CITY COUNCIL WORK SESSION
CITY COUNCIL CHAMBER CONFERENCE ROOM
1005 BAKER AVENUE
TUESDAY, JULY 5, 2016
5:30 TO 7:00 PM

1. Call to Order

2. 5:30 to 6:30 – Review current Extension of Services Plan and discuss next annexation effort

3. Public Comment

4. Provide direction to City Manager on the Extension of Services Plan and next annexation effort

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5. 6:30 - Interviews for Committee Vacancies-

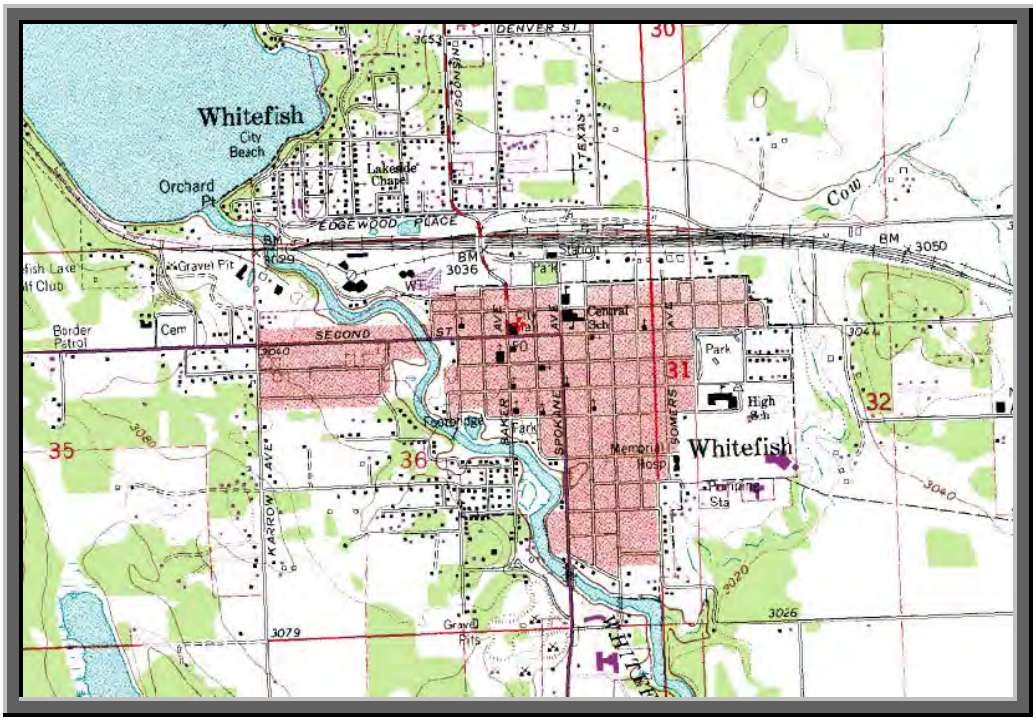
   a. 6:30 Trek Stephens-Incumbent Resort Tax Monitoring Committee-Retail Member
   b. 6:40 Mariah Joos-Nelson's Hardware- Whitefish Convention and Visitors Bureau-Downtown Retail

6. Public Comment

7. Appointments

   a. Resort Tax-1 Position-3 Year Term-Incumbent Retail Member-City Council Appointment
   b. Whitefish Convention and Visitors Bureau-1 Position-3 Year Term-Downtown Retail Member-City Council Appointment

8. Adjournment



CITY OF WHITEFISH
EXTENSION OF SERVICES PLAN

Adopted March 2, 2009

Mayor
Mike Jenson

City Council
Turner Askew
Ryan Friel
John Muhlfeld
Nick Palmer
Frank Sweeney
Nancy Woodruff

City Manager
Chuck Stearns

City Attorney
John Phelps

Public Works Director
John Wilson

Planning & Building Director
David Taylor

Parks & Recreation Director
Karl Cozad

Police Chief
Bill Dial

Fire Chief
Tom Kennelly

Note:
This plan was prepared by David Taylor, AICP, with assistance from the elected officials and department heads listed above. It also included valuable input from City of Whitefish employees Greg Acton, Karin Hilding, Sherri Baccaro, Mike Ferda, Doug Loy, Virgil Bench, and Wendy Compton-Ring, AICP. Digital mapping was prepared by Nikki Bond.

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INTRODUCTION

This extension of services plan is intended to be used as a guide for the provision of city services to those areas of the city not served at this time, and for territories to be annexed into the city. The plan will serve three basic objectives: (1) to meet Montana statutory requirements for annexation of lands; (2) to provide a logical framework, in concert with the Whitefish Wastewater Utility Plan, 2006; the Whitefish Wastewater Utility Plan, 2006; the Whitefish Stormwater System Utility Plan, 2006; the 2007 Whitefish City-County Master Plan, the Southeast Whitefish Transportation Plan, 2001; and the Bike and Pedestrian Pathways Master Plan, 2007, to guide future growth of the community; and (3) to establish policies which clearly identify methods of financing and extending municipal services and the party or parties responsible.

Statutory Requirements

In order to satisfy statutes 7-2-4731, M.C.A., "Plans and Report on Extension of Services Required," and 7-2-4732, M.C.A., "Contents of Plan For Extension of Services," the City of Whitefish is required to show how it will provide services to areas proposed for annexation. Specifically, such a plan must establish at least a five-year urban growth boundary based on availability of water, sewer, storm drainage, solid waste disposal, streets, police protection and fire protection.

If it becomes necessary to extend streets, water, sewer, or other, municipal services into an area to be annexed, the plan must set forth a proposed timetable for construction and show how the municipality plans to finance extension of these services. If the area to be annexed is currently served by adequate water, sewer and streets, and no capital improvements are necessary, the municipality must provide plans of how it intends to finance other services, mainly police protection, fire protection and solid waste disposal, as well as how it will continue utility service.

The location of the urban growth boundary is determined by considering available undeveloped and underdeveloped lands in the context of existing municipal services and the logical extension of these services into undeveloped land. In addition, past community growth trends, as well as existing community growth stimulants and deterrents, are taken into consideration in projecting growth area boundaries.

The proposed growth boundary should also conform to the adopted City-County Growth Policy and, whenever practical, should use natural topographic features such as ridge lines, streams or creeks as boundaries. If a street is used as a boundary, land on both sides of the street is included in the growth area.

Relationship to the Whitefish City-County Growth Policy

This Extension of Services Plan, by reference, hereby incorporates the Whitefish City-County Growth Policy, 2007. The Growth Policy has been used as a source of technical information presented in this document. The adoption and implementation of this plan will assist the City in achieving the goals and objectives of the Growth Policy.

URBAN GROWTH BOUNDARIES

The urban growth area is the projected service area in which municipal services can or may be extended over a period of 5 -10 years, depending upon needs and demand. Boundaries of the urban growth area are established based on prevailing and anticipated growth trends, with consideration given to growth stimulants as well as growth deterrents or impediments. Population and economic trends that affect community growth or decline are also critical factors which should be analyzed in order to accurately establish urban growth area boundaries.

Economic Conditions and Population Trends

The Flathead Valley is the economic hub for a five-county area. The valley is home for a population of roughly 85,000 persons and 29,558 households, though its retail, financial, professional and medical services are utilized by more than 130,000 people residing in the five-county trade area. The 2007 Census estimate of population for the City of Whitefish of nearly 8,100 residents is a 60% increase since 2000, making Whitefish the fastest growing city in the state of Montana. The 2005 population estimate for the entire planning jurisdiction area is around 11,500.

The area's population continues to grow at a steady pace with the potential for accelerated growth over the next twenty years. From 1990 to 2000, the population growth of Flathead County had a 26% increase, and it has continued to grow at a rate of 2% a year.

The following documents can be consulted for information relative to the area's socioeconomic trends and conditions: The 2007 Flathead County Growth Policy, the 2000 Federal Census, State of Montana Census and Economic Information Center, and the Whitefish Area Chamber of Commerce Annual Profile.

Physical Growth Trends

Due to population increases, a greater demand for utility services and other factors, the City of Whitefish physically expanded numerous times between 1997 and the end of 2008, adding 5323 acres of land to its municipal boundaries.

While ongoing small scale annexations of individual properties connecting to City utilities have a minimal affect on the actual City boundaries, the City

has had many significant large subdivisions and Planned Unit Developments annex in, and they initiated several other annexations to bring in neighborhoods that were on City services.

The annexation of the Iron Horse subdivision in 1997 extended the City limits north producing more than a 12% increase in the total area of Whitefish. In 1998, 177 acres were annexed by the City in South Central Whitefish (Karrow Avenue/Highway 93 West), 36 acres on Lake Park and Patton Subdivision, 161 acres at Second Street/Armory Road, 100 acres at Colorado and Texas Avenues, and 14 acres on Nelson Lane, for a total of 510 new acres. 1338 acres were voluntarily annexed into the City between 1998 and 2005. In 2005, 95 additional acres of private land were annexed, as well as 3,458 acres of Whitefish Lake that the City annexed up to the low water mark. 2006 saw 56 acres of land added to the city limits through voluntary annexation. In 2007, 32 acres were added, and 376 acres were added in 2008.

There exist certain "influencing factors" which can either stimulate or impede the physical growth of a city. In conjunction with the ability to provide services, these influencing factors must also be given consideration in the establishment of future service and growth area boundaries.

Impediments to Growth

The identified impediments to growth in and around Whitefish are the lack of and high cost of extending infrastructure, important lands of agricultural significance, volume of land under public or corporate ownership, soils unsuitable for development, seasonally high groundwater, and steep slopes.

Many areas on the outskirts of Whitefish have no nearby utility services and other infrastructure available. Additionally, the cost of extending roads and utility services increases every year, making it more difficult for new subdivision developments to pencil out.

Certain lands to the east and southeast of Whitefish have been identified as agriculturally significant and recognized as a finite resource. These areas are the most likely to be developed as residential subdivisions. The 1996 Whitefish City-County Master Plan contained a number of goals and objectives aimed at protecting prime agricultural lands within the planning jurisdiction. The plan stated a specific goal that would "conserve agricultural lands by allowing limited conversion only if those areas are not productive or are needed for proper urban expansion." The 2007 Whitefish

City County Growth Policy removed map designations for important agricultural lands, and has more indirect objectives with regard to agricultural lands. In Recommended Action 11, under Economic Development, it states: "Establish low-density and rural zoning districts in local farming areas, and protect existing operations to the extent possible through agriculture indemnity statements on plats and prior notice conditions of approval". Land Use Goal 3F states: "Preserve important rural lands and agricultural land uses that surround the community." Additionally, the 2007 Growth Policy has established some limitations on growth in areas currently designated as agricultural lands under Policy 3 I: "Land designated Rural or Rural Residential on the Future Land Use Map shall not be redesignated by the City of Whitefish through a Growth Policy amendment, neighborhood plan, or subarea plan, except as set forth in the Implementation/Intergovernmental Element, until at least 50% of the previously entitled dwelling units, as depicted on the Approved Entitlements Map dated September 20, 2007, is actually constructed." That policy is set to be reviewed after two years.

Large tracts of land under public or corporate ownership are located north of Whitefish and along the west shore of Whitefish Lake. The vast majority of land north of Whitefish Lake and the Whitefish Mountain Ski Resort is either federal or state owned timberland which is managed for multiple uses, including logging, hunting, fishing and general recreation. Substantial acreage north of town, but south and east of the Whitefish Mountain Ski Resort, is owned by Stoltz Lumber Company, which has traditionally managed their property for timber harvesting but over the last several years has started to be involved in land development. Also, the west shore of Whitefish Lake, north of the Lion Mountain subdivision, is owned predominantly by the Burlington Northern Santa Fe Railroad, with railroad tracks at the water's edge, who have not demonstrated a trend toward development of their lands.

The existence of certain types of soils renders some areas of the valley unsuitable for urban development because of low permeability. These soils, composed of fine silts and clays, are predominant in the Whitefish area. Although some soils may be unfavorable for development, most disadvantages can be overcome through engineering solutions and construction techniques. It should be noted that while the disadvantages these soils can be overcome, such circumstances will likely result in added expense to the public, in providing services such as streets, sewer and water service, and storm drainage, and to the property owner, in terms of construction and engineering costs.

Seasonally high ground water is found throughout the Whitefish area, typically along the valley floor. Properties at lower elevations to the northeast, east, south and southeast of town are severely limited in their ability to accommodate on-site sewage disposal systems. Expensive construction techniques are required throughout the Whitefish area to build stable, long lasting roads.

Slopes generally exceeding twenty percent (20%) are considered an impediment to urban development. Development on such slopes, including buildings, roads, driveways and other improvements, can have significant impacts on existing drainage patterns, riparian vegetation, wildlife, adjacent (particularly downhill) properties, and the existing natural scenic qualities of the community. While the City of Whitefish is generally situated on the valley floor, instances of steep slopes are typically in the areas north and west of the City.

Growth Stimulants

Growth stimulants can be defined as any pressure exerted upon a city which may cause or encourage that city to grow in a particular direction. Growth stimulants may be physical factors such as a scenic environment or a proximity to services and/or utilities. An attractive quality of life or a strong economy can also stimulate the growth of a city. The physical beauty of the Flathead Valley and its perceived quality of life has spurred substantial growth in recent years. The greater Whitefish area is expected to continue to attract its share of the area's overall population growth, mainly due to its appealing life style and proximity to Glacier Park, Whitefish Lake and the Whitefish Mountain Ski Resort.

Prevailing Growth Patterns

The prevailing growth patterns in the Whitefish area, and the probable growth stimulants associated therewith, are as follows:

<u>North</u>

- East Lakeshore Drive

  This area has been fairly extensively developed with a mixture of suburban density subdivisions and larger lake front parcels. Steep slopes and the presence of public lands generally limit development potential to a narrow strip of land between East Lakeshore Drive and

the lake. While several individual properties have yet to be developed, the potential for future large scale subdivisions appears to be limited.

The Rest Haven, Deer Run and Lakewood Estates subdivisions, approximately a mile and a half north of the City limits, are presently connected to the City sewer by a pump station and pressurized force main. Un-served properties along both sides of the road between the City limits and the Lakewood Estates subdivision can potentially be served by the City sewer, if the cost of system upgrades, additional pump stations, force mains and collection facilities prove to be feasible for a given project. Although sewer service to properties north of the Rest Haven subdivision is not anticipated in the foreseeable future, a dry force main was installed by the City to accommodate that area when service is needed.

- Big Mountain Road

The area accessed by the Big Mountain Road includes a few urban density subdivisions in the vicinities of the Whitefish Mountain Ski Resort and Ptarmigan Village. The popular destination ski resort is the stimulus for this growth, which can be expected to continue. Although the subdivisions in the Big Mountain village area are served by City sewer, the distance from other City services, such as street maintenance and police protection, precludes the possibility of annexation in the near term. Sewage treatment for the Ptarmigan Village area is provided through an aerated lagoon system with spray irrigation disposal of treated liquid effluent, currently in need of upgrades or a connection to city services.

The 228 acre Lookout Ridge subdivision between Ptarmigan Village and Big Mountain Village was approved and annexed into the City in 2008, adding approximately 139 home sites. It will have a private water system maintained by a homeowner's association, but the sewer will connect with the City sewer system in Iron Horse Subdivision.

Although several homes have been built along the lower reaches of the Big Mountain Road, steep topography is expected to deter urban or suburban scale subdivisions and subsequent annexation.

- Murdock Lane - Iron Horse Drive

Another road extending to the north edge of the City limits is Murdock Lane which becomes Iron Horse Drive within the Iron Horse Subdivision. This road provides primary ingress and egress to the Iron

Horse Subdivision, which includes 265 home sites (86 of which have been developed thus far) and another 50 or so cabin sites, as well as golf course, club house, restaurant, and other facilities. The 234 acre site was annexed into the City in 1997 and another 180 acres, more or less, was annexed in 1978 along with the Suncrest subdivision. All new streets, water, sewer and storm drainage systems were installed by the developer. The water system, the storm drainage system and all streets other than the lower reaches of the main access road are privately owned and maintained by the developer or the homeowner's association, with streets open to the public. The sewage collection system is owned and maintained by the City.

- Reservoir Road

Reservoir Road provides the sole ingress and egress for several subdivisions and other scattered development along this mile long dead end road. Most of the vacant land in this neighborhood has been previously subdivided into parcels 2 acres and larger in size which are expected to utilize the Northwoods community water system or private water wells, as well as on-site sewage disposal systems. Although growth can be expected to continue at a steady pace, the pattern of relatively large lots is expected to deter the extension of City utilities beyond the lower reaches of Reservoir Road.

As the name implies, the City water reservoir, as well as the site of a water treatment plant, lies one-half mile up from the City limits on Reservoir Road. A few lots between the City limits and the reservoir are connected to the City water system. This pattern of usage is expected to expand gradually and lead to the eventual annexation of lands along the lower stretches of this road.

Northeast and East

- Texas Avenue and Denver Street

Texas Avenue and Denver Street are two dead end roads extending to and beyond the City limits at the northeast quadrant of the City. Utilities will soon be extended to the end of Texas Avenue for the Hidden Hills subdivision. Urban density development exists out to the city limits but is sparse beyond, due to the lack of existing municipal sewer services and limited potential for on-site sewage disposal due to seasonally high groundwater.

