing signals at Commerce Street and JP road at LOS A or B. However, it is not known if the intersection would have sufficient traffic to meet signalization warrants at full-build-out of these properties. The *Manual on Uniform Traffic Control Devices* (MUTCD) recommends signalizing intersections that have more than 100 VPH on the minor approaches. It is not expected that the minor approaches will reach this level of traffic in the near future with a maximum approach volume of approximately 50 VPH from the proposed development site. It is also possible that pedestrian traffic from the proposed developments could contribute to the need for a traffic signal at this location. The MUTCD warrants are included in **Appendix D**.

The City of Whitefish has expressed a desire to extend Baker Avenue south to Akers Lane and formalize this intersection as a public street to improve the overall connectivity on the west side of Highway 93. It is likely that a traffic signal in this area could help provide improved access to all of the business east and west of Highway 93 by providing a common signalized access point in this area. Additionally, it is likely that some existing residents along Whitefish Avenue would choose to use this new traffic signal rather than driving into the Mountain Mall to use the existing traffic signal at Commerce Street. While it is difficult to justify a traffic signal at this location using existing traffic volumes or the anticipated traffic volumes from the proposed developments, it is likely that a traffic signal at this location would enhance the overall access to highway 93 from the commercial and residential properties on both sides of the highway. A traffic signal would also be consistent with the City of Whitefish's goal of lower the posted speed limit on this section of Highway 93. It should be noted that MDT controls all access onto Highway 93 and all traffic controls must be reviewed and approved by the Department.

In meetings with the Montana DOT, the Department has raised concerns about installing a traffic signal at Akers Lane due to the proximity to the signal at Commerce Street (1,000 feet north). The recommended minimum spacing between signals on highways is one-quarter mile (1,300 feet). However, it should be noted that the Akers Lane location is consistent with progressive quarter mile spacing from JP Road to the south (2,600 feet). If an alternative signal location is selected slightly farther to the south, it would not be consistent with adding any other traffic signals between the new signal location and JP Road in the future."

The ultimate placement and construction of improvements along Highway 93 will be dependent on MDT approvals. In general, this section of Highway 93 would benefit from improved access to the highway and the adjacent road network, but no specific improvements (i.e. signals, road connections) would be immediately necessary for the proposed development projects. Any road improvements will need to be coordinated through the City of Whitefish and MDT and should be part of a long-term strategy of the community.

H. IMPACT SUMMARY & RECOMMENDATIONS

The section of U.S. Highway 93 near the proposed development is operating near a LOS D in the PM peak and at a LOS C in the AM peak. The addition of more approaches and additional vehicles will decrease the LOS in this area. The City of Whitefish would like to see more road connections and additional traffic control along this section of Highway 93. This would include formalizing Akers Lane as a public Street, extending Baker Avenue, connecting Whitefish Avenue to the south, and adding traffic signals to Highway 93. While these improvements would be beneficial for the community, they are not imminently needed. The Towne Place Suites, Mkay Enterprises, and Commonwealth Apartments projects provide an opportunity to promote a portion of these road improvements with the construction of Akers Lane, east of Highway 93, to Whitefish Avenue. The developers should work with the City and MDT to promote these projects.

APPENDIX A

Traffic Data

Abelin Traffic Services

130 S. Howie Street
Helena, MT 59601

File Name : ComAM
Site Code : 00000000
Start Date : 10/7/2015
Page No : 1

Groups Printed- Class 1

	Highway 93 Southbound					Commerce Dr. Westbound					Highway 93 Northbound					Commerce Dr. Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
07:30 AM	1	148	6	0	155	1	4	9	0	14	14	153	4	0	171	7	1	0	0	8	348
07:45 AM	1	124	5	0	130	4	1	8	0	13	15	205	8	0	228	5	1	1	0	7	378
Total	2	272	11	0	285	5	5	17	0	27	29	358	12	0	399	12	2	1	0	15	726
08:00 AM	1	144	4	0	149	2	4	9	0	15	31	207	4	0	242	3	1	2	0	6	412
08:15 AM	0	178	6	0	184	7	2	13	0	22	22	185	8	0	215	3	4	1	0	8	429
08:30 AM	0	154	8	0	162	4	2	10	0	16	26	160	4	0	190	2	2	1	0	5	373
Grand Total	3	748	29	0	780	18	13	49	0	80	108	910	28	0	1046	20	9	5	0	34	1940
Apprch %	0.4	95.9	3.7	0		22.5	16.2	61.2	0		10.3	87	2.7	0		58.8	26.5	14.7	0		
Total %	0.2	38.6	1.5	0	40.2	0.9	0.7	2.5	0	4.1	5.6	46.9	1.4	0	53.9	1	0.5	0.3	0	1.8	

Abelin Traffic Services

130 S. Howie Street
Helena, MT 59601

File Name : ComPM
Site Code : 00000000
Start Date : 10/6/2015
Page No : 1

Groups Printed- Class 1

	Highway 93 Southbound					Commerce St. Westbound					Highway 93 Northbound					Commerce St. Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
04:30 PM	1	144	8	0	153	13	4	25	0	42	24	152	7	0	183	5	9	1	0	15	393
04:45 PM	2	171	11	0	184	10	7	27	0	44	35	197	7	0	239	3	7	3	0	13	480
Total	3	315	19	0	337	23	11	52	0	86	59	349	14	0	422	8	16	4	0	28	873
05:00 PM	2	175	14	0	191	11	2	25	0	38	25	193	9	0	227	1	5	3	0	9	465
05:15 PM	0	165	9	0	174	10	1	28	0	39	30	205	4	0	239	4	6	1	0	11	463
05:30 PM	3	153	8	0	164	11	6	29	0	46	36	195	5	0	236	3	4	4	0	11	457
Grand Total	8	808	50	0	866	55	20	134	0	209	150	942	32	0	1124	16	31	12	0	59	2258
Apprch %	0.9	93.3	5.8	0		26.3	9.6	64.1	0		13.3	83.8	2.8	0		27.1	52.5	20.3	0		
Total %	0.4	35.8	2.2	0	38.4	2.4	0.9	5.9	0	9.3	6.6	41.7	1.4	0	49.8	0.7	1.4	0.5	0	2.6	

Abelin Traffic Services

130 S. Howie Street
Helena, MT 59601

File Name : JPrdAM
Site Code : 00000000
Start Date : 10/7/2015
Page No : 1

Groups Printed- Class 1

	Highway 93 Southbound					JP Road Westbound					Highway 93 Northbound					JP Road Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
07:30 AM	1	139	3	0	143	15	0	4	0	19	4	210	0	0	214	1	1	2	0	4	380
07:45 AM	1	151	6	0	158	19	0	6	0	25	5	252	1	0	258	0	0	3	0	3	444
Total	2	290	9	0	301	34	0	10	0	44	9	462	1	0	472	1	1	5	0	7	824
08:00 AM	0	146	14	0	160	26	0	6	0	32	5	255	0	0	260	1	0	6	0	7	459
08:15 AM	2	180	12	0	194	22	1	3	0	26	3	233	2	0	238	1	2	4	0	7	465
08:30 AM	1	155	9	0	165	18	1	2	0	21	2	210	1	0	213	1	2	4	0	7	406
Grand Total	5	771	44	0	820	100	2	21	0	123	19	1160	4	0	1183	4	5	19	0	28	2154
Apprch %	0.6	94	5.4	0		81.3	1.6	17.1	0		1.6	98.1	0.3	0		14.3	17.9	67.9	0		
Total %	0.2	35.8	2	0	38.1	4.6	0.1	1	0	5.7	0.9	53.9	0.2	0	54.9	0.2	0.2	0.9	0	1.3	

Abelin Traffic Services

130 S. Howie Street
Helena, MT 59601

File Name : JPrdPM
Site Code : 00000000
Start Date : 10/6/2015
Page No : 1

Groups Printed- Class 1

	Highway 93 Southbound					JP Road Westbound					Highway 93 Northbound					JP Road Eastbound					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
04:30 PM	3	215	28	0	246	22	0	10	0	32	7	212	2	0	221	1	3	1	0	5	504
04:45 PM	1	240	39	0	280	20	0	7	0	27	9	253	4	0	266	1	1	2	0	4	577
Total	4	455	67	0	526	42	0	17	0	59	16	465	6	0	487	2	4	3	0	9	1081
05:00 PM	3	272	34	0	309	36	0	27	0	63	10	217	1	0	228	0	2	4	0	6	606
05:15 PM	2	264	26	0	292	24	1	15	0	40	8	248	3	0	259	1	0	2	0	3	594
05:30 PM	1	250	20	0	271	18	0	10	0	28	6	235	3	0	244	0	2	1	0	3	546
Grand Total	10	1241	147	0	1398	120	1	69	0	190	40	1165	13	0	1218	3	8	10	0	21	2827
Apprch %	0.7	88.8	10.5	0		63.2	0.5	36.3	0		3.3	95.6	1.1	0		14.3	38.1	47.6	0		
Total %	0.4	43.9	5.2	0	49.5	4.2	0	2.4	0	6.7	1.4	41.2	0.5	0	43.1	0.1	0.3	0.4	0	0.7	

APPENDIX B

Traffic Model

TownePlace Suites + Mkay Properties

Traffic Model

Hwy 93

2015 Peak Hour (15 min x 4)

AM Peak Hour

	4		28	
	712		8	
	24		52	
Commerce Dr	4		32	
	16		740	
	12		88	
	4		0	
	776		0	
	0		0	
	8		12	Dev Site
	0		1036	
	4		0	
	8		88	
	720		4	
	48		12	
JP Road	16		8	
	8		932	
	4		12	

2015 Peak Hour (15 min x 4)

PM Peak Hour

	8		40	
	684		28	
	44		108	
	12		28	
	28		788	
	12		140	
	12		0	
	1120		0	
	0		0	
	12		4	Dev Site
	0		1100	
	16		0	
	4		80	
	960		4	
	156		28	
	8		16	
	4		1012	
	4		36	

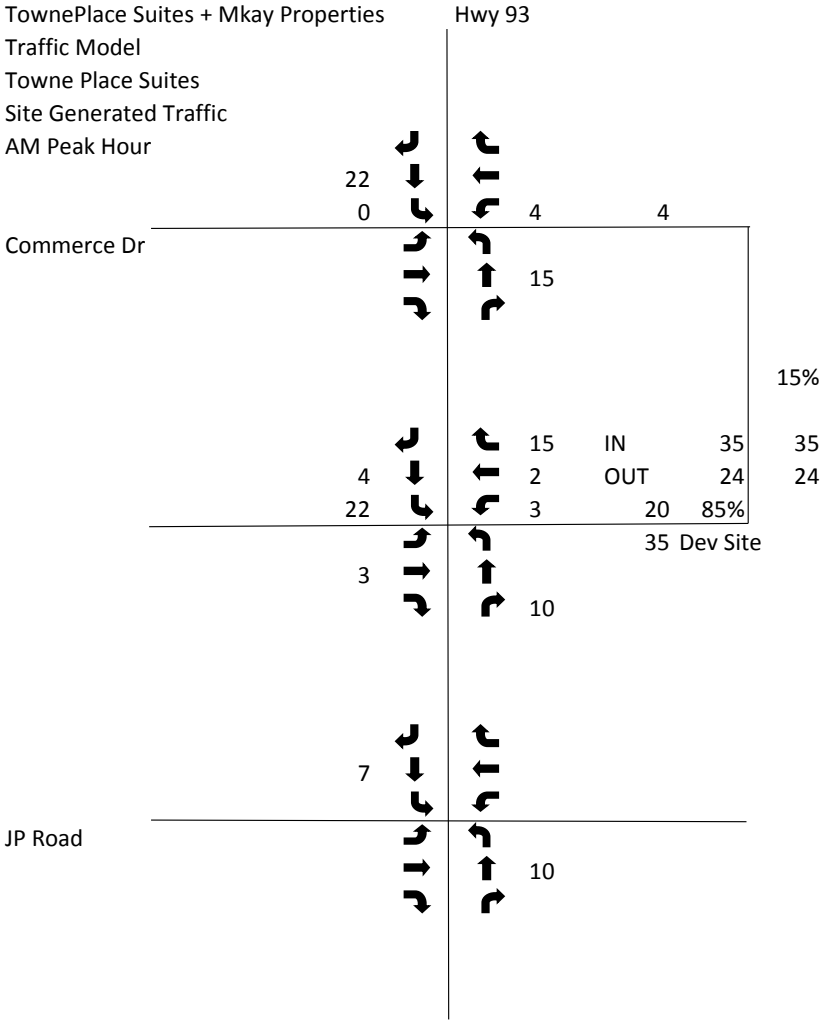
TownePlace Suites + Mkay Properties

Traffic Model

Towne Place Suites

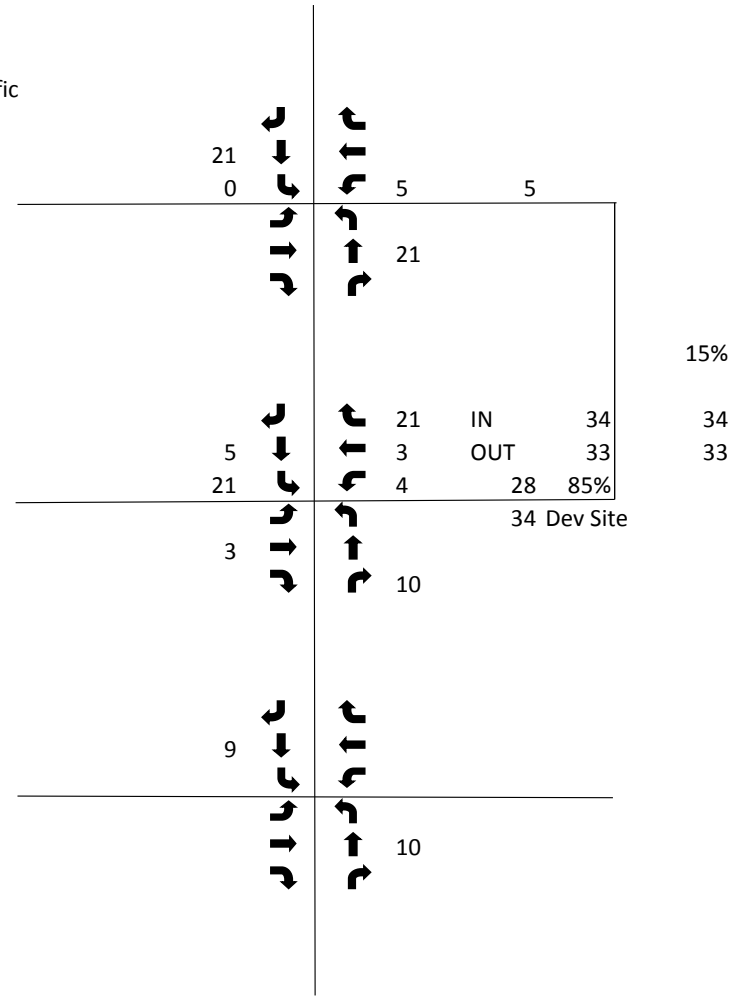
Site Generated Traffic

AM Peak Hour



Site Generated Traffic

PM Peak Hour



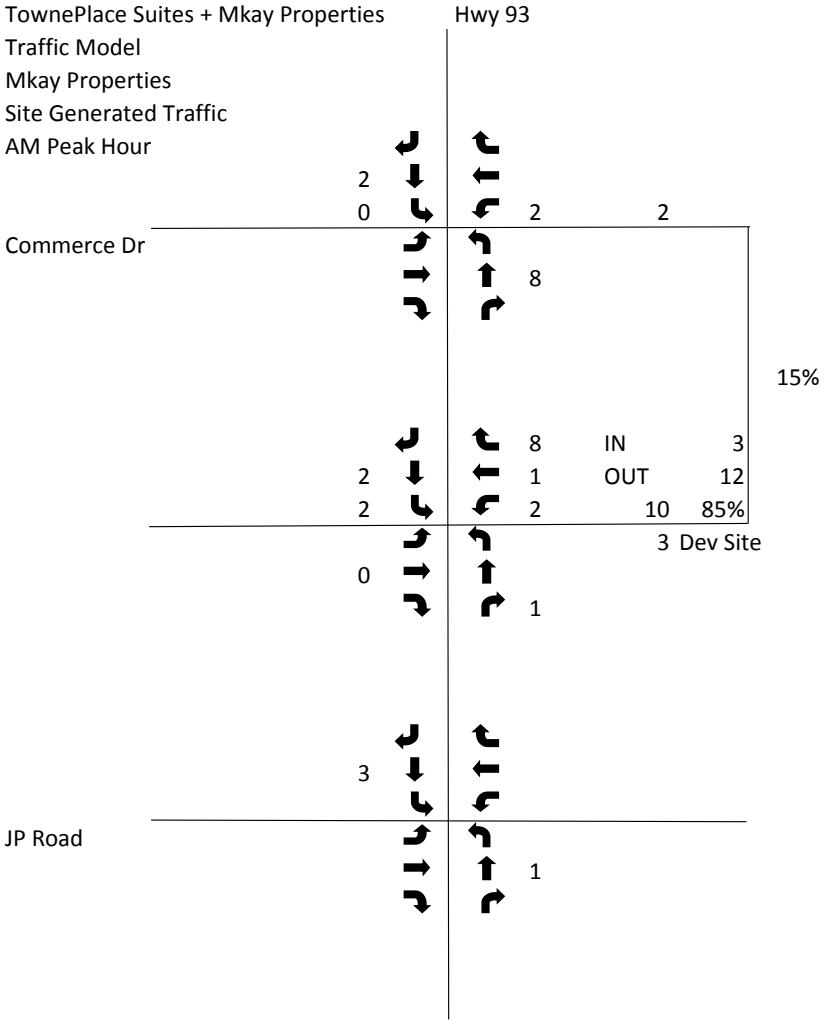
TownePlace Suites + Mkay Properties

Traffic Model

Mkay Properties

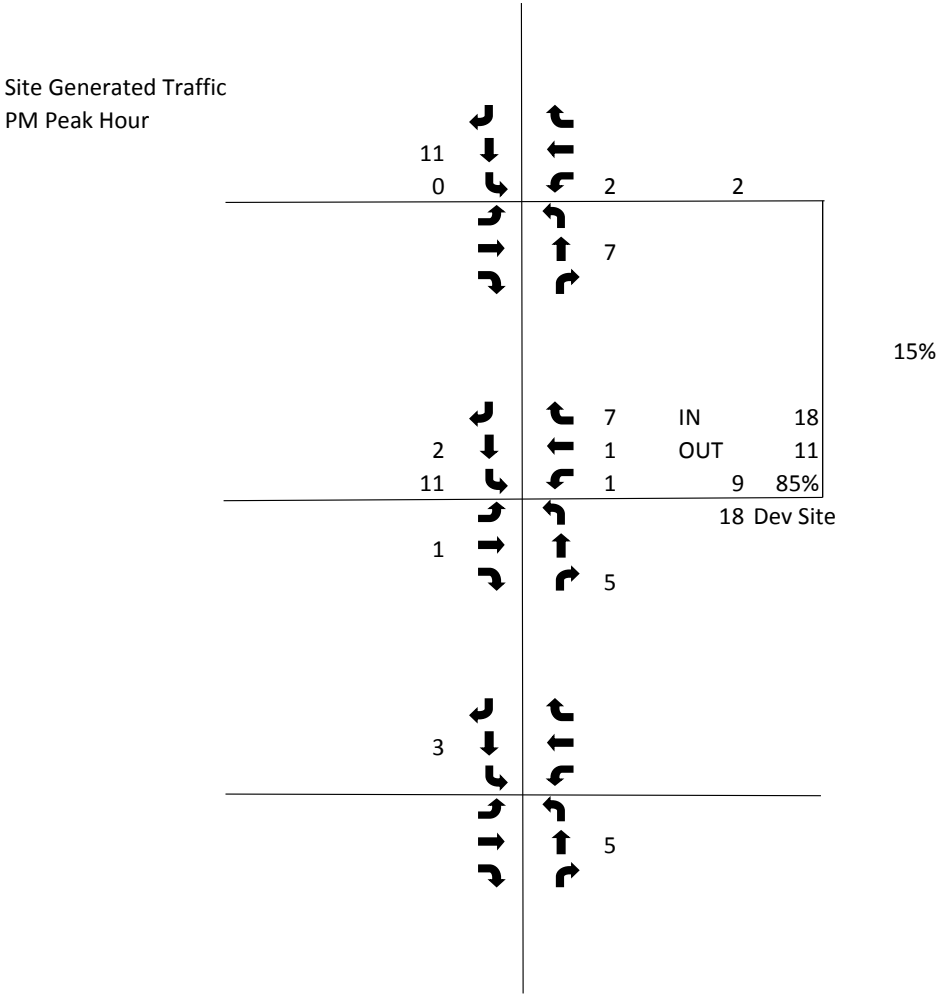
Site Generated Traffic

AM Peak Hour

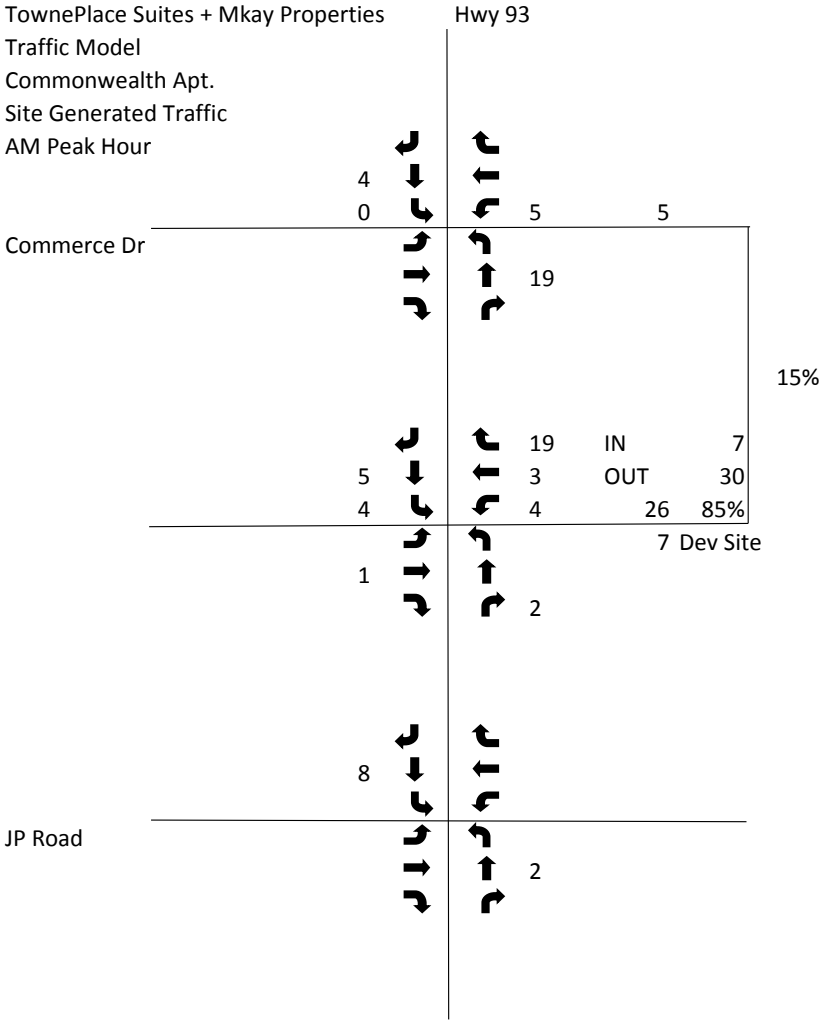


Site Generated Traffic

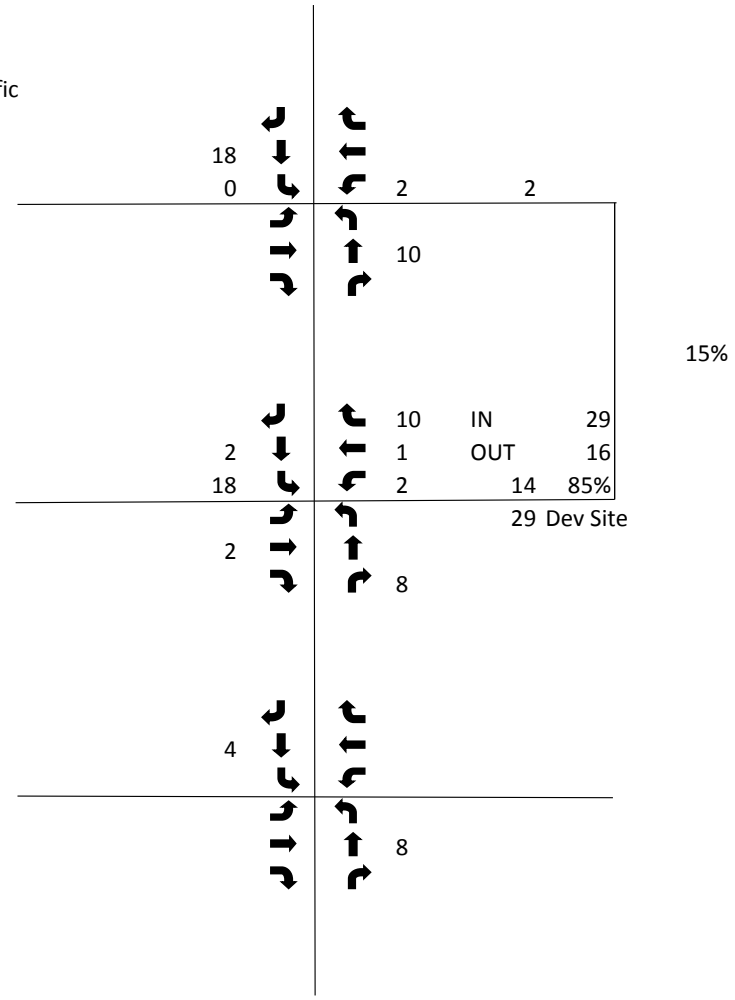
PM Peak Hour



TownePlace Suites + Mkay Properties
Traffic Model
Commonwealth Apt.
Site Generated Traffic
AM Peak Hour



Site Generated Traffic
PM Peak Hour



TownePlace Suites + Mkay Properties

Traffic Model

Towne + MKay

Total Projected Traffic

AM Peak Hour

Hwy 93

	4		28
	736		8
	24		57
Commerce Dr	4		32
	16		763
	12		88
	4		23
	781		3
	24		5
	8		12
	3		1036
	4		11
	8		88
	730		4
	48		12
JP Road	16		8
	8		943
	4		12

Towne + Mkay

Total Projected Traffic

PM Peak Hour

	8		40
	717		28
	44		115
	12		28
	28		816
	12		140
	12		28
	1127		4
	33		6
	12		4
	4		1100
	16		15
	4		80
	972		4
	156		28
	8		16
	4		1027
	4		36

TownePlace Suites + Mkay Properties

Traffic Model

Towne+MKay+Commonwealth

Total Projected Traffic

AM Peak Hour

Hwy 93

	4		28
	740		8
	24		62
Commerce Dr	4		32
	16		782
	12		88
	4		42
	786		6
	28		8
	8		12
	4		1036
	4		13
	8		88
	738		4
	48		12
JP Road	16		8
	8		945
	4		12

Towne/Mkay/Commonwealth

Total Projected Traffic

PM Peak Hour

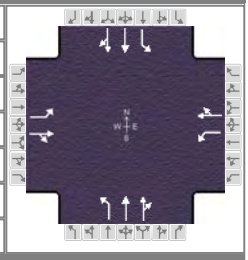
	8		40
	735		28
	44		117
	12		28
	28		826
	12		140
	12		38
	1129		5
	51		8
	12		4
	6		1100
	16		23
	4		80
	977		4
	156		28
	8		16
	4		1035
	4		36

APPENDIX C

LOS Calculations

HCS 2010 Signalized Intersection Results Summary

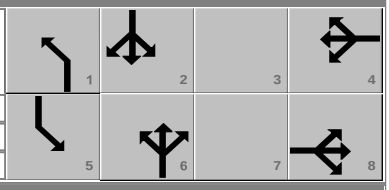
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93AM2015.xus		
Project Description	Existing 2015				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	4	16	12	52	8	28	32	740	88	24	712	4

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	2.9	1.0	76.9	7.1	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		8		4	1	6	5	2
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		11.1		11.1	7.9	81.9	6.9	80.9
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.1		3.1	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		4.4		7.2	2.4		2.3	
Green Extension Time (g_e), s		0.2		0.2	0.1	0.0	0.0	0.0
Phase Call Probability		0.96		0.96	0.66		0.49	
Max Out Probability		0.00		0.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	3	8	18	7	4	14	1	6	16	5	2	12
Adjusted Flow Rate (*v*), veh/h	4	28		52	36		38	505	486	24	358	358
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1394	1764		1404	1667		1882	1900	1829	1882	1900	1896
Queue Service Time (g_s), s	0.3	1.5		3.6	2.0		0.4	7.4	7.5	0.3	5.4	5.4
Cycle Queue Clearance Time (g_c), s	2.4	1.5		5.2	2.0		0.4	7.4	7.5	0.3	5.4	5.4
Green Ratio (*g/C*)	0.07	0.07		0.07	0.07		0.81	0.78	0.78	0.80	0.77	0.77
Capacity (*c*), veh/h	143	126		151	120		702	1480	1425	537	1461	1458
Volume-to-Capacity Ratio (*X*)	0.028	0.221		0.345	0.301		0.055	0.341	0.341	0.045	0.245	0.245
Available Capacity (c_a), veh/h	572	670		584	633		1886	1480	1425	1251	1461	1458
Back of Queue (*Q*), veh/ln (50 th percentile)	0.1	0.6		1.2	0.8		0.1	1.8	1.8	0.1	1.4	1.4
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	45.2	43.8		46.3	44.0		2.0	3.0	3.1	2.4	3.3	3.3
Incremental Delay (d_2), s/veh	0.0	0.3		0.5	0.5		0.0	0.6	0.6	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	45.2	44.1		46.8	44.6		2.0	3.6	3.7	2.4	3.7	3.7
Level of Service (LOS)	D	D		D	D		A	A	A	A	A	A
Approach Delay, s/veh / LOS	44.2	D		45.9	D		3.6	A		3.6	A	
Intersection Delay, s/veh / LOS	6.3						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.6	A	1.2	A	1.1	A

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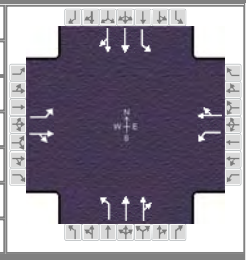
HCS 2010 Signalized Intersection Results Summary

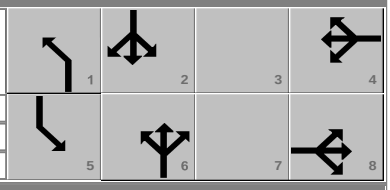
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93PM2015.xus		
Project Description	Existing 2015				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	12	28	12	108	28	40	28	788	140	44	684	8

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	3.5	0.7	77.8	6.0	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		8		4	1	6	5	2
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		10.0		10.0	7.5	81.8	8.2	82.5
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.1		3.1	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		6.7		8.0	2.3		2.4	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.0	0.0
Phase Call Probability		1.00		1.00	0.59		0.71	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	3	8	18	7	4	14	1	6	16	5	2	12
Adjusted Flow Rate (*v*), veh/h	12	40		108	68		32	544	516	44	347	345
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1354	1803		1389	1718		1882	1900	1800	1882	1900	1892
Queue Service Time (g_s), s	0.9	2.1		3.9	3.9		0.3	8.6	8.8	0.4	4.8	4.8
Cycle Queue Clearance Time (g_c), s	4.7	2.1		6.0	3.9		0.3	8.6	8.8	0.4	4.8	4.8
Green Ratio (*g/C*)	0.06	0.06		0.06	0.06		0.81	0.78	0.78	0.82	0.78	0.78
Capacity (*c*), veh/h	101	108		126	103		707	1478	1399	540	1491	1485
Volume-to-Capacity Ratio (*X*)	0.119	0.370		0.859	0.660		0.045	0.368	0.369	0.082	0.233	0.233
Available Capacity (c_a), veh/h	101	108		126	103		1074	1478	1399	836	1491	1485
Back of Queue (*Q*), veh/ln (50 th percentile)	0.3	0.9		4.0	1.9		0.1	2.1	2.1	0.1	1.2	1.2
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	48.3	45.2		49.0	46.0		2.0	3.3	3.4	2.1	2.8	2.8
Incremental Delay (d_2), s/veh	0.2	0.8		39.8	11.7		0.0	0.7	0.7	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	48.5	46.0		88.8	57.7		2.0	3.9	4.1	2.1	3.2	3.2
Level of Service (LOS)	D	D		F	E		A	A	A	A	A	A
Approach Delay, s/veh / LOS	46.6	D		76.8	E		3.9	A		3.1	A	
Intersection Delay, s/veh / LOS	11.0						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.6	A	0.8	A	1.3	A	1.1	A

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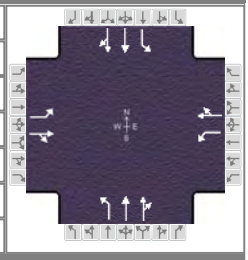
HCS 2010 Signalized Intersection Results Summary

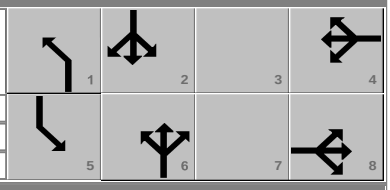
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93AMwith.xus		
Project Description	With Towne & Mkay				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	4	16	12	57	8	28	32	763	88	24	736	4

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	2.9	1.0	76.6	7.5	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		8		4	1	6	5	2
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		11.5		11.5	7.9	81.5	6.9	80.6
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.1		3.1	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		4.4		7.5	2.4		2.3	
Green Extension Time (g_e), s		0.2		0.2	0.1	0.0	0.0	0.0
Phase Call Probability		0.97		0.97	0.65		0.49	
Max Out Probability		0.00		0.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	3	8	18	7	4	14	1	6	16	5	2	12
Adjusted Flow Rate (*v*), veh/h	4	28		57	36		38	511	492	24	370	370
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1394	1764		1404	1667		1882	1900	1831	1882	1900	1896
Queue Service Time (g_s), s	0.3	1.5		4.0	2.0		0.4	7.6	7.7	0.3	5.7	5.7
Cycle Queue Clearance Time (g_c), s	2.4	1.5		5.5	2.0		0.4	7.6	7.7	0.3	5.7	5.7
Green Ratio (*g/C*)	0.08	0.08		0.08	0.08		0.80	0.78	0.78	0.79	0.77	0.77
Capacity (*c*), veh/h	148	134		156	126		684	1473	1419	530	1454	1451
Volume-to-Capacity Ratio (*X*)	0.027	0.210		0.365	0.285		0.055	0.347	0.347	0.045	0.255	0.255
Available Capacity (c_a), veh/h	698	829		710	783		1767	1473	1419	1518	1454	1451
Back of Queue (*Q*), veh/ln (50 th percentile)	0.1	0.6		1.4	0.8		0.1	1.9	1.8	0.1	1.5	1.5
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	44.8	43.4		46.0	43.7		2.1	3.1	3.1	2.5	3.4	3.4
Incremental Delay (d_2), s/veh	0.0	0.3		0.5	0.5		0.0	0.6	0.6	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	44.8	43.7		46.6	44.1		2.2	3.7	3.8	2.5	3.8	3.8
Level of Service (LOS)	D	D		D	D		A	A	A	A	A	A
Approach Delay, s/veh / LOS	43.8	D		45.6	D		3.7	A		3.8	A	
Intersection Delay, s/veh / LOS	6.4						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.6	A	1.2	A	1.1	A

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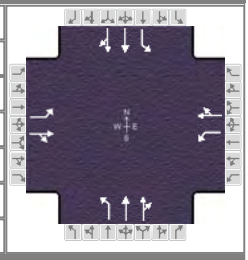
HCS 2010 Signalized Intersection Results Summary

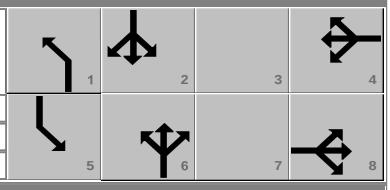
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93PMwith.xus		
Project Description	Towne & Mkay				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	12	28	12	115	28	40	28	816	140	44	717	8

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	3.5	0.7	77.8	6.0	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		8		4	1	6	5	2
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		10.0		10.0	7.5	81.8	8.2	82.5
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.1		3.1	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		6.7		8.0	2.3		2.4	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.1	0.0
Phase Call Probability		1.00		1.00	0.58		0.71	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	3	8	18	7	4	14	1	6	16	5	2	12
Adjusted Flow Rate (*v*), veh/h	12	40		115	68		31	552	524	44	363	362
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1354	1803		1389	1718		1882	1900	1802	1882	1900	1892
Queue Service Time (g_s), s	0.9	2.1		3.9	3.9		0.3	8.8	9.0	0.4	5.1	5.1
Cycle Queue Clearance Time (g_c), s	4.7	2.1		6.0	3.9		0.3	8.8	9.0	0.4	5.1	5.1
Green Ratio (*g/C*)	0.06	0.06		0.06	0.06		0.81	0.78	0.78	0.82	0.79	0.79
Capacity (*c*), veh/h	101	108		126	103		688	1478	1402	533	1492	1486
Volume-to-Capacity Ratio (*X*)	0.119	0.370		0.915	0.660		0.046	0.373	0.374	0.083	0.243	0.244
Available Capacity (c_a), veh/h	101	108		126	103		980	1478	1402	1168	1492	1486
Back of Queue (*Q*), veh/ln (50 th percentile)	0.3	0.9		4.7	1.9		0.1	2.2	2.2	0.1	1.2	1.2
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	48.3	45.2		49.1	46.0		2.0	3.3	3.4	2.1	2.9	2.9
Incremental Delay (d_2), s/veh	0.2	0.8		53.9	11.7		0.0	0.7	0.7	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	48.5	46.0		103.0	57.7		2.0	4.0	4.1	2.1	3.2	3.2
Level of Service (LOS)	D	D		F	E		A	A	A	A	A	A
Approach Delay, s/veh / LOS	46.6	D		86.2	F		4.0	A		3.2	A	
Intersection Delay, s/veh / LOS	11.9						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.6	A	0.8	A	1.3	A	1.1	A

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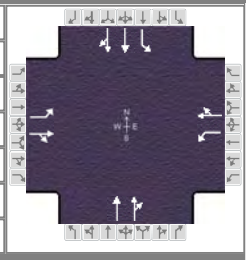
HCS 2010 Signalized Intersection Results Summary

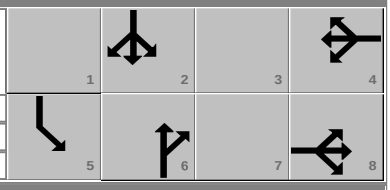
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93AMwithCommon.xus		
Project Description	With Commonwealth				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	4	16	12	62	8	28		782	88	24	740	4

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	2.9	77.2	7.9	0.0	0.0	0.0
Yellow	4.0	4.0	4.0	0.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		8		4		6	5	2
Case Number		6.0		6.0		8.3	1.0	4.0
Phase Duration, s		11.9		11.9		81.2	6.9	88.1
Change Period, ($Y+R_c$), s		4.0		4.0		4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.1		3.1		0.0	3.0	0.0
Queue Clearance Time (g_s), s		4.4		7.9			2.2	
Green Extension Time (g_e), s		0.2		0.2		0.0	0.0	0.0
Phase Call Probability		0.97		0.97			0.49	
Max Out Probability		0.00		0.00			0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	3	8	18	7	4	14		6	16	5	2	12
Adjusted Flow Rate (*v*), veh/h	4	28		62	36			531	512	24	372	372
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1394	1764		1404	1667			1900	1832	1882	1900	1896
Queue Service Time (g_s), s	0.3	1.5		4.3	2.0			22.7	8.5	0.2	3.9	3.9
Cycle Queue Clearance Time (g_c), s	2.4	1.5		5.9	2.0			22.7	8.5	0.2	3.9	3.9
Green Ratio (*g/C*)	0.08	0.08		0.08	0.08			0.77	0.77	0.82	0.84	0.84
Capacity (*c*), veh/h	154	140		162	133			1465	1413	438	1597	1594
Volume-to-Capacity Ratio (*X*)	0.026	0.200		0.383	0.272			0.362	0.362	0.055	0.233	0.233
Available Capacity (c_a), veh/h	698	829		1019	1150			1465	1413	1419	1597	1594
Back of Queue (*Q*), veh/ln (50 th percentile)	0.1	0.6		1.5	0.8			2.1	2.1	0.1	0.6	0.6
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00			0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	44.4	43.0		45.8	43.3			3.3	3.4	4.8	1.6	1.6
Incremental Delay (d_2), s/veh	0.0	0.3		0.6	0.4			0.6	0.7	0.0	0.3	0.3
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0			0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	44.5	43.3		46.4	43.7			4.0	4.1	4.8	1.9	1.9
Level of Service (LOS)	D	D		D	D			A	A	A	A	A
Approach Delay, s/veh / LOS	43.5	D		45.4	D		4.0	A		2.0	A	
Intersection Delay, s/veh / LOS	6.0						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.7	B	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.6	A	1.2	A	1.1	A

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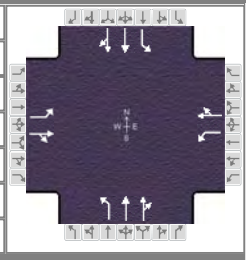
HCS 2010 Signalized Intersection Results Summary

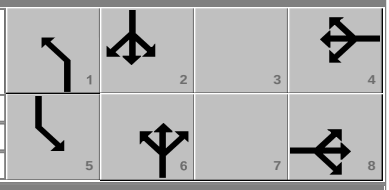
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93PMwithCommon.xus		
Project Description	With Commonwealth				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	12	28	12	117	28	40	28	826	140	44	735	8

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	3.5	0.7	77.8	6.0	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		8		4	1	6	5	2
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		10.0		10.0	7.5	81.8	8.2	82.5
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.1		3.1	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		6.7		8.0	2.3		2.4	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.1	0.0
Phase Call Probability		1.00		1.00	0.58		0.71	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	3	8	18	7	4	14	1	6	16	5	2	12
Adjusted Flow Rate (*v*), veh/h	12	40		117	68		31	555	528	44	372	371
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1354	1803		1389	1718		1882	1900	1803	1882	1900	1893
Queue Service Time (g_s), s	0.9	2.1		3.9	3.9		0.3	8.9	9.1	0.4	5.2	5.2
Cycle Queue Clearance Time (g_c), s	4.7	2.1		6.0	3.9		0.3	8.9	9.1	0.4	5.2	5.2
Green Ratio (*g/C*)	0.06	0.06		0.06	0.06		0.81	0.78	0.78	0.82	0.79	0.79
Capacity (*c*), veh/h	101	108		126	103		677	1478	1402	529	1492	1486
Volume-to-Capacity Ratio (*X*)	0.119	0.370		0.931	0.660		0.046	0.376	0.376	0.083	0.250	0.250
Available Capacity (c_a), veh/h	101	108		126	103		969	1478	1402	1165	1492	1486
Back of Queue (*Q*), veh/ln (50 th percentile)	0.3	0.9		4.9	1.9		0.1	2.2	2.2	0.1	1.3	1.3
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	48.3	45.2		49.1	46.0		2.0	3.3	3.4	2.1	2.9	2.9
Incremental Delay (d_2), s/veh	0.2	0.8		58.4	11.7		0.0	0.7	0.7	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	48.5	46.0		107.5	57.7		2.0	4.0	4.1	2.1	3.3	3.3
Level of Service (LOS)	D	D		F	E		A	A	A	A	A	A
Approach Delay, s/veh / LOS	46.6	D		89.2	F		4.0	A		3.2	A	
Intersection Delay, s/veh / LOS	12.1						B					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.6	A	0.8	A	1.3	A	1.1	A

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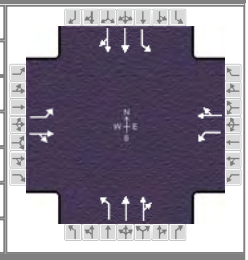
HCS 2010 Signalized Intersection Results Summary

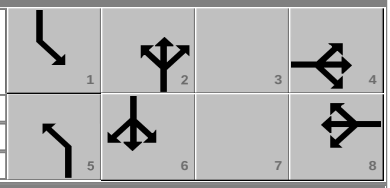
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93AM2015.xus		
Project Description	Existing 2015				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	16	8	4	12	4	88	8	932	12	48	720	8

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	1.2	3.2	76.6	7.0	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		11.0		11.0	5.2	80.6	8.4	83.8
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.2		3.2	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		8.8		7.6	2.1		2.5	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.1	0.0
Phase Call Probability		0.97		0.97	0.20		0.73	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h	16	12		12	92		8	473	471	47	359	358
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1325	1792		1424	1621		1882	1900	1891	1882	1900	1892
Queue Service Time (g_s), s	1.2	0.6		0.8	5.6		0.1	7.8	7.8	0.5	4.5	4.5
Cycle Queue Clearance Time (g_c), s	6.8	0.6		1.4	5.6		0.1	7.8	7.8	0.5	4.5	4.5
Green Ratio (*g/C*)	0.07	0.07		0.07	0.07		0.78	0.77	0.77	0.82	0.80	0.80
Capacity (*c*), veh/h	91	125		163	113		664	1456	1449	586	1516	1510
Volume-to-Capacity Ratio (*X*)	0.177	0.096		0.074	0.811		0.012	0.325	0.325	0.081	0.237	0.237
Available Capacity (c_a), veh/h	91	125		163	113		1206	1456	1449	1878	1516	1510
Back of Queue (*Q*), veh/ln (50 th percentile)	0.4	0.3		0.3	3.2		0.0	2.1	2.1	0.1	1.0	1.0
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	49.2	43.5		44.2	45.8		2.5	3.6	3.6	2.1	2.4	2.4
Incremental Delay (d_2), s/veh	0.3	0.1		0.1	32.2		0.0	0.6	0.6	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	49.5	43.7		44.3	78.0		2.5	4.2	4.2	2.1	2.7	2.7
Level of Service (LOS)	D	D		D	E		A	A	A	A	A	A
Approach Delay, s/veh / LOS	47.0	D		74.1	E		4.2	A		2.7	A	
Intersection Delay, s/veh / LOS	8.2						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.7	A	1.3	A	1.1	A

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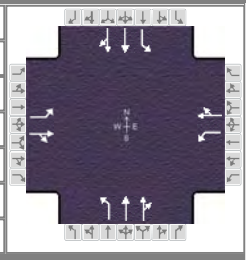
HCS 2010 Signalized Intersection Results Summary

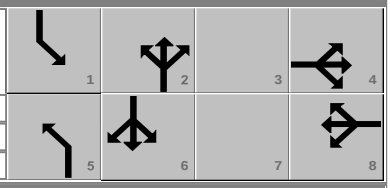
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93PM2015.xus		
Project Description	Existing 2015				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	8	4	4	28	4	80	16	1012	36	156	960	4

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	2.2	3.6	74.8	7.4	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		11.4		11.4	6.2	78.8	9.7	82.4
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.2		3.2	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		7.6		7.1	2.2		3.1	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.2	0.0
Phase Call Probability		0.97		0.97	0.36		0.95	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h	8	8		28	84		16	527	521	110	341	340
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1335	1743		1430	1622		1882	1900	1877	1882	1900	1897
Queue Service Time (g_s), s	0.6	0.4		1.9	5.1		0.2	9.7	9.7	1.1	4.6	4.6
Cycle Queue Clearance Time (g_c), s	5.6	0.4		2.3	5.1		0.2	9.7	9.7	1.1	4.6	4.6
Green Ratio (*g/C*)	0.07	0.07		0.07	0.07		0.77	0.75	0.75	0.82	0.78	0.78
Capacity (*c*), veh/h	104	130		172	121		689	1422	1405	550	1490	1488
Volume-to-Capacity Ratio (*X*)	0.077	0.062		0.163	0.696		0.023	0.371	0.371	0.200	0.229	0.229
Available Capacity (c_a), veh/h	111	139		180	130		960	1422	1405	1149	1490	1488
Back of Queue (*Q*), veh/ln (50 th percentile)	0.2	0.2		0.6	2.3		0.0	2.8	2.8	0.2	1.1	1.1
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	47.9	43.0		44.1	45.2		2.7	4.4	4.4	2.5	2.7	2.7
Incremental Delay (d_2), s/veh	0.1	0.1		0.2	11.1		0.0	0.7	0.8	0.1	0.3	0.3
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	48.0	43.1		44.3	56.3		2.7	5.1	5.1	2.5	3.1	3.1
Level of Service (LOS)	D	D		D	E		A	A	A	A	A	A
Approach Delay, s/veh / LOS	45.6	D		53.3	D		5.1	A		3.0	A	
Intersection Delay, s/veh / LOS	7.3						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.7	A	1.4	A	1.4	A

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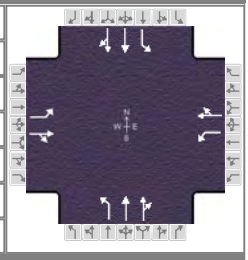
HCS 2010 Signalized Intersection Results Summary

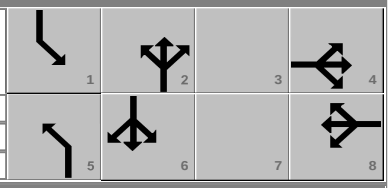
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93AMwith.xus		
Project Description	With Towne & Mkay				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	16	8	4	12	4	88	8	943	12	48	730	8