- East Edgewood Drive

East Edgewood Drive provides a vital link to the City for a rural agricultural area, several small private developments and other scattered suburban agricultural development located well beyond the urban growth boundaries of the City. The master plan shows suburban residential development adjacent to East Texas Avenue, agricultural lands further east and industrial areas along the BNSF tracks. The only development in the immediate vicinity of the City is served by wells and on-site sewage disposal systems. The 26 acre Edgewood Industrial business park received Final Plat for the corner of East Edgewood and East Second Street, which is dependant on the extension of municipal sewer across the railroad tracks at Cow Creek. Once extended, this area could experience additional growth pressure as more agricultural zoning is changed.

- East Second Street

East Second Street also provides a link to the same area as does East Edgewood. This road crosses the BNSF tracks before it joins with East Edgewood at the eastern edge of the urban growth boundary. Urban density development, with access to both City water and sewer, exists west of the railroad crossing and agricultural development prevails beyond. No city services are currently available beyond the railroad tracks. It is not anticipated that water or sewer will be extended to the agricultural areas in the foreseeable future until the Cow Creek interceptor is extended beyond the railroad property.

- Armory Road

Armory Road connects East Second Street with Voerman Road. The section located within the urban growth boundary is served by both City water and sewer and is mostly developed to urban densities. Some potential for growth exist south of the road and also east of the City softball complex. A pressure sewer main was extended approximately one-half mile east of the Hueth Subdivision.

<u>Southeast</u>

- Voerman Road

Voerman Road is a collector for the mostly agricultural area southeast of the City. Rural residential and suburban agricultural development has steadily occurred along Voerman Road displacing some of the smaller agricultural tracts. The soils in the area limit on-site sewage

disposal to larger lots. Since the master plan lists virtually all of this area as important productive farmlands it is doubtful that any major development will happen within a five to ten year planning window.

- Monegan Road

Monegan Road serves a rural agricultural area similar in nature to Voerman Road. The sewage treatment plant is in the vicinity, accessed off of Monegan Road, and potential odors from the plant should limit future land use. Public Works has recommended an agricultural buffer of 4000 feet around the plant. Other than the sewer plant site, the area is mostly agricultural. The area also suffers from high ground water issues, silty clay soils, and flat topography that limits effective drainage. There has been increasing pressure to redevelop the area as suburban residential, with an 82 lot residential subdivision preliminarily approved at the Southwest corner of Monegan and Voerman roads.

- J.P. Road

J.P. Road is a short east west link between the south end of the City along U.S. Highway 93 and Monegan Road. The area has seen some transitioning from agricultural to suburban densities on the West side of the river due to recent sewer extensions along Highway 93 South.

South

- Highway 93

The annexation of the highway corridor north of Highway 40 and the extension of services in that area impacted development along Highway 93 South. Commercial zoning is currently in place along both sides of the highway to its intersection with Highway 40. Although the City Council has made a policy statements in the past that services should not be extended south beyond that intersection, there is the potential to extend utility services at least as far as the Blanchard Lake Road intersection.

Southwest

- Karrow Avenue

Karrow Avenue is currently developed as rural residential properties. The density is limited due to a lack of municipal utility service, although water was recently extended to Karrow Avenue through the new Whitefish Assembly of God property from Highway 93. While higher

density development will eventually occur due to the availability of services, current zoning and master plans call for the area to remain low density agricultural.

West and Northwest

- Highway 93 North

The areas to the west and northwest are primarily served by Highway 93 North. The current zoning is primarily residential with lots over 1 acre. Water and sewer service is extended to State Park Road and is generally limited beyond that due to topography. As services are incrementally extended past State Park Road, further urban density residential development will occur, such as the recent Highway 93 LLC development. Development on the west side of Whitefish Lake is limited by the location of BNSF tracks.

Infill

The undeveloped land within the City limits is limited, but there are several areas with infill development and redevelopment potential. The neighborhoods between Wisconsin and Dakota Avenues, immediately south of Glenwood Road, and between Wisconsin and Colorado Avenues, immediately north of East Edgewood Drive are predominantly vacant lands with development potential.

Projected Growth Area

It is recognized that there are no overwhelming barriers that would impede the physical growth of the city during the next five years, although productive farmland to the east and southeast may be a limiting factor in the long term. Large subdivisions with private roads to the north and west may pose some deterrent to growth by limiting access between new development and the City. The growth patterns discussed above, particularly the availability of city utilities, will presumably steer the future urban growth of the City of Whitefish.

The boundaries of the future service area of Whitefish (the extent to which the city is willing and able to extend services) have been conceived on the basis of the city's historical growth, recent growth trends, growth stimulants and impediments, population projections, current zoning, the anticipation's

of the Whitefish City-County Master Plan and the general physiography of the vicinity.

Exhibit 'B' illustrates the projected Urban Growth Boundary.

EXTENSION OF CITY SERVICES

A number of studies have been done to determine the effects of various types of development on a municipality's cost outlays. These studies have consistently shown the net public costs resulting from low-density sprawl development are higher than those resulting from higher density developments of the same number of homes. In simple terms, it costs more to extend sewer and water service, to provide police and fire protection, to fund road repair, to send out school buses, and to provide refuse collection service when homes are spread out than when they are proximate to existing services and facilities.

In order to achieve compact, orderly and efficient urban growth, plans for the extension of municipal services into growth areas must be developed and implemented. In addition to identifying the services available and a plan to physically provide those services within a defined service area, it is also essential to both identify the party responsible for service extension and a method of financing the extension.

The services which are considered for extension into the future growth areas of the city are streets, sanitary sewer, storm sewer, water, police protection, fire protection and solid waste collection.

Streets

The transportation network within and around a community plays a significant role in its physical development and growth. This network of streets, roads and highways should be coordinated to form a system that not only provides efficient internal circulation, but one that also facilitates through traffic. Since streets serve two basic functions, moving traffic and providing access to abutting lands, each street should be classified and designed for the specific function or combination of functions it is designed to serve. This functional classification system forms the basis for planning, designing, constructing, maintaining and operating the street system. For these reasons urban streets are generally designed and developed in a hierarchy comprised of the following types:

<u>Major Arterials</u>

A major road or highway with moderate to high speeds and high traffic volumes. Major arterials provide access to the regional transportation network, and move traffic across the county and between cities and

communities. Access to abutting lands is limited. Traffic volumes would typically exceed 15,000 vehicles per day.

Minor Arterials

A major road with moderate speeds designed to collect or move traffic from one major part of the community to another or to move traffic to and from the major arterial system. Traffic volumes would generally range from 5,000 to 15,000 vehicles per day.

Collectors

A secondary or intermediate street with moderate speeds and low to moderate volumes. Such streets would collect local traffic from neighborhoods and carry it to adjacent neighborhoods or transfer the traffic to the arterial system. Such streets would typically serve a neighborhood or area with 150 or more dwellings and carry 1,000 to 5,000 vehicles per day.

Local

These are minor streets intended to serve individual sites, buildings or lots, and provide access to residential neighborhoods. Local streets either feed into collectors or provide destination access off of collectors.

Arterial and collector streets within the Whitefish limits are listed according to functional classification in the 1998 Whitefish Transportation and Storm Drainage Plan. This document and the supplemental Street Reconstruction Priority Ratings, prepared by the Public Works staff, were developed as a tool for scheduling reconstruction, overlays and preventative maintenance for public streets, excluding State and Federal highways, in the projected urban boundary. The City of Whitefish street system currently includes 69.5 miles of streets and alleys.

The city is in the process of reviewing drafts of the proposed 2009 Whitefish Transportation Plan update. That plan will identify priority projects for the Whitefish and surrounding street systems, which, if implemented, result in a benefit to existing traffic system performance. The proposed improvements will also serve future development needs as urban development expands into the adjacent rural areas surrounding Whitefish. The plan, in addition to identifying deficiencies and recommending improvements, will also identify potential funding sources.

The top priority projects identified in the plan will involve, for the most part, either arterials or collectors. All new development, pursuant to annexation

which further impacts the existing or proposed street network will be subject to conditions of approval intended to mitigate said impacts. It will be the responsibility of the developer of a new subdivision to provide streets built to city standards, including curbs, gutters, sidewalks, boulevards, street signs, street lights and street trees. Standards for such improvements are contained in the City of Whitefish's Subdivision Regulations and the City's Standards for Design and Construction. The POLICY section of this plan supports these requirements.

The City of Whitefish also levies a Special Street Maintenance Assessment on properties within the city. This assessment provides for snow removal and deicing, asphalt patching and overlays, street sweeping and sprinkling. Currently, the assessment is $2.19 per foot of property frontage on the public right of way for residential properties and $2.80 per foot for commercial properties.

Street Maintenance

The City of Whitefish maintains, sweeps and plows most dedicated streets within the incorporated area, while the Montana Department of Transportation maintains and plows U.S. Highways 93 and Wisconsin Avenue through the city.

The City's equipment is generally adequate for the present snow plowing needs, although in the event of an unusually heavy snowfall the city will contract with local operators for assistance. The need for additional equipment and personnel should be determined and coordinated as the city grows.

A portion of the above-described Special Street Maintenance Assessment helps fund the city's snow plowing program.

Sanitary Sewer

A sanitary sewer system is a network of sewers used to collect the liquid wastes of a city for subsequent treatment. The location and capacity of main sewer lines and treatment plants are a factor in determining both the density and location of development within a community. Generally, the design of main sewer lines and plant capacity is reflective of anticipated land uses and population projections of a predetermined "service" area.

Sewage is generally collected by a gravity flow system, wherein sewer lines are laid out in a manner as to flow continually downhill. Where grades are insufficient to provide gravity flow, pressurized sewer collection systems or pumping of the sewage becomes necessary. Adding pump stations to the system correspondingly adds expense and maintenance and replacement needs and is generally discouraged. Pressurized sewer collection systems with privately maintained grinder pumps are becoming more common where gravity sewer systems are not feasible. The City Public Works Department currently maintains more than 65.5 miles of gravity and pressure sewer mains, 15 major sewage lift stations and 68 individual, single and multi-family sewage pumping systems or septic tank effluent pumps.

The City of Whitefish operates an aerated lagoon wastewater treatment plant with secondary treatment by chemical phosphorus removal. The plant is located on the southeast edge of the city on Monegan Road. The current treatment plant is designed to accommodate a flow of approximately 1.8 million gallons per day (mgd). A plant of this capacity is able to serve a population of approximately 10,000. The plant is currently treating an average of .82 mgd of effluent, with .25 mgd of capacity allowed for infiltration and inflow of storm water.

The 2006 Wastewater Utility Plan recommended several priority capital improvement projects for the wastewater treatment and collection systems. Most of the projects recommended for the first five-year time frame have been completed or will be completed by the spring of 2009. These improvements will increase the treatment plant capacity to approximately 2.3 mgd and serve the projected population of Whitefish until 2025 and beyond. Regulatory compliance will drive future improvements at the wastewater treatment plant.

High groundwater infiltration and storm runoff inflow have a significant negative impact on the city's collection and treatment systems. Infiltration and inflow are extraneous clear waters which can enter the sewer collection system and thus reduce the carrying capacity of the collection, pumping and treatment systems. As the amount of infiltration and inflow is reduced, the ability of the plant to serve a larger population is increased. Although much inflow due to storm runoff has been eliminated through the construction of underground storm drainage facilities, elimination of cross-connected stormwater catch basins and disconnection of roof drains from sanitary sewer lines, aging sewer lines and illegally connected basement sump pumps are still a serious problem. Storm drainage is being improved as the city's street reconstruction program proceeds.

The design of new sewage collection systems must meet the current requirements of the Montana Department of Health and Environmental Sciences, the Montana Public Works Standard Specifications, the city's Standards for Design and Construction and the policies for extending services described in this plan.

Outside the city limits, Whitefish is ringed by areas of suburban residential development with on-site sewage disposal systems. During the next five years, and beyond, the influences of continued property development, failing on-site sewage disposal systems, and the State's Water Quality and Non-degradation Rules may combine to bring many of these areas onto the city's sewer system.

The Big Mountain Sewer District [BMSD] owns and maintains their own sewage collection system, but sewage treatment is provided by the City wastewater treatment plant through an interlocal agreement.

Sewer collection system improvements within the Big Mountain Sewer District are designed and constructed in accordance with the Montana Department of Health and Environmental Sciences, the Montana Public Works Standard Specifications, the city's Standards for Design and Construction.

Throughout the Whitefish sewer service area, detailed engineering studies are required to determine the appropriate size, location and type of collection system based on the long- range needs of the development and area(s) surrounding the development site.

Storm Water Management

Storm water runoff is the water flowing over the surface of the ground as a result of a rainfall or snow melt. The primary goal in the management of storm water runoff is to minimize hazards to life and property. This is accomplished by using storm sewers, ditches, swales, ponds and treatment facilities to manage, collect and carry surface water to a natural water course or body of water in such a way as to prevent flooding and the resultant damage.

The 2006 Stormwater System Utility Plan identifies drainage basins in the Whitefish area. The stormwater collection facilities within the planning area are generally limited to the central portion of the City. In general, the

collection system consists of plastic pipe ranging in size from 8-inch to 42-inch. Concrete manholes and catch basins collect runoff and convey it to outfalls in the Whitefish River, Cow Creek or Whitefish Lake. There are currently fifteen basins that drain to the river through fifteen separate outfalls. Four basins drain to Cow Creek through six different outfalls, and twenty-five basins drain to Whitefish Lake through three separate outfalls. Five of the largest basins flow to detention ponds that provide primary treatment before discharge to the surface waters. Four smaller basins have infiltrators or ponds with no outlet where runoff is collected and percolates to groundwater. Two other basins have no outlet to surface waters but have no developed ponds or infiltrators. The remainder of the basins have no formal conveyance system other than roadside ditches and culverts channeling flow to the river or lake.

As new city streets are constructed, and as existing streets are improved, storm drainage infrastructure will be installed or improved. Those persons developing property have the responsibility to convey storm water from their property to an appropriate point of disposal. The quantity and rate of runoff from a developed piece of property should not exceed that which would occur had the property remained undeveloped. In instances where developing property cannot be drained to an appropriate point of disposal, storm water must be detained and handled on site.

Clean Water Act regulations currently require storm water treatment for urban areas with populations in excess of 10,000. It is expected that expanded storm water regulations will apply to smaller communities in the near future.

Water

The mission of the Whitefish Water Department is to provide safe, potable drinking water for the needs of their domestic, institutional, industrial and commercial consumers and to provide adequate pressure and flow to meet irrigation demands and fire fighting needs.

Water for the Whitefish community is supplied by two surface water sources, Haskill Creek and Whitefish Lake, which are treated at the 4.0 million gallon per day (mgd) direct filtration water treatment plant prior to distribution to the customers. The Haskill Creek supply is a gravity system that is impounded in an 8.8 million gallon open reservoir prior to treatment. The Whitefish Lake supply is pumped directly to the treatment plant by a pumping plant located on the shores of Whitefish Lake. The water

treatment plant meets all the current and projected requirements of the Federal Safe Drinking Water Act (SDWA).

Water storage tanks are used to equalize pressure throughout the 61.5 mile-long distribution system and to provide emergency supply in case of an interruption of power or a failure of pumping equipment. They also provide the flow necessary to meet peak demands. The amount and location of stored water represents a key component of the water system's ability to deliver water for the purpose of fire suppression. The city water distribution system currently has four pressure zones, three of which are served by separate booster pumping stations. The primary pressure zones utilizes two storage tanks, on Reservoir Road and on Grouse Mountain, with capacities of 1 million gallons and .75 million gallons. respectively.

Under the requirements of the SDWA, the water supply is tested for a wide variety of contaminants on a regular basis. Extensive testing for coliform bacteria, giardia cysts, lead and copper, and a wide range of metals, solvents and pesticides has shown that Whitefish's water is of the highest quality.

This water service plan is developed to guide the extension of water mains into areas of growth as and when development occurs. The plan is based on the objective of providing adequate water flow to meet household, commercial, industrial and irrigation demands, while meeting fire protection needs as well. The distribution system must be able to deliver water in sufficient quantity to all residents at all times. Ideally, a water distribution is of a grid layout with supply and storage facilities strategically located to equalize pressure during periods of heavy usage. Dead-end lines should be avoided to eliminate stagnant water and to reduce the number of customers who would be out of water during periods of line repair.

The provision of water for fire fighting purposes is as important as, and as consumptive as, that required for domestic and commercial uses, and must be considered when evaluating transmission, storage and distribution facilities.

Solid Waste Management

Solid waste collection and disposal services are provided within the City by North Valley Refuse, a private hauler, under contract with the City. Refuse collected within the city limits is transported by North Valley Refuse

to the Flathead County landfill located approximately five miles south of Whitefish.

The city contract provides for weekly residential pick-up of refuse while businesses receive, if needed, multiple pick-ups each week. The demand for solid waste collection is typically proportionate to the size of the community. Therefore, as the City of Whitefish accepts annexations, its solid waste service area will increase as well.

The extension of this service to newly-annexed areas is subject to the provisions and limitations of 7-2-4736, M.C.A., as follows:

1. A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation, except:

    a. Upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area; or

    a. After the expiration of 5 years, if a majority of the residents of the annexed or incorporated area sign a petition requesting the municipality to provide the service.

2. If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or, after the expiration of 5 years, if a majority of residents sign a petition requesting service from the municipality, the municipality may provide garbage and solid waste disposal service to the entire annexed or incorporated area.

3. For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate services.

The refuse contract also provides for recycling efforts in the form of local drop off sites for aluminum cans, cardboard, newspaper, magazines, office paper and plastic products. Four sites are located throughout the community for residential recycling and cardboard recycling only is provided at thirteen locations in the downtown business district for commercial customers. The sites are maintained and serviced by North Valley Refuse.

Fire Protection

Fire protection is dependent upon the size and type of fire protection work force, availability of adequate water, type of equipment, and the response time involved.