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	1.2	3.2	77.6	6.0	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		10.0		10.0	5.2	81.6	8.4	84.8
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.2		3.2	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		8.0		7.7	2.1		2.4	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.1	0.0
Phase Call Probability		0.97		0.97	0.20		0.74	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h	16	12		12	92		8	479	476	48	372	371
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1325	1792		1424	1621		1882	1900	1891	1882	1900	1893
Queue Service Time (g_s), s	0.3	0.6		0.8	5.7		0.1	7.6	7.6	0.4	4.4	4.4
Cycle Queue Clearance Time (g_c), s	6.0	0.6		1.4	5.7		0.1	7.6	7.6	0.4	4.4	4.4
Green Ratio (*g/C*)	0.06	0.06		0.06	0.06		0.79	0.78	0.78	0.83	0.81	0.81
Capacity (*c*), veh/h	77	108		148	97		658	1474	1467	590	1535	1529
Volume-to-Capacity Ratio (*X*)	0.209	0.112		0.081	0.946		0.012	0.325	0.325	0.082	0.243	0.243
Available Capacity (c_a), veh/h	77	108		148	97		786	1474	1467	1711	1535	1529
Back of Queue (*Q*), veh/ln (50 th percentile)	0.4	0.3		0.3	4.2		0.0	2.0	1.9	0.1	0.9	0.9
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	50.0	44.5		45.2	46.8		2.3	3.4	3.4	1.9	2.1	2.1
Incremental Delay (d_2), s/veh	0.5	0.2		0.1	72.9		0.0	0.6	0.6	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	50.4	44.6		45.2	119.8		2.3	4.0	4.0	1.9	2.5	2.5
Level of Service (LOS)	D	D		D	F		A	A	A	A	A	A
Approach Delay, s/veh / LOS	48.0	D		111.2	F		3.9	A		2.4	A	
Intersection Delay, s/veh / LOS	9.9						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.7	A	1.3	A	1.1	A

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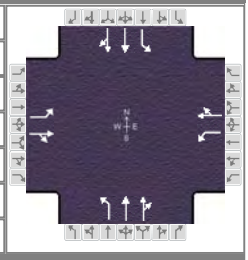
HCS 2010 Signalized Intersection Results Summary

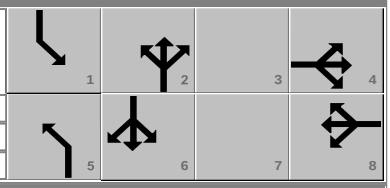
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93PMwith.xus		
Project Description	Towne & Mkay				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	8	4	4	28	4	80	16	1027	36	156	972	4

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	2.2	3.6	74.8	7.4	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		11.4		11.4	6.2	78.8	9.8	82.4
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.2		3.2	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		7.6		7.1	2.2		3.2	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.2	0.0
Phase Call Probability		0.97		0.97	0.36		0.96	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h	8	8		28	84		16	535	528	114	358	358
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1335	1743		1430	1622		1882	1900	1877	1882	1900	1897
Queue Service Time (g_s), s	0.6	0.4		1.9	5.1		0.2	9.9	9.9	1.2	4.6	4.6
Cycle Queue Clearance Time (g_c), s	5.6	0.4		2.3	5.1		0.2	9.9	9.9	1.2	4.6	4.6
Green Ratio (*g/C*)	0.07	0.07		0.07	0.07		0.77	0.75	0.75	0.82	0.78	0.78
Capacity (*c*), veh/h	104	130		172	121		669	1421	1404	544	1490	1488
Volume-to-Capacity Ratio (*X*)	0.077	0.062		0.163	0.696		0.024	0.376	0.376	0.210	0.240	0.240
Available Capacity (c_a), veh/h	111	139		180	130		1335	1421	1404	1444	1490	1488
Back of Queue (*Q*), veh/ln (50 th percentile)	0.2	0.2		0.6	2.3		0.0	2.8	2.8	0.2	1.1	1.1
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	47.9	43.0		44.1	45.2		2.7	4.4	4.4	2.5	2.6	2.6
Incremental Delay (d_2), s/veh	0.1	0.1		0.2	11.1		0.0	0.8	0.8	0.1	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	48.0	43.1		44.3	56.3		2.7	5.2	5.2	2.6	3.0	3.0
Level of Service (LOS)	D	D		D	E		A	A	A	A	A	A
Approach Delay, s/veh / LOS	45.6	D		53.3	D		5.1	A		2.9	A	
Intersection Delay, s/veh / LOS	7.2						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.7	A	1.4	A	1.4	A

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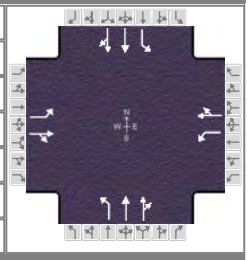
HCS 2010 Signalized Intersection Results Summary

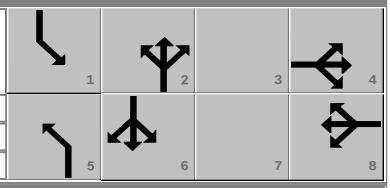
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93AMwithCommon.xus		
Project Description	With Commonwealth				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	16	8	4	12	4	88	8	945	12	48	738	8

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	1.2	3.2	77.6	6.0	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		10.0		10.0	5.2	81.6	8.4	84.8
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.2		3.2	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		8.0		7.7	2.1		2.4	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.1	0.0
Phase Call Probability		0.97		0.97	0.20		0.74	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h	16	12		12	92		8	480	477	48	377	375
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1325	1792		1424	1621		1882	1900	1891	1882	1900	1893
Queue Service Time (g_s), s	0.3	0.6		0.8	5.7		0.1	7.6	7.6	0.4	4.3	4.3
Cycle Queue Clearance Time (g_c), s	6.0	0.6		1.4	5.7		0.1	7.6	7.6	0.4	4.3	4.3
Green Ratio (*g/C*)	0.06	0.06		0.06	0.06		0.79	0.78	0.78	0.83	0.81	0.81
Capacity (*c*), veh/h	77	108		148	97		654	1474	1467	589	1535	1529
Volume-to-Capacity Ratio (*X*)	0.209	0.112		0.081	0.946		0.012	0.325	0.325	0.082	0.245	0.245
Available Capacity (c_a), veh/h	77	108		148	97		782	1474	1467	1710	1535	1529
Back of Queue (*Q*), veh/ln (50 th percentile)	0.4	0.3		0.3	4.2		0.0	2.0	2.0	0.1	0.9	0.9
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	50.0	44.5		45.2	46.8		2.3	3.4	3.4	1.9	2.0	2.0
Incremental Delay (d_2), s/veh	0.5	0.2		0.1	72.9		0.0	0.6	0.6	0.0	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	50.4	44.6		45.2	119.8		2.3	4.0	4.0	1.9	2.4	2.4
Level of Service (LOS)	D	D		D	F		A	A	A	A	A	A
Approach Delay, s/veh / LOS	48.0	D		111.2	F		3.9	A		2.4	A	
Intersection Delay, s/veh / LOS	9.8						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.7	A	1.3	A	1.1	A

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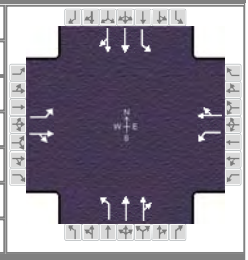
HCS 2010 Signalized Intersection Results Summary

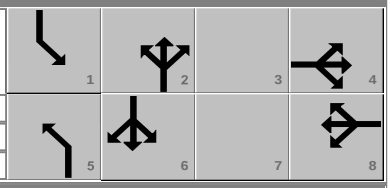
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93PMwithCommon.xus		
Project Description	With Commonwealth				



Demand Information	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Demand (*v*), veh/h	8	4	4	28	4	80	16	1035	36	156	977	4

Signal Information			
Cycle, s	100.0	Reference Phase	2
Offset, s	0	Reference Point	End
Uncoordinated	No	Simult. Gap E/W	On
Force Mode	Fixed	Simult. Gap N/S	On

Green	2.2	3.6	74.8	7.4	0.0	0.0
Yellow	4.0	0.0	4.0	4.0	0.0	0.0
Red	0.0	0.0	0.0	0.0	0.0	0.0



Timer Results	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Assigned Phase		4		8	5	2	1	6
Case Number		6.0		6.0	1.1	4.0	1.1	4.0
Phase Duration, s		11.4		11.4	6.2	78.8	9.8	82.4
Change Period, ($Y+R_c$), s		4.0		4.0	4.0	4.0	4.0	4.0
Max Allow Headway (*MAH*), s		3.2		3.2	3.0	0.0	3.0	0.0
Queue Clearance Time (g_s), s		7.6		7.1	2.2		3.2	
Green Extension Time (g_e), s		0.0		0.0	0.0	0.0	0.2	0.0
Phase Call Probability		0.97		0.97	0.36		0.96	
Max Out Probability		1.00		1.00	0.00		0.00	

Movement Group Results	EB			WB			NB			SB		
Approach Movement	L	T	R	L	T	R	L	T	R	L	T	R
Assigned Movement	7	4	14	3	8	18	5	2	12	1	6	16
Adjusted Flow Rate (*v*), veh/h	8	8		28	84		16	539	532	117	367	366
Adjusted Saturation Flow Rate (*s*), veh/h/ln	1335	1743		1430	1622		1882	1900	1877	1882	1900	1897
Queue Service Time (g_s), s	0.6	0.4		1.9	5.1		0.2	10.0	10.0	1.2	4.8	4.8
Cycle Queue Clearance Time (g_c), s	5.6	0.4		2.3	5.1		0.2	10.0	10.0	1.2	4.8	4.8
Green Ratio (*g/C*)	0.07	0.07		0.07	0.07		0.77	0.75	0.75	0.82	0.78	0.78
Capacity (*c*), veh/h	104	130		172	121		660	1421	1404	541	1490	1488
Volume-to-Capacity Ratio (*X*)	0.077	0.062		0.163	0.696		0.024	0.379	0.379	0.215	0.246	0.246
Available Capacity (c_a), veh/h	111	139		180	130		1326	1421	1404	1441	1490	1488
Back of Queue (*Q*), veh/ln (50 th percentile)	0.2	0.2		0.6	2.3		0.0	2.9	2.9	0.2	1.2	1.1
Queue Storage Ratio (*RQ*) (50 th percentile)	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00
Uniform Delay (d_1), s/veh	47.9	43.0		44.1	45.2		2.7	4.4	4.4	2.5	2.6	2.6
Incremental Delay (d_2), s/veh	0.1	0.1		0.2	11.1		0.0	0.8	0.8	0.1	0.4	0.4
Initial Queue Delay (d_3), s/veh	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0
Control Delay (*d*), s/veh	48.0	43.1		44.3	56.3		2.7	5.2	5.2	2.6	3.0	3.0
Level of Service (LOS)	D	D		D	E		A	A	A	A	A	A
Approach Delay, s/veh / LOS	45.6	D		53.3	D		5.2	A		3.0	A	
Intersection Delay, s/veh / LOS	7.2						A					

Multimodal Results	EB		WB		NB		SB	
Pedestrian LOS Score / LOS	2.9	C	2.9	C	2.2	B	2.2	B
Bicycle LOS Score / LOS	0.5	A	0.7	A	1.4	A	1.4	A

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HCS 2010 Two-Way Stop Control Summary Report

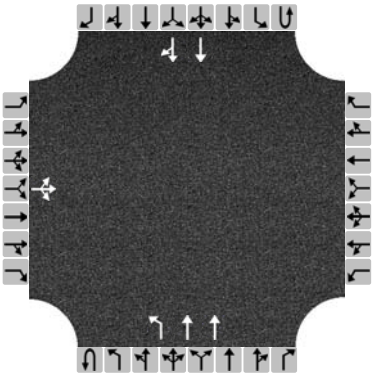
General Information

Analyst	RLA
Agency/Co.	ATS
Date Performed	10/20/2015
Analysis Year	2015
Time Analyzed	AM Peak Hour
Intersection Orientation	North-South
Project Description	Existing 2015

Site Information

Intersection	Hwy 93 & Towne Suites
Jurisdiction	MDT
East/West Street	Towne Suites
North/South Street	Hwy 93
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	0	0	1	2	0	0	0	2	0
Configuration			LTR							L	T				T	TR
Volume (veh/h)		8	0	4						12	1036				781	4
Percent Heavy Vehicles		1	1	1						1						
Proportion Time Blocked		0.110	0.110	0.040						0.100	0.000				0.000	0.000
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			12							12						
Capacity			267							929						
v/c Ratio			0.04							0.01						
95% Queue Length			0.1							0.0						
Control Delay (s/veh)			19.1							8.9						
Level of Service (LOS)			C							A						
Approach Delay (s/veh)	19.1								0.1							
Approach LOS	C								A							

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HCS 2010 Two-Way Stop Control Summary Report

General Information

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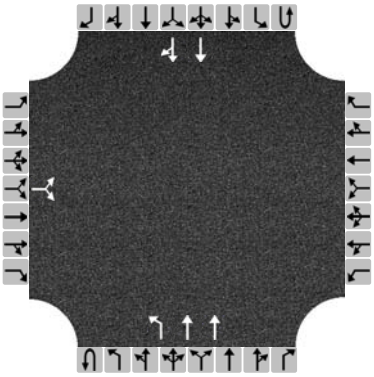
Intersection Orientation	North-South
Project Description	Existing 2015

Site Information

Intersection	Hwy 93 & Towne Suites
Jurisdiction	MDT
East/West Street	Towne Suites
North/South Street	Hwy 93
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	0		0	0	0	0	1	2	0	0	0	2	0
Configuration			LR							L	T				T	TR
Volume (veh/h)		12		16						4	1100				1120	12
Percent Heavy Vehicles		1		1						1						
Proportion Time Blocked		0.120		0.030						0.100	0.000				0.000	0.000
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			28							4						
Capacity			231							667						
v/c Ratio			0.12							0.01						
95% Queue Length			0.4							0.0						
Control Delay (s/veh)			22.7							10.4						
Level of Service (LOS)			C							B						
Approach Delay (s/veh)	22.7								0.0							
Approach LOS	C								A							

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General Information

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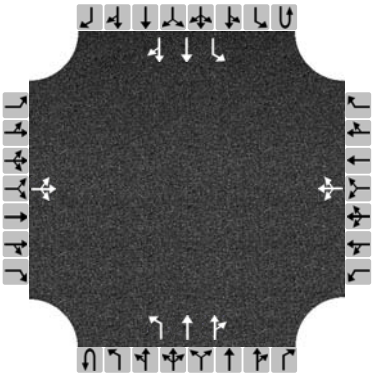
Time Analyzed	AM Peak Hour
Intersection Orientation	North-South
Project Description	With Development

Site Information

Intersection	Hwy 93 & Towne Suites
Jurisdiction	MDT
East/West Street	Towne Suites
North/South Street	Hwy 93
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	1	2	0	0	1	2	0
Configuration			LTR				LTR			L	T	TR		L	T	TR
Volume (veh/h)		8	3	4		5	3	23		12	1036	11		24	781	4
Percent Heavy Vehicles		1	1	1		1	1	3		1				1		
Proportion Time Blocked		0.130	0.130	0.060		0.130	0.130	0.070		0.100	0.000	0.000		0.100	0.000	0.000
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			15				31			12				24		
Capacity			142				340			929				724		
v/c Ratio			0.11				0.09			0.01				0.03		
95% Queue Length			0.3				0.3			0.0				0.1		
Control Delay (s/veh)			33.3				16.7			8.9				10.1		
Level of Service (LOS)			D				C			A				B		
Approach Delay (s/veh)	33.3				16.7				0.1				0.3			
Approach LOS	D				C				A				A			

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HCS 2010 Two-Way Stop Control Summary Report

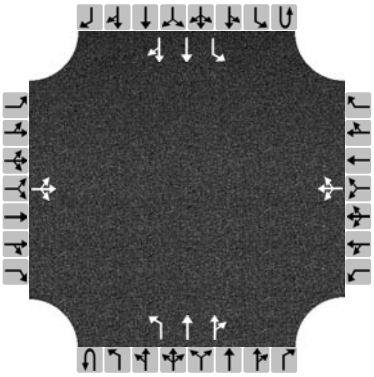
General Information

Analyst	RLA
Agency/Co.	ATS
Date Performed	10/20/2015
Analysis Year	2015
Time Analyzed	PM Peak Hour
Intersection Orientation	North-South
Project Description	With Development

Site Information

Intersection	Hwy 93 & Towne Suites
Jurisdiction	MDT
East/West Street	Towne Suites
North/South Street	Hwy 93
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	1	2	0	0	1	2	0
Configuration			LTR				LTR			L	T	TR		L	T	TR
Volume (veh/h)		12	4	16		6	4	28		4	1100	15		33	1127	12
Percent Heavy Vehicles		1	1	1		1	1	3		1				1		
Proportion Time Blocked		0.140	0.140	0.050		0.140	0.140	0.090		0.100	0.000	0.000		0.100	0.000	0.000
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			32				38			4				33		
Capacity			98				177			663				678		
v/c Ratio			0.33				0.21			0.01				0.05		
95% Queue Length			1.3				0.8			0.0				0.2		
Control Delay (s/veh)			58.9				30.9			10.5				10.6		
Level of Service (LOS)			F				D			B				B		
Approach Delay (s/veh)	58.9				30.9				0.0				0.3			
Approach LOS	F				D				A				A			

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HCS 2010 Two-Way Stop Control Summary Report

General Information

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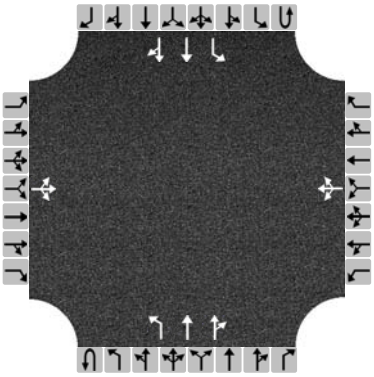
Time Analyzed	AM Peak Hour
Intersection Orientation	North-South
Project Description	With Development + Common

Site Information

Intersection	Hwy 93 & Towne Suites
Jurisdiction	MDT
East/West Street	Towne Suites
North/South Street	Hwy 93
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	1	2	0	0	1	2	0
Configuration			LTR				LTR			L	T	TR		L	T	TR
Volume (veh/h)		8	4	4		8	6	42		12	1036	13		28	786	4
Percent Heavy Vehicles		1	1	1		1	1	3		1				1		
Proportion Time Blocked		0.130	0.130	0.060		0.130	0.130	0.070		0.100	0.000	0.000		0.100	0.000	0.000
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			16				56			12				28		
Capacity			125				333			925				723		
v/c Ratio			0.13				0.17			0.01				0.04		
95% Queue Length			0.4				0.6			0.0				0.1		
Control Delay (s/veh)			37.9				18.0			8.9				10.2		
Level of Service (LOS)			E				C			A				B		
Approach Delay (s/veh)	37.9				18.0				0.1				0.3			
Approach LOS	E				C				A				A			

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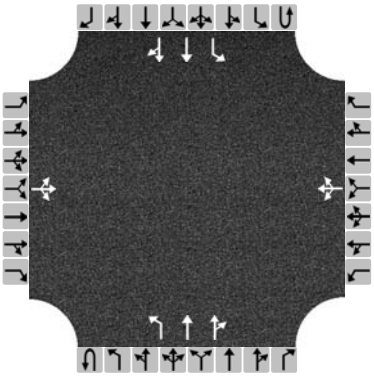
Intersection Orientation	North-South
Project Description	With Development

Site Information

Intersection	Hwy 93 & Towne Suites
Jurisdiction	MDT
East/West Street	Towne Suites
North/South Street	Hwy 93
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	1	0	0	1	2	0	0	1	2	0
Configuration			LTR				LTR			L	T	TR		L	T	TR
Volume (veh/h)		12	6	16		8	5	38		4	1100	23		51	1129	12
Percent Heavy Vehicles		1	1	1		1	1	3		1				1		
Proportion Time Blocked		0.140	0.140	0.050		0.140	0.140	0.090		0.100	0.000	0.000		0.100	0.000	0.000
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)			34				51			4				51		
Capacity			78				161			662				673		
v/c Ratio			0.44				0.32			0.01				0.08		
95% Queue Length			1.8				1.3			0.0				0.2		
Control Delay (s/veh)			83.4				37.5			10.5				10.8		
Level of Service (LOS)			F				E			B				B		
Approach Delay (s/veh)	83.4				37.5				0.0				0.5			
Approach LOS	F				E				A				A			

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CC&Rs

COVENANTS, CONDITIONS AND RESTRICTIONS

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

OF

RIVERSIDE SUBDIVISION

ARTICLE I. DECLARATION - PURPOSES

Section 1.1 Property: The initial property which is subject to this Declaration of Covenants, Conditions and Restrictions of Riverside Subdivision (this "Declaration") is described on Exhibit A, attached hereto. This property is owned by MKAY ENTERPRISES, a Montana General Partnership ("Declarant"). Declarant may add additional property to this Declaration from time to time.

Section 1.2 General Purpose: The purpose of this Declaration is to insure the best use of the property and the most appropriate development and improvement of each Lot within the property; to protect the Owners against such improper use of surrounding Lots as will depreciate the value of their Lot; to preserve so far as is practicable the natural beauty of the property; to prevent the construction of inappropriate structures; to insure the highest and best development of the property; to encourage and secure the building of attractive homes thereon with appropriate locations; to secure and maintain adequate setbacks and adequate open space between structures; and in general to provide adequately for a high quality of improvements on the property and thereby to enhance the values of improvements made by Owners.

Section 1.3 Declaration: To further the general purposes herein expressed, Declarant, for itself and its successors and assigns, does hereby declare that the real property described on Exhibit A attached hereto, and all property added to this Declaration by Declarant, shall at all times be owned, held, used and occupied subject to the covenants, conditions and restrictions contained in this Declaration.

ARTICLE II. DEFINITIONS

Section 2.1 Architectural Review Committee: The committee appointed by Declarant or the Board of Directors as provided in Section 8.2 below, to review improvements to the property as provided in Article VIII, below.

Section 2.2 Articles of Incorporation: Articles of Incorporation shall mean the Articles of Incorporation of Riverside Subdivision Homeowners Association, Inc., as the same may be amended from time to time.

Section 2.3 Bylaws: Bylaws shall mean the Bylaws of Riverside Subdivision Homeowners Association, Inc., as the same may be amended from time to time.

Section 2.4 Common Area: Common Area means the property which is subject to this Declaration, but excluding the individual Lots within the property. Thus, the Common Area includes the areas shown on a plat as common areas, park areas, roads (except for Whitefish Avenue, which is a public road, dedicated to the City of Whitefish), sidewalks, paths, curbs, gutters boulevard areas, and other property intended for the common use, benefit and enjoyment of the Owners and such other persons as may be permitted to use the Common Area under the terms of this Declaration or any contract with the Homeowners Association.

Section 2.5 Common Expenses: Common Expenses means (i) all expenses incurred by the Homeowners Association in administering, servicing, conserving, managing, maintaining, repairing or replacing the Common Area and any improvements located on it, (ii) premiums for the liability insurance carried by the Homeowners Association; (iii) all expenses incurred by the Homeowners Association in administering and managing the Homeowners Association; (iv) all expenses incurred by the Homeowners Association in any other activities undertaken for the common benefit of all or some of the Owners; and (v) all expenses lawfully determined to be Common Expenses by the Board of Directors of the Homeowners Association, as provided in the Articles and Bylaws.

Section 2.6 Common Grinder Pump System:

This section intentionally left blank.

Section 2.7 Declarant: Declarant shall mean MKAY ENTERPRISES, a Montana General Partnership. Declarant may assign its rights as Declarant to a third party purchaser of the property only by a written instrument recorded in the records of Flathead County, Montana specifically stating that Declarant's rights as Declarant under this Declaration are assigned to the third party purchaser. Such instrument may specify the extent and portion of the rights or interests as a Declarant which are being assigned, in which case the initial Declarant shall retain all other rights as Declarant.

Section 2.8 Declaration: Declaration shall mean this Declaration of Covenants, Conditions and Restrictions of Riverside Subdivision, as it may be amended from time to time.

Section 2.9 Riverside Subdivision: Riverside Subdivision shall mean all of the real property located in Flathead County, Montana, described in Exhibit A attached hereto, as well as any real property which may in the future become part of Riverside Subdivision as provided in this Declaration.

Section 2.10 First Mortgage: First Mortgage means any mortgage, deed of trust, trust indenture, contract for deed, or other similar financial encumbrance granted by an Owner to secure a debt, which is recorded in the office of the Clerk and Recorder of Flathead County, Montana, which encumbers a Lot, and which is first in priority among all such mortgages, deeds of trust, trust indentures or other similar financial encumbrances. There can only be one First Mortgage with respect to a Lot.

Section 2.11 Homeowners Association: Homeowners Association shall mean Riverside Subdivision Homeowners Association, Inc., and its successors and assigns.

Section 2.12 Lot: Lot shall mean each parcel of real property within Riverside Subdivision, which is designated as a Lot on a plat of the property, including any such parcel owned by the Declarant. The boundaries and acreage of each Lot are delineated on the plat and each Lot is identified by the number noted on the plat. The roads, parks and common areas shown on any plat are not considered Lots. Any parcel of property owned, held or used by the Homeowners Association or owned, held or used in common by the Owners shall not be considered a Lot. **The term "Lot" shall include each and all of the units in the multi-family buildings and each and all of the single family residence lots. According to this definition, there are 23 Lots in Riverside Subdivision.**

Section 2.13 Owner: Owner shall mean the person or persons, entity or entities who own of record, according to the real property records of Flathead County, Montana, fee simple title to a Lot, except that a person purchasing a Lot under a contract for deed which is recorded (or an abstract of which is recorded) in the records of Flathead County, Montana, shall not be considered the Owner of the Lot. The term "Owner" shall include Declarant to the extent it is the owner of fee simple title to a Lot.

Section 2.14: Multi-family Buildings Expenses: Expenses of administering, servicing, conserving, managing, maintaining, repairing or replacing the landscaping of Multi-family buildings, the exterior of the buildings constructed on Lots 14 & 15 inclusive, the and other expenses associated solely with maintenance of the Multi-family Buildings, to be funded through Multi-family Building Assessments, as provided below.

Section 2.15 Multi-family Building Lots: Multi-family Building Lots shall mean the Lots numbered 14 & 15, inclusive, of Riverside Subdivision.

Section 2.16 Period of Declarant Control: Period of Declarant Control shall mean the period beginning on the date this Declaration is first recorded in the office of the Clerk and Recorder of Flathead County, Montana, and ending on the earlier of: (a) the date which is 20 years later, or (b) the date on which Declarant has sold 90% of the Lots within Riverside Subdivision (including all phases) and Declarant has notified the Homeowners Association in writing that Declarant has determined that no additional property shall be added to Riverside Subdivision. The Period of Declarant Control may be reinstated or extended by agreement between Declarant and the Homeowners Association upon such terms and conditions as the parties may agree. After the termination of the Period of Declarant Control, Declarant, if still an Owner, will continue to have all the rights and duties ordinarily given to Owners under this Declaration.

Section 2.17 Single-family Home Lots: Single-family Home Lots shall mean the Lots numbered 1-13, inclusive, of Riverside Subdivision.

ARTICLE III. HOMEOWNERS ASSOCIATION

Section 3.1 Riverside Subdivision Homeowners Association: Riverside Subdivision Homeowners Association, Inc., shall act as the homeowners association for Riverside Subdivision.

Section 3.2

Intentionally left blank.

Section 3.3 Membership: All Owners of the Lots within Riverside Subdivision shall be members of the Homeowners Association. The Owner of any Lot shall automatically become a member of the Homeowners Association and shall remain a member until such time as the ownership of such Lot ceases for any reason, at which time the corresponding membership in the Homeowners Association shall automatically case.

Section 3.4 Owners' Address: Upon acquiring a Lot, the Owners of the Lot shall immediately inform the Homeowners Association of their names and of one address to which notices from the Homeowners Association should be sent. The Owners shall be responsible for informing the Homeowners Association of any change of address.

Section 3.5 Voting: There shall be one vote for each Lot. If a person or entity owns more than one Lot, that person or entity shall have as many votes as the number of Lots owned by that person or entity. If more than one person or entity has an ownership interest in a single Lot, such persons or entities must decide among themselves how the vote for that Lot shall be cast.

Section 3.6 Management During Period of Declarant Control: During the Period of Declarant Control, Declarant may appoint, remove and replace from time to time any or all of the directors and officers of the Homeowners Association. If Declarant so elects, Declarant may from time to time relinquish, either on a temporary or permanent basis, the right to appoint all or a portion of the directors and officers of the Homeowners Association; provided that any such relinquishment shall be expressed in writing to the Homeowners Association.

Section 3.7 Management After Period of Declarant Control: After the Period of Declarant Control, or at such time as Declarant relinquishes the right to appoint all of the directors or officers of the Homeowners Association pursuant to Section 3.6, the Board of Directors shall include at least one Owner of a Multi-family Building Lot and at least one Owner of a Single-family Home Lot. Decisions concerning the maintenance, repair and other activities related to the Multi-family Building Lots which would result in Multi-family Building Assessments and what Multi-family Building Assessments should be levied and collected shall require the affirmative vote of at least one member of the Board of Directors who is an Owner of a Multi-family Building Lot. All other decisions of the Board of Directors shall require the affirmative vote of at least one member of the Board of Directors who is an Owner of a Multi-family Building Lot and at least one member of the Board of Directors who is an Owner of a Single-family Home Lot.

ARTICLE IV. COMMON AREA

Section 4.1 Common Area: The Homeowners Association shall have jurisdiction and control over the Common Areas.

Section 4.2 Easement Over All Common Areas: The Owners are granted and shall have a non-exclusive easement for use and enjoyment of all of the Common Areas, subject to such rules and regulations as the Homeowners Association may develop from time to time, and also subject to the rights reserved to Declarant and the reserved rights of any third parties with respect to the Common Area.

Section 4.3 Retained Easements by Declarant/Encroachments: Declarant reserves and shall have an easement over all of the Common Area for ingress, egress and utilities. Declarant may permit others to use the Common Areas and grant further easements to others for use of the Common Areas. If, by reason of the design or construction of utility systems, any main pipes, ducts or conduits, including, but not limited to, the sprinkler system serving one Lot or the Common Areas encroach upon any part of any other Lot or the Common Areas, valid easements for the maintenance of such encroachments are established. These easements shall exist for the benefit of the affected Lot(s), the Association and the Common Areas, as the case may be, so long as the encroachments exist.

Section 4.4 Road Maintenance: The interior subdivision roads within Riverside Subdivision shall be maintained, repaired and replaced by the Homeowners Association, including plowing of snow. The roads shall be open for perpetual public use. The roads shall be maintained in good condition to allow year-around access to all Lots. No gates, other impediments, or signage may be placed on any roads. The Homeowners Association may elect to landscape and/or maintain portions of road right-of-way not actually used for road purposes. The Homeowners Association may take such action as it deems appropriate to maintain the private character of the roads and to discourage usage of the roads by persons other than Owners and their guests and invitees, or others who are authorized to use the roads to the extent permitted by the City of Whitefish.

Section 4.5 Trail: Simultaneous with the filing of the plat of Riverside Subdivision and the recording of this Declaration, Declarant is granting to the City of Whitefish a Trail Easement for a public bicycle/pedestrian trail and park area along the bank of the Whitefish River. The Trail Easement is located in the Common Area and the rights of the Owners and the Homeowners Association as to the Common Area are subject to the rights of the City of Whitefish under the Trail Easement. The Trail Easement runs from a point five (5) feet west of the asphalt trail constructed or to be constructed along the bank of the Whitefish River to the high water mark of Whitefish River. The City of Whitefish will maintain the bicycle/pedestrian trail within the Trail Easement (including compliance with American with Disabilities Act). If the Trail Easement is abandoned in whole or in part by action of the City Council of the City of Whitefish, the rights which are so abandoned shall revert to the Homeowners Association and become Common Area under this Declaration. The area of the Trail Easement that is not improved with the bike and pedestrian path shall be left in a natural condition. Vegetation and

tree limbs within the Trail Easement shall not be removed.

Section 4.6 Property Taxes: It is acknowledged that, for property tax purposes, Flathead County and the State of Montana may allocate to each Lot a fractional, proportional share of the value attributable to the Common Area. By accepting a deed to a Lot, the Owner agrees to this mechanism for property taxation and agrees to pay a proportional share (as allocated by Flathead County and the State of Montana) of the taxes attributable to the value of the Common Areas, while at the same time allowing the Homeowners Association to administer and control the Common Areas.

Section 4.7 No Dedication to the Public: Nothing in this Declaration will be construed as a dedication to public use, or a grant to any public municipal or quasi-municipal authority or utility, or an assumption of responsibility for the maintenance of any Common Area by such authority or utility, absent an express written agreement to that effect.

Section 4.8 Approval of Declarant: During the Period of Declarant Control, no construction of improvements shall take place within the Common Area nor shall any other changes or alterations be made to the Common Area or the uses within the Common Area without the prior written consent of Declarant.

ARTICLE V. COMMON GRINDER PUMP SYSTEM

This Article intentionally left blank.

ARTICLE VI. ASSESSMENTS

Section 6.1 Assessments: Each Owner of any Lot, by acceptance of the deed to a Lot, whether or not it shall be so expressed in such deed, is deemed to covenant and agree, to pay to the Homeowners Association assessments for Common Expenses as provided herein, including annual Assessments, Special Assessments, Multi-family Building Assessments and Default Assessments (collectively "Assessments"). The Assessments shall begin accruing upon the conveyance of any Lot from the Declarant to an Owner or Builder. The Assessments shall be used exclusively to promote the recreation, health, safety, and general welfare of the Owners and occupants of Riverside Subdivision.

Section 6.2 Initial Contribution: In addition to the Assessments provided herein, upon the initial sale of a Multi-family Building Lot from Declarant to a third party, the purchaser shall pay the sum of $_____ per Multi-family Building Lot as an initial contribution to the working capital of the Homeowners Association. Upon the initial sale of a Single-family Home Lot from Declarant to a third party, the purchaser shall pay the sum of $_____ per Single-family Home Lot as an initial capital contribution to the working capital of the Homeowners Association. Such payment shall not be considered an advance payment of the Annual Assessment and shall not be refundable upon resale of the Lot.

Section 6.3 Annual Assessment: (a) The Board of Directors may levy upon and subsequently collect from each Owner an Annual Assessment for each Lot. The Annual Assessment shall reflect the Board's estimate of the requirements of the Homeowners Association to cover items including, without limitation, the costs of maintenance, repair and operation of the following: Common Area roads and sidewalks; expenses of management; premiums for insurance coverage as deemed desirable or necessary by the Homeowners Association; snow removal of streets, driveways, and common area sidewalks of any accumulation greater than 2 inches of snow; landscaping, irrigation systems, and lighting within the Common Area; routine renovations within the Common Area; common water and utility charges for the Common Area; legal and accounting fees; management fees; expenses and liabilities incurred by the Homeowners Association under or by reason of this Declaration; payment of any deficit remaining from a previous Assessment period; and the creation or supplementing of a reserve fund for general, routine maintenance, repairs and replacement of improvements within the Common Area on a periodic basis, as needed.

Section 6.4 Multi-family Building Assessment: (a) The Board of Directors may levy upon and subsequently collect from each Owner of a Multi-family Building Lot a Multi-family Building Assessment for Each Multi-family Building Lot to cover Multi-family Building Expenses. The Multi-family Building Assessment shall reflect the Board's estimate of the requirements of the Homeowners Association to cover Multi-family Building Expenses including, without limitation, (i) the cost of maintenance, repair and replacement of the lawn areas, landscaping, sidewalks, driveways and similar areas within the Multi-family Building Lots and within those portions of the Common Area which are in the immediate vicinity of the Multi-family Building Lots, including the Common Area between Multi-family Building Lots, (ii) the cost of maintenance, repair and replacement of the exterior of the residences built on the Multi-family Building Lots, including all siding, brick, stone or other exterior finish, roof, exterior doors and windows, gutters and downspouts, and other exterior improvements permitted pursuant to this Declaration, and (iii) other costs and expenses associated with the Multi-family Building Lots.

(b) The Multi-family Building Assessment shall be equal for each Multi-family Building Lot, unless the Board of Directors determines in good faith that a portion of the Multi-family Building Expenses benefit fewer than all the Multi-family Building Lots, in which case such portion shall be assessed only against the benefitted Multi-family Building Lots. In general, the cost of maintaining the exterior of a residence on a particular Multi-family Building Lot shall be considered to benefit only that Multi-family Building Lot, so such expense shall be assessed only to that Multi-family Building Lot.

(c) The Multi-family Building Assessment provided for in this Section 6.4 is not exclusive of, but rather, in addition to the Annual Assessment provided for in Section 6.3.

Section 6.5 Default Assessment: (a) Any cost or expense (including attorneys' fees) incurred by the Homeowners Association as a result of the failure of an Owner to abide by the provisions of this Declaration, or any expense of the Homeowners Association which is the obligation of an Owner or which is incurred by the Homeowners Association on behalf of the

Owner pursuant to this Declaration, or any interest, late charge or other monetary obligation of an Owner under this Declaration (other than Annual, Special or Multi-family Building Assessments) constitutes a Default Assessment. If an Owner or a resident or guest of an Owner should cause damage to the Common Area or any property or improvement for which the Homeowners Association is responsible for maintenance, repair or restoration of such property or improvement, the Owner shall pay for the cost of repair or restoration of the damage caused. If such payment is not made with thirty (30) days of billing for such cost, a Default Assessment may be levied against the Owner's Lot for such costs.

(b) Default Assessments are levied against the Lot or Lots of an Owner who incurs a Default Assessment.

(c) Default Assessments shall be immediately due and payable by the Owner, upon notice from the Homeowners Association of the amount of the Default Assessment.

Section 6.6 Remedies for Nonpayment of Assessment: Any installment of an Assessment which is not paid within thirty (30) days after its due date will be delinquent. In the event of such delinquency, the Homeowners Association may take any or all of the following actions:

(a) Assess a reasonable late charge for each delinquency at uniform rates set by the Board of Directors from time to time;

(b) Charge interest from the date of delinquency at uniform rates set by the Board of Directors from time to time, not to exceed the maximum rate of interest permitted by law;

(c) Suspend the voting rights of the Owner during any period of delinquency;

d) Accelerate all remaining Assessment installments for the fiscal year in question so that unpaid Assessments for the remainder of the fiscal year will be due and payable at once;

(e) Bring an action against any Owner personally obligated to pay the delinquent Assessment charges;

(f) File a statement of lien with respect to the Lot and foreclose as set forth in more detail below.

The remedies provided under this Declaration will not be exclusive, and the Homeowners Association may enforce any other remedies to collect delinquent Assessments as may be provided by law.

Section 6.7 Assessment Lien: Any Assessment chargeable to a Lot will constitute a lien on the Lot, effective the due date of the Assessment. If the Assessment is not paid within thirty (30) days of its due date, the Homeowners Association may prepare and record a written Lien Statement with respect to the Lot, setting forth the name of the Owner, the legal description of the Lot, the name of the Homeowners Association, and the delinquent Assessments amounts then

owing. Any such Statement will be signed by an officer or director of the Homeowners Association, and will be served upon the Owner of the Lot by mail to the address that the Homeowners Association has in its records for the Owner. Thirty (30) days following the mailing of such notice to the Owner, the Homeowners Association may proceed to foreclose the Lien Statement in the same manner as provided for the foreclosure of mortgages under the statutes of the State of Montana. The Homeowners Association will have the power to bid on a Lot at a foreclosure sale and to acquire, hold, lease, mortgage and convey the Lot.

Section 6.8 Liability for Assessment: All Owners of a Lot are personally responsible, jointly and severally, for all Assessments which become due at the time of their ownership, including interest, late charges, costs, expenses and attorney's fees incurred in collection of such Assessments. All successors to the fee simple title of a Lot, except as provided in Section 6.10 and Section 6.11, will be jointly and severally liable with the prior Owner or Owners for any and all unpaid Assessments, including interest, late charges, costs, expenses and attorney's fees incurred in collection of such Assessments. However, any successor will be entitled to rely on the statement of status of Assessments given by the Homeowners Association under Section 6.12.

Section 6.9 Priority of Lien Assessment: The lien of the Assessments will be superior to and prior to any homestead exemption provided now or in the future by the laws of the State of Montana, and to all other liens and encumbrances except the following:

(a) Liens and encumbrances recorded before the date of the recording of the Lien Statement;

(b) Liens for real estate taxes and other governmental assessments or charges duly imposed against the Lot by a Montana governmental or political subdivision or special taxing district, or any other liens made superior by statute; and

(c) The lien for all sums unpaid on a First Mortgage recorded before the date of filing of a written lien statement for delinquent Assessments, including any and all advances made by the First Mortgagee, even though some or all of such advances may have been made subsequent to the date of filing of a written lien statement for delinquent Assessments. Any First Mortgagee who acquires title to a Lot by virtue of foreclosing the First Mortgage or by virtue of a deed or assignment in lieu of such a foreclosure, or any purchaser at a foreclosure sale of the First Mortgage, will take the Lot free of any claims for unpaid Assessments, interest, late charges, costs, expenses, and attorney's fees against the Lot which accrue prior to the time such First Mortgagee or purchaser acquires title to the Lot.

Section 6.10 Protection of First Mortgage: No violation or breach of, or failure to comply with, any provision contained in this Declaration and no action to enforce any such provision shall affect, defeat, render invalid or impair the lien of any First Mortgage on any Lot taken in good faith and for value and perfected by recording in the office of the Clerk and Recorder of Flathead County, Montana, prior to the time of recording in said office of an instrument describing such Lot and listing the name or names of the Owner or Owners and giving notice of

such violation, breach or failure to comply. No violation, breach, failure to comply or action to enforce this Declaration shall affect, defeat, render invalid or impair the title or interest of the holder of any First Mortgage or result in any liability, personal or otherwise, of any such holder or purchaser. Any such purchaser upon foreclosure shall, however, take subject to this Declaration.

Section 6.11 Statement of Status of Assessments: On written request, the Homeowners Association will furnish to an Owner or his designee or to any mortgagee a statement setting forth the amount of unpaid Assessments then levied against the Lot in which the Owner, designee or mortgagee has an interest. The information contained in such statement, when signed by an officer or director of the Homeowners Association, will be conclusive upon the Homeowners Association, the Board, and every Owner as to the person or persons to whom such statement is issued and who rely on it in good faith.

Section 6.12 Declarant's Responsibility for Assessments: Notwithstanding the foregoing, Declarant, although a member of the Homeowners Association, shall not be responsible at any time for payment of any of the Assessments. Declarant, however, shall at all times pay all expenses of maintaining the Lots that it owns, including any improvements located thereon, together with a proportionate share of all current expenses of administration actually incurred by the Homeowners Association from time to time, except expenses related to maintenance and use of the Lots and of the dwellings and other improvements constructed within or appurtenant to the Lots that are not owned by Declarant. For purposes of the foregoing sentence, Declarant's proportionate share of such expenses shall be based upon the ratio of all approved Lots for sale owned by Declarant at the time the expense is incurred to the total number of Lots then in the Project. In no event shall Declarant be responsible for payment of the cost of any improvements or other Special Assessments without Declarant's written consent. Further, Declarant shall in no event be liable for any assessment levied in whole or in part to purchase any Lot from Declarant or to finance any litigation or other claim against Declarant, any cost of investigating and preparing such litigation or claim, or similar related costs.

ARTICLE VII. RESTRICTIVE COVENANTS

Section 7.1 Land Use: The property may be used only for single-family residential purposes. There shall be no commercial use on the property. **Rentals for a term of one month or less shall be considered commercial use.** Home office or related uses, to the extent permitted by local zoning, which do not result in significant increased vehicular traffic shall not be considered commercial use.

Section 7.2 No Subdivision of Lots: No Lot shall be further subdivided in any manner. A change in boundary lines between adjacent Owners shall not be considered subdivision. Two or more contiguous Lots may be combined to form a smaller number of Lots provided, once combined, such Lots may not be subdivided; and provided further, that such combined Lots shall maintain the same voting rights and be subject to the same assessments as before the combination.

Section 7.3 Structures: There shall be no more than one single-family residence and associated outbuildings per Lot. Each Single-family Residential unit shall include, at a minimum, a two-car attached garage. Each Multi-family Building unit shall include, at a minimum, a single car garage or shared parking structure.

Section 7.4 Setbacks and Height: (a) Setbacks: All residential dwellings and Multi-family buildings must be built within the setbacks required by the Whitefish Zoning Ordinance and shown on the the Lot's building envelope according to the plat registered in Flathead County.

(b) Height: The height of all structures on the Single-family Home Lots (Lots 1-13) and the Multi-family Buildings (Lots 14 & 15) shall meet the requirements of the Whitefish Zoning Ordinance

Section 7.5 Dwelling Construction: All dwellings shall be constructed on the Lot and no trailer homes, mobile homes, modular homes, or prefabricated homes of any kind or type shall be placed on a Lot. All structures shall be constructed of new materials. However, suitable used materials such as used brick or beams may be utilized, provided that advance approval has been obtained from the Architectural Review Committee. All construction, once begun, shall be completed within twelve (12) months after the start of construction. The dwelling shall not be occupied until such time that the above work is completed and all building debris removed. There shall be no burying of construction debris on any Lot or the Common Area. If construction activity on any Lot should cause damage to the roads or improvements, the cost of repair shall be solely borne by the Owner of the Lot. All construction shall conform to the Uniform Fire Code and Uniform Building Code. A driveway with gravel and culvert shall be constructed on each Lot prior to site clearing or excavating of a basement. The Homeowners Association may adopt rules and regulations governing construction, including trash and debris removal, sanitary facilities, parking areas, restoration of damaged areas, fire protection and other construction activities.

Section 7.6 Roof Material: Only Class A or B roofing materials, as rated by the National Fire Protection Association, shall be allowed on all structures. Use of wood shakes is discouraged due to the flammability.

Section 7.7 Condition and Reconstruction: Each structure, once constructed on a Lot, shall be kept in the same condition as at the time of its initial construction, excepting normal wear and tear. All structures shall be preserved and of pleasant appearance by maintaining paint, stain or sealer as needed. If any structure is damaged in any way, the Owner shall exercise due diligence to rebuild, repair or restore the structure to its appearance and condition prior to the casualty within nine (9) months of the casualty, except that if a structure is substantially damaged or destroyed, the structure may be removed, provided the entire structure and foundation is removed and the ground is restored to its previous level and replanted within nine (9) months of the casualty.

Section 7.8 No Temporary Structures: No structure of a temporary character, trailer, basement, tent, garage, barn or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently. Provided, however, during construction of a dwelling, construction trailers may be used for purposes of construction.

Section 7.9 Outbuildings: All outbuildings on a Lot shall be constructed in keeping with the construction and architecture of the other buildings located on the Lot and shall be kept and maintained in good condition, repair, and appearance. The Architectural Review Committee must approve the size, location and design of any outbuilding constructed on a Lot.

Section 7.10 Utilities: All utilities shall be placed underground.

Section 7.11 Antennas, Poles, and Other Structures: No antenna, poles, or other structures shall be erected unless approved by the Architectural Review Committee. Any satellite dish receiver must be twenty-four (24) inches or less in diameter and located in the rear of the structure.

Section 7.12 House Numbers: Owners shall maintain house numbers either on the house itself or at the driveway entrance. All house numbers shall be clearly visible from the driveway entrance.

Section 7.13 Fire Clearance Measures: In construction and landscaping of houses, Owners shall create and maintain defensible space/vegetative clearance measures around structures that are in compliance with the Urban Wildfire Interface Standards for the purpose of reducing fire danger.

Section 7.14 Fences All fences must be pre-approved by the Architectural Review Committee and must meet the minimum requirements of the Whitefish zoning ordinances. The Architectural Review Committee may impose more restrictive covenants on the height of fences from time to time. The appearance, height, location and construction materials of all fences must be approved by the Architectural Review Committee.

Section 7.15 Vehicles: All vehicles shall be parked in the garages or driveways and no vehicle shall be parked on the Common Area except on a temporary basis. The parking or storage of campers, camping trailers, recreational vehicles, pickup campers, trucks over 3/4 ton, boats, trailers, or unlicensed vehicles is prohibited unless in an enclosed garage or screened from view. No outdoor maintenance, service, rebuilding, dismantling, painting, or repair work shall be performed on any vehicle outside of an enclosed garage, except for washing and polishing. No abandoned or inoperable vehicles shall be parked on any Lot.

Section 7.16 Animals: Dogs (no more than two (2)) or cats (no more than two (2)) or other small household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. No livestock or poultry of any kind shall be raised, bred or kept on any Lot. Household pets, such as dogs, must be contained upon the Owner's Lot and such pet may not be permitted to run at large at any time. All pet enclosures must be located in the rear of the

house. No dog which barks, whines or can otherwise be heard on any frequent or continuing basis, shall be kept on any Lot. Owners shall be responsible to clean up after their pets. Pets constituting a nuisance may be ordered by the Board to be kept within the residence of the Owner or ordered expelled from the property.

Section 7.17 Wildlife: Feeding deer or other wildlife (excluding birds) is forbidden, as it will attract mountain lions and bears and endanger people, property and other wildlife. Owners are encouraged to contact Montana Fish, Wildlife & Parks for stewardship practices as they relate to interactions with wildlife. The Homeowners Association may regulate the feeding of wildlife by rules and regulations.

Section 7.18 Nuisances: No nuisance or unreasonably offensive or noxious activity, including noises (such as those from sound systems, bells, whistles or other sound devices) and activities or objects that create an offensive odor, nor any other use, activity or practice shall be permitted on or within any lot which is the source of significant annoyance or embarrassment to, or which significantly offends or disturbs, residences of Riverside Subdivision or which materially interferes with the peaceful enjoyment or possession and proper use of any property by its residents. As used herein, the term "nuisance" shall not include any activities of Declarant or its agents, contractors or designees, which are reasonably necessary to the development of and construction in Riverside Subdivision.