The current fire department, which is a combination of paid and volunteer personnel, serves a growing population at a conservative figure of approximately 12,000 people in the City of Whitefish and the Whitefish Fire Service Area. The residents within the city limits are levied a city fire tax while the residents of the rural fire service area have a set fee for residential and businesses which is paid through their county taxes and levied back to the Fire Service Area. The Whitefish Fire Department then contracts with the Whitefish Fire Service Area.

The Whitefish Fire Department serves the City of Whitefish and the Fire Service Area of approximately 85 square miles outside the city limits. In order to furnish fire protection for property within the city and existing fire service area, Montana law grants the department authority to provide adequate fire fighting apparatus, equipment, housing and facilities. In addition, the department has authority to request special fire district levies when necessary. Mutual aid between the Whitefish Fire Department and departments outside the Whitefish Fire Service Area provides that manpower and equipment can be requested by any of the departments if additional assistance is needed.

Currently, the Whitefish Fire Department has been evaluated by the Insurance Services Office (ISO) and has an insurance class four (4) rating in the city and a rating of dwelling eight (8) in the Fire Service Area. The department has eight paid personnel. Two administrative (Fire Chief, and Assistant Fire Chief/Fire Marshal), as well as eight line firefighters. The volunteer staffing is currently at 10 firefighters. Fire apparatus and major equipment include the following:

Station #1:	1979 Pierce/Dodge - 350 g.p.m. quick-attack pumper
	1994 Central/Spartan - 1500 g.p.m. pumper/tender
	1997 Central/Spartan - 1500 g.p.m. pumper/tender
	1997 Central/Spartan - 1250 g.p.m. rescue/pumper
	2000 Horton/Ford – Type III ambulance
	2003 Horton/Ford – Type III ambulance
	1991 Achilies/Yamaha - rescue boat
	1995 Ford F-150 4X4 Assistant Fire Chief pickup

2002 Ford Explorer 4X4 Fire Chief vehicle

Station #2: Located south of the city on the corner of Whitefish Stage and Hodgson Road.

1968 Howe/Duplex - 1250 g.p.m. pumper
1982 Grunmam/Ford - 1250 g.p.m. pumper/tender
1984 YankeeCoach/Ford - type III ambulance
1993 RoadRescue/Ford - type III ambulance

City Beach: 2006 Neoteric Hovercraft 65HP Rescue Craft

Currently, hydrant locations in the city could be considered adequate in most areas. The proposed annexations will require additional hydrants in all these areas and an improved water delivery system such as mains and adequate fire flows.

Additional paid firefighting personnel are also required for future growth, not totally contingent upon annexations but by the increased growth, development, and increased emergency calls in both the city and rural areas. Currently the Whitefish Fire Department answers over 2100 calls each year.

Funding for the Whitefish Fire Department is from three sources:

1. The City general fund, through transfers, covers much of the cost of operation, wages, and maintenance of fire services;

2. The ambulance fund, supported by ambulance transport fees, covers operations, maintenance, wages, and vehicle replacement costs;

3. Contracted fees with the Whitefish Fire Service Area are used for maintenance, wages, operation, and fire apparatus for the Fire Department.

Thanks to a recent levy the Fire Department is hoping to put on 6 to 7 additional Firefighters in the very near future and begin 24/7 full time coverage for its citizens. Also, the City of Whitefish was awarded a $650,280 federal SAFER (Staffing for Adequate Fire and Emergency Response) grant from the Federal Emergency Management Agency (FEMA). The City of Whitefish will receive these funds annually for four years, on a declining amount basis. These funds will be used to

implement the 24/7 program for the Fire Department to go to a round the clock operation with three shifts.

Law Enforcement

Police protection is one of the essential services that should be adequately and efficiently available to every citizen. The Whitefish Police Department, headquartered in City Hall, currently has a staff of sixteen full time police officers, four full time dispatchers, one full time animal warden, parking enforcement officer, four part time police officers, three part time dispatchers, and a part time parking enforcement officer. The primary service area is within the city limits; however, the department is party to an Interlocal Agreement with the Flathead County Sheriff's Department for mutual assistance. Upon request from the County, and depending upon availability, the Whitefish Police Department will respond to calls for assistance outside of the City. In return, the Flathead County Sheriff's Department responds to calls for back-up and assistance within the City upon request.

At any given time the Whitefish Police Department is influenced by a much larger population than the eighty five hundred residents of the city. As a tourist destination, the City of Whitefish is estimated to have an average daytime population over fifteen thousand during the peak summer months. These factors obviously impact the efficiency and effectiveness of the police force. Other factors that impact the department are the number, frequency and location of crimes and traffic accidents. As the city grows both physically and in terms of population, it will be necessary to staff and equip the police department accordingly.

Parks and Recreation

The City of Whitefish Parks and Recreation Department has developed plans and goals for the next several years. The following is a brief description of the park facilities and program services that are either in existence or planned for future development.

<u>Armory Park</u>
Armory Park is 25 acres in size and is located at 305 Armory Road. The facility includes 4 softball fields, 1 soccer field (within the softball field area), a 5 acre dog park, a bicycle dirt jump park, a 15,000 square foot skate park, and a 4,000 square foot multi-use building. This facility could be defined as the largest multi-use facility in our inventory of parks. Immediate

plans call for the further development of the dog park area, placement of an irrigation system in the softball fields along with permanent restrooms and concession facility. In addition, parking lots will be developed adjacent to the softball fields and the dog park. Additional building improvements have been identified for the multi-use building, including floor covering, new roofing and a new heating system. An approved Armory Park Master Plan exists identifying all of the proposed park improvements.

Baker Park

Baker Park is part of the 8 acres that adjoin the Whitefish River which includes Riverside Park. Baker Park is bordered by Baker St. on the west side, Central Ave. on the east side and 5th St. on the north side. Baker Park contains two play equipment areas each designed for age appropriate use, a prefabricated restroom building, one gazebo, dock access to the Whitefish River, and a large grass area. The Whitefish River Trail runs along the southern portion of the park. Upcoming plans will include the installation of donated park benches at each of the play areas and the installation of landscaping surrounding the restroom facility.

City Beach

City Beach consists of a 3 acre park located along the shore of Whitefish Lake. The facility includes a boat launch, a roped off designated swim area with a floating dock, three picnic gazebos, restroom facilities, snack bar, staff office, a rental equipment facility, and an adjoining parking lot. This facility also includes an over flow parking lot located on the corner of Edgewood Ave. and Washington Ave. City Beach also contains the newly acquired hover craft utilized by the Whitefish Fire Department for lake emergencies. The City Beach facility probably receives the most intense use of the park facilities hosting such special events as the 4th of July celebration and multiple athletic events throughout the summer season. Crowds in excess of 3,000 people will attend the 4th of July event. Improvements for the future include expanding the floating dock and replacing the retaining wall.

Depot Park

Depot Park is a 1 acre park located in downtown Whitefish directly across from the Historic Whitefish Train Depot. The facility contains a statue recognizing the railroad history of the community and small pond area. It currently contains a building that was the site of Parkside Credit Union. Immediate plans for this facility will be to develop a park master plan by the end of 2009. This facility is host to a number of special events during the summer season, including but not limited to: weekly farmers market, art

shows, bicycle racing events, Huckleberry Days, to name a few. Depot Park is a key element to the downtown master plan for Whitefish and serves as a key focal point for the downtown area.

Kay Beller Park

Kay Beller Park is a 1 acre park located along the shore of the Whitefish River and is in the downtown area. The facility is adjacent to the Whitefish Senior Citizens Center and the Mountain View Manor assisted living facility. The Whitefish River Trail runs through Kay Beller Park. The facility also has a boat dock that provides access to the Whitefish River.

Grouse Mountain Park

This four acre park is located on Highway 93 and Fairway Drive and contains two soccer fields and three tennis courts. The facility also hosts a rest area with seasonally operated restrooms. The parking area (approximately 20 cars) is undersized for the scope of activities that occur at this site. Future plans for this facility include upgrading and expanding the parking lot and the addition of support amenities for the athletic fields.

Memorial Park

Memorial Park is a 10 acre site with facilities including a baseball stadium that is used for American Legion Baseball and utilized by Whitefish High School for their football games. The stadium is lighted and includes bleachers, dugouts and a concession stand. Currently the facility is leased to the American Legion Baseball Association (Glacier Twins Baseball) and includes a cooperative agreement with the School District for football use. In addition to this stadium, 3 small little league size baseball fields are on the site, which are leased to the Whitefish Little League organization. The area surrounding these fields includes 2 tennis courts and a basketball court along with some out dated play ground equipment. The park is surrounded by perimeter parking that is not paved. Immediately plans for future improvements would include substantial improvements in the bleachers for the stadium and support amenities for the little league fields including restrooms. Future plans will include the renovation of the tennis courts, upgrading the perimeter parking, repair of the support amenities for the sports fields including bleachers, fencing, irrigation system for the little league fields and a permanent restroom facility.

Mountain Trails Park

Mountain Trails Park is a 5 acre park and is the site of the Stumptown Ice Den, our indoor ice skating facility that was constructed in 2005. In addition, it is the location of the Saddle Club activity building, and an

adjoining storage facility. The park area includes paved parking for the above mentioned facilities and 2 outdoor sand volleyball courts. Future improvements to this facility include the placement of signage on Wisconsin Ave., upgrading the volleyball courts, landscaping improvements, and facility improvements to the Stump Town Ice Rink.

Riverside Park

Riverside Park is the companion park to Baker Park. Riverside Park is adjacent to the Whitefish River and includes a portion of the Whitefish River Trail and a footbridge connecting the trail to O'Brien Avenue to the south. The park includes a storm water retention pond owned by BNSF that overflows into the Whitefish River. In addition to the trail system, the park includes 3 tennis courts, dock access to the river, and supportive paved parking adjacent to Baker Ave. Improvements for the future include enhancement of the northern entrance to the park at O'Brien Ave., rebuilding the tennis courts, addition of one dock, and additional paved parking at the end of O'Brien Ave.

Soroptimist Park

Soroptimist Park is a neighborhood park of approximately 1 acre and contains a small soccer field, and playground equipment. It serves primarily residents of the neighborhood. Future improvements for this park include the replacement of the playground equipment.

Whitefish Golf Club

Whitefish Golf Club is 36-hole facility with the original 18 holes located north of the Highway 93, under the ownership of the City of Whitefish and leased to the Whitefish Golf Club. The facility includes a club house, pro-shop, restaurant, and driving range.

During the winter months cross-country skiing is offered on the course with lights for night skiing. As a footnote to the golf course, the current lessee also maintains the City of Whitefish Cemetery, which is adjacent to the golf course. The cemetery is in need of an in-ground automated irrigation system and should be in any plans for future improvements.

Whitefish Trails

Currently the City of Whitefish has approximately five miles of paved trails that run throughout the city. Two and a half miles of the trail system runs along Wisconsin Ave. The remainder of the trail system consists of a number of smaller sections that serve specific section of the community. Future plans include the completion of the connecting sections that remain

undeveloped.

The City of Whitefish also has the following undeveloped facilities:

Canoe Park
Canoe Park is a .06 acre parcel located on Riverside Ave. and will serve as an access point to the Whitefish River. Improvements will include a ramp and dock along with supportive parking.

Creekwood Park
Creekwood Park is a four acre undeveloped site within the Creekwood subdivision. Future development of this site will begin with the establishment of a park master plan.

Crestwood Park
Crestwood Park is two and a half acre facility that currently has two horseshoe pits and open space that is minimally maintained. When completed, this facility will primarily serve the residents of the northeast quadrant of the community.

Riverside at Whitefish River
Riverside at Whitefish River is a linear park that is adjacent to the Whitefish River and The Lakes subdivision.

Riverwood Park
Riverwood Park is a 4.6 acre linear park along the bank of the Whitefish River and is a companion park to the Whitefish River Trail.

River Edge Park
River Edge Park is a linear park along the bank of the Whitefish River and will support the Whitefish River Trail.

River Trails Park
River Trail Park is a two acre linear park along the Cow Creek drainage and will serve as a natural area to be retained as open space.

RECOMMENDED POLICIES FOR EXTENDING SERVICES

General Policies

The following general policies shall be pursued for all properties proposed to be developed with or without annexation into the City of Whitefish ("City"):

1. It is the responsibility of the developer or property owner to construct all water lines, reservoirs, pump stations, culverts, drainage systems, sewer systems, roadways, sidewalks, curbs, gutters, street lighting, and rights-of-way in accordance to the Extension of Services Plans contained herein as well as the Subdivision Requirements of the City of Whitefish and the Standards for Design and Construction. The infrastructure improvements shall be of adequate size and design to accommodate the needs of the proposed development. In the event that a development creates impacts requiring off-site improvements, the City Council will determine whether the developer shall wholly or partially bear the costs of such improvements.

2. The developer or property owner shall be responsible for providing fire protection appurtenances and required water flow pressures, to the satisfaction of the City Fire Chief, based on the use of land and the type of construction employed.

3. Water systems and sewer systems shall be designed in such a manner as to avoid the provision of booster pumps or lift stations if feasible. All proposed booster pump stations and lift stations shall receive the approval of the City Engineer.

4. Before a development beyond city limits is allowed to connect to a City-owned utility, an Agreement for Annexation and City Water/Sewer Services form shall be properly filed with the City Attorney.

5. Prior to receiving services, the developer or property owner annexing must initiate and secure a rezone to appropriate City of Whitefish zoning when necessary. If the City initiates an annexation, it will assume responsibility for needed zoning map amendments.

Policies for Extension of Services to Undeveloped Areas

Each development should be considered an integral part of the comprehensive services plan of the City. Therefore the following general policies for extension of services to undeveloped areas should be observed:

1. Any subdivision or development of property within the identified growth area should be designed in accordance with the current edition of the City's "Standards for Design and Construction".

2. Any subdivision or development of land beyond the Whitefish city limits, but within the urban growth boundary, should be reviewed and commented upon by the City's Site Development Review Committee. For development outside the planning jurisdiction, the City shall recommend to the Board of County Commissioners that new development within the identified growth area be in accordance with the service plans contained herein.

3. Where construction of a sewerage system is being considered, the future drainage basin of the system should be identified and lines sized accordingly. The cost and construction of all sewerage systems are the responsibility of the developer or property owner. Under certain circumstances, the City Council will determine whether the City will participate in financing the oversizing of infrastructure.

4. It is the responsibility of the developer or property owner to have designed and constructed water mains and lines of adequate size to provide the required flows for the intended land use and fire protection.

5. It is the responsibility of the developer or property owner to provide all required infrastructure improvements, as well as rights-of-way and easements.

Policies for Services in Existing Developed Areas

As a general policy, properties within the service area with existing utilities and facilities shall be required to upgrade those improvements to City standards and specifications as a prerequisite to receiving City services or additional City utility services. In such situations, the following policies shall apply:

1. Prior to making the municipal service(s) available to an existing developed area within the service area, the City may require a report describing the following:

   a. The approximate year or period in which the existing area was developed.

   b. The location, size and condition of existing water lines or systems.

   c. The location and condition of, the existing sewer system, including the size, material and grades of all pipe.

   d. The size, location and legal purpose of all existing rights-of-way and easements.

   e. The surface type, condition and width of all roadways.

   f. The existing storm drainage into and out of the area.

   The report shall also include the estimated costs associated with correcting the deficiencies and bringing the utility or improvement to City standards. The City may require such a report to be prepared by a professional engineer, with the cost of the report borne by the developer or property owner.

2. If the property is to be annexed, the City's annexation ordinance or resolution shall specifically state the method and time frame for bringing the existing conditions into compliance with City standards, and shall identify the parties responsible for the improvements.

3. If City services are to be extended without concurrent annexation, the property owner shall sign an Agreement for Annexation and City Sewer/Water Service. The agreement shall be recorded with the County Clerk and Recorder's Office. The property owner shall also sign, and the City shall record, a waiver of the right to protest participation in and the formation of any special improvement district that may be formed to improve the existing services, utilities, streets or other improvements.

Policies for Meeting the Cost of Services

1. For the purpose of setting aside adequate funds to replace components of the physical plant, the following shall be considered as the estimated life of each of the components:

a.	Structures	30 Years
b.	Pipelines	50-100 Years
c.	Stationary Equipment (motors, pumps, conveyors, etc.)	10 Years
d.	Asphalt Surfaces:	
	Local Streets	20 Years
	Collector Streets	15 Years
	Arterial Streets	10 Years

The amount to be set aside each year for the replacement of municipal infrastructure components shall be the cost of construction, if new, or the total estimated replacement cost divided by the remaining- number of years of the life of the component.

2. It shall be the responsibility of the developer or property owner to extend all roadways and utilities from the existing City facilities to the site of development in accordance with all City standards and specifications or provide appropriate easements. It shall further be the responsibility of the developer or property owner to construct all streets and utilities to the furthest boundary of the property to be developed in order to facilitate future development.

3. The ability of the City to increase existing utility line capacities to meet the demands of growth is dependent upon the availability of funding. If the City's ability to finance the necessary enlargement cannot keep pace with development, or if the improvements schedule does not mesh with that of the developer, it shall be the responsibility of the developer to finance and construct City-approved alterations to the existing infrastructure sufficient to accommodate the development. In the event of this occurrence, the developer may be reimbursed by the City through utility service connection fees for said development. Said reimbursement shall not exceed the cost, including interest, of the improvements to the existing City system, nor shall the reimbursement exceed the value of the connection fees collected from the specific development.