Section 7.19 Garbage and Refuse Disposal: Owners shall arrange for weekly pick-up of garbage by only one private garbage contractor. The Homeowners Association may elect to take over selection of a garbage contractor and may assess each Lot for an equitable share of the cost of garbage collection as a Common Expense. All rubbish, trash, garbage and waste shall be kept in bear-proof garbage receptacles or stored in the garage or residence. All garbage receptacles and the areas in the vicinity of the receptacles shall be kept in clean and sanitary condition. Garbage receptacles shall not be visible from any roads. No disposal of garbage, rubbish, leaves or debris shall be allowed on any vacant Lot or Common Area. No burning or burying of trash will be allowed on any Lot or Common Area.

Section 7.20 Signs: No signs, billboards, banners or advertising devices of any nature except as may be authorized by the Architectural Review Committee shall be erected or maintained on any part of Riverside Subdivision, except for a standard size "For Sale" sign placed on a Lot which is for sale. The foregoing restrictions shall not apply to the business activities or advertising of Declarant while any Lots remain unsold.

Section 7.21 Drainage Control: Reasonable precaution shall be taken during construction and thereafter, to prevent erosion and drainage problems. All disturbed soil areas shall be revegetated within a reasonable time in such a fashion as to minimize erosion. Driveways shall be constructed so as not to interfere with drainage and shall include culverts of appropriate size to prevent obstruction of water flow. During construction, measures must be taken to accommodate any changes in the flow of water, from or through the Lot and onto adjacent Lots, provided that any such measures are approved in advance by the Architectural Review Committee.

Section 7.22 Trees: Because it is desirable to maintain existing trees, there shall be no cutting down of trees which measure at least three (3) inches in diameter, measured one foot above the ground, without prior approval of the Architectural Review Committee.

Section 7.23 Lot Landscaping: Basic landscaping, including finish grading, seeding or sodding, must be completed within six months after date of occupancy. The Owner of each Lot, or the builder of the residence on each Lot, shall develop a landscape plan and shall install initial landscaping which will tend to enhance, complement and harmonize with the adjacent property. After initial installation, the Homeowners Association shall be responsible for maintenance of the landscaping on Multi-family Building Lots. Each Multi-family Building Owner will be allowed to have, at the expense and maintenance of the Owner, a flower or vegetable garden on their lot that is consistent with the landscape plan.

Each Owner of a Single-family Home Lot shall have the responsibility to maintain the grounds of his Single-family Home Lot including the mowing of grass, removal of weeds, and proper trimming of bushes and trees. Each Owner is responsible for re-vegetation of disturbed areas on that Owner's Single-family Home Lot and for the control and eradication of noxious weeds on that Owner's Single-family Home Lot in accordance with the requirements of the Flathead County Weed and Parks Department or successor agency. If the Homeowners Association shall receive complaints from other Owners, then, and in that event, it shall have the right to notify the Owner, and if the Owner does not immediately maintain his Single-family Home Lot, the Homeowners Association may have such maintenance of the grounds of the Single-family Home Lot performed as the Homeowners Association shall determine as being reasonable, and the charges therefore shall be assessed against the Single-family Home Lot as a Default Assessment.

Section 7.24 Homeowners Association Landscape Maintenance: All areas for which the Homeowners Association is responsible for landscaping shall be maintained by the Homeowners Association and shall include mowing, planting, ground cover, bedding, lighting, and irrigation. The Homeowners Association shall be responsible for re-vegetation of disturbed areas in such areas and for the control and eradication of noxious weeds in such areas in accordance with the requirements of the Flathead County Weed and Parks Department or successor agency.

Section 7.25 Firearms and Fireworks: Hunting and target shooting is strictly prohibited within Riverside Subdivision. No discharge of firearms or fireworks of any kind is permitted in Riverside Subdivision.

Section 7.26 Driveways: All driveways must be paved, with asphalt, concrete or other surfaces approved by the Architectural Review Committee, from the street pavement to the garage within six months of occupancy. Shared driveways shall be paved to a minimum of twenty (20) feet in width.

Section 7.27 Fuel Tanks: No fuel tanks above or below the ground are allowed on any occupied Lot.

Section 7.28 Outdoor Lighting: Ground level lighting of patio, deck, driveway and entryway areas on any Lot that do not light areas outside such Lot or create glare are permitted. No other exterior lighting is permitted except as may be authorized by the Architectural Review Committee.

Section 7.29 Wells: Every Lot shall connect onto the City of Whitefish water system. No private wells are permitted in Riverside Subdivision.

Section 7.30 Water Quality: The Homeowners Association and all Lot Owners shall use reasonable precautions to protect the water quality of Whitefish River and the environment and shall use products that are safe for the environment in all maintenance, landscaping and weed eradication.

ARTICLE VIII. ARCHITECTURAL REVIEW

Section 8.1 Review: In order to maintain harmony of external design, and location in relation to surrounding structures, topography and native vegetation and to otherwise assist in achieving the general purposes of this Declaration, the following activities shall be subject to architectural review:

(a) Site preparation and removal of trees.

(b) Construction of any dwelling, structure, fence or other improvement on any Lot.

(c) Exterior modification of any dwelling, structure, fence or other improvements.

(d) Landscaping and modifications to landscaping.

None of these activities shall be undertaken without prior written approval of the Architectural Review Committee. Alterations or remodeling which are completely within a dwelling or structure and which do not change the exterior appearance of the structure are not subject to architectural review.

Section 8.2 Architectural Review Committee: The Architectural Review Committee shall consist of one or more persons. During the Period of Declarant Control, the members of the Architectural Review Committee shall be appointed by Declarant, and may include Declarant or parties related to Declarant. After the Period of Declarant Control, the members of the Architectural Review Committee shall be appointed by the Board of Directors of the Homeowners Association. The party appointing the members of the Architectural Review Committee may remove any such members and replace any members who are so removed.

Section 8.3 Design of Residences: Declarant shall provide the general design (but not detailed plans) for all residences located on the Multi-family Building Lots, and all residences located on Multi-family Building Lots shall conform to the general design provided by Declarant. A licensed architect must design or approve the design of all residences on Single-

family Home Lots.

Section 8.4 Pre-Design Meeting: Prior to the design of any residence on a Lot, the Owner and the Owner's architect shall meet with the Architectural Review Committee to discuss that particular site, the Owner's desires for a residence, how such desires can be met in a manner consistent with the overall plan for Riverside Subdivision and other matters preliminary to development of a design and plans for the residence.

Section 8.5 Application: When detailed plans have been developed but prior to undertaking any activities that are subject to architectural review, the Owner shall provide the Architectural Review Committee with detailed plans and specifications concerning the proposed improvement, including the following:

(a) Site plan showing the location of house, outbuildings, driveway or other structure proposed to be built or revised. The plan must also show finished grade elevations.

(b) A complete set of building plans including plans for all floors, cross-sections, and elevations showing all dimensions and finished square footage.

(c) Plans shall include exterior colors, materials, and finishes and indicate outdoor lighting. In order to facilitate exterior maintenance of the structures located on Multi-family Building Lots, all exterior materials to be used in such structures must be chosen from the specific materials (including the specific brand and/or manufacturer of the materials) designated by the Architectural Review Committee.

The Architectural Review Committee may require that the applicant submit additional information or materials reasonably required to perform its review function. In addition, the applicant shall submit the fee for architectural review which shall initially be the sum of $100.00. The review fee may be revised from time to time by the Architectural Review Committee.

Section 8.6 Action by Committee: Upon receipt of plans and other material, the Architectural Review Committee shall review the proposed improvement to determine whether it is in accordance with the goals stated in Section 8.1 and is otherwise in conformance with this Declaration and any guidelines adopted by the Architectural Review Committee. The Architectural Review Committee may engage outside consultants and other professionals to review submissions, the cost of which shall be borne by the person or entity making the application or request. The Architectural Review Committee shall respond to the proposal in writing, stating its approval or the reasons for its disapproval. The Architectural Review Committee, in its sole discretion, may excuse compliance with such requirements as are not necessary or appropriate in specific situations and may permit compliance with different or alternative requirements. The Architectural Review Committee shall not unreasonably delay in acting upon an application. The Architectural Review Committee may monitor construction to ensure that the approved plans are being followed.

Section 8.7 Approval of Builder: Because of the sensitive nature of the building sites and

their proximity to each other, no builder (including an Owner who wishes to act as a builder) shall be permitted to engage in any construction activities which are required to be approved under this Article unless the builder is approved in writing by the Architectural Review Committee. The Architectural Review Committee may, in its discretion, condition such approval upon the builder providing a bond or security deposit to assure that construction proceeds in accordance with approved plans and in accordance with other provisions of this Article and any guidelines adopted by the Architectural Review Committee.

Section 8.8 Guidelines: The Architectural Review Committee may, but shall not be required to develop guidelines for its architectural review in addition to those set forth in this Declaration.

Section 8.9 Deposit: The Architectural Review Committee may require each Owner to provide a deposit in an amount set by the Architectural Review Committee to ensure that the roads and other common properties and adjacent property are not damaged during construction and that the other provisions of this Declaration and applicable rules and regulations are not violated during construction. If the construction is completed without such damage or violation, the deposit shall be returned to the Owner (without interest). If there has been such damage or violations, the deposit may be applied toward remedying such damage or violations. If the Owner disagrees that such damage or violations have occurred, the Architectural Review Committee shall give the Owner an opportunity to meet with the Architectural Review Committee and provide the Committee with such evidence as the Owner may desire. After considering such evidence, the Architectural Review Committee shall make a determination of whether such damages or violations occurred, including the amount thereof, and the determination of the Architectural Review Committee, made in good faith, shall be final. If the cost of remedying any such damage or violations exceeds the deposit amount, the Owner shall be responsible for any excess costs.

Section 8.10 Liability: Neither Declarant, the Homeowners Association, the Architectural Review Committee nor their respective members, officers, directors, employees or agents shall be responsible or liable for the defects in any plans or specifications submitted, revised or approved under this Article, nor for any defects in construction pursuant to such plans and specifications. The Architectural Review Committee will use reasonable judgment in accepting or disapproving all plans and specifications submitted to it. Neither the Architectural Review Committee nor any individual member of the Architectural Review Committee will be liable to any person for any official act of the Architectural Review Committee in connection with submitted plans and specifications, except to the extent the Architectural Review Committee or any individual member of the Architectural Review Committee acted with malice or harmful intent.

Section 8.11 Other Required Approvals: Compliance with the Riverside Subdivision design review process is not a substitute for compliance with the City of Whitefish building, zoning and other regulations, and each Owner is responsible for obtaining all approvals, licenses, and permits as may be required prior to commencing construction. Approval of plans and specifications under this Article does not assure compliance with or approval by the City of

Whitefish or other governing bodies of their respective building requirements or regulations.

ARTICLE IX. EXPANSION

Section 9.1 Declarant May Expand: Declarant reserves the right, but will not be obligated to expand the effect of this Declaration to include additional property. The consent of the existing Owners, the Homeowners Association or the Board of Directors of the Homeowners Association will not be required for any such expansion, and Declarant may proceed with such expansion without limitation at its sole option.

Section 9.2 Declaration of Annexation: Any expansion may be accomplished by recording a Declaration of Annexation and one or more supplemental plats in the records of the Clerk and Recorder of Flathead County, Montana. The Declaration of Annexation must be signed by Declarant and (if different) the owner of the real property to be annexed. The Declaration of Annexation must describe the real property to be annexed, submitting it to this Declaration. Upon such annexation, each Lot in the annexed property will be allocated one vote and liability for the Common Expenses equal to the liability allocated to each of the other Lots, and the proportionate voting interest and allocation of Common Expenses for the other lots will be adjusted accordingly. Upon such annexation, each Owner of a Lot in the annexed property shall automatically become a member of the Homeowners Association. Such Declaration of Annexation will not require the consent of Owners, the Homeowners Association, or the Board of Directors of the Homeowners Association. Any such expansion will be effective upon the filing for record of such Declaration of Annexation, unless otherwise provided therein. The expansion may be accomplished in stages by successive supplements or in one supplemental expansion. Upon the recordation of any such Declaration of Annexation, the definitions used in this Declaration will be expanded automatically to encompass the annexed property. Such Declaration of Annexation may add supplemental covenants peculiar to the annexed property, or delete or modify provisions of this Declaration as it applies to the annexed property. However, this Declaration may not be modified with respect to that portion of the property already subject to this Declaration, except as provided below for amendment.

ARTICLE X. DURATION AND AMENDMENT

Section 10.1 Duration of Declaration: The provisions of this Declaration are intended to be easements and covenants running with the land, and are intended to be perpetual, except as amended or terminated as provided below. If any provision contained in this Declaration is subject to the laws or rules sometimes referred to as the rule against perpetuities or the rule prohibiting unreasonable restraints on alienation, such provisions shall continue and remain in full force and effect for the maximum period permitted by law, or until the provisions contained in this Declaration are amended or terminated as provided below, whichever first occurs.

Section 10.2 Amendment during Period of Declarant Control: During the Period of Declarant Control, this Declaration may be amended by Declarant as provided in this Section

10.2. Declarant shall prepare the form of amendment. The form of amendment and a notice of the Owners' rights under this Section 10.2 shall be mailed to each Owner by first class mail, postage prepaid, to the address of the Owner on the records of the Homeowners Association. Unless written objection is received by Declarant from the owners holding eighty percent (80%) or more of the votes within thirty (30) days of the mailing of the notice to the Owners, the action proposed to be taken by Declarant shall be considered approved and shall become final. Declarant shall then record in the records of Flathead County, Montana, a document stating the action taken, together with a certificate certifying that notice was given to the Owners as required herein and that fewer than eighty percent (80%) of the Owners objected to the action.

Section 10.3 Amendment after Period of Declarant Control: After the Period of Declarant Control, this Declaration may be amended or repealed as provided in this Section 10.3. Any amendment shall require the consent of the Owners of sixty (60) percent of the Lots. Such consent may be evidenced by written consent or by vote at a regular or special meeting of the members of the Homeowners Association, or by a combination of written consents and votes.

Section 10.4 Unilateral Amendment by Declarant: At any time, before or after the Period of Declarant Control, so long as Declarant owns a Lot, Declarant may unilaterally amend this Declaration (1) if such amendment is solely to comply with applicable law or correct a technical or typographical error, (2) if such amendment does not adversely alter any substantial rights of any Owner or mortgagee, or (3) in order to meet the guidelines or regulations of a mortgagor or insurer including, but not limited to, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, or the Veterans Administration or any similar agency. Such amendments shall not require approval of any Owners.

ARTICLE XI. MISCELLANEOUS

Section 11.1 Effect of Provisions of Declaration: Each provision contained in this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision contained in this Declaration, and any necessary exception or reservation or grant of title, estate, right or interest to effectuate any provision contained in this Declaration: (a) shall be deemed incorporated in each deed or other instrument by which any right, title or interest in any real property within Riverside Subdivision is granted, devised or conveyed, whether or not set forth or referred to in such deed or other instrument; (b) shall, by virtue of acceptance of any right, title or interest in any real property within Riverside Subdivision by an Owner or the Homeowners Association, be deemed, accepted, ratified, adopted and declared as a personal covenant, shall be binding on such Owner or Homeowners Association and such Owner's or Homeowners Association's respective heirs, personal representatives, successors and assigns; (c) shall be deemed a real covenant by Declarant for itself, its successors and assigns, and also an equitable servitude, running, in each case, as a burden with and upon the title to each parcel of real property within Riverside Subdivision, including property that may hereafter become part of Riverside Subdivision; and (d) shall be deemed a covenant, obligation and restriction secured by a lien, binding, burdening and encumbering the title to each parcel of real property within Riverside Subdivision, which lien with respect to any Lot shall be deemed a lien in favor of

Declarant.

Section 11.2 Variances: To avoid unnecessary hardship and/or to overcome practical difficulties in the application of the provisions of this Declaration, the Architectural Review Committee shall have the authority to grant reasonable variances from the provisions of this Declaration, and, so long as Declarant owns one or more Lots, Declarant may grant reasonable variances from the provisions of this Declaration. No variance shall materially injure or materially adversely affect any other part of the property or other Owner or occupant. No variance granted pursuant to the authority of this Section shall constitute a waiver of any provision of this Declaration as applied to any other party or any other part of the property, and no variance may be granted to permit anything that is prohibited by applicable zoning ordinances or similar law. All provisions of this Declaration not affected by the grant of a variance shall continue to apply with full force and effect to the Lot for which the variance is granted and to the balance of the property.

Section 11.3 Enforcement and Remedies: (a) Each provision contained in this Declaration shall be enforceable by the Homeowners Association, the Architectural Review Committee, Declarant (so long as Declarant owns one or more Lots) and/or by any Owner who has first made written demand on the Homeowners Association to enforce such provision and thirty (30) days have lapsed without appropriate action having been taken by the Homeowners Association. Any enforcement action may be a proceeding against the party or parties violating or attempting to violate any one or more of the provisions of this Declaration. This right of enforcement shall include the right to seek such relief as may be provided at law or in equity, including but not limited to a temporary or permanent injunction to prevent or abate such violation and/or a suit or action to recover damages.

(b) Any action or omission which violates any provisions of this Declaration is declared to be a nuisance. Every remedy allowed by law or in equity against an Owner shall be applicable in case of any such violation and may be exercised by the Homeowners Association, the Architectural Review Committee, Declarant (so long as Declarant owns one or more Lots) and/or any other Owner who has given the notice required above.

(c) In addition to the rights stated above, the Homeowners Association, the Architectural Review Committee, and/or Declarant (so long as Declarant owns one or more Lots) shall have the right to enter upon any part of the Property (including the Lots) at any reasonable time to inspect for possible violation of this Declaration. Where the inspection shows that a violation of this Declaration exists, the Homeowners Association, the Architectural Review Committee, and/or Declarant (so long as Declarant owns one or more Lots) shall have the right to enter, abate and remove any structure, improvement, landscaping, thing or condition causing the violation, at the expense of the Owner of the Lot where the violation exists, without any liability to the Owner for trespass or any other claim resulting from the entry, abatement or removal.

(d) The remedies specified in this Section are cumulative. The remedies specified in this Section are not intended to be exclusive and do not preclude resort to any other remedy at law or in equity.

(e) No delay or failure on the part of any aggrieved party to pursue any available remedy with respect to a violation of any provision of this Declaration shall be held to be a waiver by that party of, or an estoppel of that party to assert any right available to the party upon the recurrence or continuation of the violation or the occurrence of any different violation. No provision of this Declaration shall be construed so as to place upon Declarant or any other party any duty to take any action to enforce this Declaration.

Section 11.4 Limited Liability: Neither Declarant, the Homeowners Association, the Architectural Review Committee, or their respective officers, directors, employees or agents shall be liable to any party for any action or for any failure to act with respect to any matter if the action taken or failure to act was in good faith and without malice.

Section 11.5 Successors and Assigns: Except as otherwise provided herein, the provisions contained in this Declaration shall be binding upon and shall inure to the benefit of Declarant, the Homeowners Association, and each Owner and their respective heirs, personal representatives, successors and assigns.

Section 11.6 Severability: Invalidity or unenforceability of any provision contained in this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.

Section 11.7 Captions: The captions and headings in this instrument are for convenience only and shall not be considered in construing any provisions of this Declaration.

Section 11.8 Construction: When necessary for proper construction, the masculine of any word used in any provisions contained in this Declaration shall include the feminine or neuter gender, and the singular the plural, and vice versa.

Section 11.9 Attorneys' Fees: In the event of a dispute arising under any provision contained in this Declaration, the prevailing party shall be entitled to its reasonable costs and attorneys' fees incurred.

DATED this _____ day of _____, 2016.

Signature of Declarant:

MKAY ENTERPRISES, a Montana General Partnership

By:_____

Name: _____
Title: _____

STATE OF MONTANA)
:ss.
County of Flathead)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, _____ of Mkay Enterprises, a Montana General Partnership, on behalf of the Partnership.

_____
Notary Public for the State of Montana

_____

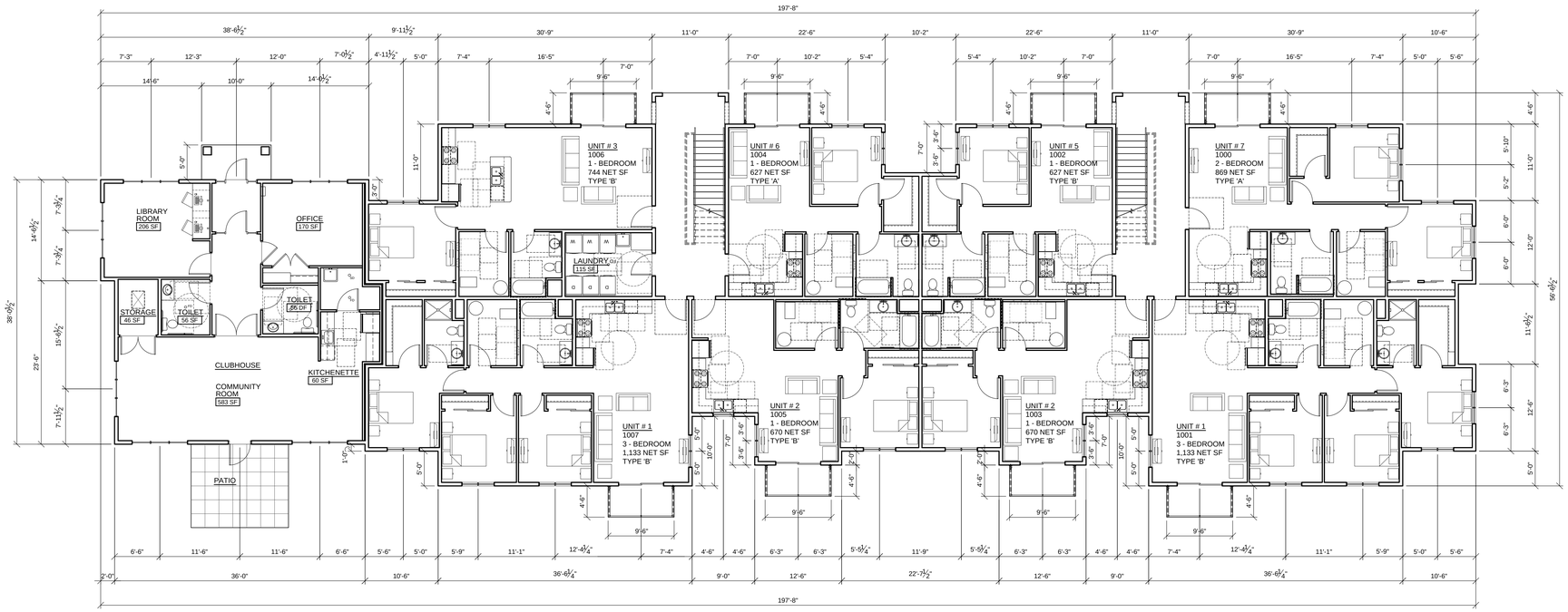
Residing at _____
My Commission Expires _____

EXHIBIT "A"

Legal description to be inserted herein following approval of preliminary plat by the City of Whitefish, Flathead County, Montana.

ARCHITECTURAL DRAWINGS

ELEVATIONS & FLOOR PLANS



NORTH

FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

8' 0' 8' 16'

FIRST FLOOR BREAKDOWN					
Unit #	Type	Bedrooms	Quantity	Net S.F.	Gross S.F.
Unit #1	B	3	2	1,133 S.F.	1,191 S.F.
Unit #2	B	1	2	670 S.F.	709 S.F.
Unit #3	B	1	1	744 S.F.	792 S.F.
Unit #5	B	1	1	627 S.F.	667 S.F.
Unit #6	A	1	1	627 S.F.	667 S.F.
Unit #7	A	2	1	869 S.F.	924 S.F.
Laundry				115 S.F.	127 S.F.
Total:			8	6,473 S.F.	6,850 S.F.

Public Space	Net S.F.
Office	170 S.F.
Community Room	583 S.F.
Exercise Room	206 S.F.

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
08.04.2015
08.28.2015
09.03.2015
09.09.2015
09.24.2015
09.28.2015

M+A DESIGN, LLC
54 East First Street
Fond du Lac, Wisconsin 54935
l.petrie@madesignllc.net (920) 922-8170

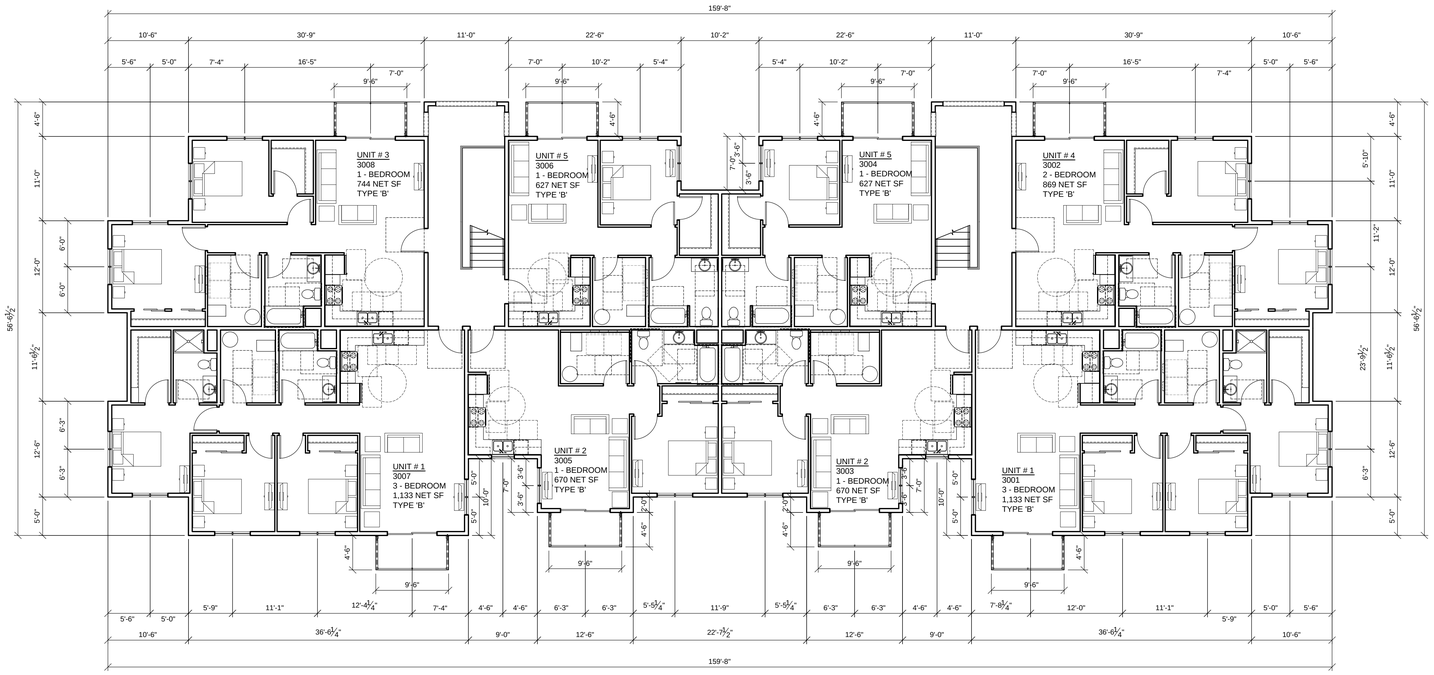
COMMONWEALTH
CONSTRUCTION CORPORATION
54 E. FIRST STREET, FOND du LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

NEW BUILDING FOR:
Riverview Meadows
US 93 S
WHITEFISH, MT

JOB NUMBER: 2015.35

SHEET A1.1

2015 © M+A DESIGN, LLC



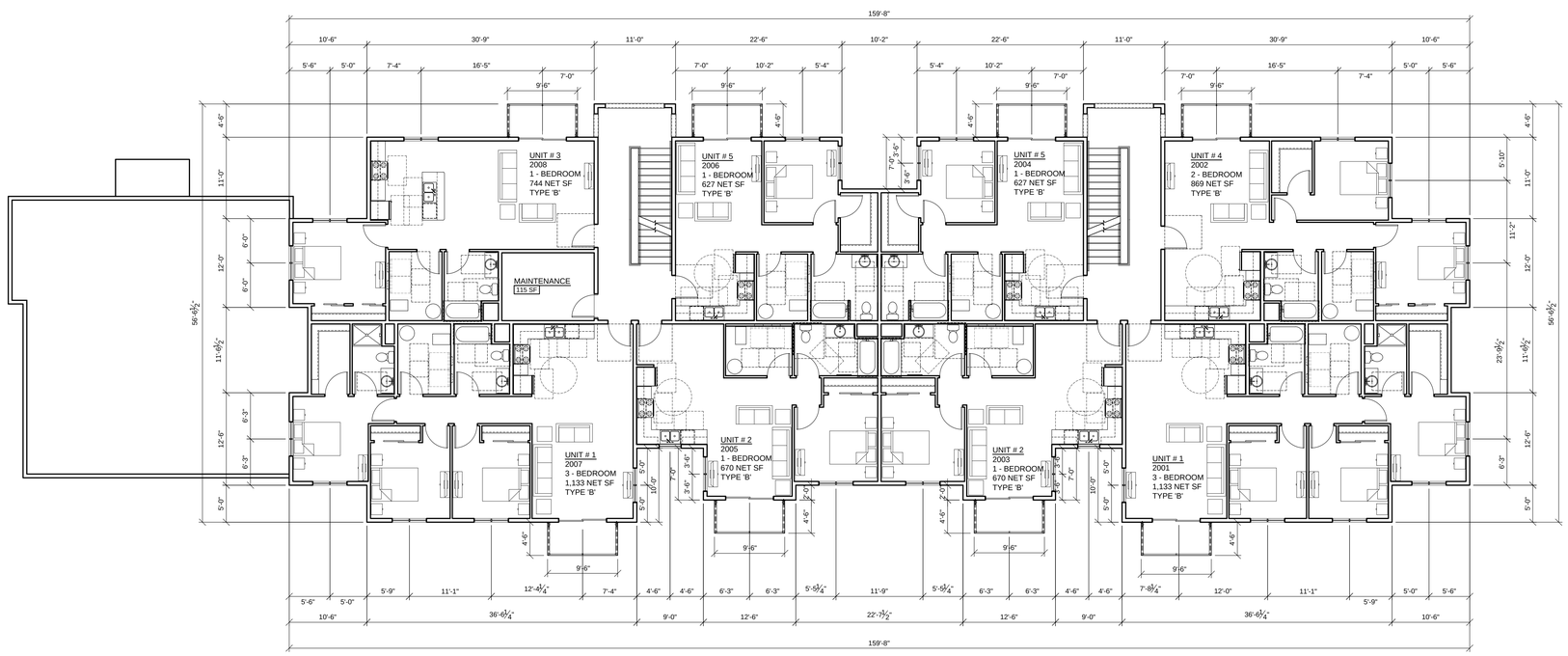
NORTH

THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"

8' 0' 8' 16'

THIRD FLOOR BREAKDOWN					
Unit #	Type	Bedrooms	Quantity	Net S.F.	Gross S.F.
Unit #1	B	3	2	1,133 S.F.	1,190 S.F.
Unit #2	B	1	2	670 S.F.	707 S.F.
Unit #4	B	2	2	869 S.F.	924 S.F.
Unit #5	B	1	2	627 S.F.	667 S.F.
Total:			8	6,598 S.F.	6,976 S.F.



NORTH

SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

8' 0' 8' 16'

SECOND FLOOR BREAKDOWN					
Unit #	Type	Bedrooms	Quantity	Net S.F.	Gross S.F.
Unit #1	B	3	2	1,133 S.F.	1,190 S.F.
Unit #2	B	1	2	670 S.F.	707 S.F.
Unit #3	B	1	1	744 S.F.	797 S.F.
Unit #4	B	2	1	869 S.F.	924 S.F.
Unit #5	B	1	2	627 S.F.	667 S.F.
Mainten.				115 S.F.	127 S.F.
Total:			8	6,473 S.F.	6,849 S.F.

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
08.04.2015
08.28.2015
09.03.2015
09.09.2015
09.24.2015

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Fond du Lac, Wisconsin 54935
l.petrie@madesignllc.net (920) 922-8170

COMMONWEALTH
CONSTRUCTION CORPORATION
54 E. FIRST STREET, FOND du LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

NEW BUILDING FOR:
Riverview Meadows
US 93 S
WHITEFISH, MT

JOB NUMBER:
2015.35
SHEET
A1.2

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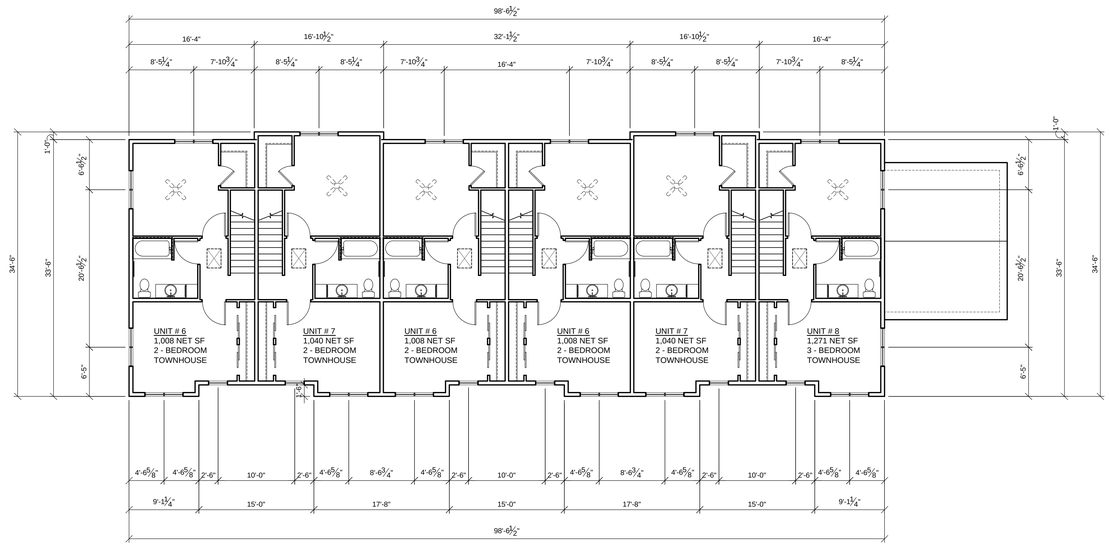


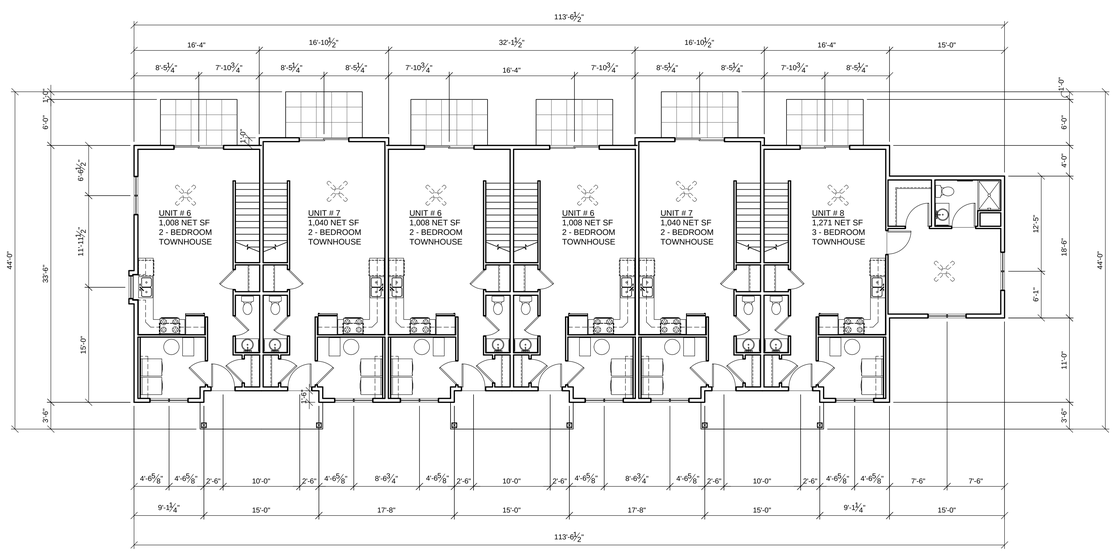
NORTH

TOWNHOUSE #1
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

8' 0' 8' 16'

TOWNHOUSE #1					
Unit #	Type	Bedrooms	Quantity	Net S.F.	Gross S.F.
Unit #6	B	2	3	1,008 S.F.	1,090 S.F.
Unit #7	B	2	2	1,024 S.F.	1,072 S.F.
Unit #8	B	3	1	1,271 S.F.	1,367 S.F.
Total:			6	6,343 S.F.	6,781 S.F.



NORTH

TOWNHOUSE #1
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

8' 0' 8' 16'

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
08.28.2015
09.03.2015
09.09.2015
09.24.2015

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NEW BUILDING FOR:
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US 93 S
WHITEFISH, MT

JOB NUMBER:
2015.35
SHEET
A1.3

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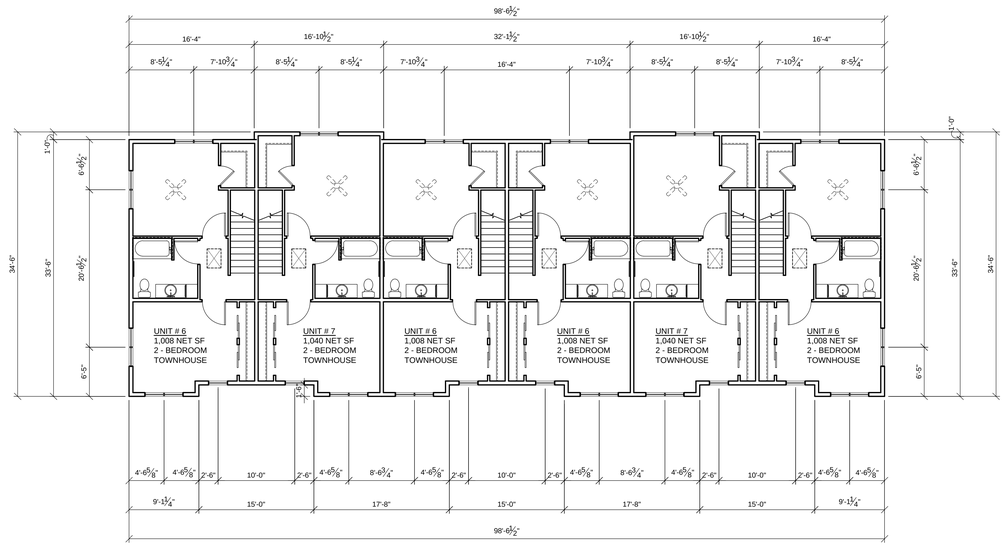


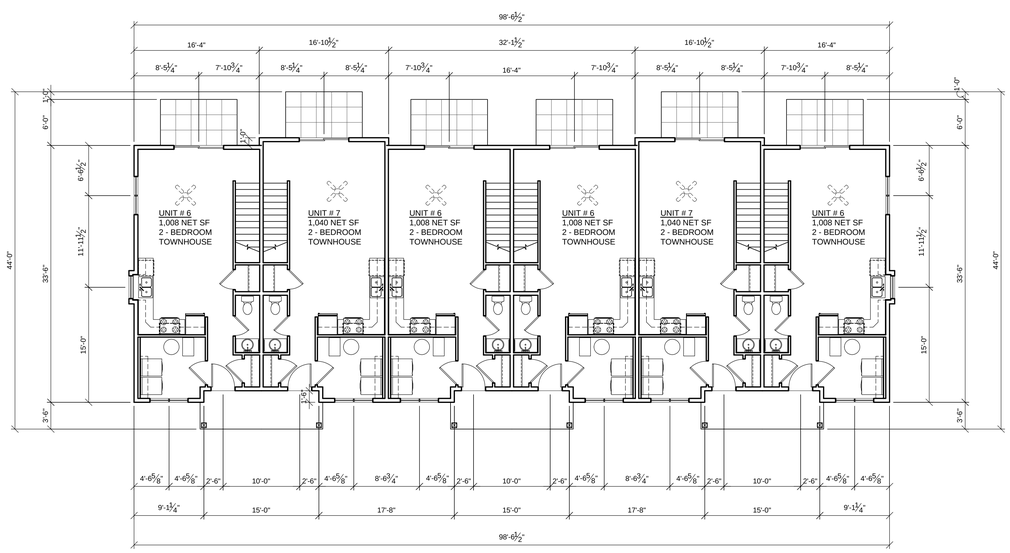
NORTH

TOWNHOUSE #2
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

8' 0' 8' 16'

TOWNHOUSE #2					
Unit #	Type	Bedrooms	Quantity	Net S.F.	Gross S.F.
Unit #6	B	2	4	1,008 S.F.	1,090 S.F.
Unit #7	B	2	2	1,024 S.F.	1,072 S.F.
Total:			6	6,070 S.F.	6,504 S.F.



NORTH

TOWNHOUSE #2
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

8' 0' 8' 16'

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
08.28.2015
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09.09.2015
09.24.2015

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54 E. FIRST STREET, FOND du LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

JOB NUMBER:
2015.35
SHEET
A1.4

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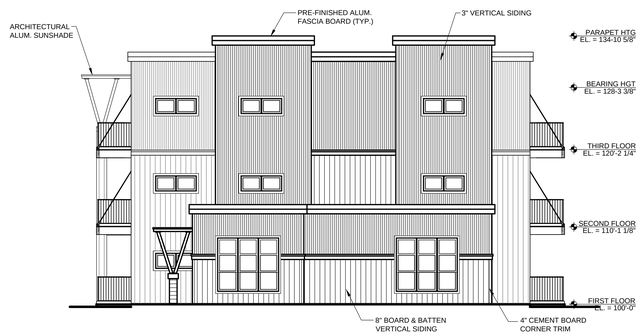
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"

EAST ELEVATION

SCALE: 1/8" = 1'-0"

SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
09.03.2015
09.18.2015
09.24.2015

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NEW BUILDING FOR:

Riverview Meadows

US 93 S
WHITEFISH, MT

JOB NUMBER:
2015.35
SHEET
A2.0

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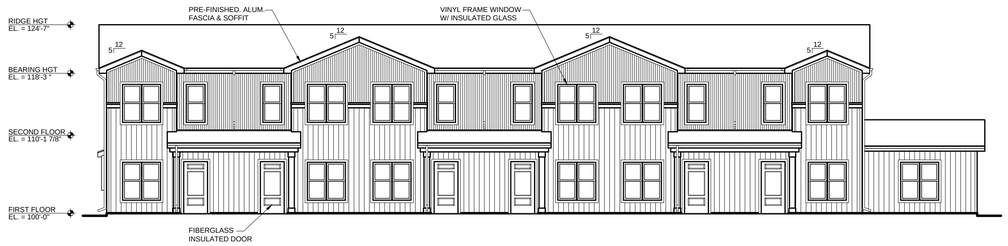
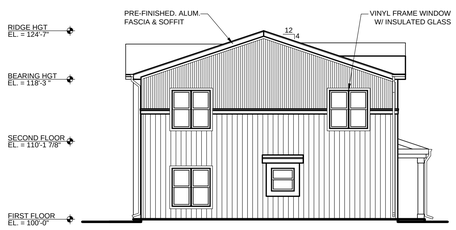


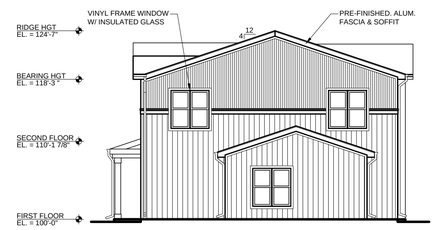
TOWNHOUSE #1
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



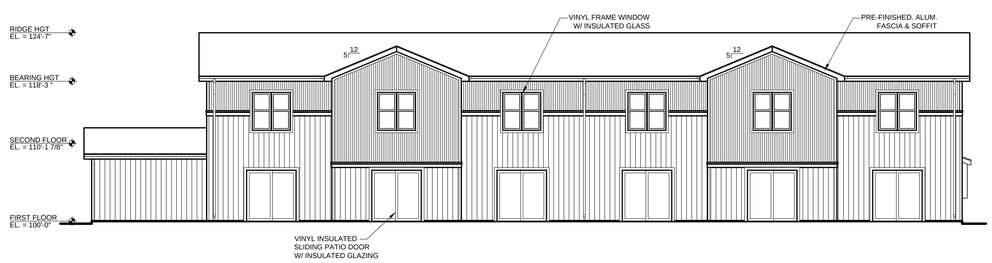
TOWNHOUSE #1
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



TOWNHOUSE #1
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



TOWNHOUSE #1
REAR ELEVATION

SCALE: 1/8" = 1'-0"

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
09.03.2015
09.18.2015
09.24.2015

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NEW BUILDING FOR:
Riverview Meadows
US 93 S.
WHITEFISH, MT

JOB NUMBER:
2015.35
SHEET
A2.1

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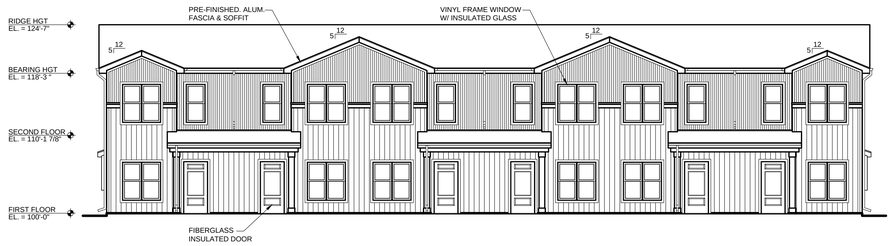
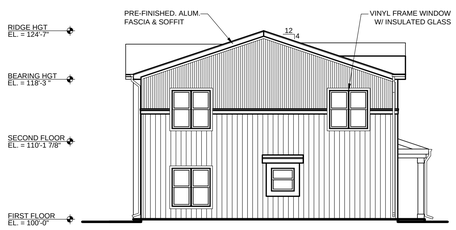


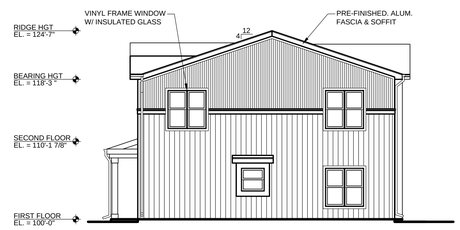
TOWNHOUSE #2
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



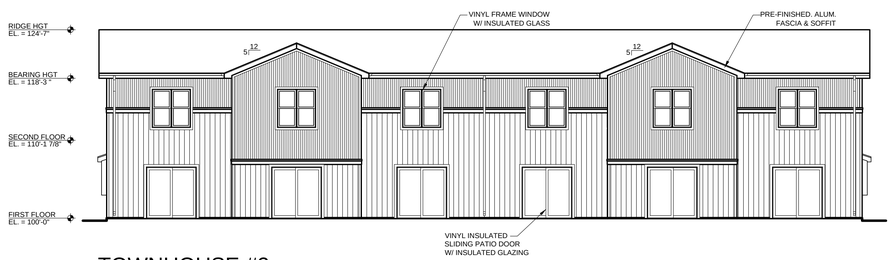
TOWNHOUSE #2
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



TOWNHOUSE #2
SIDE ELEVATION

SCALE: 1/8" = 1'-0"



TOWNHOUSE #2
REAR ELEVATION

SCALE: 1/8" = 1'-0"

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
09.03.2015
09.08.2015
09.18.2015
09.24.2015

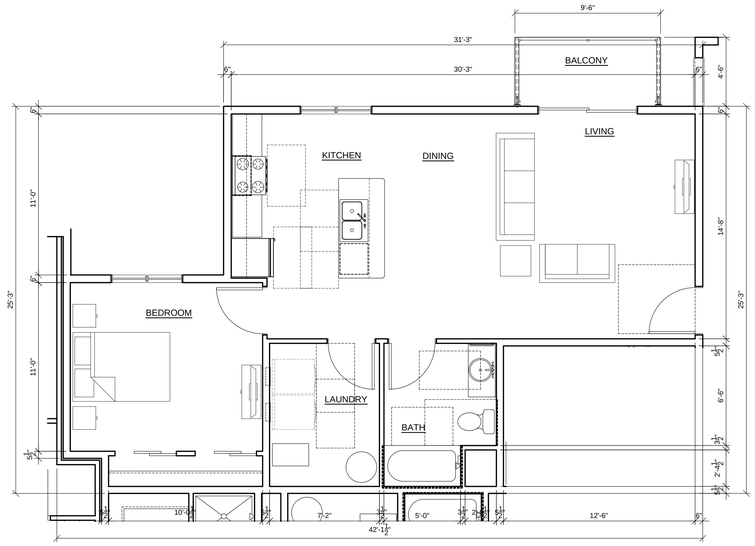
M+A DESIGN, LLC
54 East First Street
Fond du Lac, Wisconsin 54935
l.petrie@madesignllc.net (920) 922-8170