4. If the developer bears the costs of extending services and/or utilities, a Developer's Extension Agreement may be entered into between the developer and the City. This agreement, with a term not to exceed ten (10) years, allows the developer to recoup costs associated with the extension of services or utilities by charging future entities wishing to connect to or use the extended service or utility a "Latecomer's Fee". The Developer's Extension Agreement shall set forth the specific parcels which could benefit from the extension (those within a described "design area") and specify the amount to be assessed to each parcel. The specific parcels and assessments to be included in the Developer's Extension Agreement are subject to approval by the City Council.

5. The late-coming customer shall pay the extender a pro-rata share of the extension costs, including design and inspection fees. The pro-rata share may be based on lot area, front footage, or other means agreeable to both the City Council and the developer which is equitable to both parties as well as future customers.

6. If the City requires the customer or developer extending a sewer or water line to install a larger size than that required by City standards for a particular project, the City Council will determine whether the City will participate in financing the oversizing of infrastructure.

7. The City reserves the right to further extend sewer or water mains installed by the preceding developer or property owner without paying compensation. The City also reserves the right to charge future sewer or water utility users beyond those areas identified in the Developer's Extension Agreement, if applicable, for their pro-rated share of the City's cost for the oversizing of the line. This in no way shall diminish the preceding developer's right to collect service line connection fees within the limits of a Developer's Extension Agreement. In the case of water lines, the pro-rata cost shall be based on the domestic capacity plus fire flow capacity existing at the point of extension as opposed to the domestic plus fire flow capacities required by the development.

8. Financing the construction of new streets in a proposed development, or the upgrading of streets in an existing developed area, shall be accomplished in one, or a combination of, the following methods:

   a. In an undeveloped area, the developer shall provide all necessary right-of-way, or additional right-of-way if less than adequate right-of-way exists.

b. The developer shall bear the cost of constructing all improvements within the right-of-way in accord with this Plan, the City's Standards for Design and Construction, and the City of Whitefish Subdivision Regulations.

c. Through the formation of a Special Improvement District (S.I.D.).

d. Federal or State grant funds.

e. State Fuel Tax monies.

9. Connection and user fees for properties located outside the City limits for sewer and water services shall be charged in accordance with rates, charges and tariffs adopted by ordinance or resolution by the City Council.

10. As new City streets are constructed, and as existing streets are improved, storm drainage infrastructure shall be installed or improved to City standards. It is the responsibility of the developer to convey storm water from their property to an appropriate point of disposal. The quantity and rate of runoff from a developed parcel cannot exceed that which would occur had the property remained undeveloped.

12. For the purposes of fire, police, and all general government services, the tax burden for these services shall be shared by all city taxpayers.

EXHIBIT A
Annexation Forms

PETITION FOR ANNEXATION
TO THE
CITY OF WHITEFISH

The undersigned petitioner, who owns 100 percent of the real property described below, hereby petitions the City Council of the City of Whitefish, pursuant to Section 7-2-4601(3)(a), MCA, for annexation of such real property into the City of Whitefish. Petitioner agrees that this annexation petition is irrevocable, and that the City may act on this petition, and actually accomplish the annexation of such real property, at any time in the future, without limitation. Petitioner has had an opportunity to review the City of Whitefish Plan for Extension of Services applicable to such real property, and petitioner is satisfied with such Plan. Petitioner states that there is no need to prepare any amended or revised Plan for this annexation pursuant to Sections 7-2-4610, 7-2-4731, and 7-2-4732, MCA, since petitioner is satisfied with the provision of municipal services to such real property.

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED:

Dated this _____ day of _____, 2009.

_____
Owner Owner

STATE OF MONTANA)
:ss
County of Flathead)

On this _____ day of _____, 2009, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me personally (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

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

(SEAL)

Printed Name:
Notary Public for the State of Montana
Residing in , Montana
My Commission expires:

AGREEMENT FOR ANNEXATION AND
CITY SEWER SERVICE

THIS AGREEMENT is entered into as of _____ day of _____, 20___, by and between the City of Whitefish, a municipal corporation ("CITY") and _____ ("OWNER"), whose mailing address is _____ with respect to the following facts:

A. OWNER is the sole owner of the real property that is legally described below, and which shall hereafter be referred to as OWNER'S REAL PROPERTY:

LEGAL DESCRIPTION

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

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

D. The parties desire to enter into an Agreement pursuant to Section 7-13-4312, MCA, pursuant to which the CITY will provide municipal sewer service in return for OWNER'S agreement that OWNER'S REAL PROPERTY may be annexed to the corporate limits of the CITY.

WHEREFORE, the parties agree as follows:

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

(2) **Sewer Connections**: Upon approval by the CITY Public Works Department of the design and construction of all sewer lines and other facilities necessary to serve OWNER'S REAL PROPERTY, and acceptance of all of such sewer facilities by the CITY, OWNER will be given permission to connect no more than _____connections to the CITY'S municipal sewer system.

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

(4) **Consent to Annexation**: OWNER acknowledges and agrees that the CITY is willing to provide municipal sewer service only if OWNER provides all of the promises and representations contained in this Paragraph (4). Pursuant to Section 7-13-4314, MCA, which states that any person, firm, or corporation outside of the incorporated CITY limits may be required by the CITY, as a condition to initiate such service, to consent to annexation of the tract served by the CITY, and in consideration for the CITY'S agreement to provide municipal sewer service, OWNER agrees to consent to annexation under the following conditions and in the following manner:

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

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

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

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

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

OWNER agrees that if ever OWNER, its heirs, assigns, successors in interest, purchasers, or subsequent holders of title to OWNER'S REAL PROPERTY, breach, challenge, disregard, or otherwise violate any of the terms of this Paragraph (4), the CITY may, after providing 20 days written notice, terminate sewer service to OWNER'S REAL PROPERTY, in addition to any other remedies that the CITY may have.

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

The promises, covenants, representations, and waivers provided pursuant to this Paragraph (4) are voluntarily and knowingly given, with full knowledge of the OWNER'S legal rights. OWNER acknowledges and agrees that it is has had an opportunity to consult with legal counsel of its choice regarding the provisions of this Agreement.

(5) <u>Recording; Binding on Assigns</u>: OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of OWNER'S REAL PROPERTY.

(6) <u>Future Deeds</u>: OWNER agrees that all deeds that OWNER executes to transfer OWNER'S REAL PROPERTY, or portions thereof, shall contain the following language:

> "The Grantee hereby covenants and agrees that acceptance of this Deed constitutes a waiver of the statutory right of protest against any annexation procedure initiated by the City of Whitefish, and constitutes a consent to annexation of the real property described herein, and constitutes a waiver of any right to file a court action to challenge any such annexation, with respect to the real property described herein."

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

(7) <u>Term</u>: This Agreement shall be in perpetuity.

(8) <u>Entire Agreement</u>: This Agreement contains the entire Agreement of the

parties with respect to the issue of annexation of the OWNER'S REAL PROPERTY, and supersedes any prior written or oral agreements between them concerning the annexation of the OWNER'S REAL PROPERTY. The provisions of this Agreement may be waived, altered, amended, or repealed in whole or in part only upon the written consent of all parties to this Agreement.

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

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

(11) Attorneys' Fees. In the event of any litigation to enforce or interpret the provisions of this Agreement, or to remedy a breach thereof, the prevailing party shall be entitled to recover its reasonable attorneys' fees as fixed by the court.

(12) Release of Agreement: After annexation of OWNER'S REAL PROPERTY has been completed, the CITY shall, upon request from OWNER, release this Agreement as an encumbrance against OWNER'S REAL PROPERTY.

CITY OF WHITEFISH **OWNER**

_____
City Manager

ATTEST:

_____
City Clerk

STATE OF MONTANA)
:ss
County of Flathead)

On this _____ day of _____, 20___, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the City Manager and City Clerk of the City of Whitefish, whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

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

_

_____

Notary Public for the State of Montana
Residing in Whitefish, Montana
(SEAL) My Commission expires: _____

STATE OF MONTANA)
:ss
County of Flathead)

On this _____ day of _____, 20___, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

_____

Notary Public for the State of Montana
Residing in Whitefish, Montana
(SEAL) My Commission expires: _____

AGREEMENT FOR ANNEXATION AND
CITY WATER SERVICE

THIS AGREEMENT is entered into as of _____ day of _____, 20___, by and between the City of Whitefish, a municipal corporation ("CITY") and _____ _____ ("OWNER"), whose mailing address is _____ with respect to the following facts:

A. OWNER is the sole owner of the real property that is legally described below, and which shall hereafter be referred to as OWNER'S REAL PROPERTY:

LEGAL DESCRIPTION

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

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

D. The parties desire to enter into an Agreement pursuant to Section 7-13-4312, MCA, pursuant to which the CITY will provide municipal water service in return for OWNER'S agreement that OWNER'S REAL PROPERTY may be annexed to the corporate limits of the CITY.

WHEREFORE, the parties agree as follows:

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

(2) **Water Connections**: Upon approval by the CITY Public Works Department of the design and construction of all water lines, valves, and other facilities necessary to serve OWNER'S REAL PROPERTY, and acceptance of all of such water facilities by the CITY, OWNER will be given permission to connect no more than _____connections to the CITY'S municipal water system.

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

(4) **<u>Consent to Annexation</u>**: OWNER acknowledges and agrees that the CITY is willing to provide municipal water service only if OWNER provides all of the promises and representations contained in this Paragraph (4). Pursuant to Section 7-13-4314, MCA, which states that any person, firm, or corporation outside of the incorporated CITY limits may be required by the CITY, as a condition to initiate such service, to consent to annexation of the tract served by the CITY, and in consideration for the CITY'S agreement to provide municipal water service, OWNER agrees to consent to annexation under the following conditions and in the following manner:

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

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

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

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

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

OWNER agrees that if ever OWNER, its heirs, assigns, successors in interest, purchasers, or subsequent holders of title to OWNER'S REAL PROPERTY, breach, challenge, disregard, or otherwise violate any of the terms of this Paragraph (4), the CITY may, after providing 20 days written notice, terminate water service to OWNER'S REAL PROPERTY, in addition to any other remedies that the CITY may have.

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

The promises, covenants, representations, and waivers provided pursuant to this Paragraph (4) are voluntarily and knowingly given, with full knowledge of the OWNER'S legal rights. OWNER acknowledges and agrees that it is has had an opportunity to consult with legal counsel of its choice regarding the provisions of this Agreement.

(5) <u>Recording; Binding on Assigns</u>: OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of OWNER'S REAL PROPERTY.

(6) <u>Future Deeds</u>: OWNER agrees that all deeds that OWNER executes to transfer OWNER'S REAL PROPERTY, or portions thereof, shall contain the following language:

> "The Grantee hereby covenants and agrees that acceptance of this Deed constitutes a waiver of the statutory right of protest against any annexation procedure initiated by the City of Whitefish, and constitutes a consent to annexation of the real property described herein, and constitutes a waiver of any right to file a court action to challenge any such annexation, with respect to the real property described herein."

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

(7) <u>Term</u>: This Agreement shall be in perpetuity.

(8) <u>Entire Agreement</u>: This Agreement contains the entire Agreement of the parties with respect to the issue of annexation of the OWNER'S REAL PROPERTY, and

supersedes any prior written or oral agreements between them concerning the annexation of the OWNER'S REAL PROPERTY. The provisions of this Agreement may be waived, altered, amended, or repealed in whole or in part only upon the written consent of all parties to this Agreement.

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

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

(11) **Attorneys' Fees.** In the event of any litigation to enforce or interpret the provisions of this Agreement, or to remedy a breach thereof, the prevailing party shall be entitled to recover its reasonable attorneys' fees as fixed by the court.

(12) **Release of Agreement**: After annexation of OWNER'S REAL PROPERTY has been completed, the CITY shall, upon request from OWNER, release this Agreement as an encumbrance against OWNER'S REAL PROPERTY.

CITY OF WHITEFISH **OWNER**

_____
City Manager

ATTEST:

_____
City Clerk

STATE OF MONTANA)
:ss
County of Flathead)

On this _____ day of _____, 20___, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the City Manager and City Clerk of the City of Whitefish, whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

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

_____

_

Notary Public for the State of Montana
Residing in Whitefish, Montana
(SEAL) My Commission expires: _____

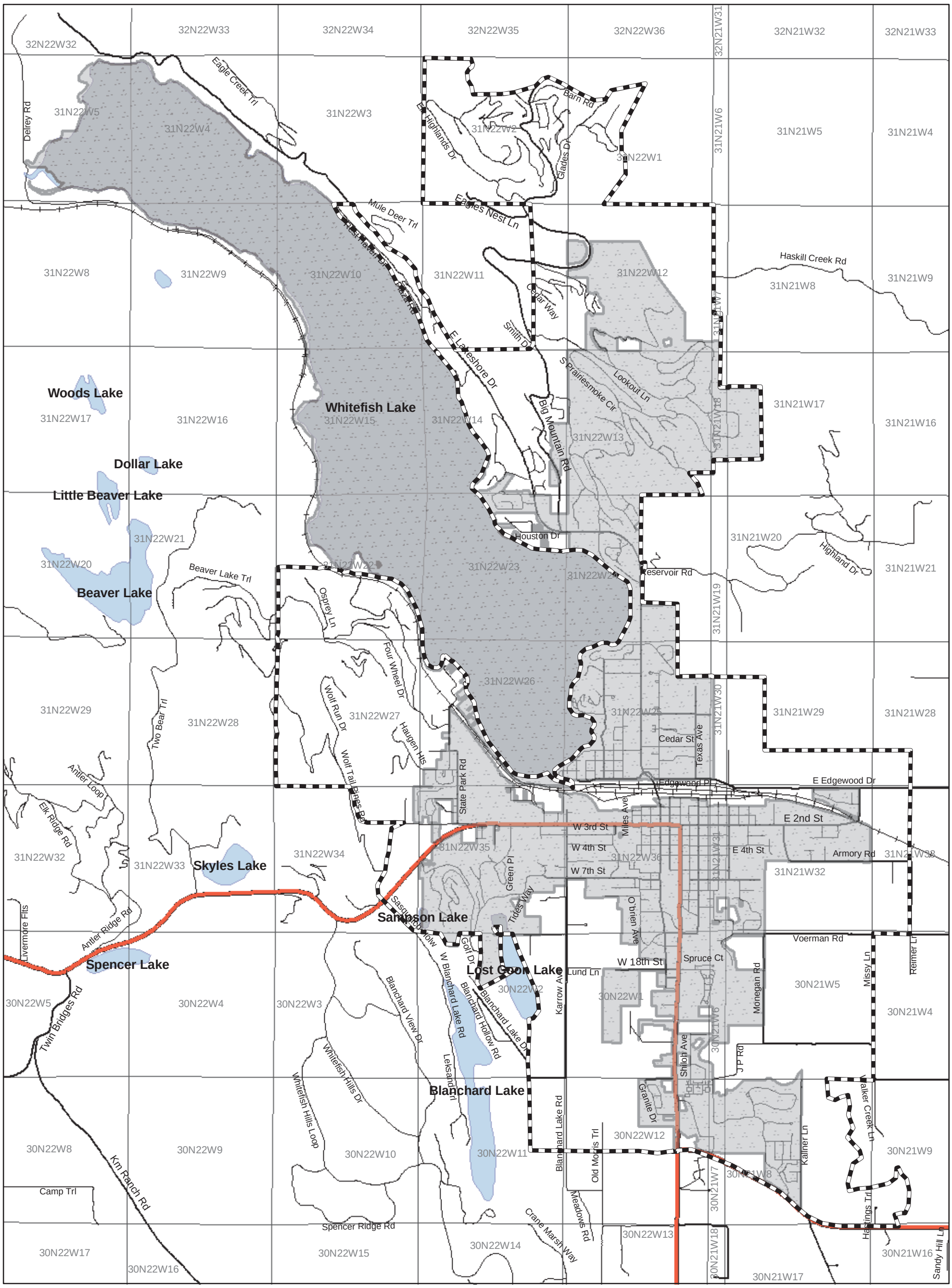
STATE OF MONTANA)
:ss
County of Flathead)

On this _____ day of _____, 20___, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

_____
Notary Public for the State of Montana
Residing in Whitefish, Montana
(SEAL) My Commission expires: _____

EXHIBIT B
WHITEFISH URBAN GROWTH BOUNDARY & WHITEFISH CITY LIMITS



City of Whitefish Planning Department
December 2008

EXHIBIT C
ZONING JURISDICTION BOUNDARY & ZONING USE DESIGNATIONS

City Limits
2005 Interlocal Planning Jurisdiction
Flathead County Zoning
WB-1
WB-1/WPUD
WB-2
WB-2 CASINO OVERLAY
WB-2/SC
WB-2/WPUD
WB-3
WB-3/WPUD
WB-4
WA
WA/WPUD
WCR
WCR/WPUD
WCR/SC
WSR
WSR/WPUD
WER
WLR
WR-1
WR-1/WPUD
WR-2
WR-2/WPUD
WR-3
WR-3/WPUD
WR-4
WR-4/WPUD
WRR-1
WRR-1/WPUD
WRR-2
WRB-1
WRB-1/WPUD
WRB-2
WRB-2/WPUD
WBMRR
WBMV
WI

City of Whitefish Planning Department
January 2009

Not to Scale

PUBLIC NOTICE
VACANCIES ON CITY BOARDS/COMMITTEES

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

RESORT TAX MONITORING COMMITTEE- One position, 3-Year terms. The one (1) positions expiring this year is a Retail member. Applicants can be an owner, operator or representative of a Retail Business in the City limits.