COMMONWEALTH
CONSTRUCTION CORPORATION
54 E. FIRST STREET, FOND du LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

NEW BUILDING FOR:
Riverview Meadows
US 93 S.
WHITEFISH, MT

JOB NUMBER:
2015.35
SHEET
A2.2

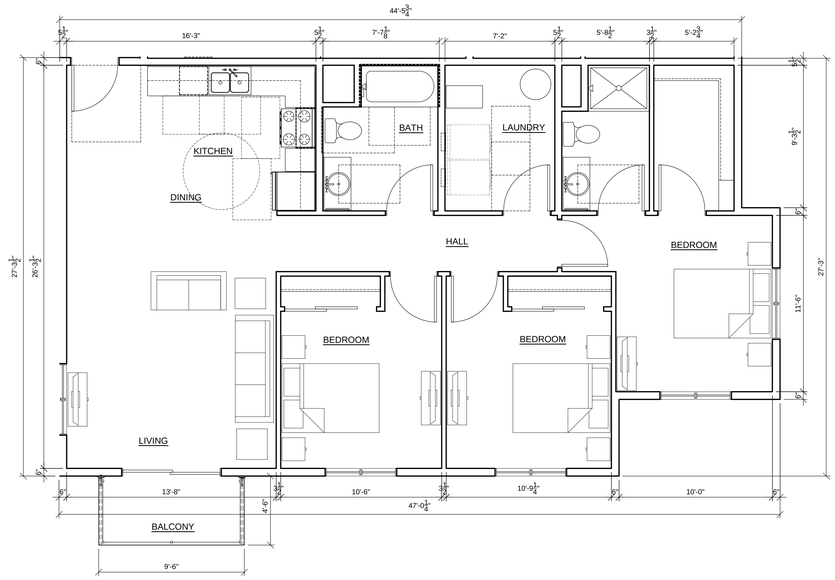
2015 © M+A DESIGN, LLC



UNIT #3
TYPE 'B'- 1 BEDROOM

NET SF:	744 SF
GROSS SF:	797 SF

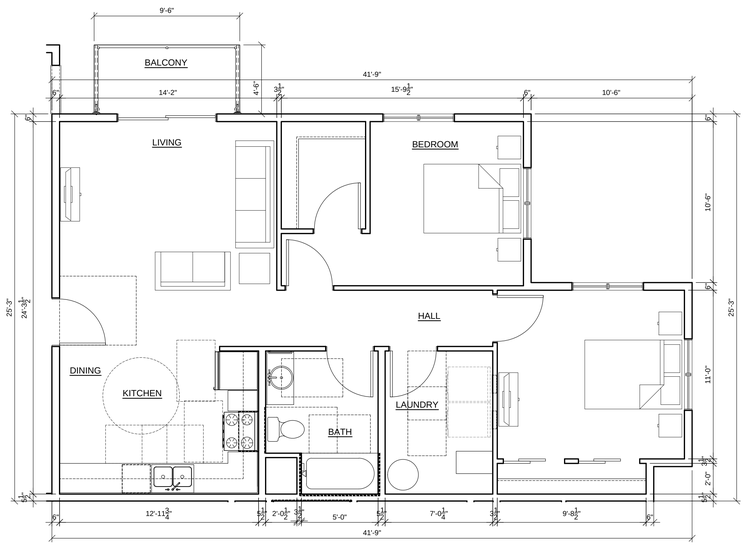
SCALE: 1/4" = 1'-0"



UNIT #1
TYPE 'B' - 3 BEDROOM

NET SF:	1,133 SF
GROSS SF:	1,190 SF

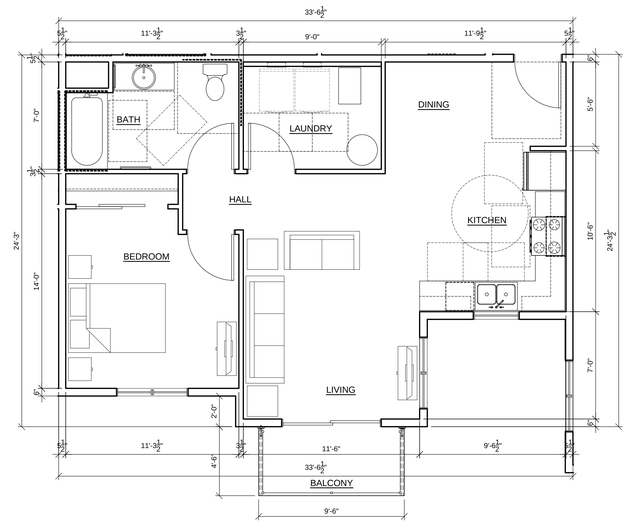
SCALE: 1/4" = 1'-0"



UNIT #4
TYPE 'B' - 2 BEDROOM

NET SF:	869 SF
GROSS SF:	924 SF

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



UNIT #2
TYPE 'B' - 1 BEDROOM

NET SF:	670 SF
GROSS SF:	707 SF

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

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
09.24.2015
09.28.2015

M+A DESIGN, LLC
54 East First Street
Fond du Lac, Wisconsin 54935
l.petrie@madesignllc.net (920) 922-8170

COMMONWEALTH
CONSTRUCTION CORPORATION
54 E. FIRST STREET, FOND du LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

NEW BUILDING FOR:
Riverview Meadows
US 93 S
WHITEFISH, MT

JOB NUMBER:
2015.35
SHEET
A5.0

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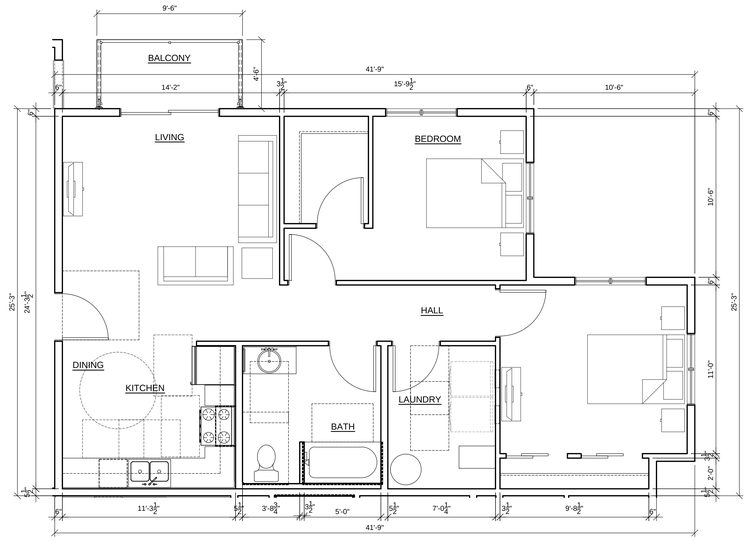
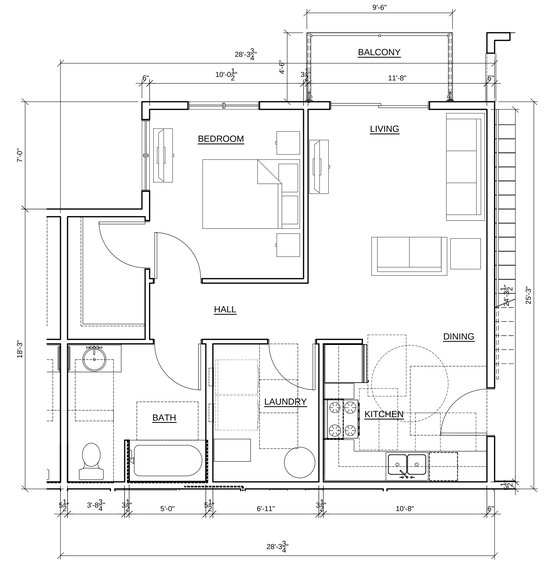


UNIT #7
TYPE 'A' - 2 BEDROOM

NET SF:	869 SF
GROSS SF:	924 SF

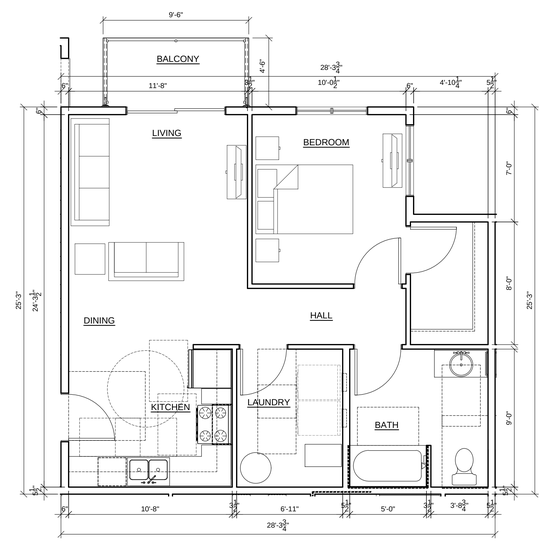
SCALE: 1/4" = 1'-0"



UNIT #5
TYPE 'B' - 1 BEDROOM

NET SF:	627 SF
GROSS SF:	667 SF

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



UNIT #6
TYPE 'A' - 1 BEDROOM

NET SF:	627 SF
GROSS SF:	667 SF

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

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
09.24.2015
09.28.2015

M+A DESIGN, LLC
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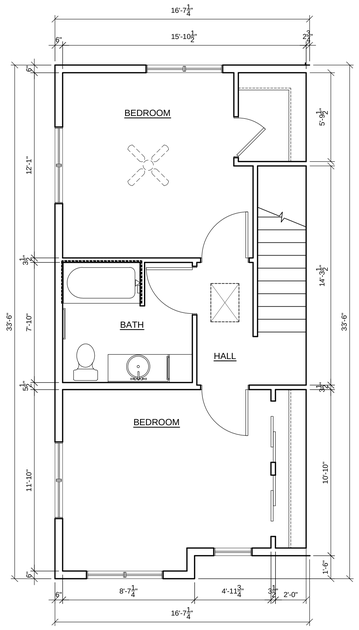
Fond du Lac, Wisconsin 54935
l.petrie@madesignllc.net (920) 922-8170

COMMONWEALTH
CONSTRUCTION CORPORATION
54 E. FIRST STREET, FOND du LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

NEW BUILDING FOR:
Riverview Meadows
US 93 S
WHITEFISH, MT

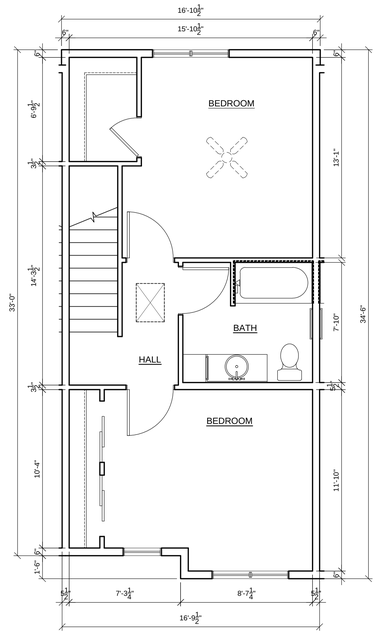
JOB NUMBER:
2015.35
SHEET
A5.1

2015 © M+A DESIGN, LLC



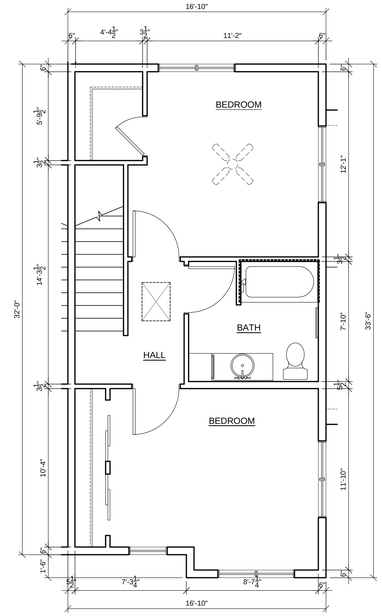
UNIT #8 - SECOND FLOOR TOWNHOUSE - 2 BEDROOM

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



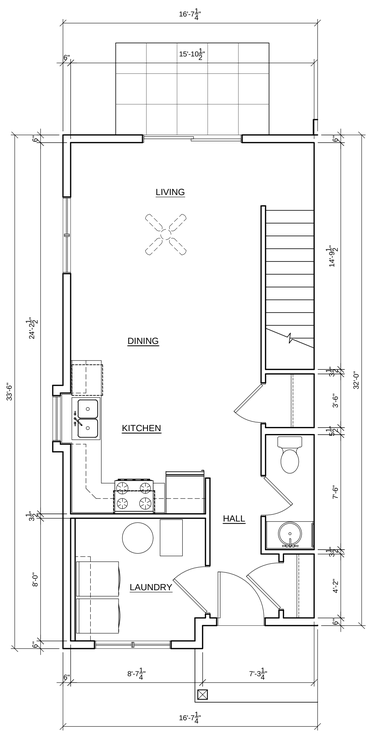
UNIT #9 - SECOND FLOOR TOWNHOUSE - 2 BEDROOM

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



UNIT #10 - SECOND FLOOR TOWNHOUSE - 2 BEDROOM

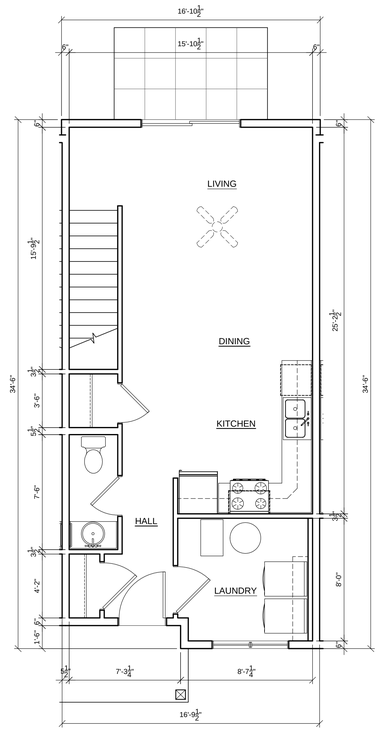
SCALE: 1/4" = 1'-0"



UNIT #8 - FIRST FLOOR TOWNHOUSE- 2 BEDROOM

NET SF:	1,008 SF
GROSS SF:	1,090 SF

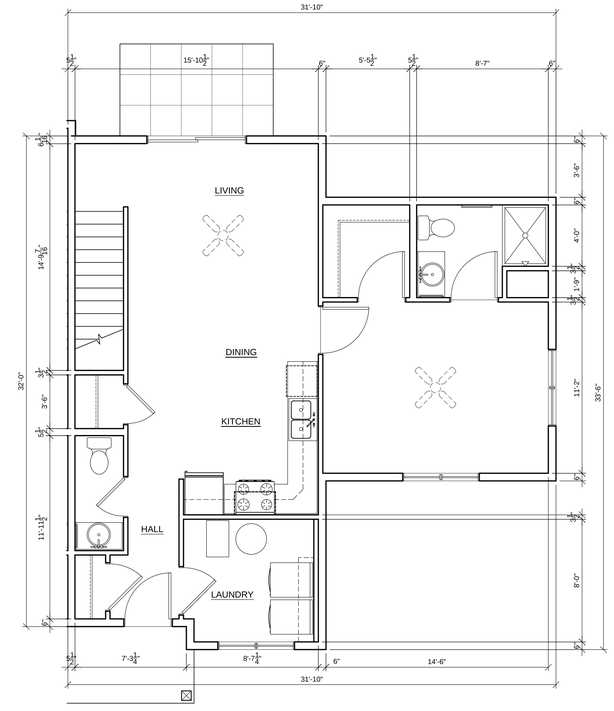
SCALE: 1/4" = 1'-0"



UNIT #9 - FIRST FLOOR TOWNHOUSE- 2 BEDROOM

NET SF:	1,024 SF
GROSS SF:	1,072 SF

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



UNIT #10 - FIRST FLOOR TOWNHOUSE- 2 BEDROOM

NET SF:	1,271 SF
GROSS SF:	1,367 SF

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

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

PRELIMINARY SHEET DATES:
09.28.2015

M+A DESIGN, LLC
54 East First Street
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COMMONWEALTH
CONSTRUCTION CORPORATION
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(920) 922-8170 FAX: (920) 922-8171

NEW BUILDING FOR:
Riverview Meadows
US 93 S
WHITEFISH, MT

JOB NUMBER: 2015.35

SHEET A5.2

2015 © M+A DESIGN, LLC

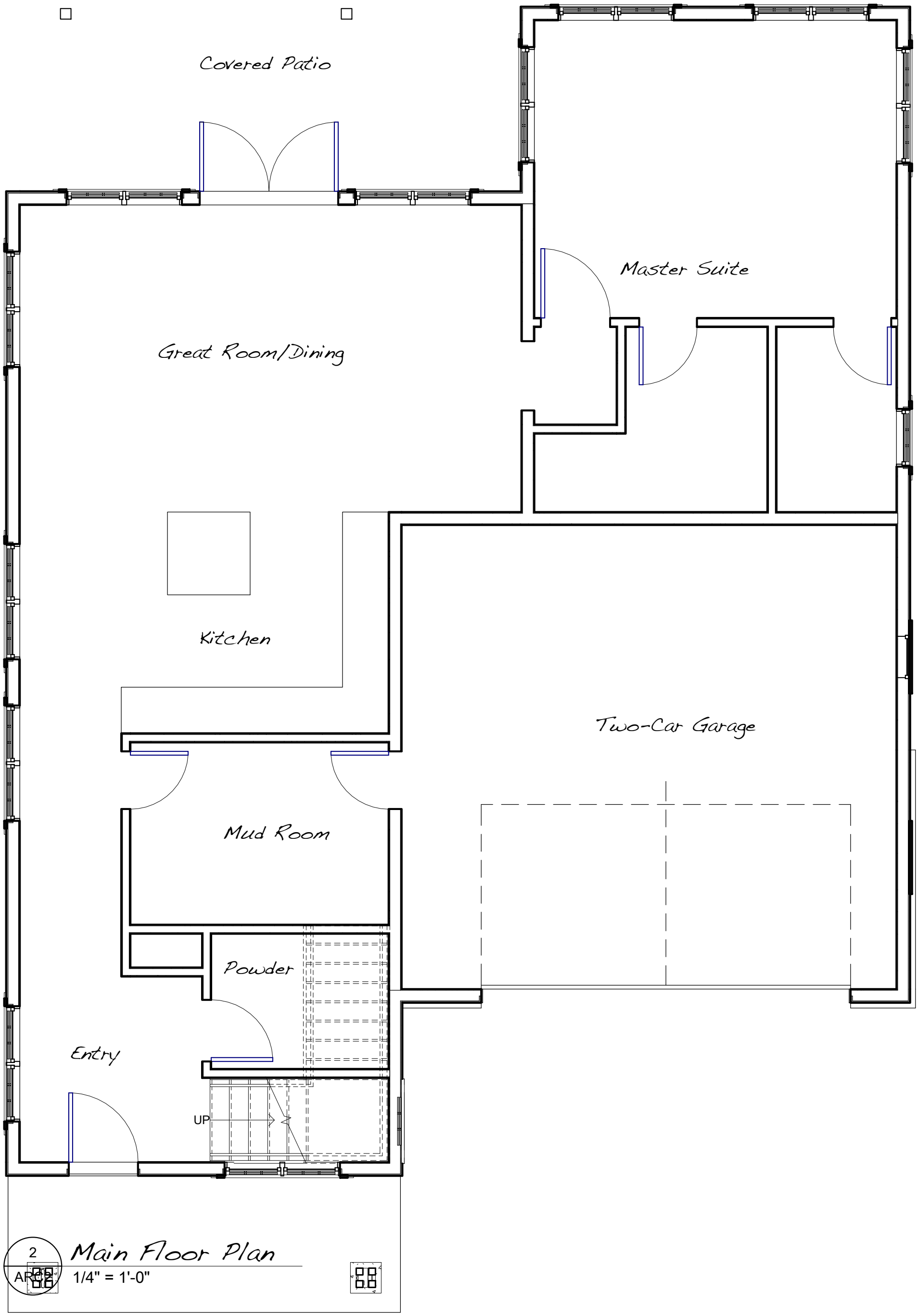
Mkay Single Family Option

Whitefish, MT

Perspectives

01.10.16

Montana Creative
architecture + design



2 ARC2.2 Main Floor Plan
1/4" = 1'-0"

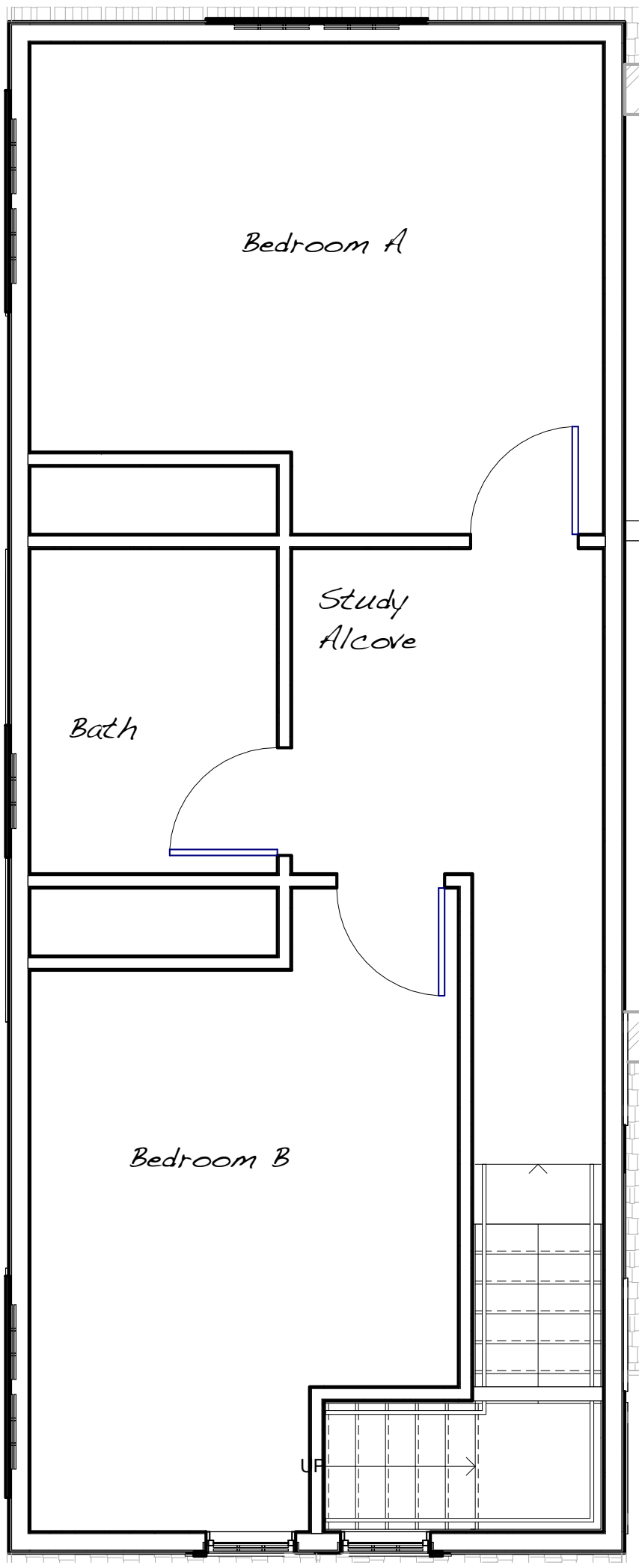
Montana Creative
architecture + design

Mkay Single Family Option

Main Floor Plan

Whitefish, MT

As indicated
01.10.16



1
ARC3

Upper Floor Plan

1/4" = 1'-0"

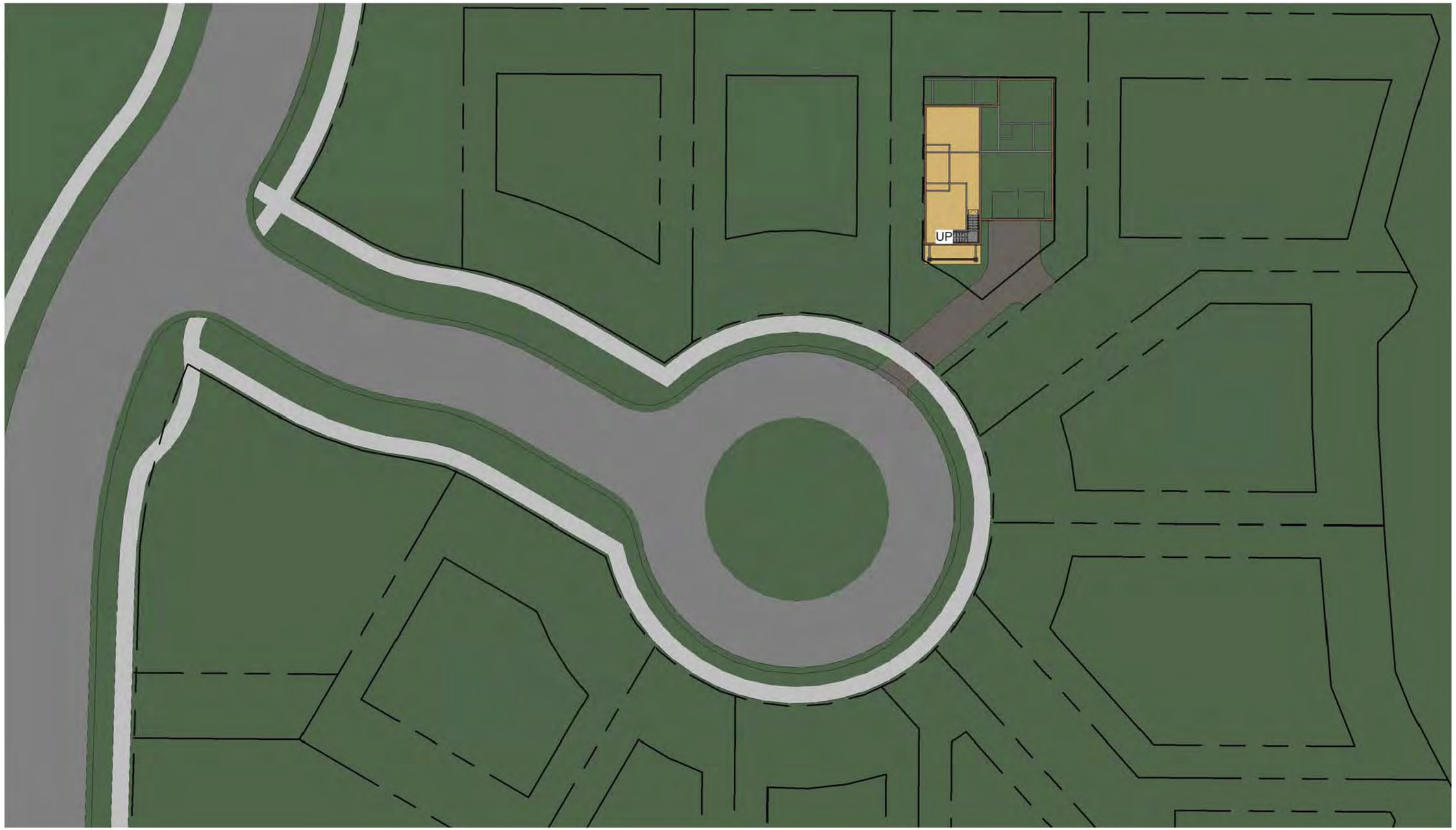
Montana Creative
architecture + design

Mkay Single Family Option

Upper Floor Plan

Whitefish, MT

1/4" = 1'-0"
01.10.16



Mkay Single Family Option

Whitefish, MT

Site Plan

01.10.16

Montana Creative
architecture + design

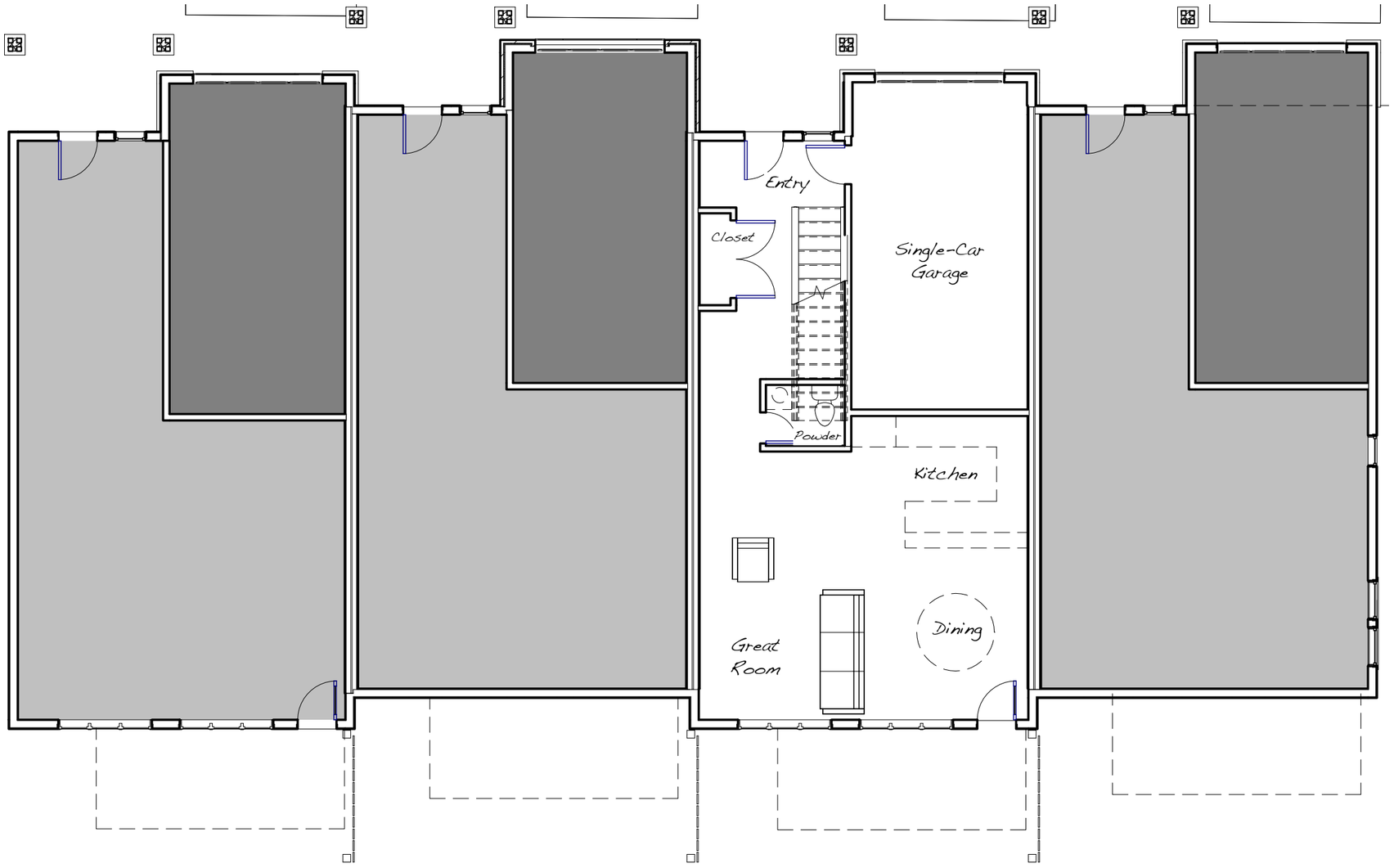
Montana Creative
architecture + design

Mkay Fourplex

Perspective

Whitefish, MT

12/18/15



1
ARC2

FIRST FLOOR PLAN

1/8" = 1'-0"

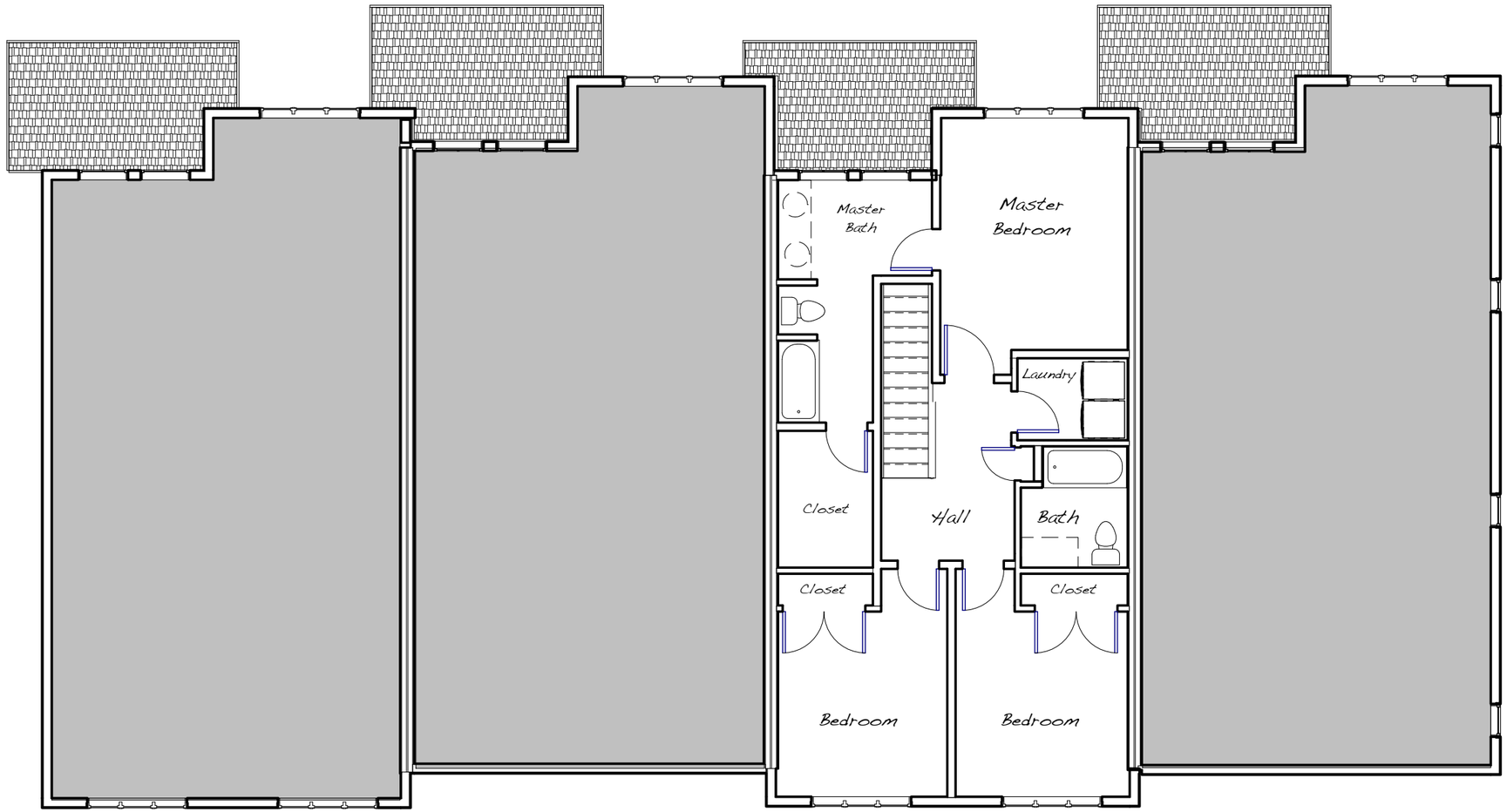
Montana Creative
architecture + design

Mkay Fourplex

Main Level Plan

Whitefish, MT

1/8" = 1'-0"
12/18/15



1
ARC3

SECOND FLOOR

1/8" = 1'-0"

Montana Creative
architecture + design

Mkay Fourplex

Upper Level Plan

Whitefish, MT

1/8" = 1'-0"
12/18/15

Montana Creative
architecture + design

Mkay Fourplex

Site Plan

Whitefish, MT

1" = 30'-0"
12/18/15

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Floodway Data table shown on this FIRM.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

FEMA recommends that a Flood Insurance Policy be purchased for structures in areas where **levees** are shown as providing protection from the 1% annual chance flood. Flooding is not covered by standard property/fire/dwelling insurance policies nor is it covered by Homeowners Insurance, Renters Insurance, Condominium Owners Insurance, or Commercial Property Insurance. Contact your insurance agent and local floodplain administrator for further information.

Visit http://www.fema.gov/pdf/fhm/frm_gsah.pdf for information on levees and the risk of flooding in areas shown as being protected by levees.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 11. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

Spatial Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3191

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713- 3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from U.S. Geological Survey Digital Orthophoto Quadrangles produced at a scale of 1:12,000 from photography dated 1990 or later.

This map reflects more detailed up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at http://www.msc.fema.gov.

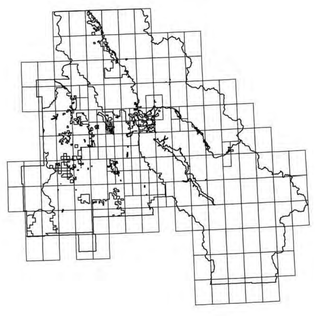
If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1- 877- FEMA MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov.

Flathead County Vertical Datum Offset Table

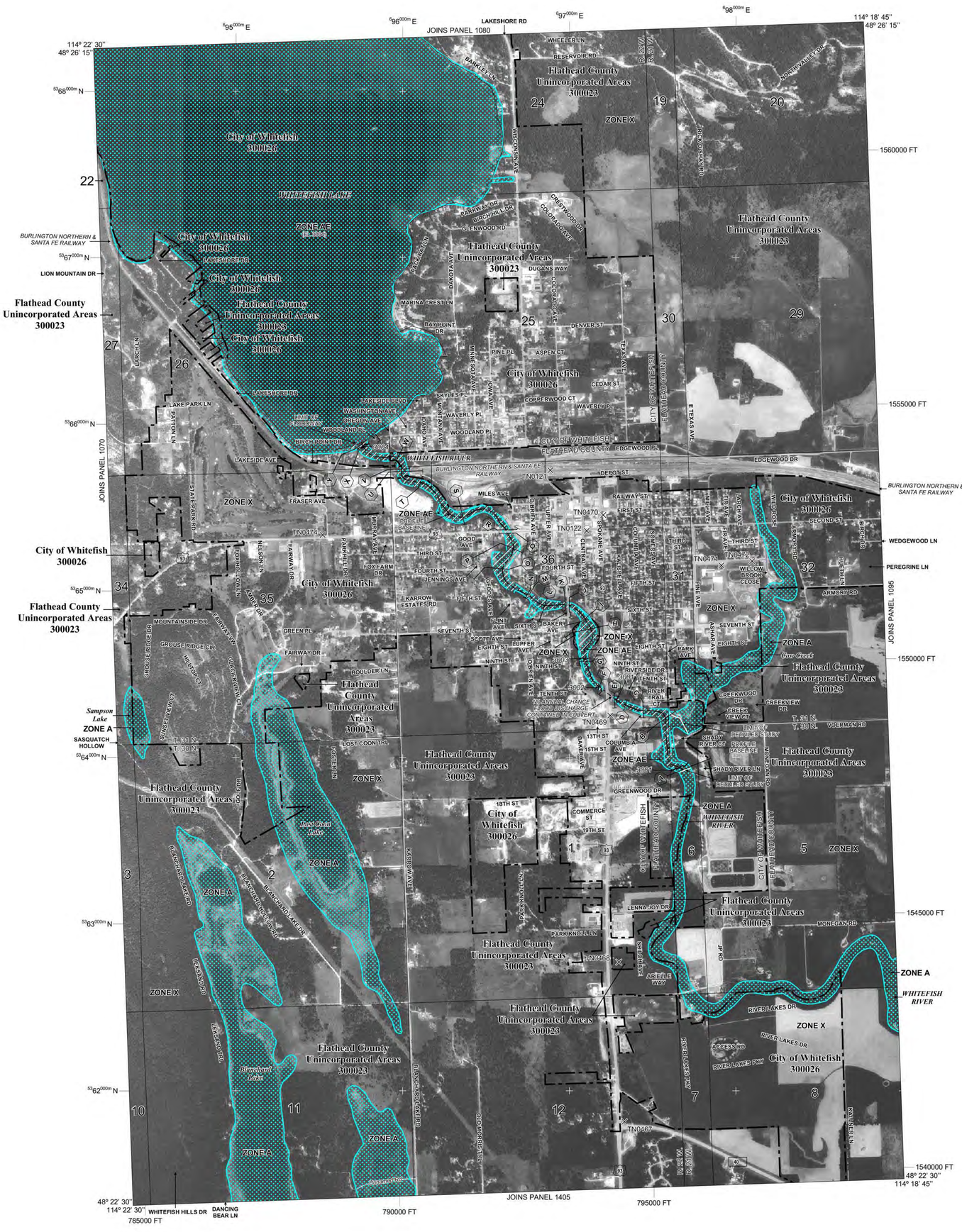
Flooding Source	Vertical Datum Offset (ft)	Flooding Source	Vertical Datum Offset (ft)
Whitefish River	3.8	Whitefish Lake	3.9

Example: To convert Whitefish River elevations to NAVD 88, 3.8 feet were added to the NGVD 29 elevations.

Panel Location Map



As per the Administrative Rules of Montana (ARM) 36.15.501(6), "The designated floodplain boundary is based on base flood elevations. The mapped floodplain boundary may be used as a guide for determining whether property is within the designated floodplain, but the exact boundary shall be determined according to the base flood elevation. If the local administrator determines it is unclear whether property is in or out of the floodplain, the local administrator shall require the applicant to provide additional information which may include elevations obtained through a level survey performed by a professional engineer or registered land surveyor."



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	1% annual chance floodplain boundary
	0.2% annual chance floodplain boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
513	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

(A)———(A)	Cross section line
(23)- - - - -(23)	Transect line
45° 02' 08", 93° 02' 12"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere
$^{60}89^{000m}$ N	1000-meter Universal Transverse Mercator grid values, zone 11
4989000 FT	5000-foot grid ticks: Montana State Plane coordinate system, (FIPS Zone 2500), Transverse Mercator
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 1000'

500 0 1000 2000 FEET

300 0 300 600 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 1090G

FIRM

FLOOD INSURANCE RATE MAP

FLATHEAD COUNTY, MONTANA

AND INCORPORATED AREAS

PANEL 1090 OF 3525

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FLATHEAD COUNTY	300023	1090	G
WHITEFISH, CITY OF	300026	1090	G

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
30029C1090G

EFFECTIVE DATE

Federal Emergency Management Agency

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

JOB NO: 242916
DATE: September 9, 2015
FOR/OWNER: MICHEAL MORTON

Topography of:
PARCELS A & B of COS _____
IN SEC.1, T.30N., R.22W., P.M.,M., FLATHEAD COUNTY

SCALE : 1" = 50'

50' 25' 0 50' 100'

Notes:

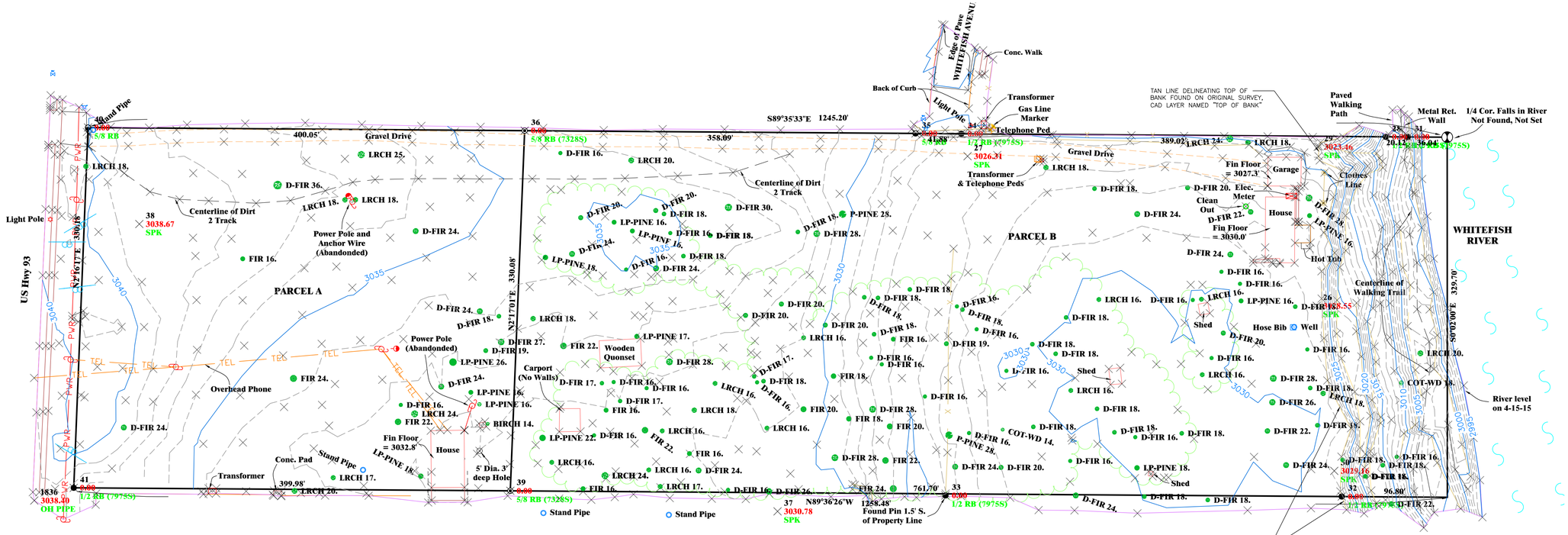
Vertical Datum: NAVD 88

LEGEND:

- Boundary Subject
- Building Corner
- Centerline
- Concrete
- Curb & Gutter
- Deck
- Gravel
- Fence
- Overhang
- River
- Stairs
- Structures
- Gas Line Marker
- Anchor Wire (Power)
- Light Pole
- Power Meter
- Power Overhead
- Power Pole
- Sewer Clean-out
- Telephone Overhead
- Clothes Line Post
- Water Curb Stop
- Water Gate Valve
- Water Hydrant
- Water Stand Pipe
- Water Well

IMPORTANT NOTE

Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.



SHEET 1 OF 1

February 10, 2016

City of Whitefish Planning Department
Attn: Wendy Compton-Ring
510 Railway Street
Whitefish, MT 59937
Via-Email: wcompton-ring@cityofwhitefish.org

RE: MKAY SUBDIVISION - PRELIMINARY PLAT SUBMITTAL
TOP OF BANK ELEVATION

Dear Wendy:

This letter is meant to verify that the top of bank line shown on the preliminary plat documents for the MKay Subdivision is correctly located at the top of the bank on the east side of the lot above the adjacent stretch of the Whitefish River. A topographical survey was conducted by Sands Surveying which was used to determine the location of the top of bank. The topography is shown on the preliminary plat submittal via elevation contours and the location of the top of the bank shown on the preliminary plat submittal directly correlates with the topographical information provided.

If you have any questions or concerns regarding this information or the matter in which it was obtained, please feel free to contact me directly.

Sincerely,

TD&H Engineering, Inc.

Douglas Peppmeier, P.E.
V.P. / Regional Manager

MONTANA
DOUGLAS A. PEPPMEIER
No. 13231PE
LICENSED
PROFESSIONAL ENGINEER

DAP/lgh
K15-052-020

February 10, 2016

City of Whitefish Planning Department
Attn: Wendy Compton-Ring
510 Railway Street
Whitefish, MT 59937
Via-Email: wcompton-ring@cityofwhitefish.org

RE: MKAY SUBDIVISION - PRELIMINARY PLAT SUBMITTAL
CRITICAL AREAS

Dear Wendy:

This letter is meant to address the concern that the preliminary plat submitted for the MKay Subdivision did not address critical areas on or near the proposed subdivision. Though it was mentioned elsewhere in the preliminary plat submittal, Appendix B-II.M failed to mention that the Whitefish River is located along the east property line. All required setbacks will be met and permitting will be obtained where required.

If you have any questions or concerns regarding this information or the matter in which it was obtained, please feel free to contact me directly.

Sincerely,

TD&H Engineering, Inc.

Douglas Peppmeier, P.E.
V.P. / Regional Manager

MONTANA
DOUGLAS A. PEPPMEIER
No. 13231PE
LICENSED
PROFESSIONAL ENGINEER

DAP/lgh
K15-052-020

ADDENDUM 2:
Preliminary Plat & Planned Unit Development

February 22, 2016

TECHNICAL/PROFESSIONAL:

Name: same as above Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

C. GENERAL DESCRIPTION OF SUBDIVISION

- ☑ 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: _____

ZONING DESIGNATION: WR-1 & WB-2

If proposing to change the underlying zoning, proposed zoning: WR-1 & WB-2 with PUD Overlay

LOTS AND ACREAGE:

Total Acreage in Subdivision: 9.48 ac Number of Lots or Rental Spaces: 17

Maximum Size of Lots or Spaces: 2.66 ac Minimum Size of Lots or Spaces: 0.14 ac

Total Acreage in Lots: 7.0 ac Total Acreage in Streets or Roads: 1.44 ac

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

Single Family: ✓ Townhouse: ✓ Mobile Home Park: _____ Duplex: ___ Apartment: ✓

Recreational Vehicle Park: _____ Commercial: ✓ Industrial: _____

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

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 12-4-10). A recommendation from the Park Board is required to be submitted along with the application, unless exempted under the subdivision regulations 12-4-10(C).

- Date of Parks Board Meeting (prior to submitting an application): _____
- Market Value before Improvements: _____
- Total Acreage in Parks, Open Spaces and/or Common Areas: _____

PRELIMINARY PLAT APPLICATION

Black text denotes UNCHANGED TEXT from the original application
Black text denotes UPDATED TEXT applicable to Addendum 2

APPENDIX F

ENVIRONMENTAL ASSESSMENT
PART II – SUMMARY OF PROBABLE IMPACTS

3. Effects on Local Services

a. Indicate the proposed use and number of lots or spaces proposed for the subdivision, i.e. single family residential, multi-family residential, commercial, industrial.

The proposed subdivision will create 18 lots: 13 single-family lots, two five-plex lots, one–multi-family lot with three apartment six-plex units, one future commercial lot and one open space lot. Rights-of-way will occupy 1.44 acres of the tract.

PART III - COMMUNITY IMPACT REPORT

4. Education and Busing

b. Estimate the number of school children that will be added by the proposed subdivision. Provide a statement from the administrator of the affected school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system. If not, estimate the increased expenditures that would be necessary to do so.

Using County wide average of 0.31 school aged children per residence, (There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 41 units would generate approximately 13 students in the school system.

APPENDIX B

PRELIMINARY PLAT: SUBMITAL REQUIREMENTS

I. SUPPLEMENTS TO THE PRELIMINARY PLAT

I. Parkland dedication calculations.

Per Section 12-4-11 of the City of Whitefish Regulations (Park Land and Open Space Requirements), the proposed subdivision is exempt from parkland dedication requirements. Subsection 12-4-11(C)(4) (Exemptions) states that "Planned unit developments or other developments which propose lands permanently set aside for park and recreation purposes to meet the needs of the persons who ultimately reside in the development and equals or exceeds the dedication requirements of subsection A of this section" are exempt. In this instance a Planned Unit Development (PUD) application accompanies this plat application. The PUD includes a permanent 1.04-acre common area lot (Lot 18 of the preliminary plat) adjacent to the Whitefish River at the easternmost edge of the site. Access to Lot 18 will be via a permanent easement along the northerly property line of the subdivision between Whitefish Avenue and the river. The river-side common area of 1.04 acres

exceeds the parkland dedication requirement of **0.57** *acres (as determined by the formula found in 12-4-11(A)).*

This figure was calculated as follows:

12-4-11.A(2)	*11% of Lots ½ acre and smaller.*		
	Lots 1-15	*4.27 acres X 0.11 =*	*0.47 acres*
12-4-11.A (5)	*2.5% of Lots between 3 and 5 acres*		
	Lots 16-17	*3.9 acres X 0.025 =*	*0.10 acres*
Total parkland dedication =			**0.57 acres**

Subsection 12-4-11(C)(7) also exempts the proposed preliminary plat from parkland dedication:

"Where a subdivision provides for long term protection of an area identified as a water quality protection area under section 11-3-29, "Water Quality Protection", of this code, important wildlife habitat; significant cultural, historical or natural resources; agricultural interests or aesthetic values and the land area equals or exceeds the dedication requirements of subsection A of this section."

PUD APPLICATION

NARRATIVE

• Density in dwelling units per gross acre;
The residential density of the PUD is 6.26 dwelling units/acre (41 dwelling units on 6.55 acres). NOTE: Potential future units on Lot 17 are not accounted for in these calculations.

• Location, size, height and number of stories for buildings and uses proposed for buildings;
The PUD includes the following buildings and uses (please refer to the site plan for locations):

Residential:	*13 detached single-family homes*
	2 five-plex townhomes (10 units)
	3 6-unit apartment buildings (18 units)
(Future) Mixed-Use:	*Future commercial buildings T.B.D.*

• An overall description of the goals and objectives for the development of the project.

The proposal includes a total of 41 residential units in a mix of detached single-family lots (13 in number), attached townhomes in two five-plex configurations and apartments in three two-story, 6-unit buildings. Also proposed is a future commercial development near the Highway 93 frontage. The programming and design for the future development on lot 17 is to be determined. The applicants intend to provide up to 4 units of affordable housing in the Planned Unit Development (10% of the total) and in doing so take advantage of the residential density bonus afforded by Section 11-2S-3(B) of the Whitefish Municipal Code.

• The manner in which services will be provided such as water, sewer, storm water management, schools, roads, traffic management, pedestrian access, recreational facilities and other applicable services and utilities.

The proposed residential PUD will have an impact on the local school system. It is anticipated that a certain number of the people moving into the PUD will already be residents of Whitefish and therefore will not add to the local school population. It must also be assumed that a residential subdivision of this size will generate, now and in the future, a number of school-aged children. The school district has been contacted for its comments on the proposal. The increase in the tax base resulting from development of the PUD will direct additional tax dollars to the school district and help offset the costs associated with increased enrollment.

LAND USE

Future Land Use

COMMUNITY FACILITIES

• If affordable housing is a component of the project, describe how the project is implementing the standards in Section 11-2S-3.B.

The applicants are proposing to provide 4 affordable units on-site, rather than paying an in-lieu fee or providing a land dedication. The housing will be in the form of rental apartments and rents will fall within the city's guidelines for affordable housing. The Whitefish Housing Authority will be part of the team that develops the affordable rental units.

C. DESCRIBE PROPOSED USE:

The proposal includes a total of 41 residential units in a mix of detached single-family lots (13 in number), ten attached townhomes in two five-plex configurations and apartments in three two-story, 6-unit buildings. Also proposed is a 2.66 acre commercial development on lot 17. The specifics are still to be determined.

D. FINDINGS:

9. Provide affordable housing.

The intent is that 4 rental units will be affordable to individuals and households earning 60% of Area Median Income or less. These units will be affordable for at least 46 years due to funding being sought for the development. The Whitefish Housing Authority will be part of the development team that owns and manages these affordable units.

10. Provide a variety of residential product type while avoiding a monotonous and institutional appearance.

The PUD includes the following mix of residential units:

- *Single-Family homes*
- *Five-plex Townhomes*
- *Multi-family Apartment structures of 6 units each*

There will be a mix of affordable and market-rate dwelling units within the PUD.

LEGEND

EXISTING

- EXISTING PROPERTY LINE BY SURVEY
- EXISTING INDEX CONTOUR BY SURVEY
- EXISTING CONTOUR BY SURVEY
- ELEV. 3001.0 - 100 YR FLOOD PLAIN
- EXISTING DECK LINE BY SURVEY
- EXISTING BUILDING LINE BY SURVEY
- EXISTING TREE BY SURVEY (8" DF)
- EXISTING TREE BY SURVEY TO BE REMOVED (8" DF)

PROPOSED

- ZONING BOUNDARY LINE
- PROPOSED INTERIOR PROPERTY LINE
- PROPOSED INTERIOR SUB-LOT LINE
- PROPOSED STRUCTURE SETBACK LINE
- PROPOSED PAVED TRAIL
- PROPOSED MULCHED TRAIL
- PROPOSED CONCRETE SIDEWALK
- PROPOSED PAVED DRIVE WITH CENTER LINE & SHOULDER
- PROPOSED BUILDING LINE
- SLOPES 15-30%
- SLOPES >30%
- SNOW STORAGE AREA

UNITS & LOTS

LOTS	TYPE	AREA SF	AREA AC	COVERED AREA SF	COVERED AREA %	UNITS
LOT 1	SINGLE FAMILY	8408.30	0.19	2602	0.31	1
LOT 2	SINGLE FAMILY	6389.78	0.15	1768	0.28	1
LOT 3	SINGLE FAMILY	6510.35	0.15	2104	0.32	1
LOT 4	SINGLE FAMILY	9144.75	0.21	2747	0.30	1
LOT 5	SINGLE FAMILY	7590.27	0.17	2368	0.31	1
LOT 6	SINGLE FAMILY	8573.12	0.20	2602	0.30	1
LOT 7	SINGLE FAMILY	9161.48	0.21	2216	0.24	1
LOT 8	SINGLE FAMILY	6275.11	0.14	1778	0.28	1
LOT 9	SINGLE FAMILY	6383.23	0.15	1764	0.28	1
LOT 10	SINGLE FAMILY	6327.74	0.15	1623	0.24	1
LOT 11	SINGLE FAMILY	9148.66	0.21	3026	0.33	1
LOT 12	SINGLE FAMILY	6252.36	0.14	1764	0.28	1
LOT 13	SINGLE FAMILY	6254.51	0.14	1764	0.28	1
LOT 14	FIVEPLEX	19641.73	0.45	4620	0.24	5
LOT 15	FIVEPLEX	20042.27	0.46	4620	0.23	5
LOT 16	SIXPLEX	52507.10	1.21	9364.3	0.47	16
LOT 17	COMMERCIAL LOT	115941.53	2.66	T.B.D.	-	T.B.D.
LOT 18	DEDICATED OPEN SPACE	45451.83	1.04	0	0.00	0
LOT TOTALS		350056.21	8.04	46435.30	0.13	41

ACREAGE CALCULATIONS BY ZONING DISTRICT

ZONING DISTRICT	ACREAGE	UNITS	DENSITY	
NR-1 & NB-2	9.48	41	4.32	UNITS/ACRE
NR-1	5.99	41	6.84	UNITS/ACRE
NB-2	3.49	0	0	UNITS/ACRE

RESIDENTIAL

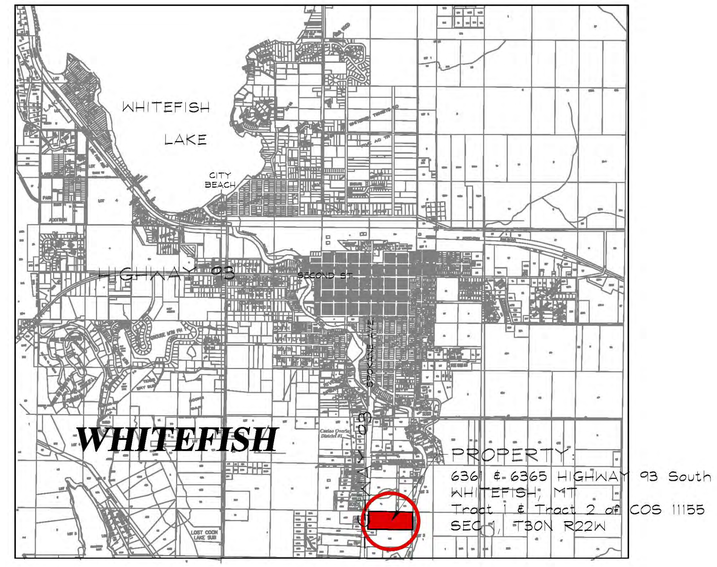
UNITS	
SINGLE FAMILY LOTS	19
FIVEPLEX TOWNHOUSE UNITS	10
SIXPLEX APARTMENT UNITS	16
TOTAL UNITS	41

COMMERCIAL

UNITS	
COMMERCIAL UNITS	T.B.D.
TOTAL UNITS	T.B.D.

UNIT LOT TOTAL	304,545	SF	6.99 AC
DEDICATED OPEN SPACE	45,452	SF	1.04 AC
ROAD ROW	62,857	SF	1.44 AC
TOTAL AREA	412,917	SF	9.48 AC
AVERAGE ACRE/UNIT	0.23 AC+/-		

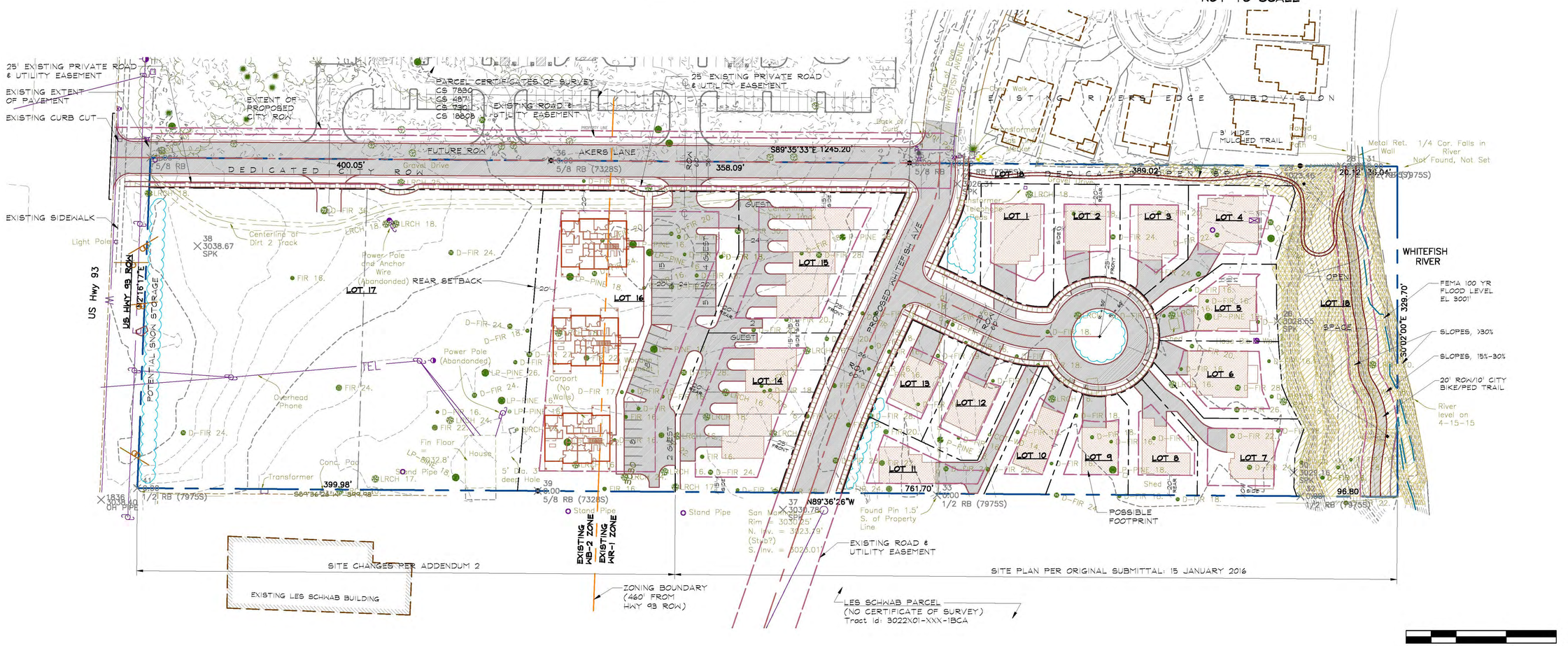
BUD TABULATIONS	SF	ACRE
FOOTPRINT AREAS		
(SINGLE FAMILY HOUSES)	(28,326)	.65
(FIVEPLEXES)	(9,240)	.21
(SIXPLEXES)	(9,364)	.22
TOTAL AREA BUILDING FOOTPRINTS	46,935	1.08
FOOTPRINT AREA RATIO	-	11%
TOTAL FLOOR AREA BUILDINGS	93,871	
FLOOR AREA RATIO	-	23%
PAVED AREAS		
(ROADS)	36,246	.83
(DRIVEWAYS)	14,633	.36
(SIDEWALKS)	14,507	.33
(TRAILS)	3,362	.08
(PARKING LOTS)	25,515	.59
FUTURE COMMERCIAL PAVED AREA	T.B.D	T.B.D
TOTAL PAVED AREA (CURRENT)	94,263	2.16
OPEN SPACE		
DEDICATED OPEN SPACE	45,452	1.04
OTHER OPEN SPACE	226,267	4.71
TOTAL OPEN SPACE	271,719	6.24
OPEN SPACE RATIO	-	66%



VICINITY MAP

NORTH

NOT TO SCALE



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Revisions:

Mkay Enterprises
6361 & 6365 HIGHWAY 93 South
WHITEFISH, MT
Tract 1 & Tract 2 of COS 11155
SEC 1, T30N, R22W

NORTH

SCALE: 1" = 50'

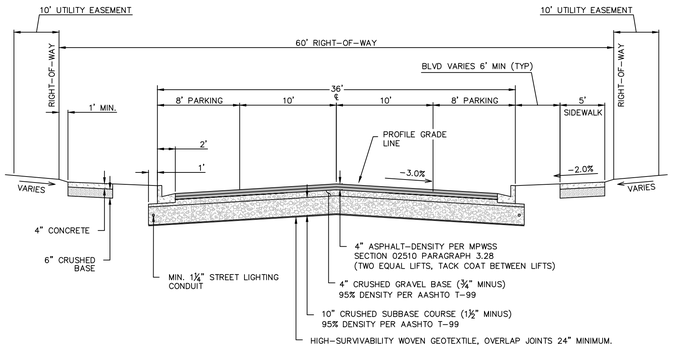
DATE: 02-22-16

JOB #: 15-34

ADDENDUM 2
PRELIMINARY PLAT/PUD

SITE PLAN

SHEET 1 of 4



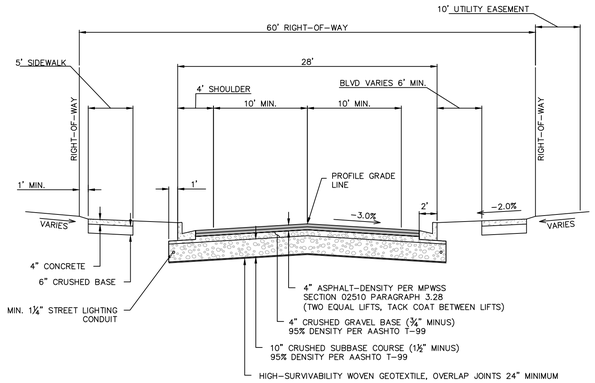
36' TYPICAL ROADWAY SECTION (A/2)
NOT TO SCALE

NOTES:

1. THE WIDTH OF THE RIGHT OF WAY MAY HAVE TO BE INCREASED DUE TO ROAD SLOPES, UTILITIES, TRAFFIC VOLUME OR OTHER REQUIREMENTS.
2. ALL TOPSOILED AREAS TO BE SEEDED OR SODDED.
3. THE MAXIMUM GRADE SHALL BE 9%.
4. GEOTEXTILE SHALL BE MIRAFI 500x OR APPROVED EQUAL.

   GEOTEXTILE INSTALLATION:

   A. COMPACT SUBGRADE TO 95% PROCTOR.
   B. REMOVE ALL WRINKLES.
   C. DO NOT DRIVE OR OPERATE EQUIPMENT ON FABRIC.
5. UTILITY NOTE: NO UNDERGROUND UTILITIES SHALL BE PLACED IN THE BOULEVARD BETWEEN THE BACK OF CURB AND SIDEWALK, UNDERGROUND UTILITIES (OTHER THAN SEWER, WATER, STORM SEWER, AND STREET LIGHTING) SHALL BE LOCATED BETWEEN BACK OF SIDEWALK AND THE EASEMENT LINE.



28' TYPICAL ROADWAY SECTION (B/2)
NOT TO SCALE

NOTES:

1. THE WIDTH OF PAVEMENT WILL DEPEND ON LOCAL CONDITIONS SUCH AS WIDTH OF EXISTING STREETS IN THE AREA, ANTICIPATED TRAFFIC VOLUME, PARKING REQUIREMENTS, FUTURE EXTENSIONS, ETC.
2. THE WIDTH OF THE R/W MAY HAVE TO BE INCREASED DUE TO ROAD SLOPES, UTILITIES, TRAFFIC VOLUME OR OTHER REQUIREMENTS.
3. ALL TOPSOILED AREAS TO BE SEEDED OR SODDED.
4. THE MAXIMUM GRADE SHALL BE 9%.
5. GEOTEXTILE SHALL BE MIRAFI 500x OR APPROVED EQUAL.

   GEOTEXTILE INSTALLATION:

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LEGEND

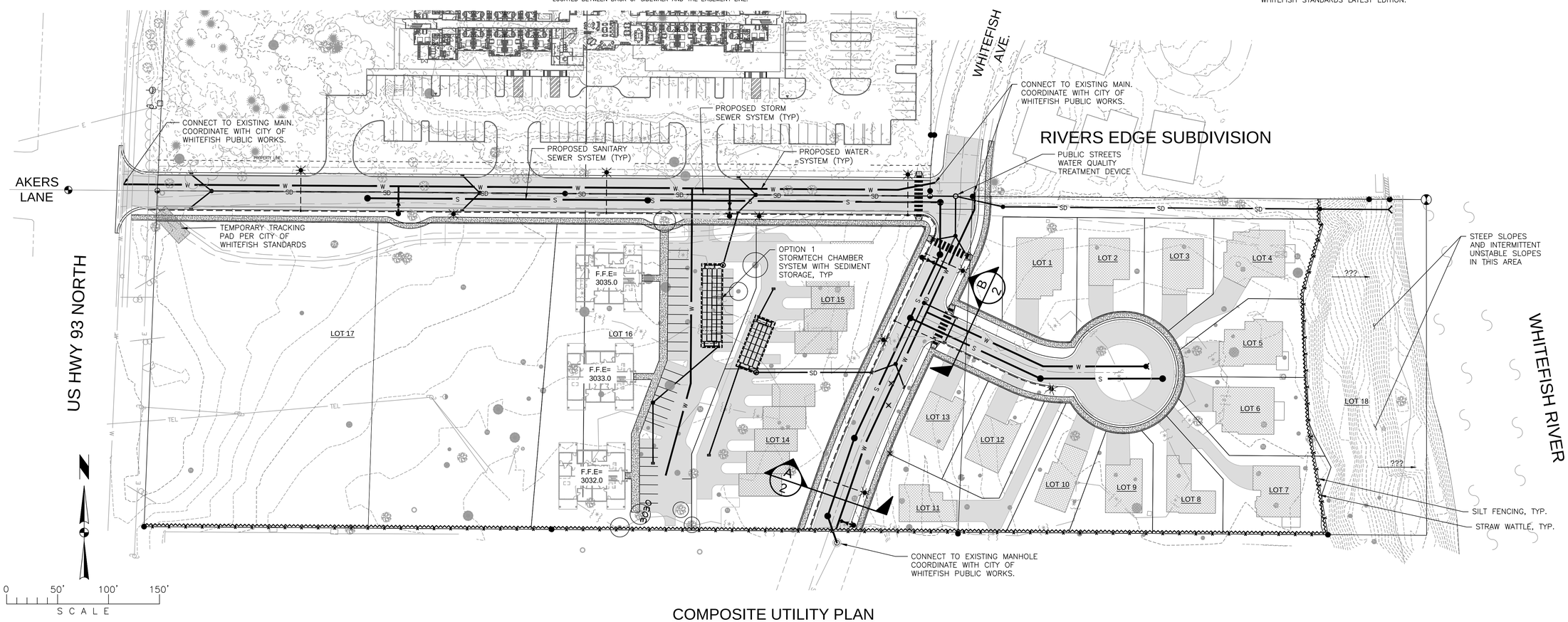
NEW	EXISTING	DESCRIPTION
S	S	SANITARY SEWER
		MANHOLE
SD	SD	STORM DRAIN
		FIRE HYDRANT
		VALVE
W	W	WATERLINE
		STREET LIGHT W/CONDUIT
		EROSION CONTROL

UTILITY PROVIDERS

ELECTRICITY – FLATHEAD ELECTRIC CO-OP
TELEPHONE – CENTURYTEL (LAND LINE)
CABLE TV – CHARTER COMMUNICATIONS
WATER – CITY OF WHITEFISH
SANITARY SEWER – CITY OF WHITEFISH
SOLID WASTE – FLATHEAD CO. LANDFILL
NATURAL GAS – NORTHWESTERN ENERGY

DEVELOPMENT NOTES

1. PROJECT WILL BE SERVED BY CITY OF WHITEFISH WATER SYSTEM CONNECTED TO EXISTING MAINS LOCATED IN HWY 93 R-O-W AND WHITEFISH AVENUE.
2. PROJECT WILL BE SERVED BY CITY OF WHITEFISH SANITARY SEWER SYSTEM CONNECTED TO MANHOLE/MAIN LOCATED IN AN EASEMENT ON PROPERTY SOUTH OF PROJECT SITE.
3. STORM DRAINAGE AND RUNOFF WILL BE COLLECTED THROUGH INLETS & PIPING, TREATED ON-SITE AND DISCHARGED TO THE WHITEFISH RIVER OR INFILTRATED.
4. ACCESS AND CONNECTOR STREETS TO BE 36' WIDE (BOC-BOC) AND HARD SURFACED.
5. INTERIOR CUL-DE-SAC STREET TO BE 28' WIDE (BOC-BOC) AND HARD SURFACED.
6. ALL INFRASTRUCTURE IMPROVEMENTS TO CONSTRUCTED TO CITY OF WHITEFISH STANDARDS LATEST EDITION.



COMPOSITE UTILITY PLAN

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MONTANA
WASHINGTON
IDAHO
NORTH DAKOTA

Revisions:

Mkoy Enterprises
6361 & 6365 HIGHWAY 93 South
WHITEFISH, MT
Parcel A (west), IBD
Parcel B (east), IBDB-EX-E42 & E42
SEC 1, T30N, R22W

NORTH

SCALE: 1"= 50'
DATE: 02-22-16
JOB #: 15-34

ADDENDUM 2
PRELIMINARY PLAT/PUD

UTILITY SITE PLAN

SHEET 2 of 4

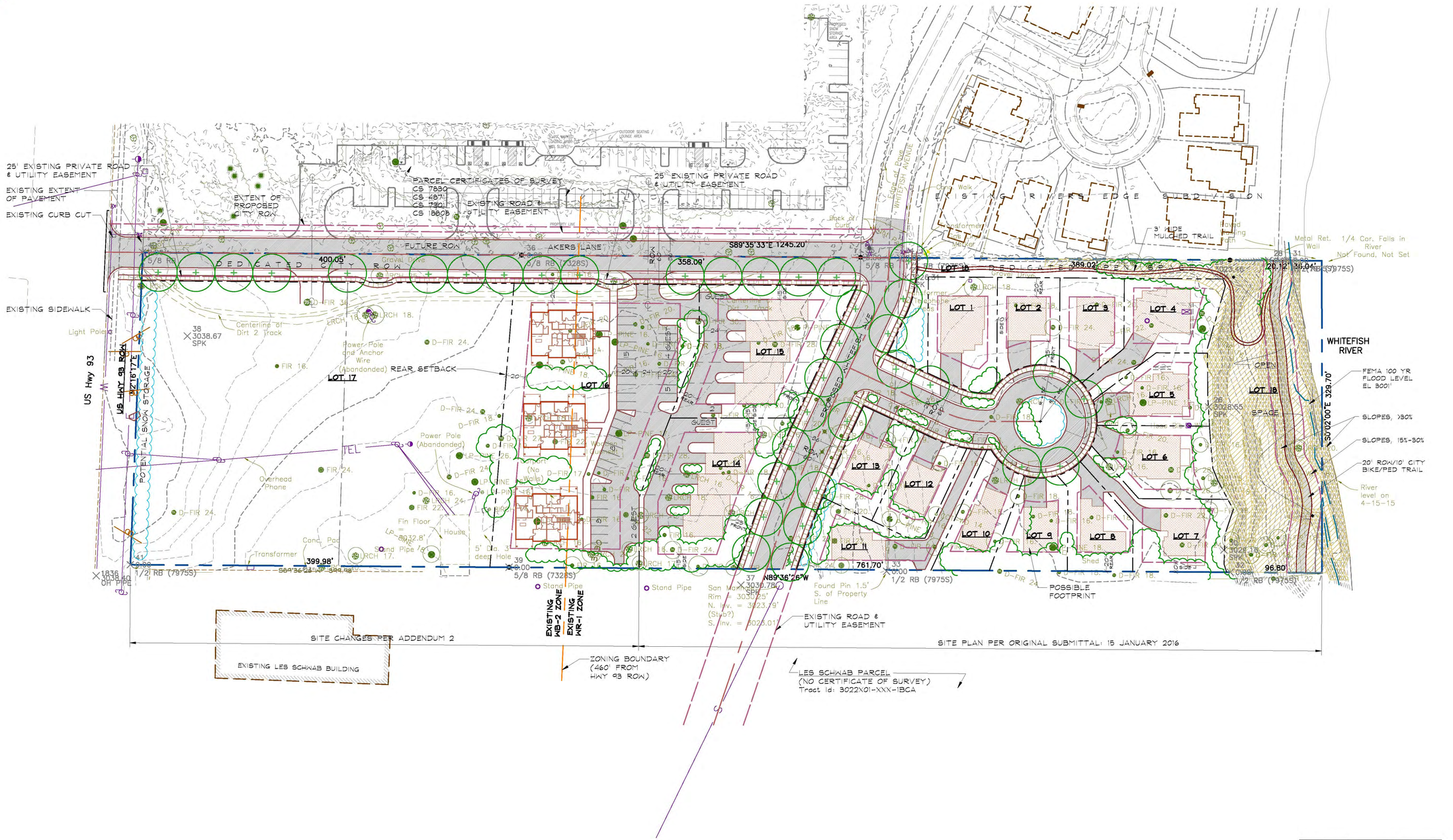
LEGEND

EXISTING

- SIGNIFICANT TREES BY SURVEY
- TREE LIMITS BY SURVEY

PROPOSED

- SIGNIFICANT TREES BY SURVEY TO BE PRESERVED
- PROPOSED LIMITS OF EXISTING TREES
- PROPOSED STREET TREES



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Revisions:

Mkay Enterprises
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WHITEFISH, MT
Tract 1 & Tract 2 of COS 11155
SEC 1, T30N, R22W

NORTH

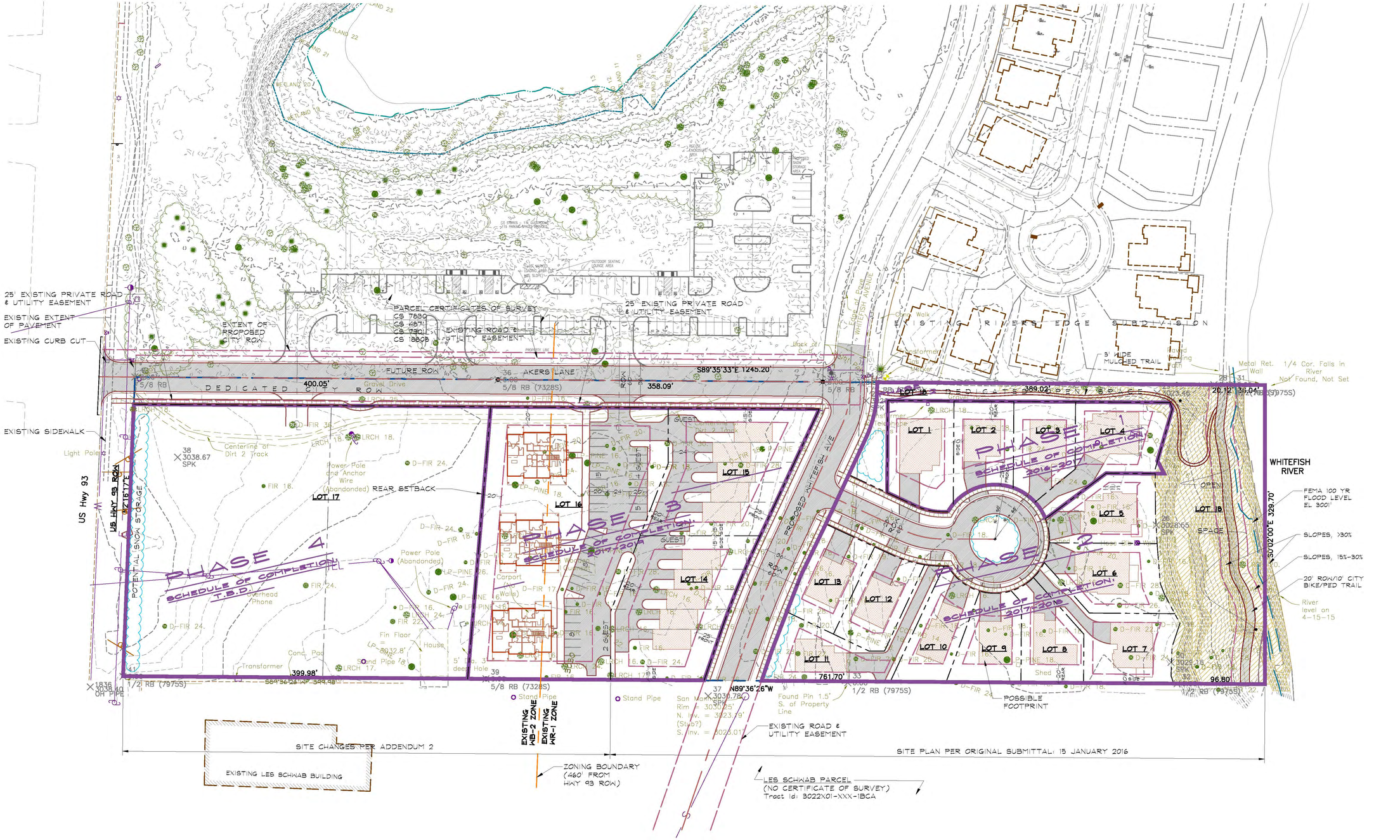
SCALE: 1" = 50'

DATE: 02-22-16

JOB #: 15-34

ADDENDUM 2
PRELIMINARY PLAT/PUD
TREE PRESERVATION & STREET TREE PLANTING

SHEET 3 of 4



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Revisions:

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SEC 1, T30N, R22W

NORTH

SCALE: 1"= 50'

DATE: 02-22-16

JOB #: 15-34

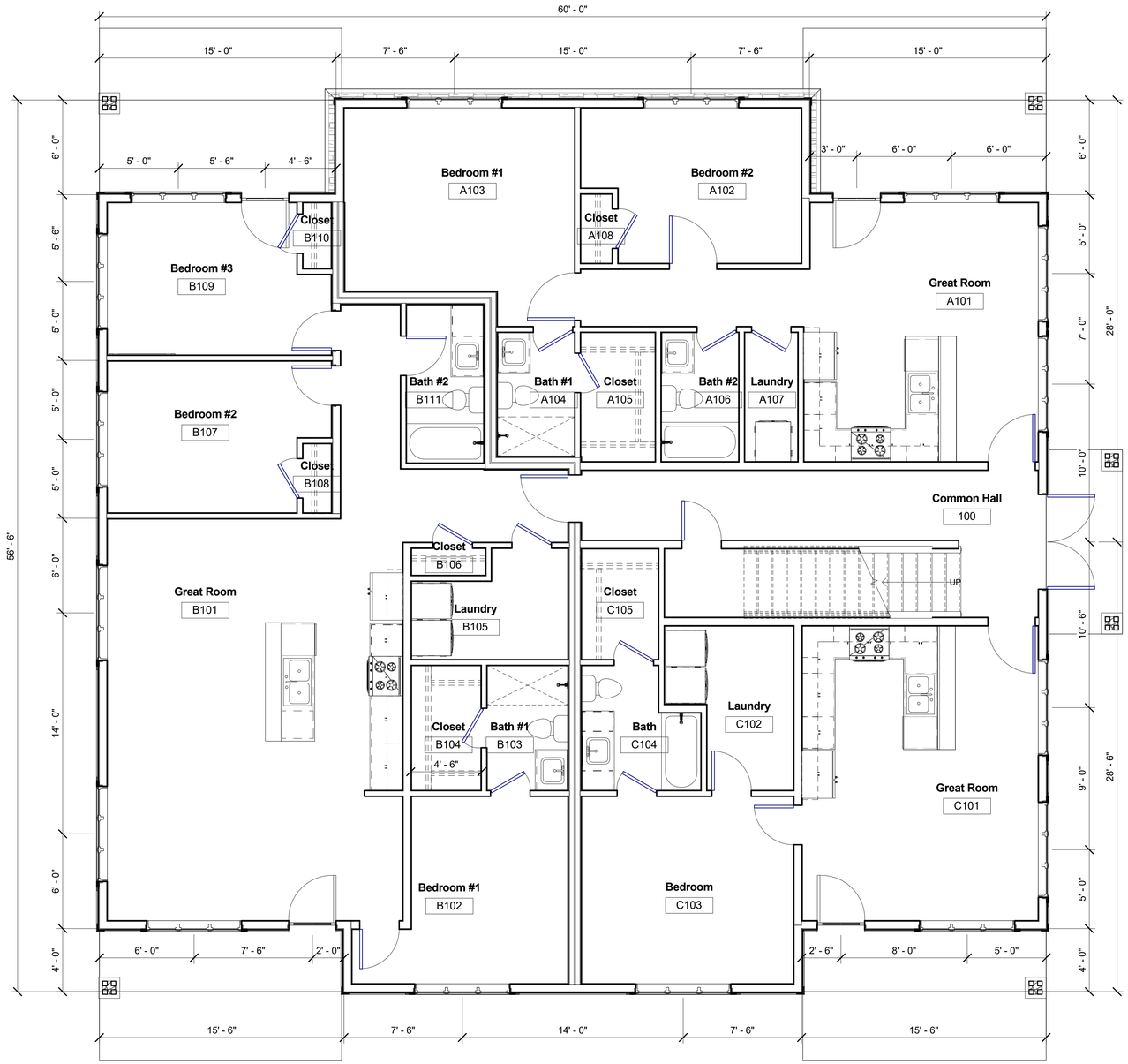
ADDENDUM 2
PRELIMINARY PLAT/PUD

PHASING PLAN

SHEET 4 of 4

CONCEPT PLANS

KEYNOTE LEGEND	
KEY VALUE	KEYNOTE TEXT



1 A2.1 FIRST FLOOR PLAN
1/4" = 1'-0"

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

13-11

Reg. No. 2932 Date: 12/18/15

AARON J. WALLACE

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

Project Number:	13-11
Date:	12/18/15
Drawn By:	JLL
Checked By:	
Revisions:	

Montana Creative
architecture + design

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

FIRST FLOOR PLAN

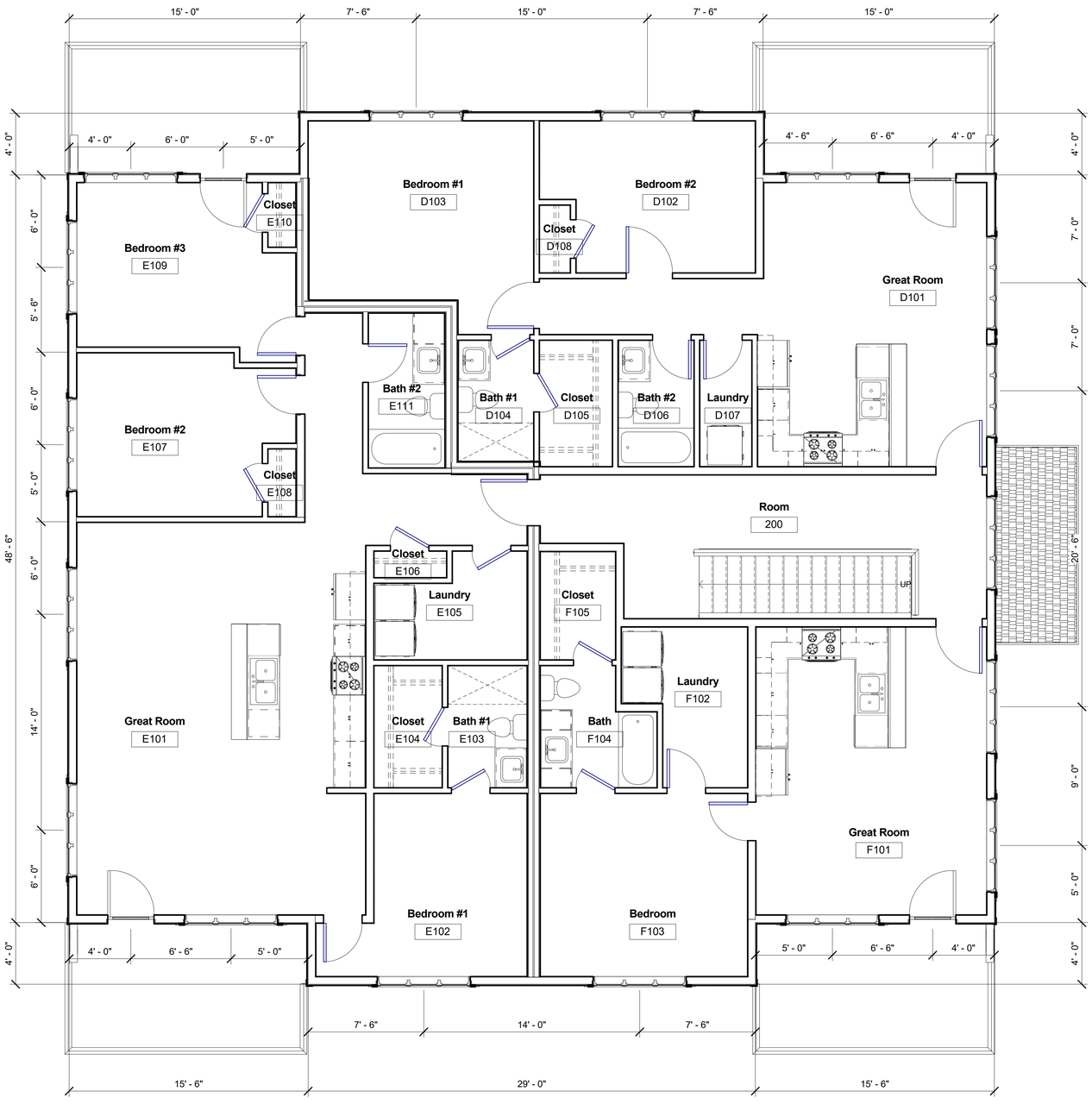
Mkay Six-plex

Whitefish, MT

A2.1

CONCEPT PLANS

KEYNOTE LEGEND	
KEY VALUE	KEYNOTE TEXT



1 A2.2 SECOND FLOOR
1/4" = 1'-0"

SECOND FLOOR PLAN

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

13-11

Date: 12/18/15

Reg. No. 2932
AARON J. WALLACE

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Revisions:	

Montana Creative
architecture + design

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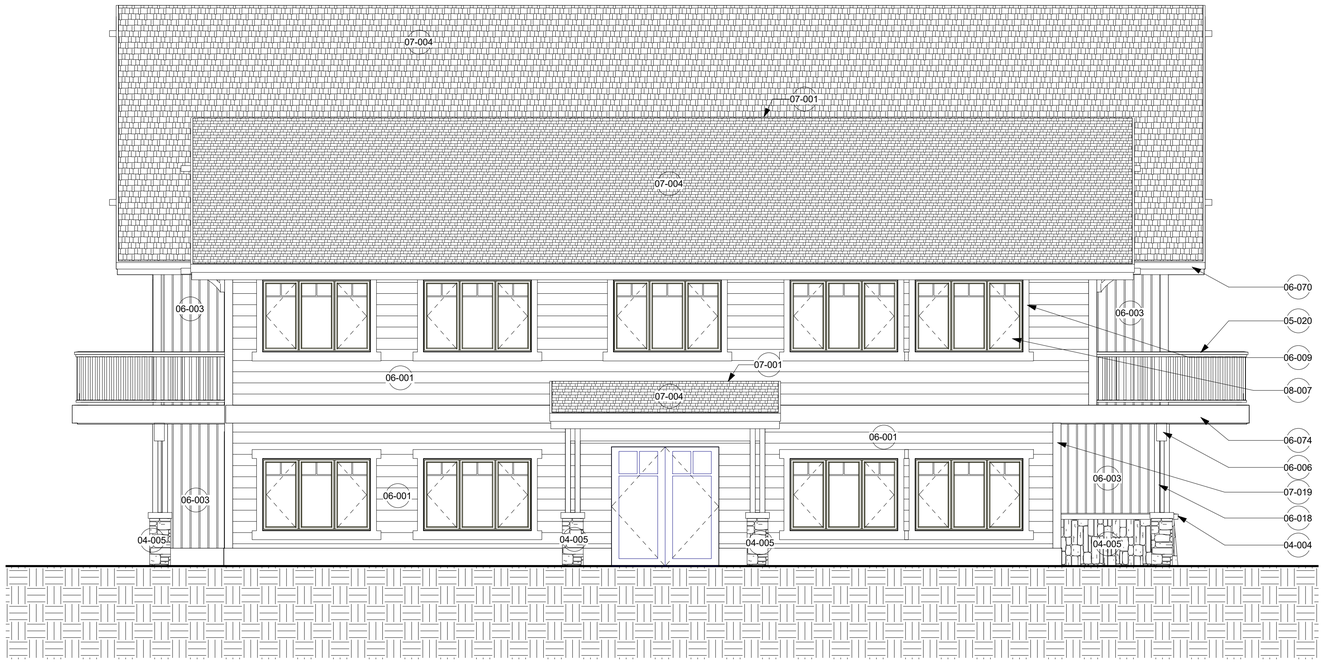
406.862.8152
FAX# 406.862.8153

Mkay Six-plex

Whitefish, MT

A2.2

CONCEPT PLANS



1 A3.1 **Plan East**
1/4" = 1'-0"

KEYNOTE LEGEND	
KEY VALUE	KEYNOTE TEXT
04-004	STONE CAP, SLOPED TO DRAIN, COLOR TBD BY CONTRACTOR
04-005	STONE VENEER W/BACKING - OVERALL STONE PROFILE TO BE BATTERED 2-3 DEGREES - COLOR TBD BY CONTRACTOR
05-020	RAILING - SEE DETAIL
06-001	PREFINISHED FIBER CEMENT SIDING - LAP, 7" T.W. PAINTED TBD BY CONTRACTOR
06-003	PREFINISHED FIBER CEMENT SIDING - BOARD & CEDAR BATTON, 1X4 BATTONS @ 16" O.C., PAINTED TBD BY CONTRACTOR
06-006	WOOD BEAM - 10X12 SEE STRUCTURAL FOR CONNECTIONS, STAIN TBD BY CONTRACTOR
06-009	WOOD WINDOW TRIM - SEE DETAILS
06-018	ARCHITECTURAL WOOD COLUMN, FINAL SELECTIONS BY OWNER
06-070	TWO STEP FASCIA W/VENTING & PREFINISHED METAL DRIP FLASHING - SEE DETAILS
06-074	1x10 BELLY BAND
07-001	PREFINISHED METAL FLASHING, RUN UP WALL 4" MIN., SEALANT ALL AROUND, OVERLAP BUILDING WRAP OVER FACE, TYP AT ALL INTERSECTIONS
07-004	30 YEAR ARCHITECTURAL GRADE ASPHALT ROOFING, COLOR - WEATHERED WOOD IKO
07-019	2X CORNER BOARDS - WOOD
08-007	WINDOW

2 A3.1 **Plan North**
1/4" = 1'-0"

BUILDING ELEVATIONS

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

13-11

Reg. No. 2932 Date: 12/18/15

AARON J. WALLACE

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

Project Number: 13-11
Date: 12/18/15
Drawn By: JLL
Checked By:
Revisions:

Montana Creative
architecture + design

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

Mkay Six-plex

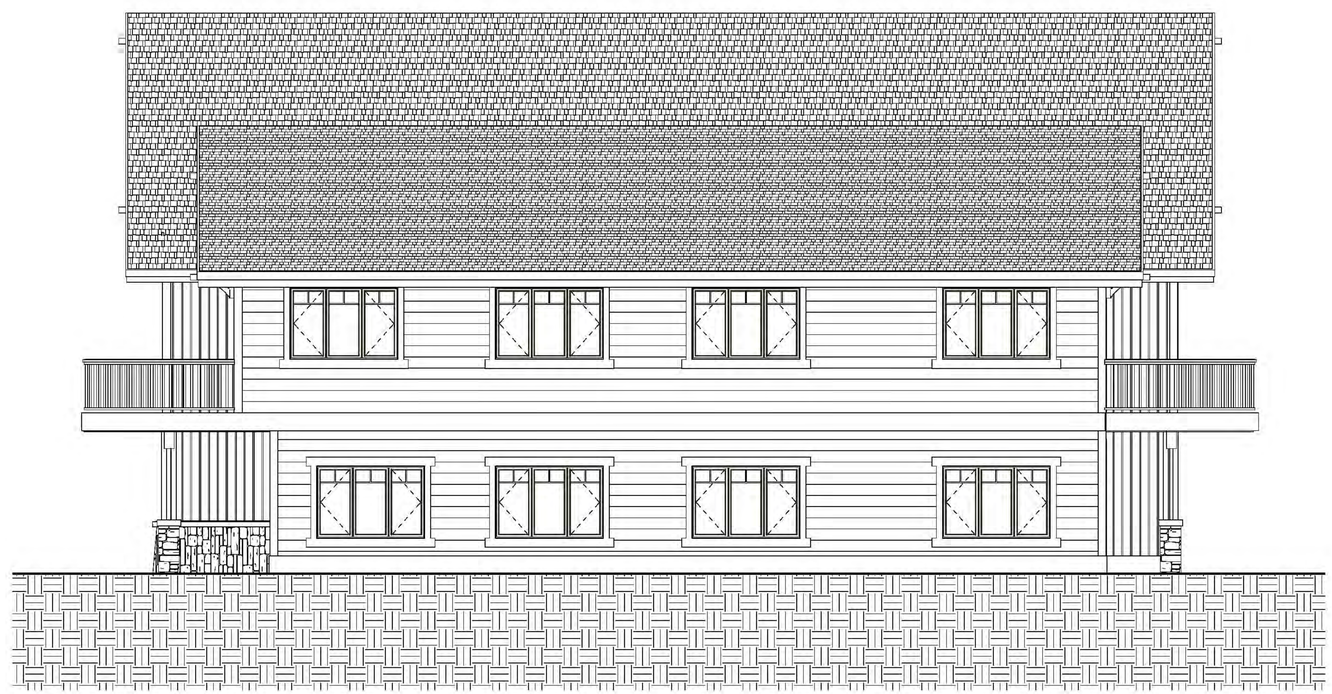
Whitefish, MT

A3.1

CONCEPT PLANS

1 A3.2 Plan South
1/4" = 1'-0"

KEYNOTE LEGEND	
KEY VALUE	KEYNOTE TEXT
04-005	STONE VENEER W/BACKING - OVERALL STONE PROFILE TO BE BATTERED 2-3 DEGREES - COLOR TBD BY CONTRACTOR
05-020	RAILING - SEE DETAIL
06-001	PREFINISHED FIBER CEMENT SIDING - LAP, 7" T.W. PAINTED TBD BY CONTRACTOR
06-002	PREFINISHED FIBER CEMENT SIDING - SHINGLE, PAINTED TBD BY OWNER SELECTION
06-003	PREFINISHED FIBER CEMENT SIDING - BOARD & CEDAR BATTON, 1X4 BATTONS @ 16" O.C., PAINTED TBD BY CONTRACTOR
06-009	WOOD WINDOW TRIM - SEE DETAILS
06-070	TWO STEP FASCIA W/VENTING & PREFINISHED METAL DRIP FLASHING - SEE DETAILS
07-019	2X CORNER BOARDS - WOOD
08-007	WINDOW



2 A3.2 Plan West
1/4" = 1'-0"

BUILDING ELEVATIONS

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

13-11

Date: 12/18/15

Reg. No. 2932
AARON J. WALLACE

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Revisions:

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WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

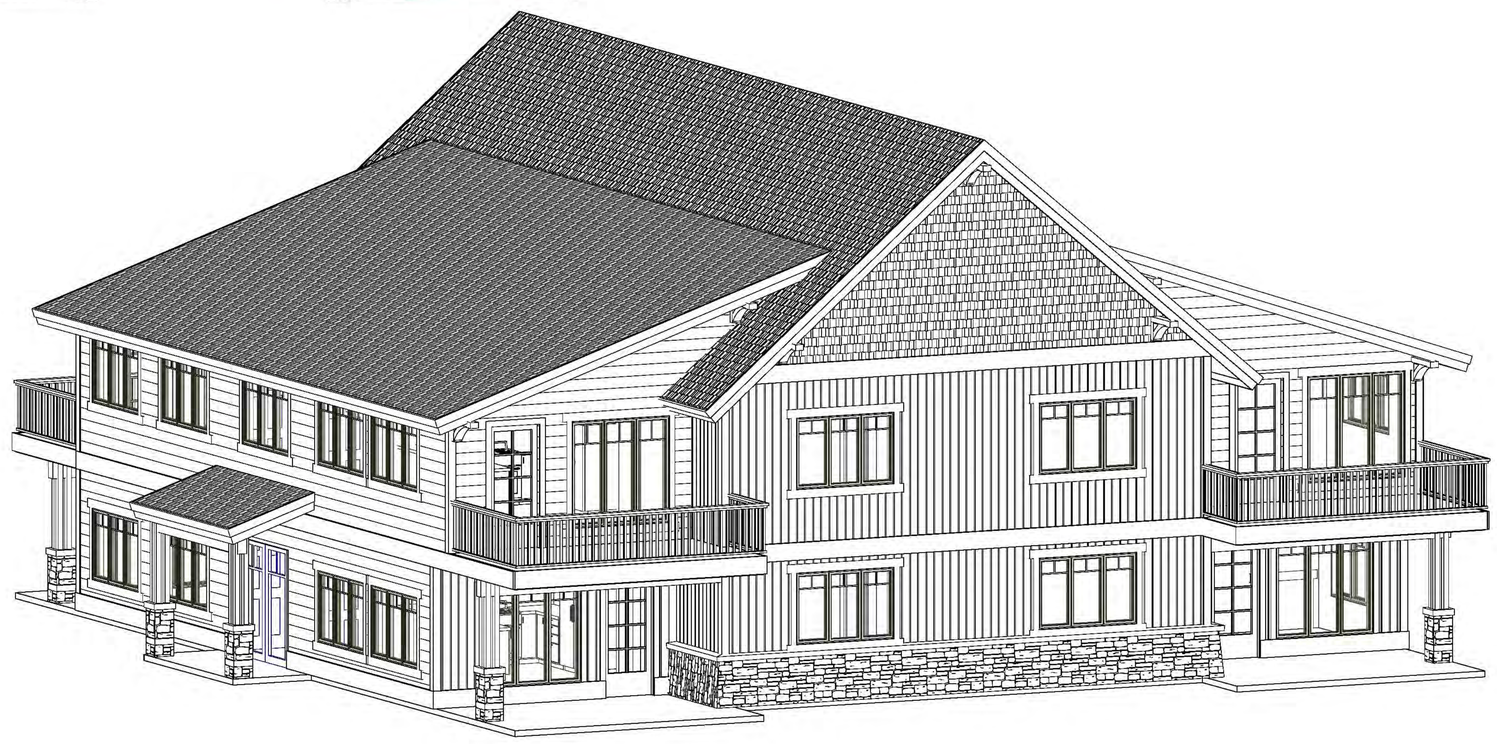
Mkay Six-plex

Whitefish, MT

A3.2

CONCEPT PLANS

1 ARC1 3D View 2



2 ARC1 {3D} Copy 1

Perspective

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

13-11

Reg. No. 2932 Date: 12/18/15

AARON J. WALLACE

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

Project Number:	13-11
Date:	12/18/15
Drawn By:	Author
Checked By:	Checker
Revisions:	12/18/15

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WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

Mkay Six-plex

Whitefish, MT

ARC1

February 25, 2016

Bruce Boody
Bruce Boody Landscape Architect, Inc.
301 E. 2nd Street, Ste. 1B
Whitefish, MT 59937

Dear Bruce,

It is my understanding that the Mkay Enterprises project has been recently revised to adjust the density of the project. The proposed Commonwealth Apartments project is no longer under consideration and a portion of that part of the project will likely be sold and developed at a later date. The remainder of the Mkay Enterprises property will now include 13 single-family residential units, 10 townhouse units, and 18 apartment units. The total number of residential units on the Mkay Enterprises property has decreased from 95 to 41. The adjacent Towne Place hotel project proposal is currently unchanged. The new proposed trip generation from the project is shown below.