WISCONSIN AVENUE CORRIDOR PLAN STEERING COMMITTEE- Eight positions open to 1 business owner in the corridor representing resort or recreation interests, 1 business owner representing commercial or retail interests, 1 business owner representing professional interests, 2 residential owner-occupied property owners, 1 residential investment or multifamily property owner, 2 "at large" Whitefish resident. The Committee shall meet as often as necessary, and shall be disbanded as of June 1, 2017 or earlier.

WHITEFISH CONVENTION AND VISITOR BUREAU-One (1) position available to complete term ending May 31, 2017. Opening include preference for representative of downtown Retail. Interested applicants can be an owner or manager of a Retail business located and operating in downtown Whitefish.

Interested citizens – Please submit a letter of interest to serve on the above committees to the Whitefish City Clerk's Office at 1005 Baker Avenue or mail to P.O. Box 158, Whitefish, MT 59937, by **Friday, June 10, 2016.** Interviews will be June 20, 2016 as needed. Thereafter, if vacancies still exist, letters of interest will be accepted until the positions are filled. If you have any questions, please call the City Clerk's Office at 863-2400 or visit the City's website: www.cityofwhitefish.org ***THANK YOU FOR YOUR INTEREST***

Publish Dates: 5/25/2016, 6/01/16

City of Whitefish, City Clerk's Office
1005 Baker Avenue, PO Box 158
Whitefish, MT 59937
406-863-2400
mhowke@cityofwhitefish.org

April 11, 2016

Dear Trek Stephens:

Your term on the Resort Tax Monitoring Committee

expires on May 31, 2016.

As a matter of course, the City will also be advertising this position along with others also expiring at this time. The deadline to receive letters of application, and to receive your letter of interest if you want to reapply to serve another term, is Friday, April 22, 2016. Interviews with the Council will be scheduled for May 2, and May 16, 2016. I will call you to set up your specific interview time if you are re-applying. If you wish, you can complete the blank lines below and return this notice to me in place of a new letter of interest.

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

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

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

Michelle Howke

Michelle Howke
Whitefish City Clerk

To Whitefish City Council:
I am interested in serving another term on the Resort tax Comm

Signature

249 6105
Daytime Phone #

RESORT TAX MONITORING COMMITTEE - WCC 2-4 - 3 YEAR TERMS- COUNCIL APPOINTMENTS

MEET 3RD WEDNESDAY- 7AM

Councilor Andy Feury	PO Box 158	250-4179	5/31/2018	Council Representative
Ken Stein	509 E. 6th St.	250-0599	5/31/2017	Member @ Large
Julia Olivares	333 W. 6th St.	862-6401	5/31/2017	Member @ Large
Brian Averill	1476 Barkley lane	250-2038	5/31/2018	Member @ Large
Doug Reed WF Lake Golf Club Rest. Chairman	PO Box 1719	862-5285	5/31/2018	Restaurant/Bar Member
Chris Schustrom	504 Spokane Ave	862-3440	5/31/2019	Lodging Member
Trek Stephens- Secretary	122 Central Ave	862-2271	5/31/2016	Retail Member

Chapter 4
RESORT TAX MONITORING COMMITTEE

2-4-1: COMMITTEE ESTABLISHED:

There is hereby established a resort tax monitoring committee for the city, hereinafter referred to as the committee. (Ord. 01-07, 2-20-2001)

2-4-2: PURPOSE, POWERS AND DUTIES:

The purpose of the committee is to monitor, review and advise the city council on the use of resort tax funds pursuant to title 3, chapter 3 of this code. The committee may also advise the city council on proposed changes to title 3, chapter 3 of this code. The committee shall report to the city council on matters of pertinence and interest related to the resort tax as the committee may deem appropriate or as the city council may request. The committee's powers shall be advisory only. Nothing in this chapter shall be construed to provide the committee with the power to authorize or prohibit the use of resort tax funds. (Ord. 01-07, 2-20-2001)

2-4-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have seven (7) members. Members shall be appointed by the city council. The city council shall attempt to appoint one member who is a lodging business owner, operator, or representative; one member who is a restaurant/bar owner, operator, or representative; one member who is a retail business owner, operator, or representative; and one business owner at large, who may, but need not, own one of the types of businesses listed above. Any member designated as a business owner, operator, or representative of one of the above listed business categories, as well as the business owner at large, shall do so in relation to an associated business located within the corporate boundaries of the city of Whitefish, although personal residency shall not be required. The city clerk shall make appropriate notation of a member's business category affiliation on the official committee roster. If, within the discretion of the city council, an individual appropriate to fill a vacancy in any of the above listed business categories is not identified after publication of a notice of position vacancy, the city council may make a general membership appointment. In such case, the city council shall attempt to make such business category appointment with the next available vacancy where an incumbent member has not applied for reappointment or the city council decides not to reappoint an incumbent member. One position shall be specified for the mayor or a city councilor. The remaining positions shall be general membership positions and shall require residency within the corporate boundaries of the city of Whitefish. Committee members shall receive no compensation.

B. Terms; Positions: Committee terms shall be three (3) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the committee. The terms of those appointees holding positions on the effective date of this chapter shall continue until the termination date listed below:

Position Number	Position Specification	Initial Expiration Date
1	Mayor or councilor	May 31, 2008
2	Member	May 31, 2008
3	Member	May 31, 2008
4	Member	May 31, 2006
5	Member	May 31, 2006
6	Member	May 31, 2007
7	Member	May 31, 2007

Thereafter members appointed to each position shall serve for three (3) year terms; the first of such terms beginning on June 1 of the year in which the initial term for the position expires. At the discretion of the city council, members may be appointed for more than one term. (Ord. 06-14, 6-5-2006)

C. Removal Of Member: A member of the committee serves at the pleasure of the city council and may be removed by majority vote of the same. 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 inability to attend a specific meeting shall notify the chair or secretary of the committee at least twenty four (24) hours prior to any scheduled meeting.

D. Vacancy: Pursuant to subsections A and B of this section, any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. (Ord. 01-07, 2-20-2001)

2-4-4: ORGANIZATION:

At its first meeting after June 1 of each year, the committee shall elect a chair, vice chair and secretary for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If both the chair and the vice chair are absent from a specific meeting, the attending members shall elect a chair pro tem for the meeting. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chair, vice chair or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 01-07, 2-20-2001)

2-4-5: MEETINGS, RULES AND REGULATIONS:

Four (4) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business or conduct any proceedings before the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. The committee shall meet as frequently as is necessary and convenient within the judgment of the committee, but shall meet not less than once every three (3) months. The committee shall decide the time, place and date of meetings. All meetings shall be open to the public. (Ord. 06-14, 6-5-2006)

2-4-6: EXPENDITURES:

The committee shall have no authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds except as has been included in the city budget and after the city council shall have authorized the expenditure by resolution, which resolution shall provide the administrative method by which funds shall be drawn and expended. (Ord. 01-07, 2-20-2001)

received
6-3-16

NELSON'S ACE HARDWARE, INC.
224 CENTRAL AVENUE ● WHITEFISH, MT 59937
(406) 862-3573 ● FAX: (406) 862-3426

5/31/2016

Michelle Howke
City Clerk
City of Whitefish

To Whom It May Concern:

Please accept this letter as formal notice of interest in the open position on the Whitefish Convention and Visitors Bureau Board.

Thank you for your consideration.

Mariah Joos
Special Project Manager
Nelson's Ace Hardware

WHITEFISH CONVENTION AND VISITOR BUREAU COMMITTEE - WCC 2-12 3 YEAR TERM

(Meetings: 2nd Monday ever other month (even months); Rocky Mountain Lodge at 3 pm)

1. Rhonda Fitzgerald Small Lodging Properties	412 Lupfer Ave	862-3440	5/31/2017
2. Erica Terrell Restaurant/Bar	1332 E 3rd St.	249-4035	5/31/2017
3. Zak Anderson Whitefish Lake Golf Course	122 Dakota Ave	250-5256	5/31/2017
4.Jennifer Fisher Kandahar Lodge, Dir of Sale & Marketing (Transportation)	PO Box 278, WF	862-6098	5/31/2017
5. Luke Walrath Alpine Theatre Project ("At Large")	PO Box 1959, WF	862-9050 (W)	5/31/2017
6. Edna White Dir. Of Sales Marketing The Lodge (Large Lodging)	1380 Wisconsin Ave, WF	863-4046	5/31/2019
7. Nick Polumbus Whitefish Mountain Resort	PO Box 1400, WF (Director of Marketing & Sales)	862-1955	5/31/2019
8			5/31/2017
9. Jake Cook Member at Large	1069 Creekwood Dr. , WF	885-3650	5/31/2019

Chapter 12
CONVENTION AND VISITOR BUREAU COMMITTEE

2-12-1: STANDING COMMITTEE ESTABLISHED:

There is hereby established a standing committee to be called the "Whitefish convention and visitor bureau committee", hereinafter referred to as the committee. (Ord. 06-05, 3-20-2006)

2-12-2: PURPOSE, POWERS, PROCESSES AND DUTIES:

The purpose and duties of the committee are:

A. To be the designated nonprofit convention and visitors' bureau for the city of Whitefish;

B. To develop an annual marketing plan and budget for each fiscal year, which annual marketing plan and budget will be presented to the Whitefish city council for approval;

C. To submit the annual marketing plan approved by the Whitefish city council to the Montana tourism advisory council and receive approval by the tourism advisory council of such annual marketing plan;

D. To contract with the Montana department of commerce to receive lodging tax revenues earmarked for tourism promotion and disbursed pursuant to section 15-65-121, Montana Code Annotated;

E. To implement the annual marketing plan referenced above, and use the proceeds distributed by the Montana department of commerce pursuant to the budget approved by the Whitefish city council;

F. To comply with all of the provisions contained under the category "eligible organizations" in the "Regulations And Procedures For Regional/CVB Tourism Organizations Use Of Lodging Facility Use Tax Revenue" promulgated by the Montana department of commerce;

G. To provide recommendations and advice to the Whitefish city council, as appropriate, regarding tourism promotion; (Ord. 06-05, 3-20-2006)

H. To solicit nonvoting members residing in or owning a business located in the Whitefish postal district (59937), if the committee determines it to be in the best interests of the committee and in the best interests of tourism promotion; such members may be required by the committee to pay an annual fee for membership; (Ord. 15-15, 9-8-2015)

I. To conduct such additional activities with regard to tourism promotion as are determined by the committee to be in the best interests of the committee and of the city of Whitefish; and (Ord. 06-05, 3-20-2006)

J. To create a new classification of members, to be called "associate members", which would have the following characteristics:

1. The associate member must provide a significant activity, experience or service that is not already provided in the Whitefish postal district (59937).

2. The associate member must agree to all obligations and duties applicable to regular members of the WCVB.

3. The associate member must be nominated by a convention and visitor bureau standing city committee member (board member of the WCVB) and be approved by a majority of the standing city committee (board of the WCVB).

   Associate members cannot participate in the nomination or recommendation of board positions, nor can they serve on the board. Otherwise, however, they will have the same rights as other members. (Ord. 15-15, 9-8-2015)

   Nothing in this chapter shall be construed to provide the committee with the power to authorize the use of public funds other than those funds specifically identified in the committee's annual budget and approved by the Whitefish city council. The committee shall be entitled to conduct fundraising activities, including charging a membership fee, and expend any funds raised for purposes related to tourism promotion. In conducting fundraising activities, the committee shall not be entitled to incur indebtedness that could be charged against the city. (Ord. 06-05, 3-20-2006)

2-12-3: MEMBERSHIP:

A. Appointment; Compensation: The committee shall have up to nine (9) members. Members shall be appointed by the city council. At least seven (7) members shall reside in the city of Whitefish postal district (59937). Two (2) members may reside in Flathead County, but outside the city of Whitefish postal district (59937), as long as the member has an ownership interest or managerial position at a business located and operating within the city of Whitefish postal district (59937). The city council shall endeavor to appoint members who represent one of the following business categories, and that have broad experience in and a current understanding of the following types of businesses:

Finance
Large lodging properties
Restaurant and bar business
Retail businesses
Small lodging properties
Transportation business
Whitefish Golf Course
Whitefish Mountain Resort

The city clerk shall make a notation of a member's representation category and a member's residence to facilitate appointment to categories not represented. However, the city council shall be entitled to appoint those individuals that it determines most qualified, regardless of representation category. The city council may appoint one of its members to serve as an ex officio (nonvoting) member of the committee. Committee members shall receive no compensation. (Ord. 15-15, 9-8-2015)

B. Terms Of Members: Committee terms shall be for three (3) years, although several of the terms of the initial appointees may be slightly longer than three (3) years. There are hereby created positions numbered 1 through 9 inclusive of the members of the committee. Three (3) of the initial appointees shall serve three (3) year terms. Two (2) of the initial appointees shall serve two (2) year terms. Two (2) of the initial appointees shall serve one year terms. Terms shall be assigned to the initial appointees randomly.

Position Number	Position Specification	Initial Expiration Date
1	Member	May 31, 2009
2	Member	May 31, 2009
3	Member	May 31, 2009
4	Member	May 31, 2008
5	Member	May 31, 2008
6	Member	May 31, 2007
7	Member	May 31, 2007
8	Member	May 31, 2014
9	Member	May 31, 2013

Thereafter members appointed to each position shall serve for three (3) year terms; the terms beginning on June 1 of the year in which the term for the position expires. At the discretion of the city council, members may be appointed for more than one term. (Ord. 12-10, 7-2-2012)

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

D. Vacancy: Any vacancy on the committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the committee. (Ord. 06-05, 3-20-2006)

2-12-4: ORGANIZATION:

At its first meeting after the initial appointment of committee members, and thereafter at its first meeting after June 1 of each year, the committee shall elect officers, including a chairperson (also known as the president), vice chairperson (also known as the vice president), treasurer and secretary for the next twelve (12) month period. Upon the absence of the chairperson, the vice chairperson shall serve as chairperson pro tem. If the secretary is absent from a specific meeting, the attending members shall elect a secretary pro tem for the meeting. If a vacancy occurs in the chairperson, vice chairperson, treasurer or secretary positions, the committee shall elect a member to fill the vacancy at the next meeting. The secretary need not be a member of the committee and shall keep an accurate record of all committee proceedings. (Ord. 06-05, 3-20-2006)

2-12-5: MEETINGS, RULES AND REGULATIONS:

Five (5) members of the committee shall constitute a quorum. Not less than a quorum of the committee may transact any business before the committee. The concurring vote of a simple majority of members present shall be necessary to decide any question or matter before the committee. The committee shall adopt bylaws for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at least once every other month or at the call of the chairperson, and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 12-10, 7-2-2012)

2-12-6: STAFF SUPERVISION:

The committee shall have no supervisory control and shall not direct city staff in the performance of their official duties. (Ord. 06-05, 3-20-2006)

2-12-7: EXPENDITURES:

Other than those funds specifically identified in the committee's annual budget and expenditure of which has been approved by the Whitefish city council, the committee shall have no 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. (Ord. 06-05, 3-20-2006)

2-12-8: COMMITTEE AS BOARD OF DIRECTORS:

The committee shall serve as the board of directors of the Whitefish Convention And Visitor Bureau, Inc., a Montana nonprofit corporation (the "nonprofit corporation"). The officers of the committee shall serve in the same capacity as officers of the nonprofit corporation. The articles of incorporation of the nonprofit corporation shall be amended, as necessary and appropriate, to conform to the terms of this chapter, and shall further provide that such articles of incorporation shall not be further amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, shall adopt bylaws that conform to the terms of this chapter and to the amended articles of incorporation, and thereafter such bylaws shall not be amended without approval of the Whitefish city council. The committee, acting as board of directors of the nonprofit corporation, may provide that that nonprofit corporation may have members, and may solicit dues or other contributions from such members; provided, however, that all of such members shall be nonvoting members, and shall not be able to elect or remove members of the board of directors, or amend the articles of incorporation or bylaws of the nonprofit corporation. (Ord. 06-05, 3-20-2006)

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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 Tuesday, July 5, 2016, at **7:10 p.m.** at Interim City Hall, 1005 Baker Avenue.

Ordinance numbers start with 16-11. Resolution numbers start with 16-29.

1) CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

3) PRESENTATIONS – City Hall/Parking Structure Construction Update – Owner's Representative Mike Cronquist (p.81)

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

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

6) CONSENT AGENDA
   a) Minutes from the June 20, 2016 Special Meeting (p. 93)
   b) Minutes from the June 20, 2016 Regular Meeting (p. 94)

7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30 minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))
   a) Ordinance No. 16- ___; An Ordinance rezoning approximately 4.73 acres of land located at 325 Haugen Heights Road, in Section 27, Township 31 North, Range 22 West, Whitefish, Montana, from County R-2.5 (Rural Residential District) to City WER (Estate Residential District) and adopting findings with respect to such rezone (First Reading)(p. 103)
   b) Consideration of not demolishing the Depot Park Building in the future as planned for in the Depot Park Master Plan and instead leasing it out (p. 130)
   c) Consideration of an application from Whitefish TP, LLC for a Conditional Use Permit to develop a three story, 81-room Marriott Towneplace Suites with 90 off-street parking spaces at 6361 Highway 93 South (p. 164)
   d) Ordinance No. 16- ___; An Ordinance rezoning approximately 0.11 acres of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West,

P.M.M., Flathead County, from County RR-1 (Low Density Resort Residential District) to City WRR-1 (Low Density Resort Residential District) and adopting findings with respect to such rezone (First Reading) (p. 247)

e) Consideration of an application from GMJ LLC for a Conditional Use Permit to develop twelve condominium cabins at 1325 & 1331 Nelson Lane (p. 265)

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

a) Consideration of approving a revised design and cost estimate for a parking lot at the James R. Bakke Nature Reserve on West 7th Street (p. 303)

9) COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 311)
b) Other items arising between June 29th and July 5th
c) Resolution No. 16-___; A Resolution authorizing an application for a Community Development Block Grant ("CDBG") Planning Grant for an Affordable Workforce Housing Implementation Plan (p. 315)
d) Resolution No. 16- ___; A Resolution adopting revisions to the Consultant Selection Policy (p. 335)

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

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

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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June 29, 2016

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

Mayor Muhlfeld and City Councilors:

Tuesday, July 5, 2016 City Council Agenda Report

There will be a work session at 5:30 p.m. to review the Extension of Services Plan, discuss the next annexation effort, and for interviews for volunteer committee vacancies. Food will be provided.