Trip Generation Rates

Land Use	Units	AM Peak Hour Trip Ends per Unit	Total AM Peak Hour Trip Ends	PM Peak Hour Trip Ends per Unit	Total PM Peak Hour Trip Ends	Weekday Trip Ends per Unit	Total Weekday Trip Ends
Towne Pl. Hotel	111	0.53	59	0.6	67	8.17	907
Single Family Residential	13	0.75	10	1	13	9.52	124
Townhouse	10	0.44	4	0.52	5	5.81	58
Apartment	18	0.51	9	0.62	11	6.65	120
TOTAL			**82**		**96**		**1,209**

Under the current proposal the overall trip generation from the site has decreased from 1,568 trip per day to 1,209 trips per day. This is a 30% percent decrease from the original proposal. The trip distribution numbers would not change with the current proposal. Abelin Traffic Services re-ran the Level of Service numbers using the decreased trip generation numbers. The results of this analysis are shown below.

Table 4 –Level of Service Summary
With the Towne Place Suites and Mkay Enterprises

	AM Peak Hour		PM Peak Hour	
Intersection	**Delay (Sec.)**	**LOS**	**Delay (Sec.)**	**LOS**
Highway 93 & Commerce St.	6.5	A	11.9	B
Highway 93 & Akers Lane*	34.1/16.9	D/C	58.9/30.9	F/D
Highway 93 & JP Road	9.9	A	7.2	A

*Eastbound/Westbound LOS & Delay.

130 South Howie Street
Helena, Montana 59601

Ultimately the impact on the surrounding road system from the decrease in density on the property will be small. The effect on the LOS from the original Towne Place Suites and Mkay Enterprises proposal is negligible. All of the projected impacts and mitigation measures recommended in the original TIS would still be valid. If you have any additional questions please feel free to contact me at 406-459-1443.

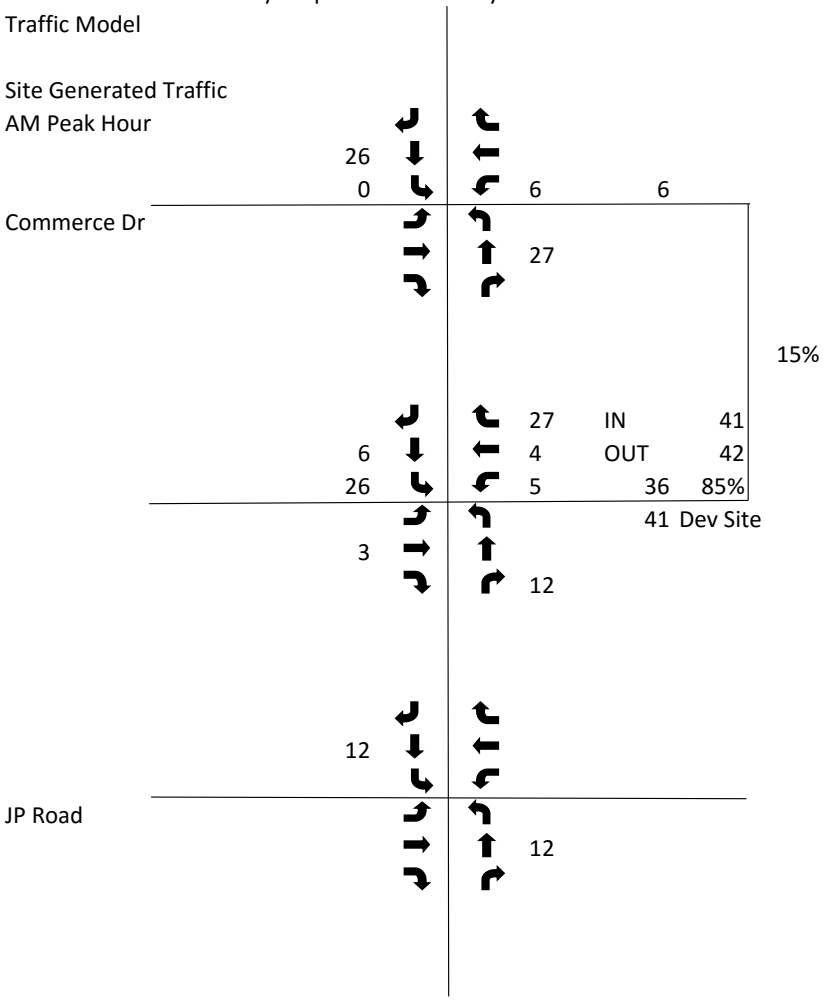
Sincerely,

Bob Abelin, P.E. PTOE
Abelin Traffic Services, Inc.

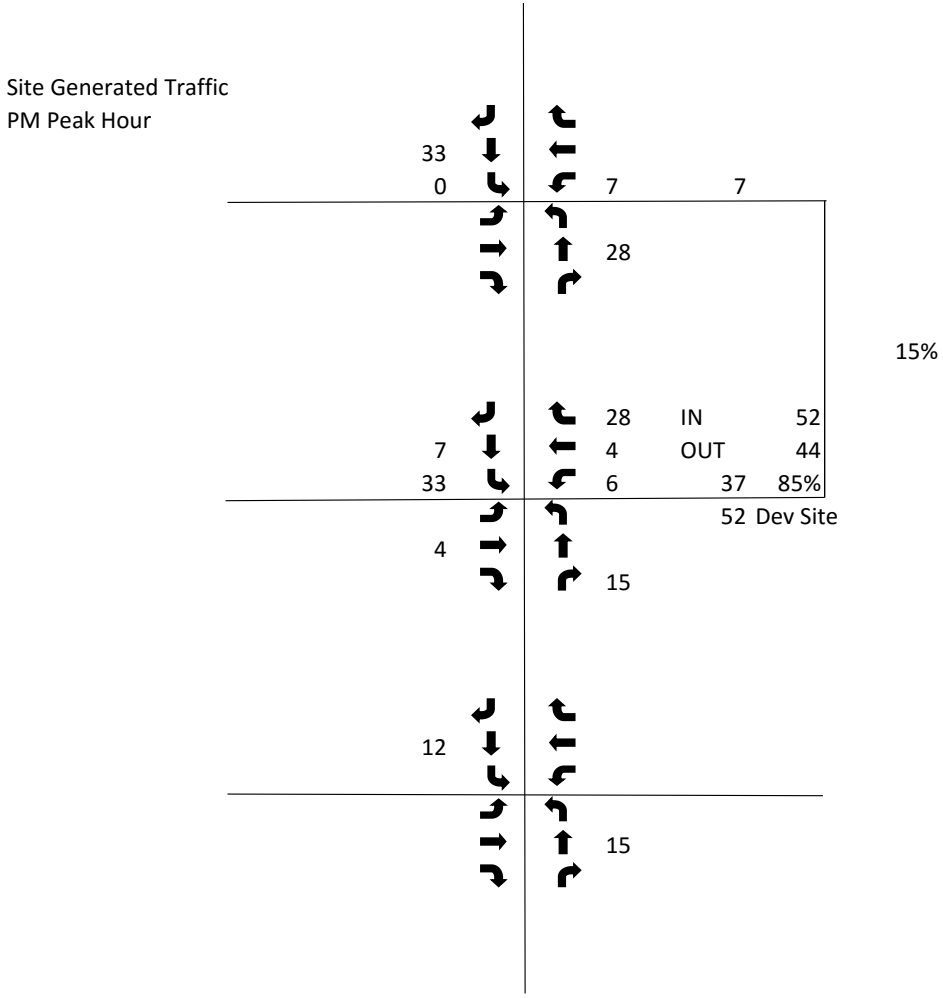
TownePlace Suites + Mkay Properties
Traffic Model

Hwy 93

Site Generated Traffic
AM Peak Hour



Site Generated Traffic
PM Peak Hour



TownePlace Suites + Mkay Properties

Traffic Model

Towne + MKay

Total Projected Traffic

AM Peak Hour

Hwy 93

	4			28
	738			8
	24			58
Commerce Dr	4			32
	16			767
	12			88
	4			27
	782			4
	26			5
	8			12
	3			1036
	4			12
	8			88
	732			4
	48			12
JP Road	16			8
	8			944
	4			12

Towne + Mkay

Total Projected Traffic

PM Peak Hour

	8			40
	717			28
	44			115
	12			28
	28			816
	12			140
	12			28
	1127			4
	33			6
	12			4
	4			1100
	16			15
	4			80
	972			4
	156			28
	8			16
	4			1027
	4			36

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

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

PLANNED UNIT DEVELOPMENT

FEE ATTACHED $ _____
(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.
- ☐ 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 Address: 6325 & 6321 Hwy 93 So., Whitefish, MT 59937

Total Area of Property: 9.483 acres (COS 11155); Total area within PUD = 6.82 acres (Addendum 3)

Zoning District: WB-2 and WR-1

Assessor's Tract No.(s) 1BDB & 1BD Lot No(s) n/a
Block # n/a Subdivision Name n/1
Section 01 Township 30N Range 22W

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

_____ _____
Owner's Signature[1] Date

Michael Morton
Print Name

_____ _____
Applicant's Signature Date

Bruce Boody
Print Name

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

PUD APPLICATION

NARRATIVE

• Density in dwelling units per gross acre;
The residential density of the PUD is 6.26 dwelling units/acre (41 dwelling units on 6.55 acres)
NOTE: Lot 17 is being severed from the PUD application, but remains part of the subdivision application.

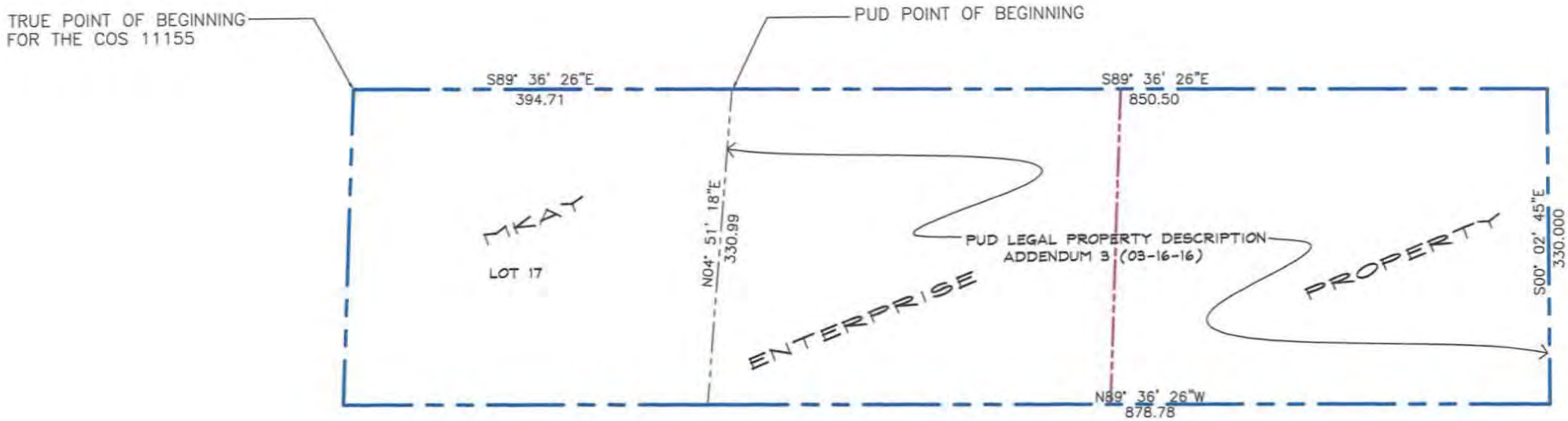
• Location, size, height and number of stories for buildings and uses proposed for buildings;
The PUD includes the following buildings and uses (please refer to the site plan for locations):
Residential: *13 detached single-family homes*
2 five-plex townhomes (10 units)
3 6-unit apartment buildings (18 units)

(Future) Mixed-Use: *Future commercial buildings T.B.D.*

• An overall description of the goals and objectives for the development of the project.

The proposal includes a total of 41 residential units in a mix of detached single family lots (13 in number), attached townhomes in two five plex configurations and apartments in three two-story, 6 unit buildings. Also proposed is a future commercial development near the Highway 93 frontage. The programming and design for the future development on lot 17 is to be determined. The applicants intend to provide up to 4 units of affordable housing in the Planned Unit Development (10% of the total) and in doing so take advantage of the residential density bonus afforded by Section 11-2S-3(B) of the Whitefish Municipal Code.
• The manner in which services will be provided such as water, sewer, storm water management, schools, roads, traffic management, pedestrian access, recreational facilities and other applicable services and utilities.

The proposed residential PUD will have an impact on the local school system. It is anticipated that a certain number of the people moving into the PUD will already be residents of Whitefish and therefore will not add to the local school population. It must also be assumed that a residential subdivision of this size will generate, now and in the future, a number of school aged children. The school district has been contacted for its comments on the proposal. The increase in the tax base resulting from development of the PUD will direct additional tax dollars to the school district and help offset the costs associated with increased enrollment.

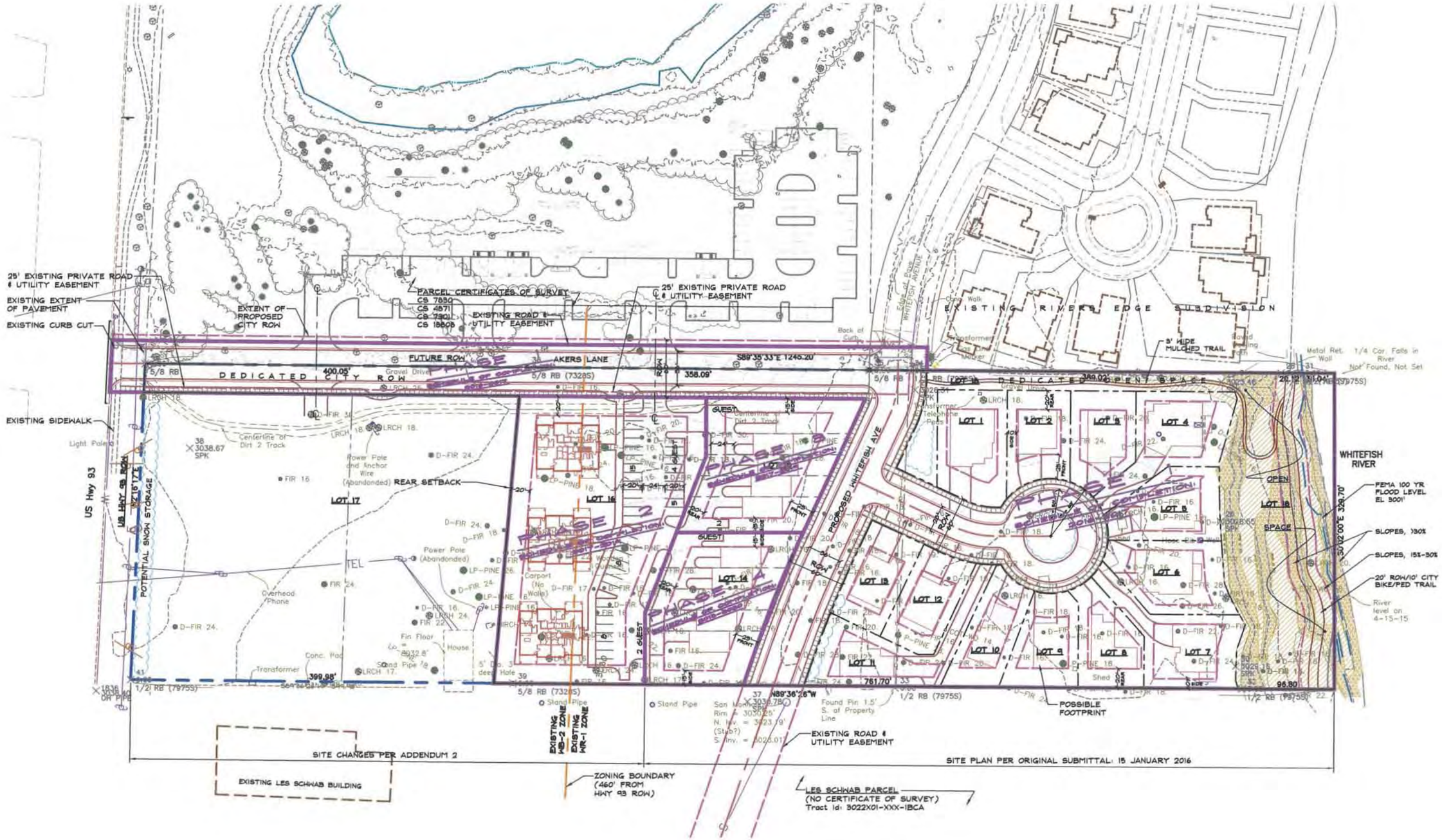


PUD PROPERTY DESCRIPTION:

Beginning at the northwest corner of Tract 1 of COS 11155 (the true point of beginning for the original COS). Thence S89° 36' 26"E 394.71 feet to the true point of beginning of the PUD legal description. Thence continuing S89° 36' 26"E 850.50 feet. Thence S00° 02' 45"E 330.00 feet. Thence N89° 36' 26.00"W 878.78 feet. Thence N04° 51' 18"E 330.99 feet to the PUD point of beginning.

BRUCE BODDY
Landscape Architect Inc.

NOT TO SCALE



BRUCE BOODY Landscape Architect Inc.

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

Revisions:

Mkay Enterprises
6361 & 6365 HIGHWAY 93 South
WHITEFISH, MT
Tract 1 & Tract 2 of COS 11185
SEC 1, T30N, R22W

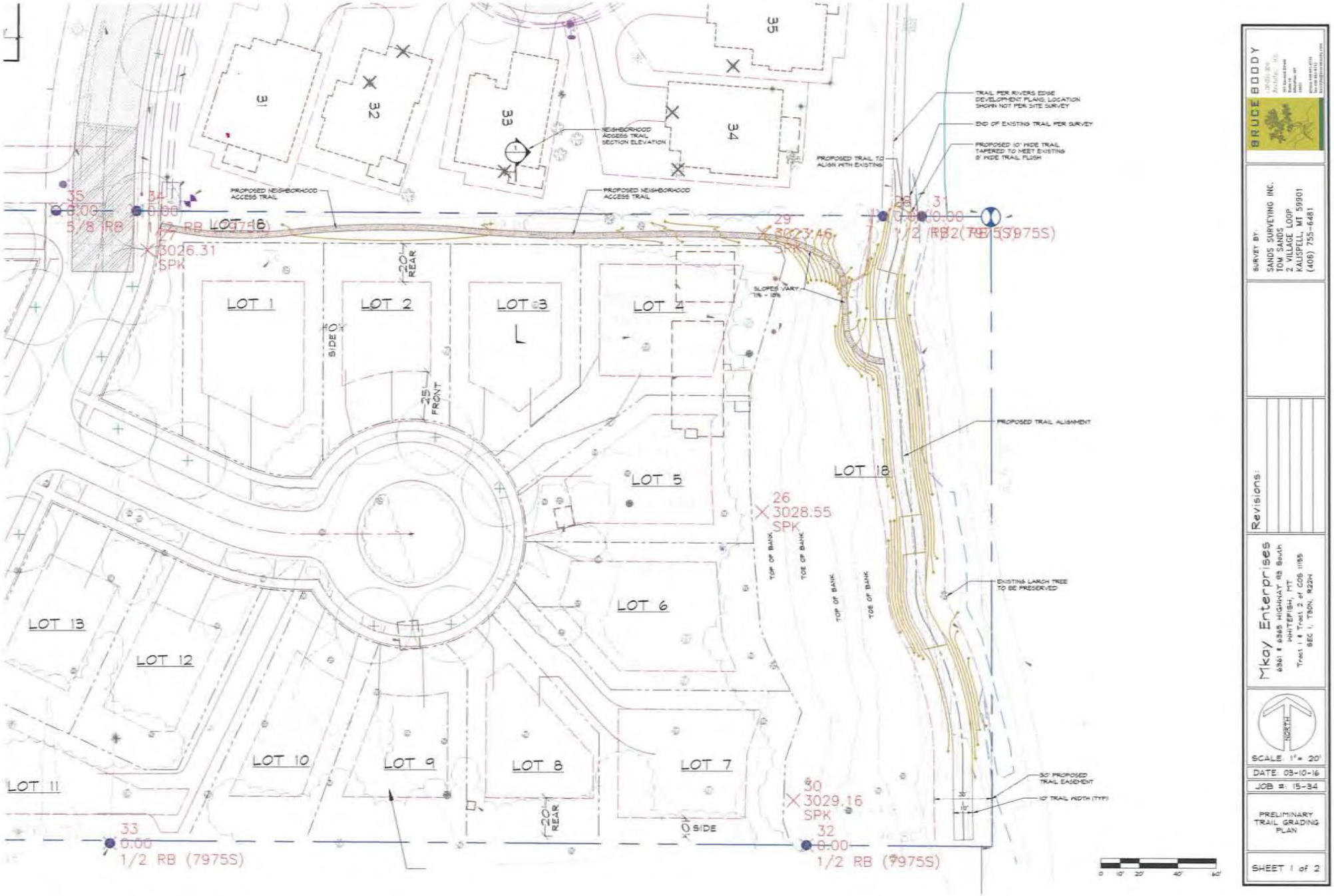
NORTH

SCALE: 1"= 100'
DATE: 03-16-16
JOB #: 15-34

ADDENDUM 3
PRELIMINARY PLAT/PUD

PHASING PLAN

SHEET 4 of 4



BRUCE BOODY

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

Revisions:

Mkay Enterprises
6361 & 6365 HIGHWAY 93 South
WHITEFISH, MT
Tract 1 & Tract 2 of COS 1159
SEC. 1, T30N, R22W

NORTH

SCALE: 1" = 20'
DATE: 03-10-16
JOB #: 15-34

PRELIMINARY TRAIL GRADING PLAN

SHEET 1 of 2

1 NEIGHBORHOOD ACCESS TRAIL - SECTION ELEVATION
1/4" = 1'-0"

P-CD-MK-01

BRUCE BOODY
LIP Design
Architecture

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

Revisions:

Mkay Enterprises
6561 & 6565 HIGHWAY 93 South
WHITEFISH, MT
Tract 1 & Tract 2 of COS 11158
SEC 1, T30N, R22W

NORTH

DATE: 03-10-16
JOB #: 15-34

PRELIMINARY
TRAIL GRADING
PLAN

SHEET 2 of 2

handed out at.
3-17-16 Planning Board Mtg.

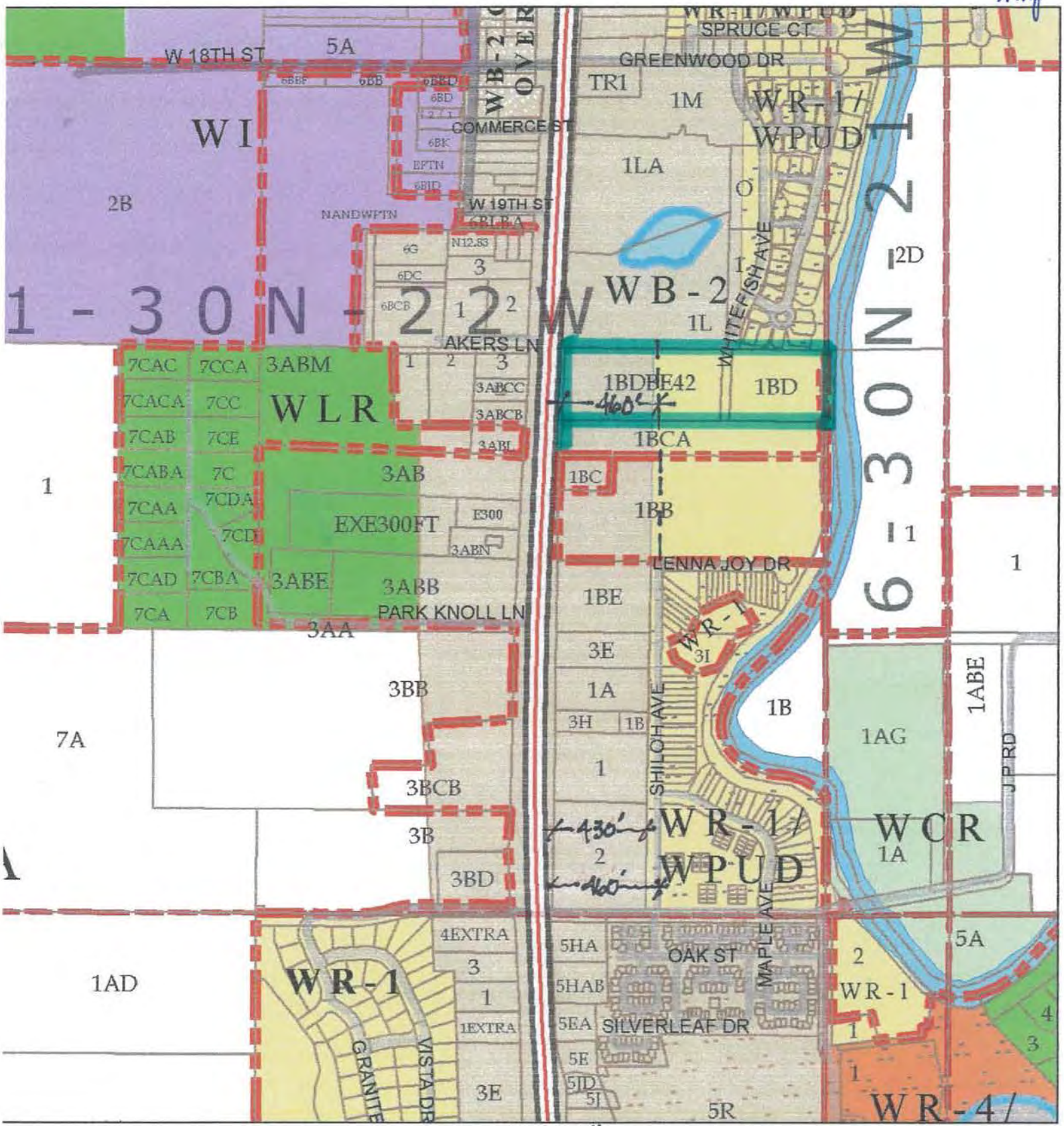


Exhibit: McKay - Zoning Boundary Determination
measurements from Flathead GIS
430' apparent West ROW - Shiloh Ave
460' apparent ℄ Shiloh Ave ROW

handed out 3-17-16
Planning Board Mtg.

March 17, 2016

Comments on MKay Enterprises proposal, WPP 15-07/WPUD 15-01

Planning Board Members and Staff,

This proposal does some nice things dealing with the 7unit/acre density allowance such as: only single family home east of Whitefish Ave along the river and the elimination of ingress/egress directly onto Whitefish Ave. from the townhouses immediately west of Whitefish Ave. I like Townhouses and support their use in this PUD in spite of the fact that I believe they are not allowed in the current WPUD Regulations, largely as they will be clarified or changed in the pending re-write of these regulations. You have my additional clarifications in my March 9 memo (included in your packet). The Lot 17 discussion in my memo is no longer relevant as lot 17 is no longer included in the PUD. I will address only two topics: My clarifications for why I believe Townhouses are not supported in the current WPUD as additional clarification and the traffic concerns shard by both proposals before you tonight.

Townhouses—The staff report is considering the Townhouses as single family residences. It is true that each Townhouse is likely to be occupied by a single family, but the similarities stop there. Strict compliance to the WPUD regulations as written would preclude Townhouses in a PUD. The Zoning Regulations (section 11-9-2) contain distinctly different definitions for each as follows:

> Single family----" A building containing only one dwelling unit entirely separated by open space from building on adjoining lots or building sites." The key elements are 'only one unit and the open spaces'. In the regulations for the single family zoning (WR-1 in this case) these open spaces are defined by the front, side and rear setback requirements.
>
> Townhouse----"A building containing dwelling units, each of which has a primary ground floor access to the outside and is attached to each other by party walls without openings." In this case, 'multiple units sharing a common wall or walls—not individual units surrounded by open spaces'. In this proposal, each Townhouse structure contains 5 Townhouse units.

The Residential PUD permitted uses include single family homes, two family homes (duplexes) and multi-family homes or any combination of the three but there is no mention of Townhouses. A one word change to the WPUD regulations for Residential PUDs by adding Townhouses to the permitted Uses would have eliminated this discussion but it is not there. Whether an oversight or intentional I have no idea, but strict adherence to the regulations as written today would not allow them, even though they have been allowed in prior PUDs. This, along with other challenges, will undoubtedly be considered in the authorized re-write of that regulation. Additionally, the WPUD Regulations in section 11-2S-5 (Deviations from Standards) do not mention permitted uses in a Residential PUD. As indicated earlier, I have no problem with Townhouses and support this project. However, questionable interpretations of our regulations tend to destroy their meaning and usefulness.

Traffic is a problem and is recognized as such by all parties involved. These problems are common to both the MKay and Marriott proposals. I have discussed them at length in the Marriott proposal with possible actions and will not repeat those long comments again in the MKay proposal. I would ask that you consider all my traffic comments in the Marriott proposal as applicable in total to the MKay proposal also. I am discussing them together in the traffic comments in the Marriott proposal as both the staff and traffic study consider them as common to both proposals and in aggregate (traffic study).

In closing I wish you well in your deliberations and please consider all these comments carefully. Thank you for listening.

Respectfully submitted,

Don Spivey, 117 Park Knoll Lane, Whitefish

handed out at 3-17-16 Planning Board Mtg.

PO Box 771 • 35 4th Street West
citizens@flatheadcitizens.org

CITIZENS FOR A BETTER FLATHEAD

Kalispell, Montana 59903
T: 406.756.8993 • F: 406.756.8991

www.flatheadcitizens.org

To: Whitefish City Planning Board

Re: MKAY ENTERPRISES STAFF REPORT, PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT, WPP 15-07/WPUD 15-01 March 10, 2016

Date: March 17, 2016

Citizens for a Better Flathead, having reviewed the staff report, offers the following comments that in addition to those specific to this development highlight the need for a rewrite of the Whitefish PUD regulations and an over all code update:

1. **Issue: Location of exact boundary between WB2 zone and WR-1 zone.**

   It is our understanding that this zoning boundary has not been established by survey and is at this time estimated. The location of this boundary is important to establishing what uses are permitted on the land underlying these zones. The WB2 zoning as we understand was put in place in 1965 by Ordiance No. A-134. The legal description for this zone was identified as follows:

ARTICLE XI

A. Use District Boundaries

Paragraph 1. Same as on Page 1.
Paragraph 2. Same as on Page 11
Paragraph 3. The boundaries of the various use districts and the area included therein shall comprise the City Blocks and portions of blocks as hereinafter described; provided, further, that any new territory hereinafter taken within the City Limits of the City of Whitefish shall be in the same zone as that portion of the City which is adjoins unless otherwise indicated and directed by the City Council at the time of annexation.

No. 1. L.C. Local Commercial: All that area within the following described boundaries:
The South Half of Lots 3 and 4 of Block 9 of Whitefish Townsite Company's Five Acre Tracts to Whitefish, Montana; and Lots 1, 2, 3, 4 & 5 of Block 41, and Lots 11 & 12 of Block 49 of the Original Townsite of Whitefish, Montana.

No. 2. H.C. Highway Commercial: All that area within the following described boundaries:
The West Half of Blocks 11 and 12; and all of Lots 1 through 4 and Lots 7 through 10 of Block 15; All lots 6, 7 & 8 of Block 16; and all of Lots 11 through 18 of Block 3; and the vacated road between Lot 18 of Block 3 and Lot 1 of Block 2; and that part of Lot 1 of Block 2 west of U.S. Highway No. 93 all of the Riverside Addition to Whitefish, Montana.

Beyond researching the history of this zone we have not identified if this description is consistent with the zoning boundaries estimated for this application and ask that this be reviewed and checked.

2. **Issue: Division of lots by zones.** Subsection 11-2-2(C) of the Whitefish Zoning Code, states in pertinent part that: 'If...a property is divided into two (2) use districts, the property may be utilized in conformance with one zoning district or the other as long as the use is confined to that portion of the property for which it is zoned.'"

   It is not clear if an underlying lot, within this application, is being divided by two zones. This should be established to determine if this application is in compliance with Subsection 11-2-2(C) of the Whitefish Zoning Code.

3. **Issue: Permitted Uses allowed under density bonuses.**

   It is important to note that the 11-9-2 of the Whitefish Zoning Code define commercial uses as follow:

   COMMERCIAL USE: A use operated for profit or compensation.

   The proposed PUD before you is a Residential PUD (defined below) overlaying a WR-1 zone. Underlying uses, which are single family, again defined as under 11-9-2 of the Whitefish Zoning Code as follows:

   DWELLING, SINGLE-FAMILY: A building containing only one dwelling unit entirely separated by open space from buildings on adjoining lots or building sites.

   Under PUD regulations for a Residential PUD commercial uses are limited, if affordable housing is provided, as follows under 11-2S-2:

   1.No more than ten percent (10%) of the gross area of the district is to be so designated or fifteen percent (15%) if the project incorporates "affordable housing" as defined in this title, and
   2.The proposed commercial uses must be compatible with and complementary to existing and proposed uses in the area.

   The proposed townhouses and apartments are commercial uses that are operated for profit or compensation consistent with the City's definition of a commercial use. As proposed these apartment and townhouse units together appear to exceed 15% of the proposed PUD.

4. **Issue: Commercial Uses under 11-2S-2, as noted above within this permitted 15% of the area of the PUD, "must be compatible with and complementary to existing and proposed uses in the area."**

   Existing and proposed uses in the area are single-family homes. Multi-storied, multi unit commercial apartments are likely less compatible than would be townhouses within this fifteen percent area. Note, however, that while other zones specifically identify where

townhouses are permitted WR-1 clearly states that only single family homes are permitted in the underlying zone. Townhouse and multi family housing are not even permitted as conditional uses.

5. **Issue: Additionally, the proposed PUD and its inclusion of townhouses and apartments over the allowed 15% commercial is not consistent with the purpose and intent of the PUD statute found at 11-2S-1, which only refers to the ability to vary standards and not underlying permitted uses.** It states:

   "11-2S-1: PURPOSE AND INTENT: The purpose of the WPUD overlay is to provide a mechanism to allow the developer and design professionals the flexibility to respond to the environmental characteristics of a site, character of the surrounding neighborhood, and changing market demands and housing needs of the Whitefish community. **In return for increased flexibility and the opportunity to vary standards of the underlying zone**, it is the intent of the WPUD that the proposed development provides the following benefits as applicable:..."

6. **Issue: Townhouses and multi-family housing are not single family homes and do not meet the city's definition of single-family homes.**

   "DWELLING, SINGLE-FAMILY: A building containing only one dwelling unit entirely separated by open space from buildings on adjoining lots or building sites."

   "TOWNHOUSE: A building containing dwelling units, each of which has a primary ground floor access to the outside and is attached to each other by party walls without openings."

   "DWELLING, MULTI-FAMILY: A building or buildings attached to each other and containing three (3) or more dwelling units. The term "multi-family dwelling" is intended to apply to dwelling types such as triplex, fourplex or apartments where any dwellings have their primary access to a common hallway or corridor."

   Note that while other zones specifically identify where townhouses are permitted WR-1 clearly states that only single family homes are permitted in the underlying zone. Townhouse and multi family housing are not even permitted as conditional uses. As WR-1 is a residential district only the standard for a residential PUD must be applied.

7. We did not see any reference to retention on mature trees on this site and this should be given additional review. Additionally we would ask that provision for recycling containers be included in this project.

8. We would support the points on transportation issues that were raised by Don Spivey.

9. In conclusion we would ask that the planning board table this proposal before you until some of these issues can be resolved and clarified.

March 29, 2016

Re: April 18, 2016 Whitefish City Council Meeting

Thank you for taking the time to read our letter. It is important for us to know that you take the time to consider our opinions and you should know we appreciate this very much.

We are residents of the Rivers Edge Community in Whitefish. Our address is 730 Clearwater Drive.

We have known this Flathead community for nearly 40 years now and we think that is important to know that while many changes have occurred during that time they have not affected the small town feel of Whitefish.

We know that more development is planned and while we do not want to stop that for many reasons it is important that this development remain consistent with the original Whitefish Growth Policy. If we deviate now from this strategy, then a new template for development will overtake us with no turning back.

My comments are as follows:

First and most important, we urge that the Planning Board and the City Council Members support the existing regulations that will restrict the height of the Marriott Hotel to no more than 35 feet and the size of the facility to no more than 15,000 square feet. We feel the Marriott can design and build a superb premier facility that keeps the "flavor" of our Whitefish community and will still draw visitors to their establishment.

Secondly, we have concerns that ultimately Whitefish Avenue could become a secondary thoroughfare to take some of the traffic pressure from Highway 93. We know this is a further issue to be studied but we would like you to know our thoughts at this time.

Whitefish Avenue is a somewhat narrow street for a significant increase in traffic, especially coupled with the potential overflow parking on the street that may be necessary for some of the future high density residents and possible workers related to the Marriott Hotel to our south.

The Rivers Edge homes are "Detached Patio Homes". My understanding is that name is basically a home on a small lot. You will notice that the yards are not that large in our community and as such there is not a large buffer from the home to the street. Already while you are in your home you can hear people talking outside your windows from the sidewalk. A large influx of parking and traffic, especially larger trucks, trailers etc. will be very disruptive to residents. Yes, we know this road will sometime be developed but please consider it as access for local residents and light casual area traffic.

We continue to support our City Council and trust you will represent us to stay the course of the Whitefish Growth Policy and further enhance the quality of life Whitefish residents and visitors have come to know. It is a policy that is standing the test of time.

Thank you.

Dave and Peggy Siegfried
730 Clearwater Drive
Whitefish, Montana 59937

Dave + Peggy Siegfried

received
4-11-16

April 11, 2016

City Council and staff,

The following discussion updates some serious US 93 traffic concerns which surfaced again with the recent Mkay and Marriott proposals. The traffic problems discussed are much larger than just these two proposals. I am delighted that the City has embraced the challenge of addressing them.

Both the MKay project and the Marriott started through the approval process together as they share some common requirements—particularly involving the new Akers Lane. The original Marriott proposal was seriously questioned in the Planning Board review. They have decided to reconsider their proposal. However, Aker's lane and the associated traffic concerns remain. The traffic problems along this section of US 93 are larger and more complex than simply resolving the Akers Lane issues. As in my earlier documentation, focus is on the section of US 93 between the signaled intersection at JP Road and the signal at the Mall. The situation is dynamic and changes are occurring. Most notably, the Morris family property between the Mormon and Baptist church is now under contract to an investment group. Rumors suggest party or parties are interested in purchasing the Dalen property as well.

Some characteristic of that section of US 93:

> It is a 5 lane road with a center turning lane, a 45 MPH speed limit and using the center turning lane as a merge lane for left hand turns is not legal.
>
> On the West side there are 4 hotel/motels, an RV Park, A 60 unit housing development (Whitefish Crossing), 4 restaurants, a casino, 2 churches and various small and modest sized businesses. There is an open field between the Baptist and Mormon churches (50 acres extending west now under contract to an investment group). There is also the road into Park Knoll Estates. I understand Whitefish Crossing is providing an access easement from their road to Howard Hamilton's property behind them.
>
> On the East side, in front of these two proposed developments there are open spaces for development along the highway, various businesses, the Dalen property and the auto dealerships, with associated traffic. Both these two developments exit/enter onto the new Akers Lane or onto Whitefish Ave.
>
> The traffic study recognized the challenge of the Akers Lane/US 93 intersection. The traffic from these two developments has to go someplace, either onto the highway from Akers Lane or north to Greenwood and to Whitefish via the Greenwood intersection or south to Kalispell by crossing the private Mall parking lot to the signal at the entrance. I believe most drivers will opt for the Akers Lane intersection over the Greenwood alternatives.

With the strong community focus on alternative bike and pedestrian usage throughout Whitefish, bike and pedestrian traffic will increase on the sidewalk and along the shoulder of the highway. This will create additional traffic challenges between cars, pedestrian and bikes as cars exit and enter the highway. With the new residential developments (Whitefish Crossing and the MKay developments) there will be additional school aged children. With all schools more than a mile away, almost no useful public transit and no school bus service, some children will be riding bikes along parts of this highway on their way to and from school.

The single largest challenge is making left hand turns onto the highway from either side of US 93. The traffic study suggests that 30% of the traffic from Akers Lane (east side) will make left hand turns onto the highway and 60% will be turning right toward Whitefish. Using those same percentages as characteristic for this whole highway segment, 60% of the west side entries will be making left hand turns toward Whitefish. The potential for accidents from both left hand turning drivers (60% from the west and 30% from the east) as they cross the center lane toward each other is all too real. This is particularly serious when, in frustration, they use the center lace as a merge lane, even though illegal. These dangerous encounters can also occur between a driver using the center lane to make a legal left hand turn off the highway and a frustrated left hand turning driver entering the highway. This frustration is real today and will only increase as traffic increases. I have described (in my earlier memo) the issues with the use of the center turning lane as a merge lane for left hand turns. At the busy times of the day and busy seasons of the year this can become very serious. Many drivers today, at busy traffic times, use that center lane as a merge lane. Even today, I have timed the delay waiting for the legal open lanes from Park Knoll Lane onto the Highway headed to Whitefish. During busy times of the day and during busy seasons that wait can take minutes, not seconds. The center lane in this area has earned the often used nick name 'suicide lane'. Collectively, this challenge will increase over time and will establish a Whitefish version of 'road rage'.

With the current challenges and with the potential growth along this corridor, traffic is, and will increasingly be, a challenge that cries out for solutions. There are several possibilities including signals, parallel access roads, medians and reducing the speed to 35 MPH much earlier than at present—possibly at the JP Rd. intersection. There may be more options as well. Fortunately that challenge is recognized by the City of Whitefish and, hopefully, MTD as well (MTD owns that highway and must approve any change). The Public Works Department is actively seeking assistance from MDT to address these challenges. All permanent long term solutions will involve changes along this section of US 93. One of the possibilities involves a signal at the Akers Lane/US 93 intersection. The Public Works staff discussed that as an important option in the work session on March 7. Both staff reports require some preparatory work at that intersection in anticipation of that option. In that work session there was also discussion of extending Whitefish Ave. south to JP Road, where there is a signal.

This route is a part of the Whitefish Transportation Plan and some portions are either committed or the foundation is in place. The MKay proposal is required to extend Whitefish Ave. to the boundary with the Les Schwab property and a road easement is already in place across the Les Schwab property.

No road easement exists across the Dalen property allowing connection to Shiloh Ave. The Public Works Dept. will be discussing a road easement across their property with the Dalen family. It is my understanding that if the City is successful in establishing a working relationship with MDT, they may choose to focus on the extension of Whitefish Ave. south at the same time.

In my opinion the most important solutions, by far, are changes along US 93. Thus, I strongly endorse a signal at the Akers Lane intersection. The Whitefish Ave. extension only touches a very small part of the US 93 traffic challenges.

The question is what to do about the traffic challenges of these two Akers Lane proposals--only one of which is before you tonight? The traffic impacts from the Marriott (if and when it materializes) will be instant on the day they open for business. The traffic volumes from the MKay development will increase gradually as they phase through their development cycles. The work with MDT will take time, how much I don't know, but, historically, much longer than one would like.

I would suggest a recommendation to the City (Public Works Department) to press for the signal at the Akers Lane intersection and the reduction of the speed limit ASAP.

With regard to extending Whitefish Ave., historically, the city does not build these kinds of roads themselves. Rather, they rely on developers to do it for them (as with the MKay development) and currently have no funds or plans to tackle such a challenge. Thus, that solution presents a new set of challenges to the City.

As neither of these developers can solve these problems on their own I am reluctant to impose serious limitations relative to their part of the US 93 traffic challenges, but their part is an important piece. Probably some recommendation tying the traffic from these two developments to a solution direction is appropriate.

You could do nothing as I would not expect significant traffic volumes from these two developments to materialize until sometime in 2017. By that time I would hope at least a solution direction is established.

You could impose some form of time limitation--like not issuing a final building permit until a clear solution direction is established dealing with the traffic challenges along US93 in the section discussed above.

I wish you well in your deliberations and please consider all my comments. Again, the traffic comments in this proposal are my response to those issues for both proposals, though the Marriott is temporarily in limbo.

Thank you for considering all these comments.

Respectfully submitted,

Don Spivey, 117 Park Knoll Lane, Whitefish

abelin traffic services

April 12, 2016

City of Whitefish
Attn: Wendy Compton-Ring
510 Railway Street
Whitefish, MT 59937

Dear Wendy,

I would like to add some additional information in response to the April 11, 2016 letter provided by Don Spivey relating to the proposed Mkay and Towne Place Hotel developments on Highway 93. The letter provided by Don Spivey is a good overview of the challenges the City of Whitefish is facing in regards to the traffic conditions along this section of Highway 93. There is no argument that the traffic conditions along this section of Highway are less than ideal and improvements to the corridor would be necessary to keep this section of road operating safely and efficiently into the future. While the Spivey letter does provide good suggestions for possible roadway and corridor improvements (traffic signals, speed limit changes, and alternative roadway connections), implementing any of these improvements will require significant coordination with and approval from the City of Whitefish and the Montana Department of Transportation.