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

CONSENT AGENDA

a) Minutes from the June 20, 2016 Special Meeting (p. 93)
b) Minutes from the June 20, 2016 Regular Meeting (p. 94)

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

Items a and b are administrative matters.

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

a) Ordinance No. 16- ___; An Ordinance rezoning approximately 4.73 acres of land located at 325 Haugen Heights Road, in Section 27, Township 31 North, Range 22 West, Whitefish, Montana, from County R-2.5 (Rural Residential District) to City WER (Estate Residential District) and adopting findings with respect to such rezone (First Reading)(p. 103)

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

Summary of Requested Action: This is a request by Andreé Larose and Henry Elsen for a rezone of one parcel with the zoning designation of County R-2.5 to City WER

(Estate Residential District). The property is located at 325 Haugen Heights Road and totals 4.73 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced rezone.

Public Hearing: No members of the public spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish City Planning Board met on June 16, 2016 and considered the requested rezone. Following the public hearing, the Planning Board voted 6-0 (unanimously, Meckel was absent) and recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

There are a full staff report, Planning Board draft minutes and other documents in the packet.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony and the recommendations from the Planning Board and Staff, approve an Ordinance rezoning approximately 4.73 acres of land located at 325 Haugen Heights Road, in Section 27, Township 31 North, Range 22 West, Whitefish, Montana, from County R-2.5 (Rural Residential District) to City WER (Estate Residential District) and adopting findings with respect to such rezone (First Reading)

This item is a quasi-judicial matter.

b) Consideration of not demolishing the Depot Park Building in the future as planned for in the Depot Park Master Plan and instead leasing it out (p.130)

On March 5, 2012, the City Council adopted the Depot Park Master Plan via Resolution No. 12-05. A copy of the Depot Park Master Plan is attached to this staff report. One recommended action in the Master Plan on page 7 was to remove existing structures in the park. The Credit Union's drive through facility was removed in spring of 2012 and the pond is currently being removed.

Earlier this year, when the City Council was dealing with the City Hall/Parking Structure budget and costs, there were discussions of a number of options to cut costs or raise other revenue. Mayor Muhlfeld suggested capitalizing and contributing three years of lease revenue for the retail space in the Parking Structure toward the costs (repaying the TIF fund over those three years) and suggested we could consider leaving the Depot Park Building in place and leasing it out. We estimated that we might receive as much as $35,000 - $40,000 in annual lease revenue if leased at market rates ($15.00 per square foot per year = $35,790 for the 2,386 square foot

building). The City Council discussed keeping the building up briefly during these discussions and decided the proposal was worth putting forward for consideration.

The entire park was purchased in 2008 and 2009 for $3,847,500 in two separate transactions. All funds were paid from the Tax Increment Fund. The purchase was first conceived in the original 2005 Downtown Master Plan with the following goal:

> ▪ ***Provide focus for civic activities*** by developing a square and city hall adjacent to the railroad depot.

After the City Council decided to put forward consideration of keeping the building, the former Depot Park Master Plan Committee met in April to discuss the proposal. Former members present at that meeting were Rhonda Fitzgerald, Bruce Boody, Kevin Gartland, and Jill Evans. Other people present were Chris Hyatt, Dylan Boyle, Maria Butts, and me. John Phelps a former member of the committee and the Library Board both wrote emails or letters on the issue and those are included with this packet. There was no consensus at that meeting as some people favored keeping the building and others said it was imperative that the building be removed.

I have prepared a list of the pros and cons arguments that I have heard over the years and that list is contained in the packet. We have also provided the draft minutes from the Park Board meeting of June 14th. The Park Board recommendation from that meeting is below:

> Vice President Brunk made a motion to postpone the demolition of the building at Depot Park and put it up for a lease rental for up to 5 years. At the end of that time the building would be removed. The parking lot will remain for the period of the lease. The lease will be to a civic nonprofit at market rates and those funds, for the life of TIF, shall be paid to TIF and after TIF expires, the revenue stream goes to the Park Fund.
>
> Member Dunn seconds.
>
> A vote was taken with 4 ayes and 3 nays. The motion passes.

Based on leasing a downtown Whitefish commercial building for at least $15.00 per square foot, the 2,386 square foot building could render $35,790 per year. The actual market lease might be higher than that or the City Council could consider subsidized rental rates for community organizations at a rate less than $15.00 per square foot.

RECOMMENDATION: Staff respectfully requests the City Council consider the past and current public testimony on this topic, including the Depot Park Master Plan, and make a decision on keeping the building or continuing with the plan to demolish the building.

This item is a legislative matter.

c) Consideration of an application from Whitefish TP, LLC for a Conditional Use Permit to develop a three story, 81-room Marriott Towneplace Suites with 90 off-street parking spaces at 6361 Highway 93 South (p.164)

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

Summary of Requested Action: Jordan Scott on behalf of Whitefish TP, llc is proposing to develop a three story 81-room Marriott Towneplace Suites with 90 off-street parking spaces at 6361 Highway 93 S. The property is undeveloped and is zoned WB-2 (Secondary Business District). The Whitefish Growth Policy designates this property as 'General Commercial'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit applications dated May 2, 2016 subject to 16 conditions set forth in the attached staff report.

Public Hearing: The applicant and representatives spoke at the June 21, 2016 public hearing and two members of the public also spoke. 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 June 21, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval. In making their decision, the Planning Board adopted staff report WCUP 16-04 with Findings of Fact and recommended Conditions of Approval.

There are a full staff report, Planning Board draft minutes and other documents in the packet.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony and the recommendations from the Planning Board and Staff, approve a Conditional Use Permit to develop a three story, 81-room Marriott Towneplace Suites with 90 off-street parking spaces at 6361 Highway 93 South based on the findings of fact in the staff report.

This item is a quasi-judicial matter.

d) Ordinance No. 16- ___; An Ordinance rezoning approximately 0.11 acres of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, from County RR-1 (Low Density

Resort Residential District) to City WRR-1 (Low Density Resort Residential District) and adopting findings with respect to such rezone (First Reading) (p. 247)

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

Summary of Requested Action: This is a request by GMJ llc for a rezone of one parcel with the zoning designation of County RR-1 to City WRR-1 (Low Density Resort Residential District). The property is unaddressed, is commonly known as Nelson Lane and totals 0.11 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced rezone.

Public Hearing: No members of the public spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish City Planning Board met on June 16, 2016 and considered the requested rezone. Following the public hearing, the Planning Board voted 6-0 (unanimously, Meckel was absent) and recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

There are a full staff report, Planning Board draft minutes and other documents in the packet.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony and the recommendations from the Planning Board and Staff, approve an Ordinance rezoning approximately 0.11 acres of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, from County RR-1 (Low Density Resort Residential District) to City WRR-1 (Low Density Resort Residential District) and adopting findings with respect to such rezone along with the findings of fact in the staff report (First Reading)

This item is a quasi-judicial matter.

e) Consideration of an application from GMJ LLC for a Conditional Use Permit to develop twelve condominium cabins at 1325 & 1331 Nelson Lane (p. 265)

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

Summary of Requested Action: Garth Boksich on behalf of GMJ, LLC is proposing to develop twelve condominium cabins at 1325 & 1331 Nelson Lane. The property is developed with a single family home and is zoned WRR-1 (Low Density Resort Residential District). The Whitefish Growth Policy designates this property as 'Resort Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application dated May 2, 2016 subject to 15 conditions set forth in the attached staff report.

Public Hearing: The applicant and representatives spoke at the June 21, 2016 public hearing and three members of the public also spoke. These comments and the draft minutes for this item are attached as part of this packet. After the Planning Board hearing, an additional comment letter was received with comments on the revised site plan. These concerns included a request to go back to the prior layout that located the cabins away from the property owners home and continued concerns about how the development will manage potential negative behavior.

Planning Board Action: The Whitefish Planning Board met on June 21, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval. In making their decision, the Planning Board adopted staff report WCUP 16-04 with Findings of Fact and recommended Conditions of Approval.

In addition, the Board add Condition #16 to require the new cabins to be reviewed by the Architectural Review Committee. The Board also refined conditions 9, 11 and 12, as shown in Exhibit 'A' attached to this report.

There are a full staff report, Planning Board draft minutes and other documents in the packet.

RECOMMENDATION: Staff respectfully recommends the City Council, after considering the public testimony and the recommendations from the Planning Board and Staff, approve a Conditional Use Permit to develop twelve condominium cabins at 1325 & 1331 Nelson Lane.

This item is a quasi-judicial matter.

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

a) Consideration of approving a revised design and cost estimate for a parking lot at the James R. Bakke Nature Reserve on West 7th Street (p. 303)

From Public Works Director Craig Workman's staff report:

The W. 7th Street Reconstruction Project includes complete street and utility renovation from Baker Avenue to Fairway Drive. Council authorized the completion of the final designs of the W. 7th Street Reconstruction Project on 4/20/2015, authorized bidding of the project on 2/1/2016, awarded the project to LHC, Inc. on 3/21/2016 and approved the purchase of the street lights on 6/6/2016. The last remaining element of the project that requires Council approval is a decision on whether or not to construct a parking lot at the James R. Bakke Nature Reserve.

There were two "Additive Alternates" included in the original bid for the project. These alternates were included to give Council the option to create a parking lot at the recently dedicated James R. Bakke Nature Reserve. Both alternates gave the contractor use of a 10,200 square foot area for staging during the project.

Additive Alternate #1 was for $9,700, leaving the City with a graded gravel parking lot at the completion of the project. This work included the removal of 7 trees (including stumps and large roots), installation of temporary construction fence around the staging area limits, stockpiling of existing topsoil, placement of 12" of crushed base course along with stabilization fabric, and final site restoration. Additive Alternate #2 was for paving the gravel parking lot at a cost of $7,950. The total cost for the original parking lot was $17,650.

During the 3/21/2016 meeting, Council directed staff to redesign the parking lot to a 5-stall parking lot and reduce the number of trees requiring removal. This redesign was completed and given to the contractor for revised pricing as Work Directive Change #4. The cost came back at $13,942.68.

On 6/14/2016 the revised plan and pricing was reviewed by the Park Board and a recommendation was made that City Council proceed with this change to construct the newly designed parking lot at the James R. Bakke Nature Reserve.

The W. 7th Street Reconstruction Project is being paid for with Resort Tax Funds. The final engineer's estimate for the project was $2,284,444 and the project was awarded to LHC, Inc. on 3/21/2016 in the amount of $2,161,378.52. The inclusion of this work would increase the contract by $13,942.68, and the Resort Tax Monitoring Committee has recommended approval of those funds.

An analysis of the projected Resort Tax Cash flow indicates this project can be supported by the Resort Tax Fund, leaving the fund with an estimated cash balance of approximately $575,000 at the end of FY2017.

RECOMMENDATION: Staff respectfully requests that the City Council approve Work Directive #4 in the amount of $13,942.68 to construct the 5-stall parking lot at the James R. Bakke Nature Reserve from Parks and Trails Resort Tax Funds.

This item is a legislative matter.

COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 311)
b) Other items arising between June 29th and July 5th
c) Resolution No. 16-___; A Resolution authorizing an application for a Community Development Block Grant ("CDBG") Planning Grant for an Affordable Workforce Housing Implementation Plan (p. 315)

The Whitefish Chamber of Commerce, along with Montana West Economic Development Corporation (MWED) and the City of Whitefish, sponsored a workforce housing summit on September 24, 2015 at Grouse Mountain Lodge. Out of that summit a task force was formed which is now called the Affordable Workforce Housing Task Force. That task force has met since last year and, in January of 2016, they approached the City Council for $60,000 of funds to help fund a Housing Needs Assessment and an Implementation Plan. The City Council approved that request on January 4, 2016. After a Request for Proposals was done, Rees Consulting of Crested Butte, CO was selected to perform the first half of the project which is a Housing Needs Assessment. That work is now underway.

The Task Force decided to split the project into two parts because the cost of the entire project is going to exceed the City's $60,000 contribution and in order to get going faster on the Housing Needs Assessment. It is hoped that the second half of the project, an implementation and action plan, can be funded with a Community Development Block Grant I(CDBG) from the State of Montana. The Chamber of Commerce has contracted with Kirsten Holland, a local grant writer, to prepare a CDBG planning grant application for $45,000 which requires local matching funds of $15,000 for a $60,000 project. Ms. Holland has completed that application and State CDBG regulations stipulate that the a local government (i.e. the City) has to be the applicant for the grant. We have done such grant applications a number of times in the past for the Whitefish Housing Authority. A Resolution is needed to authorize the application, so there is a Resolution and the grant application in the packet with this staff report.

There is no cost of this request beyond our original $60,000 appropriation in the Tax Increment Fund. The City incurs some minor grant administrative work with this grant, some of which will be performed by the Chamber of Commerce and/or the task force.

RECOMMENDATION: Staff respectfully requests the City Council approve a Resolution authorizing an application for a Community Development Block Grant ("CDBG") Planning Grant for an Affordable Workforce Housing Implementation Plan.

This item is a legislative matter.

d) Resolution No. 16- ___; A Resolution adopting revisions to the Consultant Selection Policy (p. 335)

In 1990, the City Council adopted a policy for Selection of Consultants for services including, but not limited to architectural, engineering, surveying, auditing, accounting, and management consulting, where the services would exceed $10,000. This policy was amended and updated in 1996.

As state law has increased the threshold for such contracts to $20,000 as provided for in §18-8-212(1) MCA (copy enclosed), we felt we should review this policy. On February 16, 2016, the City Council discussed the policy and decided to revise the policy rather than repeal it – repealing was an option given the specificity of the State law and procedures cited above. Since that time, Department Directors have reviewed the policy and provided me with suggestions for revision and updating. A redline draft of those proposed changes is attached to this memo.

There is no real cost associated with updating this policy or from its implementation.

RECOMMENDATION: Staff respectfully requests the City Council either direct us to prepare a Resolution repealing the current Consultant Selection Policy or enact a Resolution adopting revisions to the Consultant Selection Policy.

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

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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PROJECT REVIEW

DATE: 27 June 2016

CITY OF WHITEFISH

NEW CITY HALL and PARKING STRUCTURE

REPORT TO CITY COUNCIL and STAFF for 05 July, 2016 COUNCIL MEETING

ACTIVITIES COMPLETED – THIS PERIOD

- Completed first floor concrete slabs on grade – City Hall.
- Completed the sheer wall foundation – grid lines K / 10 – 15.
- Completed columns – grid lines K / 14 - 20
- Structural steel framing – CH, is approximately 70% complete.
- Mechanical rough-in is complete in the CH first floor slab on grade – incl. radiant heat tubing systems.
- In-slab electrical rough-in is complete in the CH, first floor slab on grade areas.
- Completed excavation for PS central sheer wall – grid 14 / L – M, and M / 11 – 16.
- Progress: ~ 25%

ACTIVITIES IN PROGRESS

- Structural steel erection – City Hall.
- Pan deck installation – CH second floor.
- Completion of walls – SW elevator shaft.
- Formwork & rebar for PS central sheer wall footing.
- Concrete placement for PS central sheer wall footings.
- Electrical rough-in work for power and communication services.
- Work on foundations and columns – grid line K.
- Continue excavation & backfill – PS interior.
- Continue concrete efforts – PS interior.
- Continue miscellaneous mechanical rough-in work.

ACTIVITIES PLANNED (3 WEEK LOOK AHEAD)

- Complete structure steel framing – CH.
- Complete installation of pan deck for CH second floor.
- Continuation of mechanical and electrical rough-in.
- Continue PS footing and foundation work.
- Begin preparation for PS slab on grade.
- Misc. mechanical & electrical rough-in – CH hall basement.
- Misc. mechanical & electrical rough-in – PS.

FUTURE SCHEDULED ACTIVITIES

- Continue mechanical and electrical activities in the City Hall areas.
- Continue mechanical and electrical rough-in - PS
- Complete pan deck installation – second floor and roof – City Hall
- Place concrete second floor and roof concrete.
- Continuing forming and pouring interior footings in the PS.
- Begin slab on grade in the PS.
- Receive forming system for PS elevated decks.

CONTRACT ACTIVITES

- No new activities at this time

COMMUNICATIONS TO THE PUBLIC

- A press release was issued by the Owners Representative on June 13th giving an overall update on the Project status and current schedule to the Community.
- The first element of offsite parking was initiated on June 27th – opening around 15 general on-street parking spots.
- Relations and communications with the local business owners, and the community in general, continue to be positive.

AREAS OF CONCERN

- There are no immediate concerns at this time.

Mike Cronquist
Owners Representative

SITE PHOTOS

Fig. 1 Preparing to place the slab on grade at the new front entry.