It is likely that MDT will be in favor of making long-range improvements along the Highway 93 corridor. However, the exact roadway modifications which may ultimately be approved are difficult to predict. While a traffic signal at Akers Lane may seem to be an obvious roadway improvement, it is possible that a larger transportation planning effort may identify a different recommended location for a traffic signal. Implementing improvements piece-meal along the corridor may ultimately cause unforeseen problems. If we look at the existing traffic signal just to the north at the Mountain Mall (Commerce Street) we see a good example of the need for long-range traffic planning. While this traffic signal is important and beneficial for the area, it may not be ideally located. A current review of traffic signal spacing and access needs may have located this traffic signal to the north at Greenwood Drive. A signal at Greenwood Drive would have provided better highway access for adjacent properties and would have simplified the choices for future signal locations (Akers Lane is closer to Commerce Street than is generally recommended for traffic signal spacing). This is just one example of why long-range corridor planning is of critical importance to future roadway operations.

At this time it would be problematic to tie any specific highway improvement projects to the Mkay and Towne Place Hotel developments due to the likelihood that these specific improvements may not ultimately fit with future planning needs and may not be approved by MDT. As stated in the TIS for these projects, the best way forward for implementing improvements along this corridor would be to enter into a planning process with the City of Whitefish, MDT, and area landowners to develop a comprehensive traffic plan for this section of Whitefish. This plan would identify recommended improvements along Highway 93 and all adjacent properties to provide efficient and safe roadway access for

130 South Howie Street
Helena, Montana 59601

both existing and future growth along the corridor. If you have any additional questions please feel free to contact me at 406-459-1443.

Sincerely,

Bob Abelin, P.E. PTOE
Abelin Traffic Services, Inc.

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MANAGER REPORT

April 13, 2016

RESORT TAX COLLECTIONS

On an equivalent basis of the 2% Resort Tax this year compared to last year, Resort Tax collections in February were down by 14.3% or $24,224. For the year-to-date, the comparative 2% Resort Tax is up 0.36% or $5,753. I never received a monthly delinquency report in March and I got busy, so there were no delinquency collection efforts in March. That inability to follow-up on delinquencies contributed to the lower collections.

Overall, with the additional 1% Resort Tax that voters approved, the 3% Resort Tax was up by 28.36% or $48,561 for February compared to the 2% Resort Tax in February, 2015. There are comparative figures and charts attached to this report in the packet.

CITY HALL/PARKING STRUCTURE – CONSTRUCTION PROGRESS REPORT

Owner's Representative Mike Cronquist has a construction update and status report for this week and it is attached to this report.

PUBLIC MEETING ON WEST 7TH STREET CONSTRUCTION START, CLOSURES, AND DELAYS

There will be a public meeting on April 20th at 6:00 p.m. at the City Council Chambers for a pre-construction public meeting regarding the West 7th Street Project. The notice is below.

Notice of Public Meeting
for the
West 7th Street Reconstruction Project

When: *Wednesday, April 20th, 2016*

Where: *City Council Chambers*
1005 Baker Avenue
Whitefish, MT 59937

Time: *6:00pm*

The meeting will focus on:

- *What to Expect During Construction*
- *What is the Project Schedule*
- *What is the Traffic Control Plan*
- *What are the Roadway Closures*

MEETINGS

Depot Park Master Plan Committee Meeting (4/6) - Maria Butts and I met with members of the former Depot Park Master Plan Committee. People present were Rhonda Fitzgerald, Bruce Boody, Jill Evans, Dylan Boyle (not a former member of the committee), Kevin Gartland, and Chris Hyatt. There was discussion and opinions for demolishing the Depot Park building and for keeping it. We worked on a "pros and cons" list for future presentation to the Mayor, City Council and Park Board. The topic probably won't go to the Park Board until their June meeting. A copy of the current "pros and cons" list is attached to this report, but it is still a work in progress.

Other than that meeting, most meetings were budget or labor negotiations meetings.

UPCOMING SPECIAL EVENTS

Clean the Fish – Saturday, April 23rd – 8:30 a.m. at Glacier Bank, 2nd Street and Baker Avenue

REMINDERS

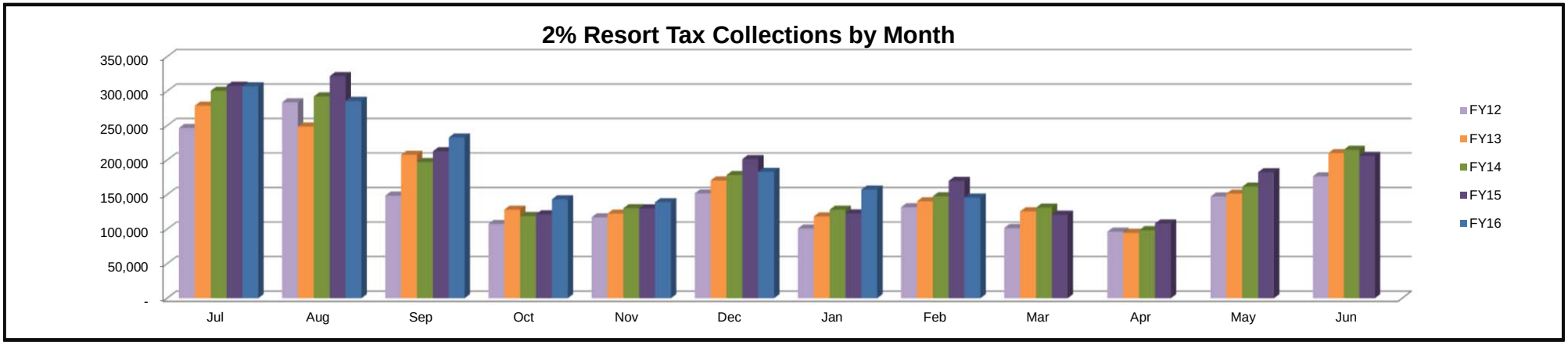
Chuck

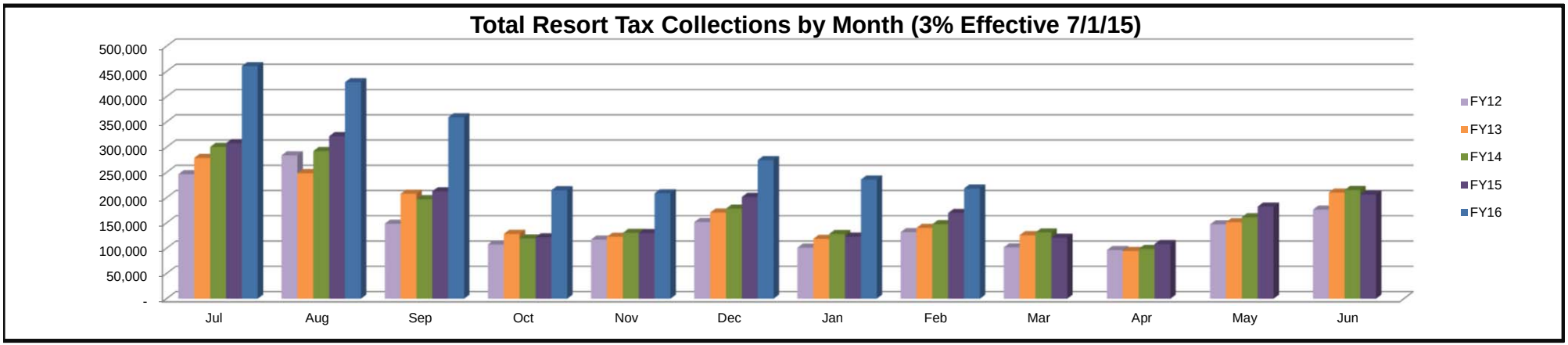
Respectfully submitted,
Chuck Stearns, City Manager

Resort Tax Report
Reported in the Month Businesses Collected Tax

Month/Year	Lodging	Bars & Restaurants	Retail	Collected	% Chng Mnth to Pr Yr Mnth	% Chng Quarter to Pr Yr Quarter	Additional 1% Resort Tax Effective July 1, 2015: Lodging	Bars & Restaurants	Retail	Collected	Total Collected (3% Resort Tax for FY16)	Interest	Total
Jul-13	81,828	98,642	120,028	300,497	7.7%		-	-	-	-	300,497	496	300,993
Aug-13	77,809	108,131	106,422	292,362	17.6%		-	-	-	-	292,362	434	292,796
Sep-13	50,377	77,416	69,328	197,120	-5.1%	7.4%	-	-	-	-	197,120	434	197,554
Oct-13	16,851	48,015	54,271	119,137	-7.1%		-	-	-	-	119,137	434	119,571
Nov-13	6,831	47,701	75,780	130,312	6.3%		-	-	-	-	130,312	2654	132,966
Dec-13	21,782	64,884	91,585	178,251	4.6%	1.5%	-	-	-	-	178,251	404	178,655
Jan-14	16,848	54,481	56,839	128,169	8.2%		-	-	-	-	128,169	404	128,573
Feb-14	22,323	58,758	66,487	147,568	5.3%		-	-	-	-	147,568	404	147,972
Mar-14	15,770	64,178	51,114	131,061	4.2%	5.8%	-	-	-	-	131,061	409	131,470
Apr-14	10,065	41,894	46,458	98,417	4.0%		-	-	-	-	98,417	455	98,872
May-14	18,993	58,791	83,683	161,467	6.6%		-	-	-	-	161,467	455	161,922
Jun-14	44,865	69,190	101,053	215,107	2.4%	4.1%	-	-	-	-	215,107	455	215,562
					YTD Compared to Last Year								
Total FY14	**$ 384,342**	**$ 792,081**	**$ 923,047**	**$ 2,099,470**	or	**5.12%**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 2,099,470**	**$ 7,438**	**$ 2,106,908**
FY13 vs FY14	11.2%	4.5%	3.3%	5.1%	$	102,265	n/a	n/a	n/a	n/a	5.1%	TaxableSalesFY14 $	110,498,402
Jul-14	84,053	104,935	118,876	307,864	2.5%		-	-	-	-	307,864	440	308,304
Aug-14	93,049	117,674	111,016	321,739	10.0%		-	-	-	-	321,739	498	322,236
Sep-14	49,804	84,149	78,813	212,767	7.9%	6.6%	-	-	-	-	212,767	246	213,013
Oct-14	18,589	50,665	52,266	121,519	2.0%		-	-	-	-	121,519	604	122,123
Nov-14	8,530	43,076	78,311	129,917	-0.3%		-	-	-	-	129,917	359	130,276
Dec-14	20,944	74,617	105,885	201,446	13.0%	5.9%	-	-	-	-	201,446	293	201,739
Jan-15	15,285	52,940	54,543	122,768	-4.2%		-	-	-	-	122,768	281	123,049
Feb-15	25,805	74,286	69,705	169,795	15.1%		-	-	-	-	169,795	166	169,961
Mar-15	16,336	51,183	53,368	120,887	-7.8%	1.6%	-	-	-	-	120,887	227	121,114
Apr-15	11,755	50,637	45,835	108,227	10.0%		-	-	-	-	108,227	263	108,490
May-15	23,911	61,756	96,773	182,441	13.0%		-	-	-	-	182,441	288	182,728
Jun-15	39,483	78,394	88,316	206,194	-4.1%	4.6%	-	-	-	-	206,194	301	206,495
					YTD Compared to Last Year								
Total FY15	**$ 407,543**	**$ 844,313**	**$ 953,707**	**$ 2,205,564**	or	**5.05%**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 2,205,564**	**$ 3,966**	**$ 2,209,529**
FY14 vs FY15	6.04%	6.59%	3.32%	5.05%	$	106,094	n/a	n/a	n/a	n/a	5.1%	Taxable Sales FY15 $	116,082,301
Jul-15	78,513	111,068	117,342	306,922	-0.3%		39,256	55,534	58,671	153,461	460,383	377	460,760
Aug-15	69,374	114,956	101,484	285,814	-11.2%		34,687	57,478	50,742	142,907	428,722	375	429,097
Sep-15	75,699	74,806	82,265	232,770	9.4%	-2.0%	37,850	47,403	41,133	126,386	359,156	410	359,566
Oct-15	19,169	63,939	60,111	143,219	17.9%		9,584	31,970	30,056	71,610	214,829	545	215,373
Nov-15	8,611	43,585	86,861	139,057	7.0%		4,306	21,793	43,430	69,529	208,586	527	209,113
Dec-15	18,343	74,975	89,645	182,964	-9.2%	2.7%	9,172	37,488	44,823	91,482	274,446	484	274,929
Jan-16	17,685	70,025	69,541	157,251	28.1%		8,842	35,012	34,771	78,625	235,876	505	236,381
Feb-16	20,630	57,181	67,760	145,571	-14.3%		10,315	28,590	33,880	72,785	218,356	500	218,856
Mar-16				-						-	-		-
Apr-16				-						-	-		-
May-16				-						-	-		-
Jun-16				-						-	-		-
					YTD Compared to Last Year								
Total FY16	**$ 308,024**	**$ 610,535**	**$ 675,010**	**$ 1,593,568**	or	**0.36%**	**$ 154,012**	**$ 315,268**	**$ 337,505**	**$ 806,784**	**$ 2,400,353**	**$ 3,722**	**$ 2,404,075**
FY15 vs FY16	-2.54%	1.36%	0.84%	0.36%	$	5,753	n/a	n/a	n/a	n/a	51.2%	Taxable Sales FY16 $	126,334,357
FY16 % of Collections	19%	38%	42%				19%	39%	42%				
Grand Total	**$ 5,070,488**	**$ 10,647,768**	**$ 12,774,824**	**$ 28,493,080**			**$ 154,012**	**$ 315,268**	**$ 337,505**	**$ 806,784**	**$ 29,299,865**	**$ 763,482**	**$ 30,063,897**
% of Total Collections	18%	37%	45%				19%	39%	42%			2.6%	Average since '96

Resort Tax Report
Reported in the Month Businesses Collected Tax





Total Taxable Sales Since 1996
$ 1,542,098,138

Total Collected
$ 30,841,963

5% Admin
$ 1,542,098

Public Portion
$ 29,299,865

PROJECT REVIEW

DATE: 12 April 2016

CITY OF WHITEFISH

NEW CITY HALL and PARKING STRUCTURE

REPORT TO CITY COUNCIL and STAFF for 18 APRIL, 2016 COUNCIL MEETING

ACTIVITIES COMPLETED – THIS PERIOD

- Another section of footing along the alley was placed on Thursday, April 7th, along with misc. interior concrete. Total yardage for the day was 65CY, +/-.
- The excavation effort for the remainder of the PS east wall footing was completed. (Grid lines 15 – 18)
- Formwork was also finished in preparation for concrete on or about April 20th.
- Formwork and installation of rebar for the west half of the common wall footing, and for the west step footing is complete.
- Installation of the VOC Evac system was started in the basement area of the City Hall.

ACTIVITIES IN PROGRESS

- Concrete will be placed for the west common wall / step footing element on April 13th.
- Installation of rebar for the east PS wall (GL 15 – 18) is in progress.
- Diamond Plumbing is finishing the underslab components of the VOC systems, as well as underground piping rough in work in the City Hall.
- Watson is continuing the backfill operations as Diamond releases additional areas.
- Preparations are being made for the delivery and shake out of the first loads of structural steel.
- The storm drain tie-ins, planned for last week, were stalled due to unforeseen obstructions. Work-around alternatives are being developed and the tie-ins should be completed this period.

ACTIVITIES PLANNED (3 WEEK LOOK AHEAD)

- Completion of the basement wall system.
- Arrival of the first structural steel – April 18th .
- Installation of the structure steel framing – basement walls – now scheduled for the week of April 25th.
- Completion of the installation effort for the VOC removal piping around the basement perimeter.
- Structural fill around the basement area.
- Continuation of the PS formwork and rebar.

CONTRACT ACTIVITES

- No new activities at this time.

FUTURE SCHEDULED ACTIVITIES

- Continuation of concrete foundation work in the PS.
- Backfill along the alley and removal of sheet pile shoring.
- Continue backfill efforts.
- Increase the underground piping effort.

COMMUNICATIONS TO THE PUBLIC

- Alley closures, will continue intermittently, and will be addressed by the Owner's Representative by visits to business owners, and probable press releases, as appropriate.
- Relations and communications with the local business owners, and the community in general, remain positive.

AREAS OF CONCERN

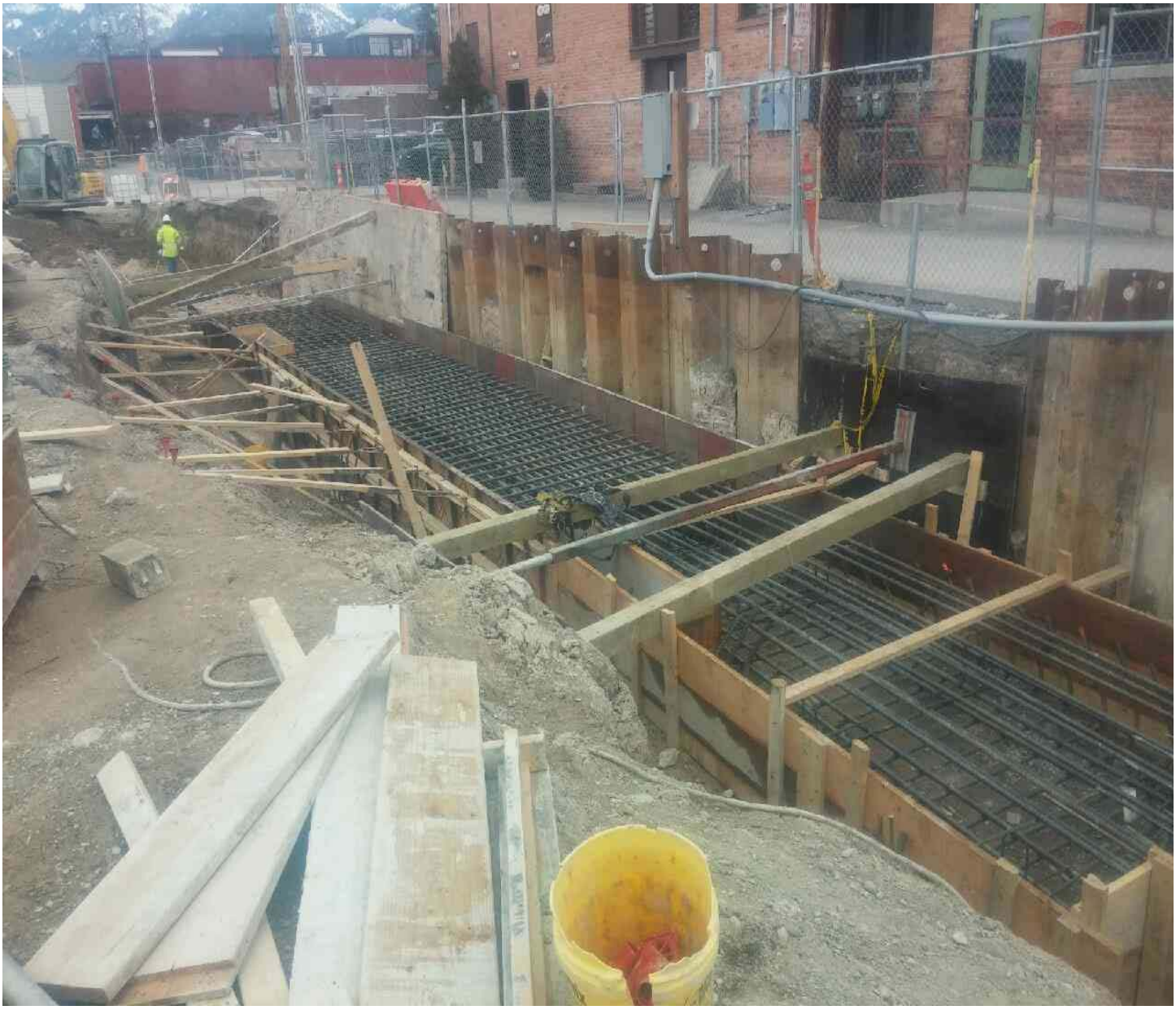
- Alley closure- There is no change at this time, although it is hoped that the usage of the alley can return to some sort of normalcy in the next two to three weeks.

- As before, this closure continues to be a precautionary measure.
- At this time, the alley is not only closed to semi traffic, near the open excavations, but for all intents and purposes, will be closed to light vehicle through traffic as well - at least until underground drain connections in the alley are complete.
  .

Mike Cronquist
Owners Representative

SITE PHOTOS

FORMWORK READY TO RECEIVE CONCRETE ALONG ALLEY.



AFTER PLACING CONCRETE

WEST HALF OF THE COMMON WALL AND STEP FOOTING ELEMENTS READY FOR CONCRETE

Vapor collection and exhaust system for hydrocarbon extraction being installed below basement.

VOC EVACUATION PIPING IN PLACE. THE FINISHED BASEMENT WALLS CAN BE SEEN IN THE BACKGROUND

Pros and Cons of Keeping or Demolishing current building in Depot Park
DRAFT Prepared: 4/6/16

DEMOLISHING BUILDING	KEEPING BUILDING
Honors process of Downtown Master Plan and Depot Park Master Plan	Provides the City with a lease rental stream that it can use for City Hall and Parking Structure costs and to reimburse TIF for such costs until the TIF district goes away
Important for economic development of downtown by connecting commercial area with Depot	Provides flexibility in the future if the City runs out of room in the new City Hall – Parks and Recreation could move back there. More cost effective option than building third story to City Hall
Preserves and expands Depot Park	Could provide some subsidized lease rates to non-profit community groups if not leased at market rate
Best fulfills goals of Depot Park Master Plan	Some believe that the City may be criticized for demolishing a perfectly good building
City may be criticized for being in the commercial property lease business	Some believe this building is a good location for a visitor's center – others disagree
Some say not demolishing the building would inhibit or prevent the bicycle promenade through Depot Park	Could just keep the building for the 2 to 3 years until funds are available to demolish it as an option.
Some say the City never intended nor would benefit from keeping an "obsolete" building	
Now that public restrooms were built on the south end of the O'Shaughnessy Center, the existing building is not needed to provide restrooms in the future	
Improves the opportunity for a quiet, respite area in the downtown to escape from the activity of downtown	
The building visually blocks views of the Depot and backdrop of the City so demolition improves the visual aspects of the area	
Some say that building blocks people's access to the park. As designed this corner is the main, gracious entry to the park.	
Someone might buy the building to relocate and re-use it?	
Value of the open park exceeds the value of $30,000 to $40,000 per year.	

DEMOLISHING BUILDING	KEEPING BUILDING
Some think that it is such a major change to the Depot Park Master Plan that we need to re-do the Depot Park Master Plan and public process.	
Critical aspect for park to function as a gathering space.	
Leaving the building in place changes the entire function and visual character of the park requiring a re-design.	
Could just demolish building for minimal cost as early as summer 2017 (FY18)	

MEMORANDUM

#2016-010

To: Mayor Muhlfeld
City Council Members

From: Chuck Stearns, City Manager

Re: West Lakeshore Drive area Wholly Surround Annexation – Schedule for annexation and draft report on extension of services

Date: April 6, 2016

Draft for City Council at 4/18/16 and 6/6/16 Council meetings

This memo will present the discussion, rationale, and schedule for considering the annexation of twenty-six (26) properties on West Lakeshore Drive using the wholly surround method of annexation. This memo also presents the maps, plans, and report for the extension of services as required by §7-2-4506, §7-2-4736, and §7-2-4732 MCA.

Most of the requirement for compliance with §7-2-4732 is met by our Extension of Services plan as adopted on March 2, 2009 by Resolution No. 09-04 which is incorporated by reference within this report and is available for review at the City Clerk's office or on the City website at http://www.whitefish.govoffice.com/vertical/Sites/%7B8773F417-AD9F-4BFA-B5F7-4D1C73387937%7D/uploads/%7BC460FC0E-43DA-44F9-8CF4-1AB3D8BAB821%7D.PDF .

DISCUSSION AND RATIONALE

When the Whitefish City Council met in a work session on March 3, 2014 to discuss the extent of utility connections and services provided outside of city limits and possible areas for annexation, the City Council's first priority expressed at that meeting was to annex the Houston Drive area on East Lakeshore Drive. However, that annexation has been held up by preventive litigation. For that reason, we began working on the next priority annexation area which is the area of West Lakeshore Drive on the northeast side of the railroad tracks where access is gained by the railroad crossing on State Park Road. While we won the Houston Drive lawsuit at the District Court level on March 21, 2016, that case may still be appealed and we have done a lot of work on the West Lakeshore annexation area. Also, there is heightened concern about septic leachate pollution in Dog Bay by the Whitefish State Park, so annexing the West Lakeshore area may help spur some new connections of septic systems to the municipal sewer system already in place in that West Lakeshore area – at least it would take away annexation as a disincentive to connecting onto the municipal sewer system.

This annexation is being pursued using the "Wholly Surrounded Land" method of annexation found in Title 7, Chapter 2, Part 45 of Montana Code Annotated. This separate method of annexation allows the City to annex certain property without the property owners having the right to protest and prevent the annexation. Section 7-2-4502 MCA provides as follows:

> **7-2-4502. Protest not available.** Wholly surrounded land is annexed, if so resolved by the city or town council, whether or not a majority of the real property owners of the area to be annexed object. The question of annexing the wholly surrounded land is not subject to being voted on by the registered voters of the area to be annexed.

A Montana Attorney General Opinion provide additional legal interpretation of when property is "wholly surrounded". From Montana Attorney General Opinion No. 41; 1987 Mont. AG LEXIS 9; 42 Op. Atty Gen. Mont. No. 41; November 18, 1987:

> While not statutorily defined, the term "wholly surrounded" was construed in Calvert v. City of Great Falls, 154 Mont. 213, 217, 462 P.2d 182, 184 (1969), to include land which, while not completely contiguous with the municipality, was nonetheless surrounded by it: "The term 'wholly surrounded' means that . . . where all lands on the side of the tract are within the city and where it is impossible to reach the tract without crossing such territory, the tract is 'wholly surrounded'."
>
> THEREFORE, IT IS MY OPINION:
>
> A parcel of land is "wholly surrounded" under section 7-2-4501, MCA, when access may be gained only by crossing through the municipality.

Given that all of these properties proposed for annexation can only gain access to their property by crossing through the municipality on a portion of West Lakeshore Drive which is already in City limits and by State Park Road, these properties are "wholly surrounded".

SCHEDULE FOR CONSIDERATION OF ANNEXATION

April 18 - City Council reviews draft memo and extension of services plan and authorizes consideration of annexation to proceed.

April 22 - City Manager mails letter and draft plan for extension of service to affected property owners. Letter includes notice of May 26th meeting with property owners.

April 22 – City Manager mails draft plan for extension of service to County, special districts, and WFSA providing them notice before approval of the report and asking if they want to consult on the orderly transfer of services pursuant to HB575 from 2011 Legislature.

May 26 - City Manager and staff meet with affected property owners at a neighborhood meeting at City Council Chambers.

June 6 – City Council considers a Resolution of Intention to annex pursuant to §7-2-4501 MCA and modifies and/or approves this report as the required plan and report on extension of services provided. After approval, make approved report available to the public.

June 15 and 22 – Publish notice as required by §7-2-4501, §7-2-4313, and §7-1-4127 MCA.

July 20 – Hold public hearing on annexation and if appropriate, adopt Resolution of annexation to annex the properties.

August 2nd - City Clerk makes and certifies a copy of the Resolution and the minutes from the July 20th meeting and files those records with the Flathead County Clerk and Recorder.

PLANS AND REPORT ON EXTENSION OF SERVICES AS REQUIRED BY §7-2-4731 MCA

Section 7-2-4506 and 7-2-4732 MCA requires making of plans and the preparation of a report for the extension of services to any property annexed under this part, Annexation of Wholly Surrounded Land.

This section of this report presents the plans and report on extension of services. A map of the proposed annexation is shown in Exhibit A. The property and area conforms to our Growth Policy adopted on November 19, 2007 and as subsequently amended. The current Growth Policy is available for review in the City Clerk's office or on the City's website at http://www.cityofwhitefish.org/planning-and-building/long-range-plans.php.

The following are the statements as to the plans for extending each major municipal service performed within the municipality to the property at the time of annexation.

- Electoral services - voting for municipal offices, ability to run for municipal offices will all be provided to the resident property owners immediately or in conformity to existing, applicable laws.

- Municipal Court – these properties would immediately be afforded all of the protections and services of the Municipal Court.

- Administration – The City Manager, City Clerk, and other administration services would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality. Property owners or residents of the annexed properties would now be subject to business licensing, dog licensing, and resort tax payments if applicable.

- Legal Services – the protections and services of the City Attorney would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

- Planning and Building – The City would take over providing Planning and Zoning services and regulations from Flathead County. The City provided such services before the Montana Supreme Court rescinded our extra-territorial jurisdiction in 2014. The properties' zoning would have to be revised pursuant to a separate notification and public

hearing process. It is likely that the zoning would likely be restored to the zoning these properties had when they were in our extra-territorial jurisdiction. Building permits and associated impact fees will now be required for new development on these properties and all building services will be immediately available to the property owners. Lake and Lakeshore Regulations for these properties would be restored to the City regulations and the need for two lakeshore permits (one from City and one from County) would be eliminated. Building and Planning Services would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

- Police – While the Flathead County Sheriff currently provides public safety services to these properties, the City of Whitefish would often be the first responder in the case of a emergency. The Police Department is closely located in the Emergency Services Center to these properties and public safety services should increase greatly because of the reduced response time. Police Department services would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

- Fire – The City of Whitefish Fire Department currently provides service to these properties under our contract with the Whitefish Fire Service Area. Therefore, there is no change in the level of service for fire protection and fire services. However, their Insurance Services Office (ISO) fire rating for property insurance should decrease from a rating of 6 to 4, thus reducing their annual fire insurance premiums, but it is hard to quantify how much of a decrease that will be. Fire services would all be provided to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

- Ambulance - The City of Whitefish Fire Department currently provides ambulance service to these properties and that service will continue in the same manner. Property owners and residents will now be able to obtain the $200.00 discount on any ambulance calls afforded to property owners and residents of Whitefish. Ambulance services would all be provided to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

- Public Works –Wastewater lines extend throughout the area via a wastewater main that comes up along West Lakeshore Drive from the Birch Point main and lift station (see Exhibit B). As shown on the property owner list and spreadsheet attached to this report (Exhibit C), there are 11 properties already on the sanitary sewer system. With annexation, their monthly bills for the base rate would decrease by 10.27% and their rate for quantity of water used would decrease by 27.49%. For a house that uses 3,000 gallons of water per month, those reductions would equal $11.53 per month.

  A water main only extends up West Lakeshore Drive from the Birch Point area almost to the Bendheim Subdivision which is the dashed, loop road in Exhibit A near annexation lot number 29 on the map (See Exhibit B). The water main could be extended to provide

service throughout the area at homeowner expense or via a Special Improvement District project which is assessed against the benefitted homeowners properties. City staff would be available immediately to work with interested property owners on extending the water main to benefitted properties.

Stormwater services would remain as is until any street reconstruction project installed storm drainage or the residents created a SID for a stormwater system. The City of Whitefish already plows all of the roads in this area under reciprocal arrangements with Flathead County and because part of West Lakeshore Drive is already in City limits. Therefore, there would be no change in snow plowing. If Flathead County gave us the rest of West Lakeshore Drive, then we would do other street maintenance and reconstruction activities for those roads. I may propose adding a street maintenance position as part of future budgets, but that position would work all over the city and increase everyone's level of service.

All Public Works services would all be available to the property owners immediately or when the property owners extend the water main, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality. The property owners would face the normal connection costs when they want to connect to the municipal water or sanitary sewer system.

- Garbage Collection – the properties to be annexed will have garbage collection services provided under our current contract for services with North Valley Refuse. Thus, they will now be able to avail themselves of the quantity discounts and billing efficiencies that our contract for services provides. However, billing for use of the service is mandatory as it is for all other property inside the City. Garbage collection services would be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

- Parks and Recreation – These properties already benefit from, but are not charged for our greenway maintenance along Hwy 93 North. The property owners would now begin to pay for these services. All other Parks and Recreation services, facilities, and programs would all be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

- Library – no change in service. Library services would be available to the property owners immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality. Property owners may currently use the Whitefish Community Library although, upon annexation, they would begin paying for those services.

A copy of our Extension of Services plan as adopted on March 2, 2009 by Resolution No. 09-04 is incorporated by reference within this report and is available for review at the City Clerk's office or on the City website at

http://www.whitefish.govoffice.com/vertical/Sites/%7B8773F417-AD9F-4BFA-B5F7-4D1C73387937%7D/uploads/%7BC460FC0E-43DA-44F9-8CF4-1AB3D8BAB821%7D.PDF.

The validity and applicability the City's Extension of Services Plan was upheld by the Montana Supreme Court in their ruling of September 21, 2004 upholding the City's 1998 annexations in their decision "NO. 03-229, IN THE SUPREME COURT OF THE STATE OF MONTANA 2004 MT 262"

Given that these properties are already using many city services and this annexation is an "in-fill" type of annexation, the financing of all services provided to these properties shall come from the city property tax levies and assessments that will be levied on these properties in the future. The estimated new property taxes from the annexation equal approximately $48,351.82 and the assessments for streets, greenway, street lights, and stormwater will equal approximately $5,737.73 for total revenue to the City of approximately $54,089.55 based on the most recent valuation and the FY16 tax rate (see Exhibit C). The property owner will face the normal connection costs when they choose or need to connect onto the city's sanitary sewer or water system.

Property owners in this area will typically face a 19-21% increase in their property tax bill, with some exceptions for low value, vacant land. The table in Exhibit C shows the City revenue and prospective increase in taxes (based on FY16 property values and mill levies) that each property might face. Of course, mill levies can change each fall and reappraisal occurs every two years, with the next reappraisal coming in 2017, so property values will not change for the fall 2016 property taxes unless people physically altered their property.

The entire municipality tends to share the tax burden for these services, therefore the area may be annexed without a bond issue under the provisions of state law. As in-fill property, we do not anticipate the need to hire additional staff in order to provide the same level of service that is currently provided to other residents and property owners in Whitefish. Any increased costs will be marginal and incremental and offset by the new property taxes and assessments collected.

As this report shows, the City of Whitefish is ready and able to provide its full complement of municipal services to this property. Upon annexation, city services will be provided immediately, in substantially the same equitable basis, and in the same manner as such those services are provided within the rest of the municipality.

cc: Department Directors

EXHIBIT A

February 22, 2016

1:4,431

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

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

Flathead County GIS
800 South Main Street
Kalispell, MT 59901
(406) 758-5540

EXHIBIT B

Green lines denote existing sanitary sewer mains and blue lines denote existing water mains

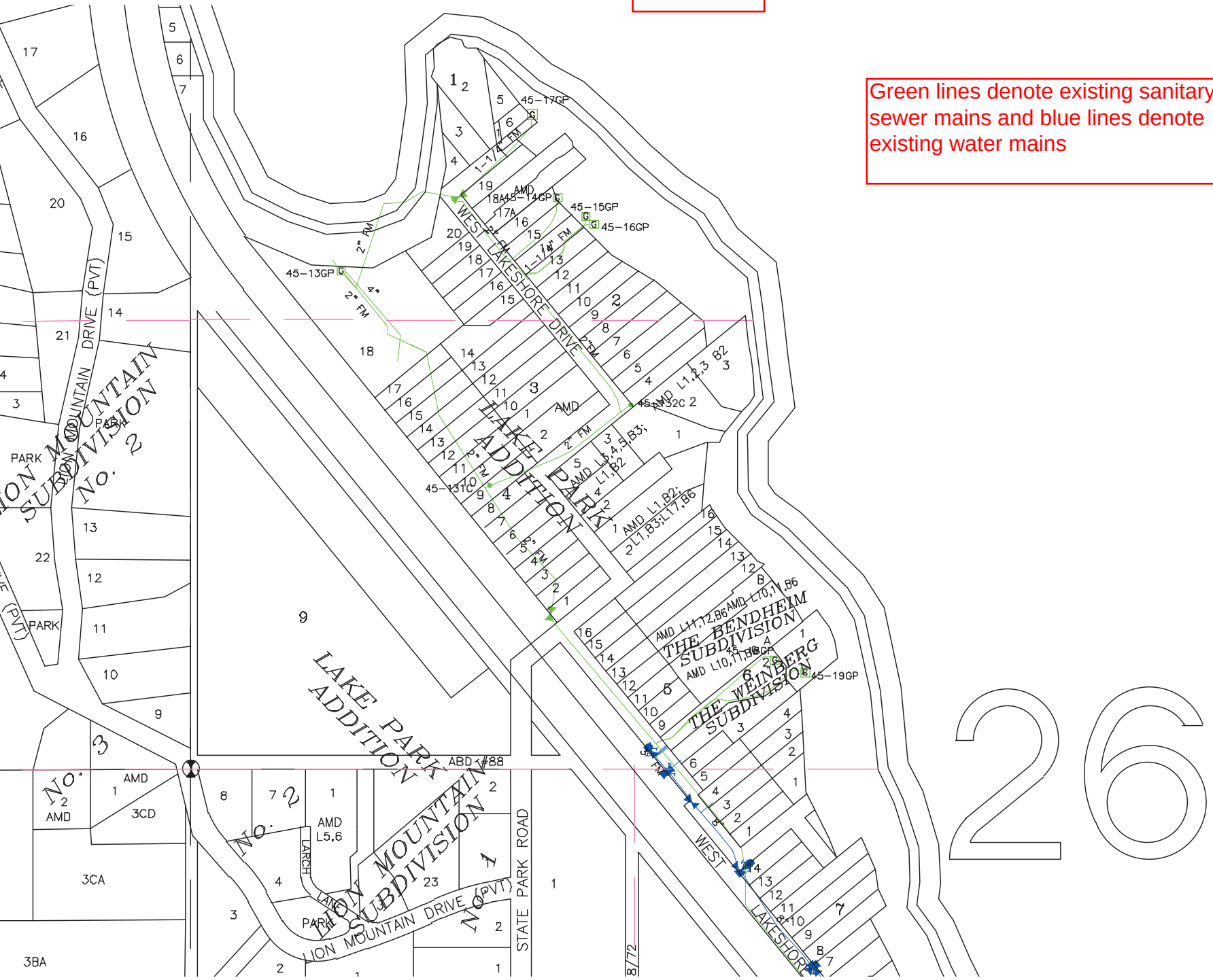


EXHIBIT C

West Lakeshore Drive
2016 Annexation
Mailing List and Tax Sumary
Prepared: 3/7/2016

Map Parcel #'s	Assesor Number	First Name	Last Name	Mailing Address	City	State	Zip Code	Physical Address	On City Water or Sewer	City has signed Waiver/contract	Assessor's Market Valuation	Taxable Valuation	Prospective City Property Taxes	Prospective City Assessments	Prospective Total City Revenue	2015 Existing Tax Bill	2015 Tax Bill after Annexation	Difference	Percent Change	Notes
1-3	0468650		David B. Gamble 1984 Family Trust	1000 Kuhns Road	Whitefish	MT	59937	1835 W. Lakeshore Drive	on sewer		$1,401,130	$18,915	$2,539.18	$191.63	$2,730.81	$9,882.34	$11,841.36	$1,959.02	19.82%	
4	0721200	Mark Kristopher	Reed	P.O. Box 821061	Kenmore	WA	98028	none - vacant			$357,120	$4,821	$647.18	$176.66	$823.84	$2,493.21	$3,114.49	$621.28	24.92%	
5	0720850		Robert E Peretto Living Trust	1825 West Lakeshore Drive	Whitefish	MT	59937	1825 West Lakeshore Drive			$2,500,180	$33,753	$4,531.07	$161.66	$4,692.73	$17,424.94	$20,853.41	$3,428.47	19.68%	
6	0854100	Bruce D and Susan K	Tate	1800 West Lakeshore Drive	Whitefish	MT	59937	1800 West Lakeshore Drive	on sewer	Waiver from Tate - 1991; recorded	$1,167,080	$15,755	$2,114.99	$243.73	$2,358.72	$8,254.75	$9,946.57	$1,691.82	20.50%	
7	0190000	Bruce D and Susan K	Tate	1800 West Lakeshore Drive	Whitefish	MT	59937	1800 West Lakeshore Drive			$276,210	$3,729	$500.59	$397.86	$898.45	$1,916.83	$2,691.51	$774.68	40.41%	
8-9	0353530		Bickett of Ponte Vedra Beach LP	510 1st Street	St. Augustine	FL	32084	1700 West Lakeshore Drive	on sewer	Agreement with Bickett for annexation and sewer - 2006; recorded	$1,822,460	$24,603	$3,302.75	$320.79	$3,623.54	$12,773.73	$15,415.41	$2,641.68	20.68%	
10	0534951	Montana Holdings LLC	Mail to: Atlantic Trust Co.	1700 Lincoln Street, Suite 2550	Denver	CO	80203	1684 West Lakeshore Drive	on sewer	Waiver from Jacobsoen - 1990 recorded	$1,485,500	$20,055	$2,692.23	$166.66	$2,858.89	$10,421.53	$12,470.80	$2,049.27	19.66%	
11	0777520		The 1998 Feeny Family LLC	3000 Sand Hill Rd., Bldg. 3 100	Menlo Park	CA	94025	1672 - 1676 West Lakeshore Drive	on sewer	Waiver from Whitbeck - 1990; recorded	$1,200,300	$16,204	$2,175.26	$166.66	$2,341.92	$8,504.26	$10,164.37	$1,660.11	19.52%	
12-13	0093800	Helen M	Boyd	5604 Bridger CT, Apt. 14	Missoula	MT	59803	1664 West Lakeshore Drive			$1,615,590	$21,810	$2,927.82	$320.79	$3,248.61	$11,353.96	$13,734.70	$2,380.74	20.97%	
14	0982475	Heidi J	Schley	P.O. Box 244701985	Sioux Falls	SD	57186	1660 West Lakeshore Drive	on sewer		$1,461,950	$19,737	$2,649.54	$166.64	$2,816.18	$10,300.19	$12,317.30	$2,017.11	19.58%	
15	0865850		1990 Feeny Family Trust A	607 Mountain Home Rd.	Woodside	CA	94062	1656 West Lakeshore Drive	on sewer		$1,487,700	$20,084	$2,696.12	$166.64	$2,862.76	$10,476.58	$12,528.75	$2,052.17	19.59%	
16-17	0005060		Four Fish Developments LLC	75 Sunmount Court SE	Calgary, AB	Canada	T2X 2X9	1648 West Lakeshore Drive			$2,268,500	$30,625	$4,111.16	$314.49	$4,425.65	$15,834.88	$19,100.09	$3,265.21	20.62%	
18	0005065	Robert & Virginia	Erlandson	78 Canyon Close W	Lethbridge, AB	Canada	T1K 6W5	1644 West Lakeshore Drive	on sewer	Waiver from Rucinski - 1989; recorded	$1,396,000	$18,846	$2,529.92	$166.66	$2,696.58	$9,847.26	$11,774.33	$1,927.07	19.57%	
19	0008977	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1620 West Lakeshore Drive			$64,605	$872	$117.06	$239.00	$356.06	$453.91	$781.02	$327.11	72.06%	
20	0008976	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1618 West Lakeshore Drive			$64,605	$872	$117.06	$239.00	$356.06	$453.90	$781.01	$327.11	72.07%	
21	0321200	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1622 West Lakeshore Drive			$97,967	$1,323	$177.59	$335.02	$512.61	$683.16	$1,151.88	$468.72	68.61%	
22	0857800	Carole M.	Beaulieu	P.O. Box 66	Whitefish	MT	59937	1624 West Lakeshore Drive			$1,098,390	$14,828	$1,990.53	$253.62	$2,244.15	$7,772.88	$9,380.88	$1,608.00	20.69%	
23-24	0321600	Greta M.	Hale	P.O. Box 4746	Whitefish	MT	59937	1616 West Lakeshore Drive	on sewer	Waiver from Hales - 1996; recorded	$1,704,400	$23,009	$3,088.78	$389.47	$3,478.25	$11,963.45	$14,534.04	$2,570.59	21.49%	
25-26	0672060	1536514 Alberta LTD	Mail to: Al Foder	P.O. Box 1777	Whitefish	MT	59937	1558 West Lakeshore Drive			$108,900	$1,470	$197.34	$320.79	$518.13	$768.51	$1,237.86	$469.35	61.07%	
27	0393951	1536514 Alberta LTD	Mail to: Al Foder	P.O. Box 1777	Whitefish	MT	59937	1558 West Lakeshore Drive			$358,680	$4,842	$650.01	$166.66	$816.67	$2,707.35	$3,219.32	$511.97	18.91%	
28 & 30 & 31	0393850	David R & Patti D	Whitehead	1550 West Lakeshore Drive	Whitefish	MT	59937	1550 West Lakeshore Drive			$1,492,870	$20,154	$2,705.52	$166.66	$2,872.18	$10,490.89	$12,550.16	$2,059.27	19.63%	
29	0308502		Bendheim Family Trust	2006 Shipway Lane	Newport Beach	CA	92660	none - vacant			$58,950	$796	$106.85	$166.66	$273.51	$425.90	$672.99	$247.09	58.02%	
32	0515465	James M.	Lucke	1518 West Lakeshore Drive	Whitefish	MT	59937	1518 West Lakeshore Drive			$1,177,300	$15,894	$2,133.64	$166.66	$2,300.30	$8,325.41	$9,954.19	$1,628.78	19.56%	
33-34	0222250	David Wayne & Catherine Anne	Swagar	303 Woodpark PL SW	Calgary, AB	Canada	T2W 2X9	1500 West Lakeshore Drive			$1,273,800	$17,196	$2,308.42	$166.66	$2,475.08	$9,008.52	$10,768.86	$1,760.34	19.54%	
35	E020156		Flathead County	800 South Main ST	Kalispell	MT	59901	Park on West Lakeshore Drive			$0	$0	$0.00		$0.00	$0.00		$0.00		
36-37	0242250		Western MT Real Estate Fund LLC	1707 KM Ranch Road	Whitefish	MT	59937	1436 West Lakeshore Drive	on water and sewer	Petition to annex on file - never recorded at County	$740,145	$9,991	$1,341.21	$166.66	$1,507.87	$5,346.00	$6,378.26	$1,032.26	19.31%	
Totals											$26,680,332	$360,184	$48,351.82	$5,737.73	$54,089.55	$187,884.34	$227,363.56	$39,479.22		

RESOLUTION NO. 11-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, APPROVING A FIVE-YEAR LEASE TO THE GREAT NORTHERN VETERANS PEACE PARK FOUNDATION, INC. OF A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS TRACT 4DA AND PART OF TRACTS 4CA AND 4C IN THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 31 NORTH, RANGE 22 WEST, LOCATED NORTHEAST OF RAMSEY AVENUE.

WHEREAS, through the efforts of Senator Ryan Zinke and other community members, The Great Northern Veterans Peace Park Foundation, Inc. ("Foundation"), a 503(c)(3) public charity, was formed to create a recreation area for the community, which would honor veterans, the railroad, and family fun in Whitefish; and

WHEREAS, the Foundation plans to make the Great Northern Veterans Peace Park available for use by the Whitefish community as an open space for sledding in the winter and a playground, picnic area, and community events in the summer; and

WHEREAS, Burlington Northern Santa Fe increased the recreation area available for the Great Northern Veterans Peace Park through a donation to the Foundation of 4.892 acres, a former gravel pit near the Whitefish Cemetery; and

WHEREAS, the Foundation requests that the City lease property suitable for additional acreage to expand the Great Northern Veterans Peace Park described as Tract 4DA and part of Tracts 4CA and 4C in the Northeast one-quarter of the Northeast one-quarter of Section 35, Township 31 North, Range 22 West, located northeast of Ramsey Avenue, all as more particularly shown on the map attached as Exhibit "A" to the Lease Agreement; and

WHEREAS, by the terms of the attached Lease Agreement between the City and Foundation, the City would lease property to the Foundation for the nominal fee of $1.00 per year for an initial term of five years; and

WHEREAS, the City Council approved the lease of City land in compliance with Montana law, which provides as follows:

> **7-8-4201. Disposal or lease of municipal property.** (1) Subject to the provisions of subsection (2), the city or town council may sell, dispose of, donate, or lease any property belonging to the city or town.
>
> (2) (a) Except for property described in subsection (3), the lease, donation, or transfer must be made by an ordinance or resolution passed by a two-thirds vote of all the members of the council.

WHEREAS, it will be in the best interests of the City of Whitefish, and its community members, for the City Council to approve the Lease Agreement.

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

Section 1: The Lease Agreement, a copy of which is attached hereto and incorporated herein by reference, is hereby approved by the City Council.

Section 2: The City Manager is authorized to execute the Lease.

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 18TH DAY OF JULY, 2011.

Michael Jenson, Mayor

ATTEST:

Necile Lorang, City Clerk

LEASE AGREEMENT
(Great Northern Veterans Peace Park Foundation, Inc.)

THIS AGREEMENT, made and entered into this 23rd day of September, 2011, by and between THE CITY OF WHITEFISH, a Montana municipal corporation, hereinafter called "City" and the GREAT NORTHERN VETERANS PEACE PARK FOUNDATION, INC., a non-profit corporation, hereinafter called "Foundation."

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. PREMISES: The City shall lease to the Foundation parcels of City land not in use as a cemetery, reserving for the City an easement over, under, and across the real property for the purposes of inspecting, constructing, maintaining, repairing, altering, and reconstructing any water line system, any sanitary sewer collection system, any stormwater management system, or any public right of way, any street, alley, road, public sidewalks and bicycle and pedestrian path and any other public use, and all necessary or normal facilities and appurtenances below or above the ground on such property that may be reasonably necessary, upon the following described real property:

> Tract 4DA and part of Tracts 4CA and 4C in the Northeast one-quarter of the Northeast one-quarter of Section 35, Township 31 North, Range 22 West, located northeast of Ramsey Avenue, all as more particularly shown on the attached map, Exhibit "A," attached hereto and incorporated herein by reference ("Premises").