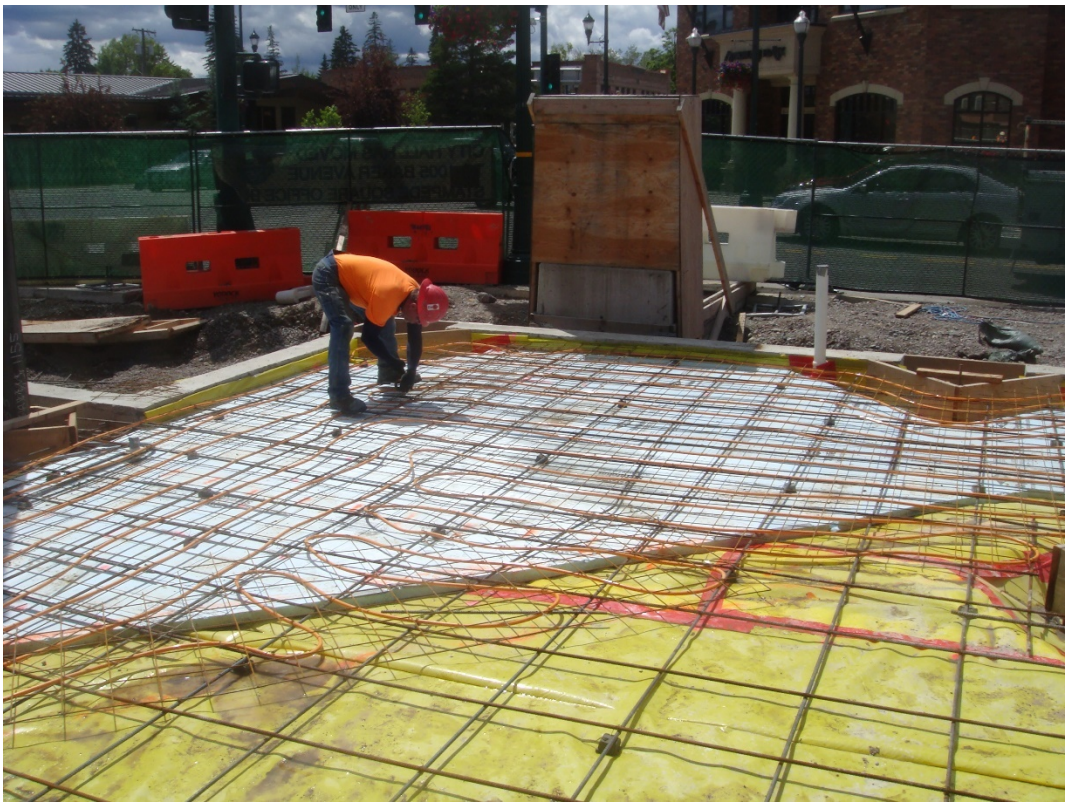

Fig. 2 Detail of the tubing installation for radiant heating at the front entry. Note the block-outs for in-floor electrical boxes (blue styrofoam).

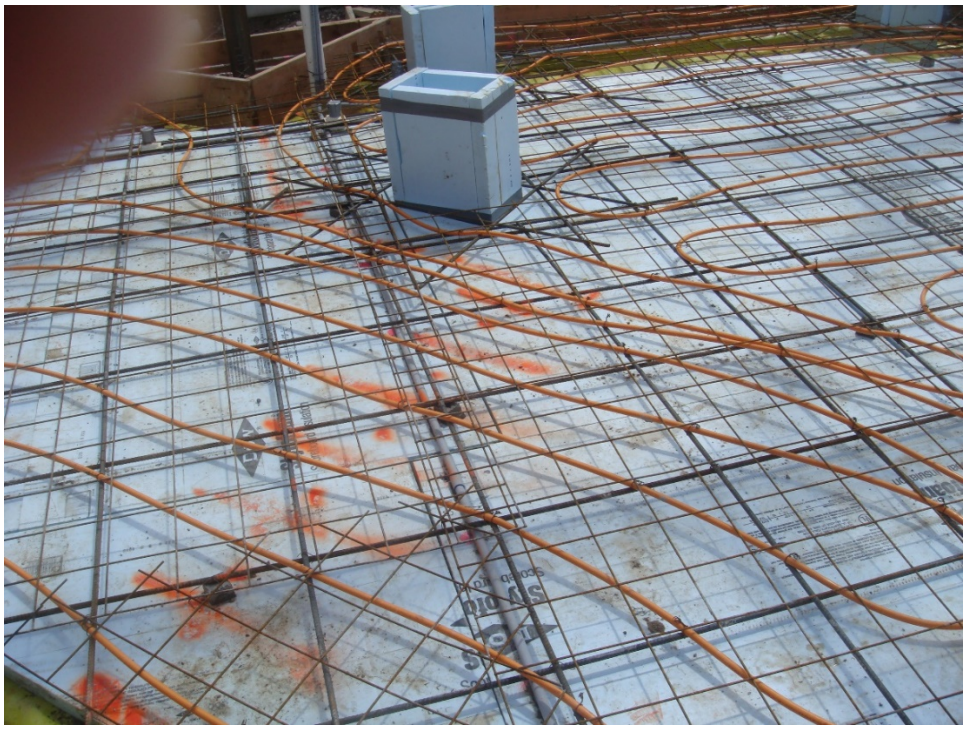

Fig. 3 Placing concrete in the new lobby / reception area.

Fig.4 Looking in from the front entry.

Fig. 5 Preparing for slab on grade – new Public Works area.

Fig.6 Fresh concrete – Public Works – opposite view.

Fig.7 New columns near the SW elevator.

Fig.8 New columns at the NW corner of the retail space.

Fig.9 Placing mix into the hopper of the concrete pump.

Fig.10 Completed floor slab – looking toward entry from Public Works.

Fig.11 Rebar detail – SW elevator

Fig. 12 Rebar detail – sheer wall in center of the Parking Structure

Fig.13 Looking toward the lobby elevator from the front entry.

Fig. 14 Looking toward the Council Chambers from the front entry.

Fig. 15 Setting steel columns at the front entry.

Fig.16 “Before”….

Fig. 17 After steel erection.

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WHITEFISH CITY COUNCIL MEETING
JUNE 20, 2016
WORK SESSION 5:00-7:10 P.M

1. **Call to Order**

Deputy Mayor Hildner called the meeting to order. Councilors present were Barberis, Frandsen, Sweeney, and Williams. Mayor Muhlfeld was present at 5:10 p.m., and Councilor Feury was present at 5:25 p.m. City Staff present were City Manager Stearns, City Clerk Howke, Planning and Building Director Taylor, Public Works Director Workman, Senior Planner Compton-Ring.

2. **5:00 to 5:50 – Meet with Chamber of Commerce and affordable housing consultant from Rees Consulting**

3. **Interviews for Committee Vacancies-**

Council interviewed Patrick Nagle for the Impact Fee Advisory Committee and the Wisconsin Avenue Steering Committee. Tom Tornow, Carol Atkinson, Richard Atkinson, Toby Scott, Kent Taylor and Tim Hinderman also interviewed for the Wisconsin Avenue Corridor Steering Committee. Applicant Ed Doctor did not show for his interview.

4. **Public Comment**- None

5. **Adjournment**

Mayor Muhlfeld adjourned the meeting at 7:05 p.m.

_____
Mayor Muhlfeld

Attest:

_____
Michelle Howke, City Clerk

WHITEFISH CITY COUNCIL
June 20, 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, Police Chief Dial and Fire Chief Page. Approximately four people were in the audience.

2) PLEDGE OF ALLEGIANCE

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

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

Chris Hyatt, 611 Somers Avenue, spoke towards the Great Northern Veterans Peace Park lease agreement. This has been a wonderful place for his family to sled for the last five years, he hopes and suggests the Council go forward with the agreement.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Dylan Boyle, Executive Director of the Whitefish Convention Visitors Bureau (WCVB) also known as Explore Whitefish, gave the quarterly report for the Whitefish Tourism Dashboard. The Whitefish Tourism Dashboard is on pages 311-313 of the Council packet provided on the website. The data and statistics that are provided are credited to Amtrak, City of Whitefish, Glacier National Park, Institute for Tourism & Recreation Research at the University of Montana (ITRR), Montana Department of Commerce, Montana Department of Transportation, and the WCVB. The dashboard is broken into three sections; visitation, transportation, and taxed revenue and collections

Approximately 60% of the advertising budget is on winter. This winter the WCVB participated in three major cooperative advertising campaigns centered around public transportation and selected target markets of Chicago, Portland and Seattle. Total skier visitors to Whitefish Mountain Resort ranked #3 of all time, the paid skier visitors ranked top #5 of all time. Passenger de-boarding at Glacier Park International Airport was up 7.6% from January-March 2016. Train de-boarding at the Whitefish Train Depot was up 11.9%. The lodging and tax revenue is down, which could be due to Canadian visitation over the winter.

Councilor Hildner asked Dylan if he has started to see any impact of the 33% increase in Glacier National Park visitation in our community. Dylan has just started receiving the TPA collections, so probably in a month or so he would have preliminary indications. Councilor Hildner also wanted to compliment everyone on the graphics, it does make it a quick read and easy to understand.

Mayor Muhlfeld asked Dylan if there was any explanation for the park visitation up 30% in January, down 7% in February and then up 17% in March. Dylan attributes it to not having the best weather for Presidents Day.

5) CONSENT AGENDA

a) Minutes from the June 6, 2016 Regular Meeting (p. 52)

b) Ordinance No. 16-10; An Ordinance amending Whitefish City Code Title 2, Chapter 8, as it pertains to members of the Pedestrian and Bicycle Path Advisory Committee to allow an additional committee member (Second Reading) (p. 62)

c) Resolution No. 16-26; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1436 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation (p. 65)

RESOLUTION NO. 16-26

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City a certain tract of land known as 1436 West Lakeshore Drive, for which the owners have petitioned for and consented to annexation.

WHEREAS, Jon M. Scurlock, Trustee of the Jon M. Scurlock Trust, Kelly Panteluk and Jo-Ann Panteluk, have filed a Petition for Annexation with the City Clerk requesting annexation and waiving any right of protest to annexation as the sole owners of real property representing 50% or more of the total area to be annexed. Therefore, the City Council will consider this petition for annexation pursuant to the statutory Annexation by Petition method set forth in Title 7, Chapter 2, Part 46, Montana Code Annotated; and

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

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

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

Section 1: The corporate boundaries of the City of Whitefish are hereby extended to annex the boundaries of the area herein described in the Petition for Annexation, according to the

map or plat thereof, on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana, legally described as:

> Lot 9 of Block 7 of Lake Park Addition to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk & Recorder of Flathead County, Montana.

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

Section 3: The City Clerk is hereby instructed to certify a copy of this Resolution so entered upon the June 20, 2016 Minutes of the City Council. Further that this document shall be filed with the office of the Clerk and Recorder of Flathead County. Pursuant to § 7-2-4607, MCA, this annexation shall be deemed complete effective from and after the date of the filing of said document with the Flathead County Clerk and Recorder.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 20TH DAY OF JUNE, 2016.

S/S John M. Muhlfeld, Mayor

ATTEST:

S/S Michelle Howke, City Clerk

d) Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Suncrest Homeowners Association for Whitefish Lake Lakeshore Permit (#WLP-16-W07) at 1878 Lacy Lane for Placement of gravel within the Lakeshore Protection Zone subject to 14 conditions (p. 80)

e) Consideration of approving application from Bruce Boody Landscape Architect, Inc. on behalf of Schumacher Living Trust for Whitefish Lake Lakeshore Permit (#WLP-16-08) at 1856 Lacy Lane for Placement of gravel within the Lakeshore Protection Zone subject to 14 conditions (p. 93)

f) Consideration of approving application from Mountain Harbor Homeowners Association for Whitefish Lake Lakeshore Permit (#WLP-16-09) at 1750 East Lakeshore Drive to Repair an existing grandfathered deck within the Lakeshore Protection Zone subject to 11 conditions (p. 107)

g) Consideration of approving application from Curtis and Jodi Thew for Whitefish Lake Lakeshore Permit (#WLP-16-10) at 1490 Barkley Lane to remove existing concrete steps and install dry-set stone steps subject to 13 conditions (p. 126)

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

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

a) FY17 Budget - Consideration of approving City Manager's proposed budget as the FY17 preliminary budget and setting final public hearing on the FY17 budget for August 15, 2016 (p. 140) (CD 13:35)

City Manager Stearns gave his staff report that is provided in the packet on the website. The final budget will be presented to the Council for approval on August 15, 2016. There are couple of important factors missing in regards to the budget that won't be available until later. A key aspect, shortly after July 1st is the yearend cash balance figures, and the tax levy information will be provided the first Monday in August by the Department of Revenue. This budget proposes a 5.21% reduction in property tax mill levy due to the increase of Resort Tax from 2% to 3%.

The lease of the Stumptown Ice Den to a private entity with public involvement has reduced the budget; medical insurance is projected to increase 7.3%. The budget proposes to increase a ¾ time receptionist in Planning and Building to a full-time position, a seasonal worker that used to work 50-52 weeks per year will become full-time due to the Affordable Care Act, and the addition of a new full-time Maintenance Facility Technician for the new City Hall and Parking Structure, and a new Information Technology (IT) position. The total budget is down from last year by 23.21% or $14.7 million, estimating the mill value increase 3.1%. The proposed budget is available on the website.

Councilor Hildner asked and Manager Stearns said Riverside Park is on the list to present to the Council for either future decision or future consideration.

Mayor Muhlfeld opened the Public Hearing.

Steve Thompson, 545 Ramsey Avenue, wanted to bring to the Council's attention the budget does not include the $20,000 that was initially earmarked for starting to develop a plan for the new cemetery. He would like to keep this on their radar screen.

There being no other public comment, Mayor Muhlfeld closed the Public Hearing and turned it over to the Council for consideration.

Councilor Feury made a motion, second by Councilor Hildner to approve the proposed budget as the FY17 preliminary budget and set the final public hearing on the FY17 budget for August 15, 2016. Mayor Muhlfeld asked and Manager Stearns said the next Budget Work Session is scheduled for August 1, 2016. **The motion was approved unanimously.**

7) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR
Consideration of authorizing participation in a NCAT Energy Corps AmeriCorps Program by hosting an energy intern for 11 months at a city cost of $11,500 from the Public Works budgets (p. 282) (CD 26:00)

Public Works Director Workman gave his staff report provided in the council packet on the website. Director Workman stated the name of the partnership has changed from Glacier Climate Action Network or the Glacier Gateway Climate Solutions Partnership to Climate Smart Glacier Country. Director Workman had a correction to his memo, the cost of hosting an energy intern for 11 months will be $10,00 instead of $11,500 stated in his report. Mayor Muhlfeld addressed Steve Thompson, 545 Ramsey Avenue. Steve stated a steering committee of seven members has

been created along with five different working groups. The overall emphasis is community based solutions. The three dimension is mitigation, adaptation, and education. The five working groups are the built environment; sustainable economic, transportation, education and outreach, and community self-reliance. The intern will focus and work with the different partners and working groups, but specifically focused on the Whitefish operations.

Councilor Hildner made a motion, second by Councilor Barberis to authorize participation in an NCAT Energy Corps AmeriCorps Program to host an energy intern for 11 months at the cost of $10,000 from the Public Works budget. The motion passed unanimously.

8) COMMUNICATIONS FROM CITY MANAGER (CD 36:18)

a) Written report enclosed with the packet. Questions from Mayor or Council? (p. 292)- None

b) Other items arising between June 15th and June 20th - None

c) Resolution No. 16-27; A Resolution approving renewal of 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 (p. 314)

Manager Stearns gave his report provided in the council packet on the website. The current lease expires August 31, 2016. Councilor Hildner stated he searched online for Great Northern Veterans Peace Park Foundation, Inc. and could not find anything online and was wondering the status of the organization. Chuck said as far as he knows it is still a going concern. Mayor Muhlfeld talked to Ryan Zinke and stated he is comfortable with the agreement.

Councilor Frandsen made a motion, second by Councilor Williams to approve Resolution No. 16-27; A Resolution approving renewal of a five-year lease to the Great Northern Veterans Peace Park Foundation, Inc. Councilor Sweeney asked Attorney Jacobs to check Great Northern Veterans Peace Park Foundation, Inc. is still authorized to do business. **The motion passed unanimously.**

d) Resolution No. 16-25; Resolution relating to $506,000 Sewer System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Taxable Series 2016; Authorizing the issuance and fixing the terms and conditions thereof (p. 332)

Finance Director Smith gave her staff report provided in the packet on the website. Director Smith brought the Council's attention to page 359 of the packet, page 24 of the Resolution, section 8.2 and to page 358 of the council packet, page 23 of the Resolution section 5.5.

Councilor Hildner made a motion, second by Councilor Feury to approve Resolution No. 16-25; Resolution relating to $506,000 Sewer System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Taxable Series 2016; Authorizing the issuance and fixing the terms and conditions thereof. The motion passed unanimously.

e) Resolution No. 16-28; A Resolution relating to amending a deferred compensation plan (p. 380)

City Manager Stearns gave his staff report provided in the packet on the website.

Councilor Feury made a motion, second by Councilor Sweeney to approve Resolution No. 16-28; A Resolution relating to amending a deferred compensation plan. The motion passed unanimously.

9) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS (CD 50.10)

a) Consideration of a request from the Whitefish Animal Group (WAG) to contribute $1,184 for the cost of impact fees to their proposed dog wash at the WAG Dog Park (p.394)

Mayor Muhlfeld addressed Jim Lockwood, 4715 Hwy 93 S. Jim added this dog wash is something that people have been asking about for years. The committee has been raising money for the last three years.