2. USE: Tenant shall use the Premises as open community space, available to the public without charge and for no other purpose without the prior written consent of the City. Tenant shall not remove any vegetation from the Premises without the City's prior written consent.

3. CONSIDERATION: The Foundation shall pay to the City, as rent for the leased Premises, rent of ONE DOLLAR AND NO/100 ($1.00) per year in advance, with the first rent payment due on August 1, 2011. Rent for each subsequent year of the Base and Option Term of this Lease is due and payable on the annual anniversary date hereof.

4. TERM: The Term of this Lease shall be for five (5) years, beginning from the date of August 1, 2011. The Foundation has the option to renew this Lease from year to year, as may be mutually agreed upon by the parties, upon the same terms and conditions of this Lease, by the Foundation providing its request to renew in writing to the City not less than sixty (60) days prior to the expiration of each term.

5. INSURANCE: The Foundation shall obtain and provide liability insurance covering all of the Premises with respect to the operation and use of the City property during the term of this Lease.

6. UTILITIES: The Foundation shall have sole responsibility to provide water, electricity, trash, and wastewater services for its Park if required, and sole responsibility for the cost of the utility services during the term of this Lease.

7. MAINTENANCE OF PREMISES: The Foundation shall maintain the Premises in good condition during the term of this Lease.

8. ASSIGNMENT AND SUBLEASE: The Foundation shall not assign this Lease nor sublet the Premises, in whole or in part, or grant to any other person or entity any right to the use or occupancy of the Premises, without the prior written consent of City. Any assignment or subletting agreed to by the City shall not relieve the Foundation from any of its obligations under the Lease.

9. ALTERATIONS OR IMPROVEMENTS: Prior to making alterations or improvements to the Premises, the Foundation shall first notify the City, in writing or email, of the proposed changes, and shall provide sufficient detail in order to permit the City to evaluate the proposed changes. The City may request additional information concerning the proposed changes. The City shall, within thirty (30) days of receipt of all necessary information, indicate its approval or disapproval of the proposed changes.

A. No change or alteration to the Premises shall be commenced until the City has given its written approval;

B. All costs, fees and expenses pertaining to such change or alteration shall be the sole cost of and be paid for by the Foundation unless City agrees in writing to pay for all or part of any such remodeling or alteration; and

C. Any such change or alteration shall be accomplished promptly and in a good and workmanlike manner, in full compliance with all legal requirements, and subject to the rules and regulations of the City.

10. TERMINATION: This Lease may be terminated by either party giving to the other party ninety (90) days written notice, however, in the case of the City such notice of termination shall only be for (1) delinquency in the payment of rent, (2) violation of City ordinances or any covenant herein contained, (3) abandonment of the Premises by the Foundation, or (4) if the Foundation ceases to exist as an organization; which condition continues for forty-five (45) days unabated. If the City provides notice of termination for any of the reasons set forth above, the Foundation shall have forty-five (45days to cure the situation giving rise to such notice. If the Foundation cures the conditions within such time period, then the Lease shall be fully reinstated.

11. CITY'S RIGHT TO INSPECT OR REPAIR: The City and its agents and other representatives shall have the right to enter upon the Premises at all reasonable hours for the purpose of examining them and making repairs and improvements.

12. NON-PROFIT QUALIFICATION: Throughout the entire term of this Lease the Foundation shall remain a non-profit corporation, qualified as such under Section 501(c)(3) of the Internal Revenue Code. The failure to maintain qualification as a non-profit corporation under Section 501(c)(3) of the Internal Revenue Code shall be considered a material breach of this Lease.

13. COMPLIANCE WITH LAWS: At all times during the term of this Lease, the Foundation shall comply with any and all laws, ordinances, or regulations of the City, state

or federal government, and the failure by the Foundation to promptly comply with any of such requirements shall constitute a material breach of this Lease.

14. INDEMNIFICATION: During the term of this Lease, the Foundation shall indemnify and defend the City against all claims and demands, whether for injuries to persons, loss of life, or damage to property occurring within the demised Premises and/or arising out of the use and occupancy of the demised Premises by the Foundation, its agents, visitors, invitees, or guests. The Foundation shall also indemnify the City against all costs, counsel fees, and liabilities incurred in or about any such claim, action or proceeding brought thereon, and in case any such action or proceeding be brought against the Foundation or City by reason of any such claim, the Foundation shall provide notice to the City and resist or defend such action or proceeding by counsel satisfactory to the City.

15. ATTORNEY'S FEES: In the event of any litigation to enforce or interpret the provisions of this Lease, or to remedy a breach thereof, the prevailing party shall be entitled to reasonable attorneys' fees as determined by the court.

16. ENTIRE AGREEMENT: This Lease contains the entire agreement of the parties hereto, and supersedes any prior written or oral agreements between them concerning the subject matter contained herein. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties hereto relating to the subject matter contained in this Lease which are not fully expressed herein. The provisions of this Lease may be waived, altered, amended or repealed in whole or in part only upon the written consent of all parties to this Lease.

17. PARTIAL INVALIDITY: Each term, covenant, condition or provisions of this Lease shall be viewed as separate and distinct, and in the event that any such term, covenant, condition or provisions shall be held by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

18. GOVERNING LAW: The construction of this Lease, and the rights and liabilities of the parties hereto, shall be governed by the laws of the State of Montana.

19. SUCCESSORS IN INTEREST: Subject to the restrictions against assignment as herein contained, this Lease shall inure to the benefit of, and shall be binding upon, the assigns, successors in interest, personal representatives, estate, heirs, and legatees of each of the parties hereto.

20. NOTICES: All notices and communications required herein shall be in writing and shall be sent by registered or certified mail at the following addresses:

CITY	City Manager City of Whitefish PO Box 158 Whitefish, MT 59937-0157
FOUNDATION	Great Northern Veterans Peace Park Foundation, Inc. 409 Second Street West Whitefish, MT 59937-3010

21. NECESSARY ACTS: Each party to this Lease agrees to perform any further acts and execute and deliver any further documents that may be reasonably necessary to carry out the provisions of this Lease.

CITY OF WHITEFISH ATTEST:

By: _____ _____
Charles C. Stearns, City Manager Necile Lorang, City Clerk

GREAT NORTHERN VETERANS PEACE PARK FOUNDATION, INC. ATTEST:

By: _____ _____
_____, President _____, Secretary

STATE OF MONTANA)
:ss
County of Flathead)

On this 19 day of July, 2010, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared CHARLES C. STEARNS and NECILE LORANG, known to me to be the City Manager and City Clerk for the City of Whitefish, whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

VANICE WOODBECK NOTARIAL SEAL STATE OF MONTANA

VANICE WOODBECK
NOTARY PUBLIC for the State of Montana
Residing at Whitefish, Montana
My Commission Expires February 23, 2012

_____
Notary Public for the State of Montana

STATE OF MONTANA)
:ss
County of Flathead)

On this 2ND day of SEPTEMBER, 2010, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared RK ZINKE, known to me to be President of the corporation that executed

this instrument, who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

CHARYLE BOULTON

Charyle Boulton

Printed Name CHARYLE BOULTON
Notary Public for the State of Montana
Residing in COLUMBIA FALLS
My commission expires 3/14/2014

Charyle Boulton Notary SEAL State of Montana

CHARYLE BOULTON
Notary Public for the
State of Montana
Residing at Columbia Falls, Montana
My Commission Expires
March 14, 2014

STATE OF MONTANA)
:ss
County of Flathead)

On this 2ND day of SEPTEMBER, 2010, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared LOLITA ZINKE, known to me to be Secretary of the corporation that executed this instrument, who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Charyle Boulton Notary SEAL State of Montana

CHARYLE BOULTON
Notary Public for the
State of Montana
Residing at Columbia Falls, Montana
My Commission Expires
March 14, 2014

Charyle Boulton

Printed Name CHARYLE BOULTON
Notary Public for the State of Montana
Residing in COLUMBIA FALLS
My commission expires 3/14/2014

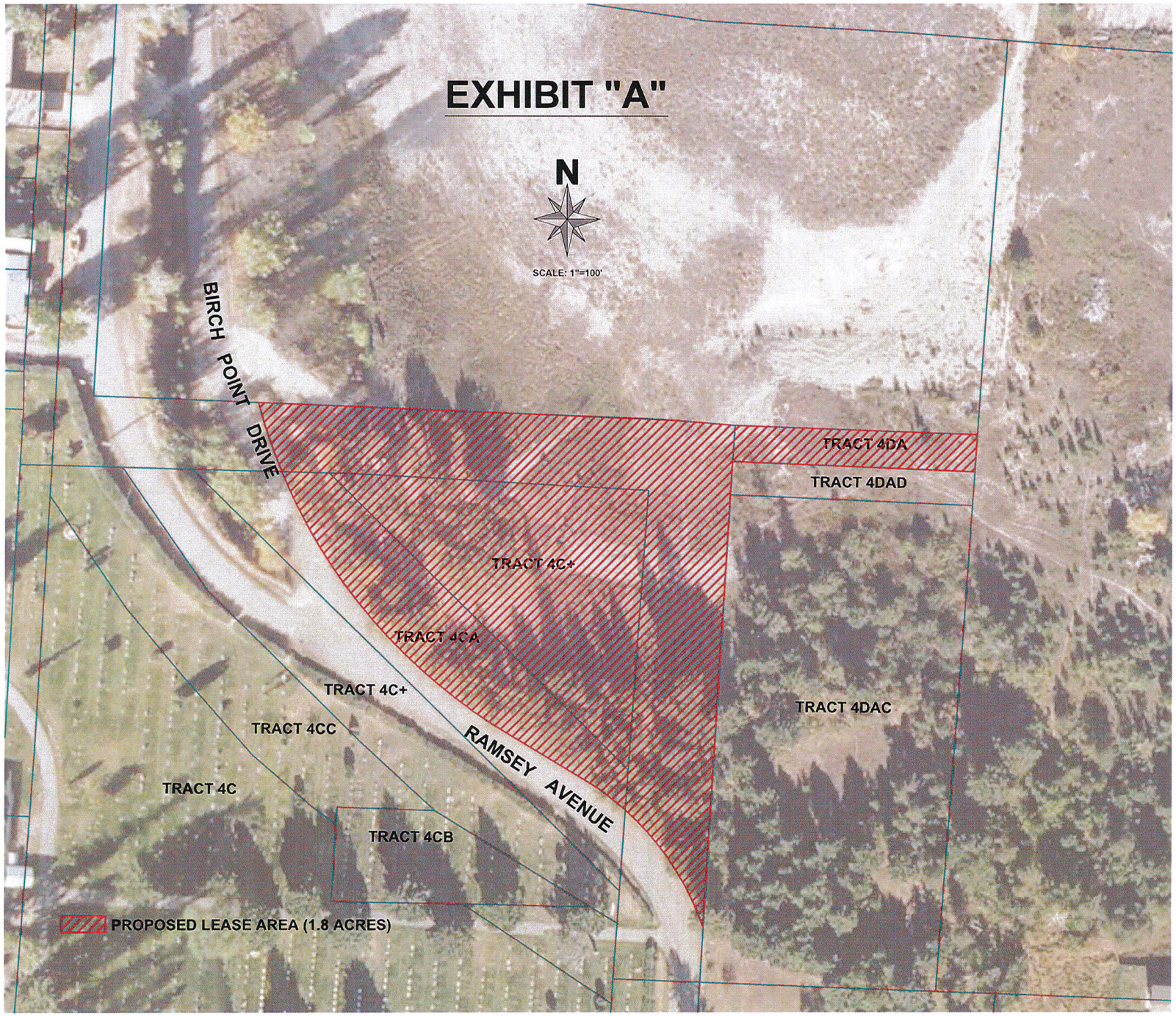


EXHIBIT "A"
N
SCALE: 1"=100'
BIRCH POINT DRIVE
TRACT 4DA
TRACT 4DAD
TRACT 4C+
TRACT 4CA
TRACT 4C+
TRACT 4CC
TRACT 4C
TRACT 4CB
RAMSEY AVENUE
TRACT 4DAC
PROPOSED LEASE AREA (1.8 ACRES)

Chuck Stearns

From: ryanzinke <ryanzinke@yahoo.com>
Sent: Thursday, April 07, 2016 6:12 AM
To: Chuck Stearns
Subject: RE: Renewal of Cemetery Lease

Chuck. I will not be able to attend council meetings as monday is fly back to dc days. In regard to the city property adjacent to the peace park, the south hill has been groomed and obstacles removed for sledding. The city property is about 2/3 of the south slope. Other slopes are on park property. Parking Access to all the hills is on park property. As soon as it dries out, the park will complete the hauling of top soil and seeding as well as installing gates. As u know, it took a change in law to technically use cemetery land for other purposes even though it is of no value and just contains a road and slope. The longer lease the better. No change in land use is planned or desired for the slope. All the best
Z

CDR Ryan Zinke USN SEAL (Ret.)
US Congress
Montana

-------- Original message --------
From: Chuck Stearns <cstearns@cityofwhitefish.org>
Date: 04/06/2016 13:48 (GMT-08:00)
To: "The Honorable Ryan Zinke (ryanzinke@yahoo.com)" <ryanzinke@yahoo.com>
Subject: Renewal of Cemetery Lease

Congressman Zinke:

The Whitefish City Council has not had an opportunity to schedule a retreat this spring which is where I was going to discuss an extension or renewal of the lease of the Cemetery land for the Veteran's Peace Park. Therefore, I was just planning to talk to them about it during a regular City Council meeting. I was planning to have it as a discussion agenda item for the April 18th City Council meeting so I could get back to you with their direction. However, if you were going to be in town for a future City Council meeting (April 18th, May 2nd or 16th, June 6th or 20th, July 5th or 18th), I could wait so you would have a chance to appear and explain the status of the project and the future plans for the Park in case they have questions about it. Please let me know if you want to attend or if I should just go ahead and discuss it with them at the April 18th meeting. Thanks.

Chuck Stearns

City Manager

(This page left blank intentionally to separate printed sections)

From: Lakestream Fly Shop [mailto:info@lakestream.com]
Sent: Wednesday, March 30, 2016 4:14 PM
To: Necile Lorang <nlorang@cityofwhitefish.org>
Subject: WB2 text ammendment??

Whitefish City Council

To whom it may concern
My name is Justin Lawrence. I am the owner/operator of Lakestream Outfitters and Fly Shop 334 Central Ave.
I appeared in front of the Council last month to try to get a text amendment to the WB2 to allow or add Outfitting or Outfitting based businesses to the zone. I never had any reply or response back from the Council. I thought I would try a letter.
It seems that my business, or any other Outfitting based business fits the intent of the WB2 zone. Especially with the need for boat and trailer parking, and with the growth potential for expansion in our drift boat and raft sales and rentals. Lakestream has 4 to 15 boat and trailer rigs per day navigating and trying to find parking in downtown Whitefish 7 months of the year.
Lakestream is an Outfitting based Fly Shop and 30 year business in our town. Lakestream has outgrown , and no longer can afford to reside in the Central Ave business district. We need more room to grow. We are an Outfitting business first and retail is only 25% of our business and supports our Guest experience.
Please consider this text change. I would appreciate some return response to this letter.
Thanks for your help and consideration of this matter.
Justin Lawrence
Owner
Cell 406-249-3446
LakeStream Fly Fishing Shop and Spotted Bear Adventures
334 Central Avenue
Whitefish, MT 59937
phone: 406.862.1298
fax: 406.862.6521
www.lakestream.com
info@lakestream.com

City of Whitefish
FY2017 Budget Calendar

Feb 1	Finance Director begins reformatting budget spreadsheets, updating historical budget data, and estimating final year end revenues and expenditures for FY16.
Feb 19	Department Directors to submit individual updated 5 year Capital Improvement Plans to Finance Director.
Feb 26	Finance Director to submit newly compiled 5-year Capital Improvement Plan to City Manager.
Mar 1	Finance Director submits budget preparation instructions and materials to all Department Heads.
March	City Manager meets with Mayor and Council members in groups to get preliminary comments on budget.
Mar 25	All Department Directors submit estimates of expenditures and revenues to the Finance Director.
April 1	Optional notice deadline for City Council or Municipal Judge to submit request for an adjustment in Municipal Judge's compensation other than automatic cost of living. (Ordinance)
Apr 4	City Council consideration of Capital Improvement Program. (Optional every other year – completed FY16 will do for FY18)
May 1	City Manager to provide Municipal Judge with proposed "status quo" Municipal Court Budget.
May 2	Finance Director produces budget document and it is distributed to Mayor and City Council.
May 15	Municipal Judge's deadline to submit his Municipal Court budget proposal. (Ordinance)
May 31	Tentative Budget Meeting - City Manager presents proposed budget to Mayor and City Council. Department Directors other than Public Works present budget requests.
June 13	Tentative Budget Meeting – Public Works and Municipal Court present budgets.
June 20	Preliminary Public Hearing and City Council adopts Preliminary Budget.
Jul 1	City begins fiscal year using preliminary budget as approved by the City Council.
Aug 1	DOR to submit Certified Taxable Value.
Aug 3 & 10	Advertise notice of public hearing on budget for August 15, 2015.
Aug 15	Public hearing on budget. Final budget adopted by resolution.

Bold denotes deadlines

RESOLUTION NO. 16-___

A Resolution of the City Council of the City of Whitefish, Montana, establishing the Wisconsin Avenue Corridor Plan Steering Committee.

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

Section 1: There is hereby established the Wisconsin Avenue Corridor Plan Steering Committee (the "Committee").

Section 2: The general purpose of the Committee shall be to serve as the primary sounding board to work through the planning process with the consultant and members of the public to establish a development policy for the Wisconsin Avenue Corridor study district.

Section 3: The Committee shall consist of eleven (11) individuals appointed by the City Council with representation as follows: Two (2) City Council members, one (1) Whitefish City County Planning Board representative, one (1) business owner in the corridor representing resort or recreation interests; one (1) business owner representing commercial or retail interests; (1) business owner representing professional interests; (2) residential owner-occupied property owners; one (1) residential investment or multifamily property owner, two (2) "at large" Whitefish residents. City staff may be appointed as ex officio members. The Committee members shall select a Chairperson from the members of the Committee. The Committee shall appoint one member as Secretary of the Committee, who shall keep minutes of all meetings and submit them to the City Clerk. Six (6) members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above. The Committee shall cease to exist as provided in Section 4.

Section 4: The Committee shall begin its deliberations as soon as practical after creation of the Committee. The Committee shall meet for two hours at a time on at least six occasions, with the dates and times to be determined by the Planning Consultant, Applied Communications. The Committee shall be disbanded as of June 1, 2017, or earlier if the City Council completes its consideration of the Committee's report prior to that date.

Section 5: A member of the Committee may be removed by the City Council, after a hearing for misconduct or nonperformance of duty. 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 grounds 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 Chairperson of the Committee at least twenty-four (24) hours prior to any scheduled meeting.

Section 6: Any vacancy occurring on the Committee shall be filled in the same

manner that the initial position was filled.

Section 7: The Committee shall not have authority to make any expenditure on behalf of the City or disburse any funds provided by the City or to obligate the City for any funds.

Section 8: The Committee shall have no authority to direct City staff with respect to any matter, but may request information and assistance from City staff.

Section 9: 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 _____, 2016.

_____
John M. Muhlfeld, Mayor

ATTEST:

_____
Michelle Howke, City Clerk

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

April 18, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Wisconsin Avenue Corridor Plan Steering Committee

Summary

The City of Whitefish planning staff, in conjunction with the appointed consultant team is preparing to begin development of a corridor plan for Wisconsin Avenue. As part of that process, we seek the City Council's direction with regard to the makeup of a steering committee to provide guidance on the plan.

Discussion

As is typical with these long range planning documents, a steering committee will need to be appointed to work with the consultant team and staff throughout the course of the project. This committee will provide guidance to the consultants and staff on existing conditions and issues in the project area, and will act as a clearinghouse for policies and recommendations to address those issues. As such, the committee should be comprised of knowledgeable stakeholders capable of representing the broad range of interests in the Wisconsin Corridor. Given that spectrum of interests and the geographic extent of the planning area, we anticipate that the steering committee should be 10 to 12 persons in number. Based upon discussions with the consultant team, we offer the following steering committee composition for your consideration:

- One or two City Council representatives
- One Whitefish City Planning Board representative
- One business owner in the corridor representing resort or recreation interests
- One business owner representing commercial or retail interests
- One business owner representing professional interests (attorney, medical professional, financial advisor, owner or manager of professional office space, etc.)
- Two owner-occupants of residential property
- One residential property investor or multi-family property owner

- Two ‘at large’ city residents or property owners in the study district

In addition, other groups and interests should be invited to participate as observers and advisers as requested. These groups include, but are not necessarily limited to:

- Montana Department of Transportation
- Whitefish Mountain Resort
- Heart of Whitefish
- Whitefish Lake Institute
- Whitefish Chamber of Commerce
- Whitefish Parks Board/Bike-Ped Committee
- Citizens for a Better Flathead

When the ad is published, we will set a deadline of ten days to respond in writing for potential applicants. We will ask the Planning Board to nominate one of their members to participate. The City Council will then appoint the rest of the steering committee based on the qualifications of the applicants.

Recommendation

Staff respectfully asks the City Council to create the ad-hoc committee by resolution and authorize staff to advertise for the above mentioned positions for the Wisconsin Avenue Corridor Plan Steering Committee.

David Taylor, AICP

ARCHITECTURAL REVIEW COMMITTEE – WCC 2-10 - Terms – 3 years – 1st Tuesday - 8:45 a.m. *
In Council Conference Room

1.	Duane Reisch	209 Fairway Drive	862-3025	May 31, 2016	Owns Markus Foods
2.	Kathryn Skemp	3038 River Lakes Drive	262-424-1680	May 31, 2016	Architect
3.	Ian Collins	898 Blue Herron Dr, WF	863-9376, 270-7047	May 31, 2016	Architect in Training
4.	John Repke	411 Sunset View Ct	730-2419	May 31, 2017	
5.	Scott Freudenberger	PO Box 1354	862-3600	May 31, 2017	Member at Large
6.	Jillian Lawrance)	530 W. 4th St. 508-450-2679, 862-8152 (W)		May 31, 2017	Architect in Training
7.	Chad Phillips	309 Wisconsin Ave	862-7451	May 31, 2017	Licensed Architect

*Ordinance 03-26 includes provision to appoint others at the discretion of the Council, (if not 2 Licensed Architects, 1 Design Professional)

IMPACT FEE ADVISORY COMMITTEE – WCC 2-13 – Two year terms Per Ordinance 10-03 – Annual Meetings

1. Development community	Vacancy			12-30-2015
2. Certified public accountant	Vacancy			12-30-2014
3. City Councilor	Jen Frandsen	PO Box 158	270-7249	12-30-2017
4. Finance Director	Dana Smith	PO Box 158	863-2405	
5. Member at Large	Vacancy			12-30-2014

AD HOC CEMETERY COMMITTEE, res 11-1-05 & 11-15, 13-02 SUNSETS 1-31-2015, or earlier
Meetings 3rd Thursday of each month, 2 to 4 pm, Whitefish Council Conference Room, 402 E. 2nd Street, 2nd Floor

Necile Lorang, Chair	PO Box 158, Whitefish	863-2402
Vanice Woodbeck, Secretary	PO Box 158, Whitefish	863-2401
Nina Laird	541 Columbia Ave, WF	862-2815
Bonnie Leahy	904 E. 10th St., WF	862-1811
Charlie Abell	5 Woodland Pl, WF	862-2883
Ole Netteberg	5491 Hwy 93 S, WF	261-8757
Steve Thompson, Vice Chair	PO Box 4471, WF	862-3795

REAL ESTATE ADVISORS – Meets on as needed basis
Mayor John Muhlfeld
Councilor Andy Feury
City Manager Chuck Stearns
Finance Director Dana Smith

9-1-1 Administration Board – Police Chief Dial, PO Box 158, WF, 863-2422
Councilor Katie Williams, PO Box 158, Phone #210-2181 Appointed 1-4-2016
Whitefish Lake Institute Board No Council representative (January 4, 2016)
Legacy Lands Advisory Committee, Recreational/Conservation Committee and WF Trail Operations Committee
Councilor Katie Williams, PO Box 158, WF 210-2181, appointed 1-4-2016 one representative to both committees

Future City Hall Steering Ad Hoc Committee Res 14-55 Sunsets January 31, 2016, or until City Hall design is complete and the building is under construction. MAYORAL APPTS
Mayor John Muhlfeld, PO Box 4293, 37 Idaho Ave, WF 250-9301, appointed 1-3-2012
Councilor Richard Hildner (Primary), appointed 1-4-2016
Councilor Jen Frandsen (Alternate), appointed 1-4-2016
Appointments February 21, 2012:
Jeff Raper, Representative from Whitefish Chamber of Commerce
Vice-Chair: Ian Collins, Representative from the Heart of Whitefish
Ross Anderson, Licensed Architect
George Gardner, Whitefish Citizen at Large
Rhonda Fitzgerald, Whitefish Citizen at Large – appointed 10-20-14 (replacing Mike Jenson who resigned)

Chuck Stearns

From: Maria Butts
Sent: Tuesday, April 12, 2016 8:20 AM
To: Chuck Stearns; John Muhlfeld
Subject: RE: Agenda Item

Chuck,
The MOU requires two Council representative for the LLAC. In the past the LLAC and the WF Trail Operations meetings were combined, so when Council discussed the need for two members, they determined that only one would be sufficient. However, by separating the two meetings, it will now be in the City's best interest to have two representatives as voting members, as WLP will also have two voting representatives. Therefore, we would like to appoint another Council representative to the LLAC, as established by the MOU.
Maria

From: Chuck Stearns
Sent: Monday, April 11, 2016 5:20 PM
To: John Muhlfeld <jmuhlfeld@riverdesigngroup.net>; Maria Butts <parksadm@cityofwhitefish.org>
Subject: RE: Agenda Item

John and Maria:

Katie Williams was appointed on January 4th as the representative to both WLP committees.

Chuck Stearns
City Manager
City of Whitefish
P.O. Box 158
1005 Baker Avenue
Whitefish, MT 59937-0158
406-863-2406
Fax 406-863-2419

From: John Muhlfeld [mailto:jmuhlfeld@riverdesigngroup.net]
Sent: Monday, April 11, 2016 12:51 PM
To: Chuck Stearns <cstearns@cityofwhitefish.org>; Maria Butts <parksadm@cityofwhitefish.org>
Subject: Agenda Item

Chuck

I just spoke with Maria and she brought it to my attention that per our MOU with WLP, we need to appoint a Council representative to the Operations Committee. Can you please add this to next week's agenda? Maria can provide more detail if needed. I think a simple "Council Appointment to WLP Operations Committee" would work.

Maria, anything to add?

John M. Muhlfeld
Principal Hydrologist
WWW.RIVERDESIGNGROUP.COM

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.

City of Whitefish
Wastewater Facilities Planning Project

Public Hearing
April 18, 2016

Anderson~ Montgomery
CONSULTING ENGINEERS

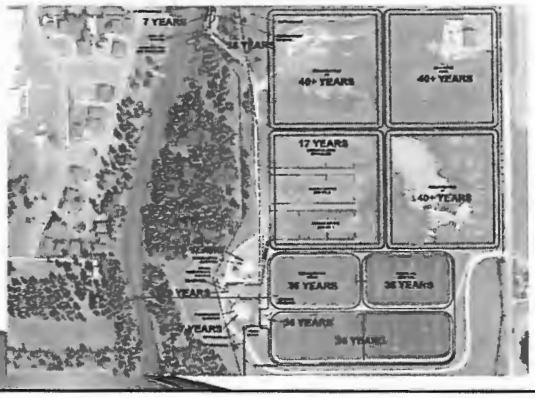
RPA

richwine
environmental

Why is a New Wastewater Treatment Plant Needed??

- REQUIREMENTS OF MPDES DISCHARGE PERMIT
- NEW REGULATORY STANDARDS RECENTLY ADOPTED BY THE DEQ
- AGING PLANT FACILITIES
- NONCOMPLIANCE WITH DEQ DESIGN STANDARDS
- ***THE WHITEFISH LAGOON SYSTEM IS OLD, EQUIPMENT IS WEARING OUT AND THE TECHNOLOGY CANNOT MEET CURRENT OR FUTURE REGULATORY STANDARDS***

Age Of Existing Unit Processes



What Work Is Being Done To
Address Wastewater System Deficiencies?

City Hired Consultant Team to Perform Several Tasks

Infiltration and Inflow Mitigation Project to Reduce Clearwater

Nutrient Reduction Plan funded by DNRC

Whitefish Lake Watershed Management Plan

Facilities Planning for Wastewater Treatment Facilities

Application for Grant Assistance

Regulatory Requirements Addressed
- New Discharge Permit
- Optimization of Existing Treatment Processes – River Lakes Forcemain Extension
- Compliance Plan Approved by DEQ

Administrative Order of Compliance

COMPLIANCE PLAN:

Task	Date of Completion
Complete Facilities Planning (PER)	October 1, 2016
Submit Design Plans to DEQ	February 1, 2018
Construction Completion	May 1, 2021
Achieve Compliance	November 1, 2021

MPDES Discharge Permit

License to Discharge to State Waters, Contains both Federal and State Water Quality Standards

- Renewed Every 5 Years, Last Done in August 2015
- Contains Limits for Organic Wastes, Bacteria, Toxic Compounds and Nutrients

Most Recent Permit Contains Several New Effluent Standards not Previously Required

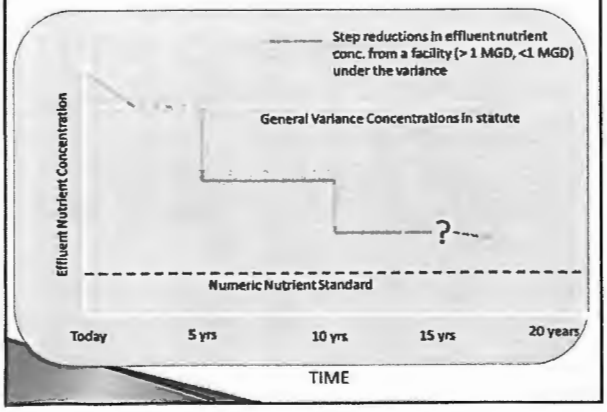
- Compliance Requirements for Whitefish Permit Established Under the AOC

MPDES Permit Limitations

CITY OF WHITEFISH
MPDES Permit MT #0020184
Wastewater Effluent Standards (effective Aug 1, 2015)

Parameter	Units	Avg. Month	Avg. Week	Max Day
5-Day Biochemical Oxygen Demand (BOD_5)	mg/L	30	45	--
	lb/day	313	676	--
	% Removal	85%	--	--
Total Suspended Solids (TSS)	mg/L	30	45	--
	lb/day	313	676	--
	% Removal	85%	--	--
pH	SU	6.0-9.0		
E. coli Bacteria-summer	cfu/100 mL	126	--	252
E. coli Bacteria-winter	cfu/100 mL	630	--	1260
Total Residual Chlorine	mg/L	0.011	--	0.019
Ammonia, Total as N	mg/L	9.6	--	17.7
Total Nitrogen- summer	lb/day	176	--	--
Total Nitrogen- winter	lb/day	273	--	--
Total Phosphorus (TP) -year-round	mg/L	1.0	--	--
	lb/day	10.4	--	--
Aluminum, dissolved	µg/L	113	--	325

Numeric Nutrient Standards - Reduction over Time



Compliance with Numeric Nutrient Standards

-Invest in New Treatment Technology $$$
-Variances from Numeric Nutrient Standards
-Combination of Both

- General Variances
- Individual Variances
- Economic Variances – Options available for communities to receive temporary relief from the standards based on:
  - Inability to pay for treatment/economics
  - Limits of technology

Facilities Planning Process

GENERAL OUTLINE FOR FACILITIES PLAN

- ASSESSMENT OF THE STUDY AREA
  - Population Projections
  - Loading Criteria
  - Environmental Assessment
  - Regulatory Considerations
- EVALUATION OF EXISTING TREATMENT FACILITIES
  - Condition, Age
  - Compliance with DEQ Design Standards
  - Capacity to Meet Regulatory Treatment Performance Criteria
  - Identification of Unit Process Limitations
- ANALYSIS OF TREATMENT ALTERNATIVES
  - Consider All Viable Alternatives
  - Develop Preliminary Design and Estimate of Costs
  - Screen Options
  - Complete a Present Worth Cost Analysis which Considers Capital and Operating Costs
  - Consider Non-monetary Factors
  - Identify Most Cost-effective and Environmentally Sound Alternative

Service Area and Connected Population Projections

City of Whitefish
Wastewater Facilities Planning Design Criteria

	2013	2016	2020	2025	2035
Planning Area	11,230	11,661	12,812	14,076	16,992
Connected Pop.	7,736	8,033	8,826	9,697	11,706

Ultimate Buildout - 36,929

Alternative Considerations

- Future Application of More Restrictive Standards
  - Nutrients
  - Ammonia
  - Non-Degradation
- Expansion Capability
- Operating Cost and Complexity
- Capital Cost
- Proven Technology
- Ability to Process Variable Flows and Loads
- Benefits of Nutrient Reduction and Nutrient Trading
  - On-site Land Application of Treated Effluent

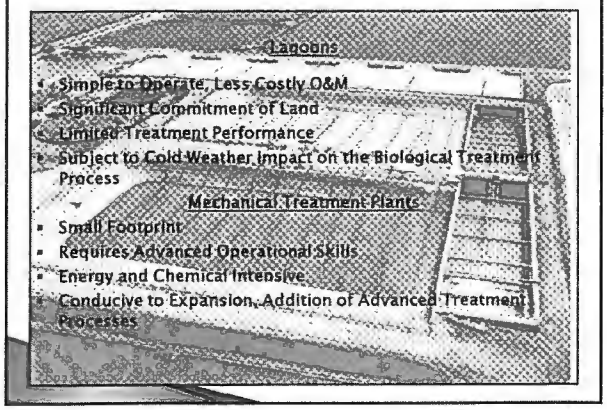
Initial Alternatives Screened

Lagoon:
- 3-Cell, Covered Aerated Lagoon with Nitrification. (*Pursue Economic Variance for Nutrient Removal*)

Advanced Lagoon:
- Biolac with Existing Clarifier
- Biolac with New Clarifier
- EDI - Intermittently Decanted Extended Aeration Lagoon (IDEAL)

Mechanical
- Sequencing Batch Reactor
- Oxidation Ditch
- Membrane Bio-Reactor

Lagoons vs Mechanical Plants



Lagoons

- Simple to Operate, Less Costly O&M
- Significant Commitment of Land
- Limited Treatment Performance
- Subject to Cold Weather Impact on the Biological Treatment Process

Mechanical Treatment Plants

- Small Footprint
- Requires Advanced Operational Skills
- Energy and Chemical Intensive
- Conducive to Expansion, Addition of Advanced Treatment Processes

Alternatives Selected for Full Evaluation

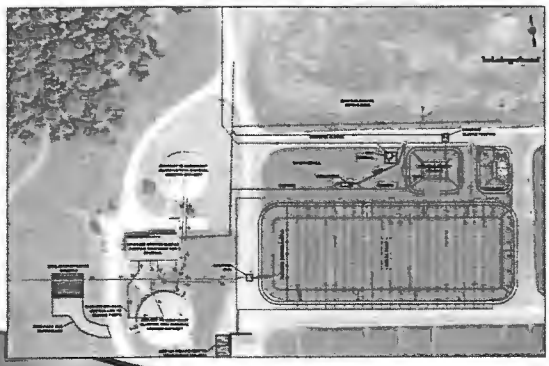
Screening Criteria

- Aesthetics
- Expansion Capability
- Ability to Remove Pollutants to Lower Level
- Operational Complexity
- Proven Technology
- Cold Weather Operation
- Reuse of Existing Plant Components

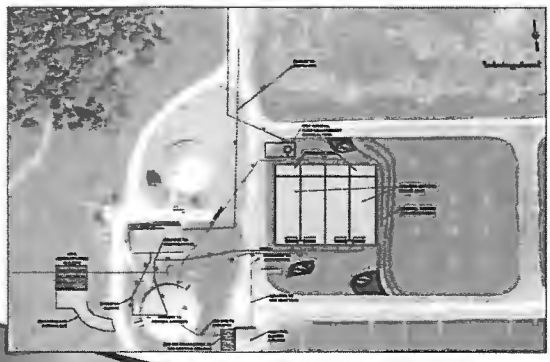
→ Selected Alternatives

- Biolac Advanced Lagoon System
- Sequencing Batch Reactor
- Oxidation Ditch

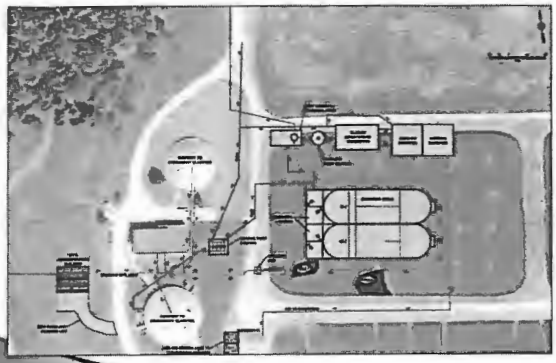
Biolac with Existing Clarifiers



Sequencing Batch Reactor



Oxidation Ditch



Net Present Worth Comparison

Table 4-7 City of Whitefish Wastewater Treatment Alternatives

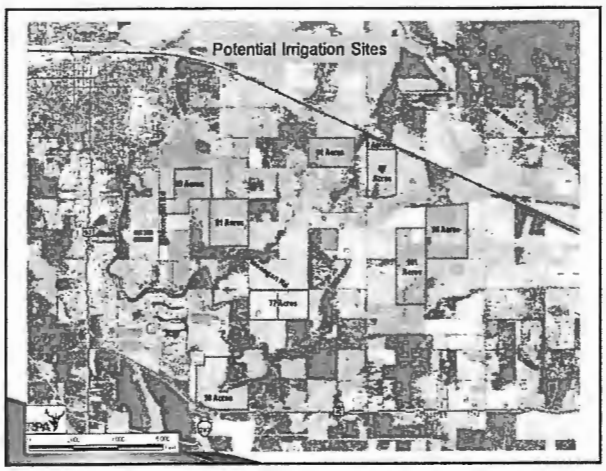
Net Present Worth Comparison Table

Alternative	Capital Cost	Annual O&M	20-Year NPW Annual O&M	Salvage Value	20-Year NPW Salvage Value	Overall 20-Year Net Present Worth
Biolac w/ Existing Clarifier	$15,914,648	$642,369	$8,729,790	$2,481,218	$1,132,428	$23,512,010
Sequencing Batch Reactor	$15,984,739	$780,485	$10,606,791	$4,601,475	$2,100,113	$24,491,416
Oxidation Ditch	$21,356,133	$927,996	$12,611,472	$6,451,438	$2,944,436	$31,023,169

Estimated Costs - $10 to $15/month Increase

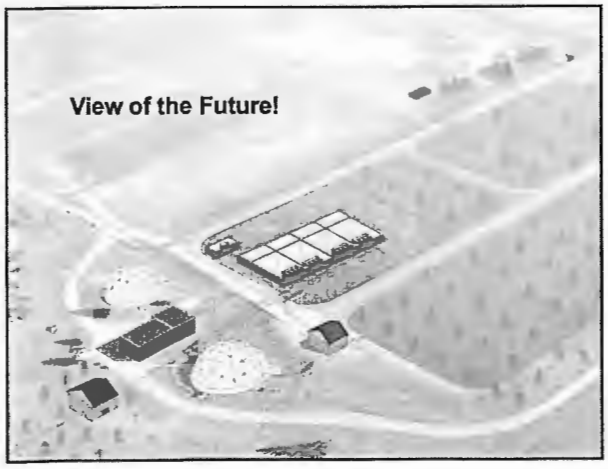
Other Nutrient Reduction Measures

- Land Application
  - On Plant Site
  - In Vicinity of Plant
  - Soil, Groundwater Constraints
- Nutrient Trading
  - Stormwater
  - Agricultural
  - Septic Systems
- Good Options for Future Regulatory Restrictions!



Financial Planning

- Grants
  - DNRC Renewable Resources $125,000
  - TSEP – $750,000
  - Rural Development Grant 25% Of Costs
- Low Interest Loans
  - Typically 2%–3% Interest, 20 to 40 year term
  - Montana State Revolving Loan Fund
  - Rural Development



QUESTIONS?

THANK YOU!

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RPA

DRAFT

ENVIRONMENTAL REVIEW CHECKLIST

NAME OF PROJECT:	Whitefish 2016 Wastewater System Improvements Project
PROPOSED ACTION:	Upgrade Wastewater Treatment System
LOCATION:	Whitefish, Montana

Key Letter:

N: No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required

PHYSICAL ENVIRONMENT

Key		
N	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		Response and source of information: Previous AMCE geotechnical reports
		Poor soil conditions on site will require removal and replacement with structural fill.
N	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		Response and source of information: Prior work on site
		No adverse impacts anticipated.
B	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		Response and source of information: City staff, prior experience on site.
		Work proposed is to upgrade an existing wastewater plant, which has had periodic odor problems in the past. The new system should be less prone to generating odors and appropriate odor control mechanisms will be employed in the design of new facilities. Construction dust will be control the contract specification and contractor oversight.
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole

Key Letter:		
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B		source aquifers) *Response and source of information:* Prior engineering work on site Existing lagoon system does not meet current DEQ standards for liners, consequently some leakage of treated wastewater to groundwater may be occurring. New system will employ concrete basins and potential for leakage greatly reduced.
Key B	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals) *Response and source of information:* DEQ MPDES discharge permit New water quality standards have been imposed in the DEQ discharge permit. The proposed project is intended to upgrade the system to comply with standards, which were established to preserve and enhance beneficial uses of surface water.
Key N	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.) *Response and source of information:* FEMA Flood Insurance Map Project is not located within designated floodplain.
Key N	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.) *Response and source of information:* 2008 Whitefish Wastewater PER prepared by AMCE Project does not impact wetlands.
Key N	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.) *Response and source of information:* Prior engineering work on site

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N		No impact to farmlands, forestlands, etc is anticipated. All work within site of existing wastewater treatment plant.
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats)
N		*Response and source of information:* Prior correspondence with FWP, Fish and Wildlife Service
		No impacts anticipated, FWP, Fish and Wildlife Service has been contacted on previous work on site and will be allowed to comment on this project.
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish or wildlife)
N		*Response and source of information:* Montana FWP, 2008
		No significant impacts anticipated. FWP did mention that grizzly bears frequent the Whitefish area and that construction activities should be conducted to avoid negative impacts - proper food storage, etc.
Key	11	Unique Natural Features (e.g., geologic features)
N		*Response and source of information:* Prior technical studies on site
		No impacts anticipated
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		Response and source of information: City staff

Key Letter:		
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N		Public walking path currently exists through site. Proposed project will have not impact on this trail. New plant could improve general aesthetics in area.
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		Response and source of information: Prior engineering experience with site
N		New facilities located within confines of existing treatment plant site, located at present site for many years. Aesthetics of site should improve with decommissioning of old lagoon system.
Key	2	Nuisances (e.g., glare, fumes)
		Response and source of information: Prior engineering experience with site
B		Some concern/complaints raised in past with odors from lagoon system. The proposed project should reduce potential for odors.
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		Response and source of information: Prior engineering experience with site
B		Noise has been a problem with some nearby residents in the past due to blower noise. The new project will allow resolution of this problem by use of low noise blowers and mitigation of sources of noise.
Key	4	Historic Properties, Cultural, and Archaeological Resources
		Response and source of information: MT Historical Society, 2008 comments

Key Letter:		
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N		The Montana Historical Society has indicated that the proposed project site has been previously disturbed and their records indicate that no recorded historic or archaeological sites are known to exist within the project area.
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		Response and source of information: City staff
N		No impacts anticipated, new facilities are being sized for projected population growth.
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		Response and source of information: Prior engineering experience with site
M		No direct impacts anticipated. However, the cost of the new treatment facilities is significant and housing affordability may be impacted as rates increase. Financial assistance is being pursued to mitigate financial impacts.
Key	7	Displacement or Relocation of Businesses or Residents
		Response and source of information:
N		No long-term impacts anticipated.
Key	8	Public Health and Safety
		Response and source of information: DEQ MPDES discharge permit

Key Letter:		
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N		The regulatory discharge permit for wastewater treatment facilities is written to protect the health and safety of the public. The new facilities will allow full compliance with the discharge permit thereby assuring protection of the public.
Key	9	Lead Based Paint and/or Asbestos
N		*Response and source of information:* Prior engineering experience with site
		No adverse impact anticipated
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
N		*Response and source of information:* City staff, Whitefish Growth Policy
		No adverse impacts anticipated. City's Growth Policy advocates use of compliant wastewater treatment facilities.
Key	11	Local & State Tax Base & Revenues
B		*Response and source of information:* City Staff, City Planning Documents
		Appropriate wastewater treatment facilities which protect water quality and the local environment will serve to enhance the tourist and recreational industries, which support the tax base within the community.
Key	12	Educational Facilities - Schools, Colleges, Universities
N		*Response and source of information:*
		No adverse impact anticipated
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.

Key Letter:		
N: No Impact; **B:** Potentially Beneficial; **A:** Potentially Adverse; **P:** Approval/Permits Required; **M:** Mitigation Required		
		Response and source of information: City Staff, Local Planning Documents
		Appropriate wastewater treatment facilities which protect water quality and the local environment will serve to enhance the tourist and recreational industries allowing growth and prosperity.
Key	14	Health Care – Medical Services
		Response and source of information:
N		No adverse impacts anticipated
Key	15	Social Services – Governmental Services (e.g., demand on)
		Response and source of information:
N		No adverse impact anticipated.
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		Response and source of information:
N		No adverse impact anticipated.
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		Response and source of information: Prior engineering experience with site

Key Letter:		
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N		The proposed facilities fall within the confines of the existing site, which has been used for wastewater treatment facilities for many years. Generally this would continue to be the best use of the land for this site. Land development around the site is occurring and the new plant, with improved aesthetics, could create a more compatible condition.
Key	18	Energy Resources - Consumption and Conservation
		Response and source of information: Engineering experience
M		The new facilities will increase energy use over the current plant's demand. Use of improved energy efficient blowers will mitigate this increase in energy use. The plant will allow for better control of the treatment process which will enable more effective use of energy. The new plant should allow for a significant reduction in chemical use which requires energy resources to produce.
Key	19	Solid Waste Management
		Response and source of information: Engineering experience
N		The new plant may increase production of biosolids. Adequate facilities are available on site to allow for proper treatment and drying of biosolids. With a reduction in chemical use, the biosolids will be more suitable as a soil amendment or for use in a compost generating plant.
Key	20	Wastewater Treatment - Sewage System
		Response and source of information: Engineering experience
B		The project is being proposed to upgrade the existing treatment allowing for full compliance with regulatory standards. Measurable beneficial impacts are anticipated.
Key	21	Storm Water – Surface Drainage
		Response and source of information: DEQ Permits
N		A stormwater permit will be required by the regulatory agency for construction. The permit will require proper control of stormwater to preclude runoff and erosion.
Key	22	Community Water Supply
		Response and source of information: Engineering experience, compliance with regulatory standards

Key Letter:		
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B		Further treatment of the Whitefish wastewater, discharged into the Whitefish River, could potentially improve this source of water for downstream uses, including water supply.
Key	23	Public Safety – Police
		Response and source of information:
N		No adverse impacts anticipated.
Key	24	Fire Protection – Hazards
		Response and source of information:
N		No adverse impacts anticipated.
Key	25	Emergency Medical Services
		Response and source of information:
N		No adverse impacts anticipated.
Key	26	Parks, Playgrounds, & Open Space
		Response and source of information:
N		No adverse impacts anticipated.

Key Letter:		
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Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		Response and source of information:
N		No adverse impacts anticipated.
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		Response and source of information: Engineering experience with site
N		No adverse impacts anticipated. Project site is not located near airports or major transportion routes.
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		Response and source of information: City Staff, Local Planning Documents
N		Compliance with local ordinance will be reviewed during project design phase.
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		Response and source of information: City Staff
N		No known impact or regulatory action associated with private property rights.

Received from Tom Turnow 4-13-16

PROPOSED CHANGES TO CONDITIONS OF APPROVAL

10. Add: Street and parking lot lights shall be consistent with the City's dark skies policy and not shine on or into neighboring properties.

20. Change first sentence to: Four (4) affordable apartments shall be designated within Lot 16, together with 14 market rate units. Thereafter, add "affordable" before "apartments" or "units" to clarify that the WFHA is only managing the 4 units.

26. Strike.

Add 28. The 10 townhomes/attached single family lots shall be for sale.

Add 29. The 20 foot access trail and landscape buffer easement on the north edge of the property shall be substantially as depicted in the Plan and Section/Elevation presented by the developer during public hearings. The proposed vegetated landscape buffer shall have different heights and kinds of deciduous and conifer shrubs and trees to provide the best sound and sight screening possible between users of the walking path and adjoining properties. Plantings will be responsive to existing site conditions. Buffer will be completed prior to construction of homes.

Tom Tornow 2/18/16

PROPOSED CHANGES TO CONDITIONS OF APPROVAL

10. Add: Street and parking lot lights shall be consistent with the City's dark skies policy and not shine on or into neighboring properties.

20. Add "together with 14 market rate units" to end of first sentence.

26. Strike.

Add 29. The 10 townhomes/attached single family lots shall be for sale.

Add 30. The 20 foot access trail and landscape buffer easement on the north edge of the property shall be substantially as depicted in the Plan and Section/Elevation presented by the developer during public hearings. The proposed vegetated landscape buffer shall have different heights and kinds of deciduous and conifer shrubs and trees to provide the best sound and sight screening possible between users of the walking path and adjoining properties. Plantings will be responsive to existing site conditions. Buffer will be completed prior to construction of homes.