Mayor Muhlfeld asked and Director Workman said it will be a surface drain. Councilor Sweeney asked and Parks and Recreation Director Butts said there are no funds in FY16 budget. Director Smith mentioned it would depend on when the impact fees are paid. This would be an item that will be donated capital asset.

Councilor Feury made a motion, second by Councilor Sweeney to appropriate $1,184 for the cost of impact fees to the proposed dog wash at the WAG Park. Councilor Feury states he knows how important this is to the community and it is one of the bigger attractors to Whitefish for people traveling through town. The WAG Park is a big economic driver. This is benefiting the community and adds to the value of the park. **The motion passed unanimously.**

b) Consideration of recommending a replacement for Greg Acton as the City's representative on the Flathead County Solid Waste Board (p. 399)

Councilor Frandsen made a motion, second by Councilor Hildner to appoint Public Works Director Workman as a representative on the Flathead County Solid Waste Board. The motion passed unanimously.

c) Consideration of making appointments to volunteer Boards and Committees not made during tonight's special session (p. 1)

Councilor Frandsen made a motion, second by Councilor Sweeney to appoint Patrick Nagle to the Impact Fee Advisory Committee. The motion passed unanimously.

Councilor Sweeney made a motion, second by Councilor Barberis to appoint Tom Tornow as the professional interest business owner, Carol Atkinson as the residential investor/multifamily property owner, Toby Scott as residential investment multifamily property owner, Kent Taylor as representing resort and recreational interest and Tim

Hinderman as representing commercial or retail interest to the Wisconsin Avenue Corridor Steering Committee. The motion passed unanimously.

The Council asked to re-advertise for one (1) residential owner-occupied property owner, and two (2) "at-large" members for the Wisconsin Avenue Steering Committee. Planning and Building Director Taylor clarified the boundary of the corridor plan includes the neighborhoods, not just Wisconsin Avenue.

Councilor Hildner addressed the Council and the listening audience to encourage residents that live on Wisconsin Avenue to be a member of this committee. Councilor Sweeney agrees and said that the ordinance is drafted for two residential owner occupied property owners, a residential investment or multi-family property owner and two "at large" Whitefish residents. The only way to get a tenant from that corridor is if they apply for "at large." Director Taylor mentioned that the boundary of the corridor plan extends into the neighborhoods not just Wisconsin Avenue.

Council Comments:

Councilor Barberis thanked Chuck and the staff of Martel and the architects for the tour of the City Hall Parking Structure project. To her untrained eye it looks overwhelming and good, they have had a lot of challenges getting out of the ground. The Martel staff has a lot of pride in what they are doing.

Councilor Hildner has been asked and it has been a concern and an interest to find out the status of the evacuation plan given the Oregon train derailment incident. He asked what the compliance and inspection process is after a lakeshore permit is issued. He also said the apron on West 7th coming onto Baker Avenue is a hazard for bicycle riders and would like it to be cleaned up.

Councilor Frandsen reminded the Council she will be gone July 5, 2016.

Councilor Feury said after his comments that his step system does not require any more maintenance than any other sewer in the City, it failed about four days later. He wanted to thank Public Works for getting on it right away and apologizes for saying it. He also thanked Chief Dial for trying to figure out what might have exploded, it looked like a vandal or a packrat.

Mayor Muhlfeld reminded the Council to respond to Manager Stearns and City Attorney Jacobs letter regarding the draft language requiring direction to modify the code for deferred annexation. He asked the Council who have not made their "at large" appointment for the City Manager Selection Committee, to please do so to Human Resource Director Baccaro. He also would like to try to schedule a Council retreat for early fall, the Council all agreed.

Mayor Muhlfeld asked and Manager Stearns said the Cemetery Ad Hoc Committee was extended once and due to sunset. In the manager's letter, $20,000 was cut for the initial development of the cemetery south of the Wastewater Plant. Manager Stearns looked at the activity at the current cemetery, of the forty (40) cremains vaults in the Columbarium, about

thirteen (13) have been sold. The Council can bring that up for consideration, but they would have to reduce reserves, cut something else or increase taxes. Mayor Muhlfeld would like real estate agent Chap Godsey to continue to look for land. If something did surface it would be nice to have appropriation through next spring.

Mayor Muhlfeld asked and Manager Stearns said the maintenance operator is scheduled to start March 1, 2017 to work with an outside commissioning to test the HVAC and all the systems. Right now it is a full time position starting for 1/3 of the year. The position is funded 50% by TIF and 50% by all other funds including the leasing revenue. The position will grow over time with responsibilities of other facilities.

Manager Stearns reminded Planning and Building Director Taylor to ask the Planning Board to nominate a member to serve on the Wisconsin Avenue Corridor Steering Committee.

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 8:34pm.

_____
Mayor Muhlfeld

Attest:

_____
Michelle Howke, Whitefish City Clerk

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ORDINANCE NO. 16-___

An Ordinance of the City Council of the City of Whitefish, Montana, rezoning approximately 4.73 acres of land located at 325 Haugen Heights Road, in Section 27, Township 31 North, Range 22 West, Whitefish, Montana, from County R-2.5 (Rural Residential District) to City WER (Estate Residential District) and adopting findings with respect to such rezone.

WHEREAS, the City of Whitefish initiated a rezone with respect to property located at 325 Haugen Heights Road, and legally described as Tract 1 of Certificate of Survey No. 10428, lying and being within the Southeast Quarter of the Southeast Quarter of Section 27, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana; and

WHEREAS, in response to the City-initiated rezone, the Whitefish Planning & Building staff prepared Staff Report WZC 16-02, dated June 9, 2016, which analyzed the proposed rezone and recommended in favor of its approval; and

WHEREAS, at a lawfully noticed public hearing on June 16, 2016, the Whitefish Planning Board reviewed Staff Report WZC 16-02, received an oral report from Planning staff, invited public comment, and thereafter voted to recommend in favor of the proposed zone change; and

WHEREAS, at a lawfully noticed public hearing on July 5, 2016, the Whitefish City Council reviewed Staff Report WZC 16-02 and letter of transmittal, received an oral report from Planning staff, and invited public comment; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the proposed rezone; and

WHEREAS, the proposed rezone meets zoning procedure and the criteria and guidelines for the proposed rezone required by MCA §§ 76-2-303 through 76-2-305 and WCC § 11-7-12.

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

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

Section 2: Staff Report WZC 16-02 dated June 9, 2016, together with the June 28, 2016 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: The real property located 325 Haugen Heights Road, and legally described as:

> Tract 1 of Certificate of Survey No. 10428, lying and being within the Southeast Quarter of the Southeast Quarter of Section 27, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana

previously zoned County R-2.5 (Rural Residential District) is hereby rezoned to City WER (Estate Residential District).

Section 4: The official Zoning Map of the City of Whitefish, Montana, shall be amended, altered and changed to provide that the rezone and zoning map amendment of the real property identified on the map attached hereto as Exhibit "A", and incorporated herein by reference, shall be designated City WER (Estate Residential District). The Zoning Administrator is instructed to change the City's official Zoning Map to conform to the terms of this Ordinance.

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

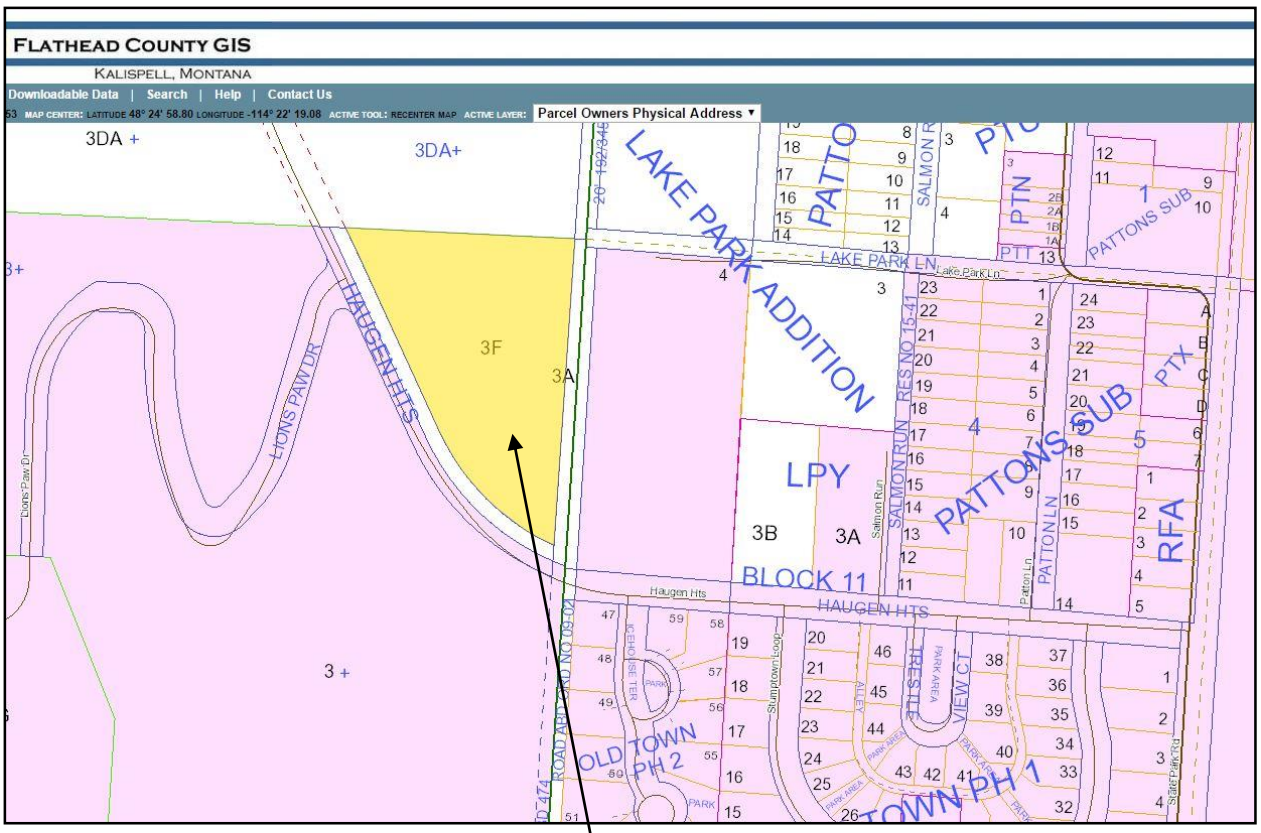
Section 6: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____, 2016.

_____
John M. Muhlfeld, Mayor

ATTEST:

_____
Michelle Howke, City Clerk



325 Haugen Heights Road
Assessor No. 0979161

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

June 28, 2016

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

RE: Larose & Elsen Zone Change: WZC 16-02

Honorable Mayor and Council:

Summary of Requested Action: This is a request by Andreé Larose and Henry Elsen for a rezone of one parcel with the zoning designation of County R-2.5 to City WER (Estate Residential District). The property is located at 325 Haugen Heights Road and totals 4.73 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced rezone.

Public Hearing: No members of the public spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish City Planning Board met on June 16, 2016 and considered the requested rezone. Following the public hearing, the Planning Board voted 6-0 (unanimously, Meckel was absent) and recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

This item has been placed on the agenda for your regularly scheduled meeting on July 5, 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: Draft Minutes of 6-16-16 Planning Board Meeting

Exhibits from 6-16-16 Staff Packet

1. Staff Report WZC-16-02, 6-9-16
2. Adjacent Landowner Notice, 5-27-16
3. Advisory Agency Notice, 5-27-16
4. Email, Shehan, 6-6-16

The following was submitted by the applicant:

5. Application for Zoning Map Amendment, 5-6-16

c: w/att Michelle Howke, City Clerk

c: w/o att Andreé Larose and Henry Elsen, 901 Stuart Street Helena, MT 59601

	Jim called for the question.
VOTE	**The motion passed unanimously.** The matter is scheduled to go before the Council on July 5, 2016.
PUBLIC HEARING 2: ANDREÉ LAROSE AND HENRY ELSEN ZONING MAP AMENDMENT 7:10 pm	A request by Andreé Larose and Henry Elsen for a Zoning Map Amendment from County R-2.5 to Estate Residential District (WER). The property is located at 325 Haugen Heights Road and can be legally described as Tract 3F in Section 27, Township 31N, Range 22W.
STAFF REPORT WZC 16-02 (Compton-Ring)	Planner Compton-Ring reviewed her staff report and findings. To date, one email was received with concerns of density and traffic. Staff recommended adoption of the findings of fact within staff report WZC 16-02, and for **approval** to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Regarding the email received, John asked Compton-Ring to provide more information about the concerns of residents and City Council members in 2013 that lead to a directed limited amount of houses to be built in the Tamarack Ridge Subdivision. Compton–Ring replied the Council approved the subdivision as it was proposed by the applicant. The lots were between one-half acre and an acre, so the Council did not limit any development of that property. Jim asked if the Tamarack subdivision is the Collins' property and Compton–Ring replied yes. Jim said it was his understanding the sewer line has just been connected down the lane next to Maple Ridge was paid for and put in by developer. He asked if this property would be serviced by that line and Compton–Ring replied yes, there is a public main in the road. The lines and roads have not been dedicated to the City yet because it has not gone to final plat. She said the Public Works Director is here and could answer any more specific questions if necessary.
APPLICANT / AGENCIES	Andreé Larose, one of the property owners, 901 Stuart Street, Helena, said she is here, along with Bruce Boody, Bruce Boody Landscape Architect, and Andy Bestwick, TD&H Engineering, to answer any questions. She thanked Compton-Ring and other Planning Department staff, and Public Works Director Craig Workman for helping put this together.

DRAFT

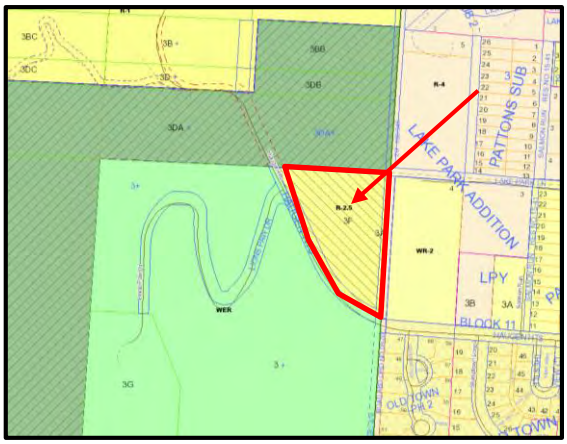
PUBLIC COMMENT	There being no comment, Vice Chair Picoli Philips closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Rebecca moved and Frank seconded to adopt the findings of fact within staff report WZC 16-02. Rebecca said she appreciated the applicants being willing to get on City sewer and water, especially given our water issues around town. Jim called for the question.
VOTE	**The motion passed unanimously.** The matter is scheduled to go before the Council on July 5, 2016.
PUBLIC HEARING 3: GMJ, LLC, CONDITIONAL USE PERMIT 7:20 pm	A request by GMJ, LLC, for a Conditional Use Permit to develop a 12 condominium cabin neighborhood. The properties are zoned WRR-1 (Low Density Resort Residential District). They are located at 1325 and 1331 Nelson Lane and can be legally described as Tracts 1AD, 1MA-NPT and 1ABAA in Section 35, Township 31N, Range 22W.
STAFF REPORT WCUP 16-05 (Compton-Ring)	Planner Compton-Ring distributed a revised site plan received tonight with changes, including locations for three required additional guest parking spaces and a rearrangement of the four cabins in the southwest portion of the project. She reviewed her staff report and findings. To date, one letter was received from a neighbor with concerns regarding the overall long-term management of the project to ensure it is a good neighbor. Staff recommended adoption of the findings of fact and conditions of approval within staff report WCUP 16-05, and for **approval** to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Rebecca wondered about ownership of the property they are developing into a road and whether the City owns the land if it is determined no one owns it. Compton-Ring replied no, but probably attorneys and surveyors will need to get involved to determine who owns it. Melissa asked if it is a loophole to not have to have a landscape plan or architectural review by making them single units versus combining them. Compton-Ring replied landscape review is not required unless it is a triplex or up and architectural review is not required unless it is a

DRAFT

LAROSE/ELSEN
ZONE CHANGE
STAFF REPORT WZC 16-02
JUNE 9, 2016

A report to the Whitefish Planning Board and the Whitefish City Council regarding a request by Andreé Larose and Henry Elsen to rezone one lot from Flathead County R-2.5 to WER (Estate Residential District). The lot is 4.73 acres at 325 Haugen Heights Road. This request is scheduled before the Whitefish Planning Board for public hearing on Thursday, **June 16, 2016** at 6:00 PM. A recommendation will be forwarded to the City Council for a subsequent public hearing on Tuesday, **July 5, 2016** at 7:10 PM. Both hearings will be held in the Whitefish City Council Chambers.

PROJECT SCOPE



This parcel of land is zoned Flathead County R-2.5 and has a Growth Policy Land Use designation of Suburban Residential. The applicant is proposing to change the zoning to WER (Estate Residential District). The subject property was annexed into the city limits on June 6, 2016 pursuant to Resolution 16-21.

Prior to Flathead County resuming responsibility for the zoning outside the city limits, this property was zoned WCR (Country Residential District) which requires a 2.5-acre minimum lot size. Once Flathead County resumed implementing the zoning outside the city limits, they created the R-2.5 zoning district which is a comparable zoning designation to the City's WCR zone.

Purpose of WER: A residential district to provide for single-family, large tract or estate development. These areas will typically be found in suburban areas, generally served by municipal sewer and water lines.

	WER	County R-2.5
Minimum lot area:	20,000 square feet (0.459 acres)	2.5 acres
Front yard setback:	25-feet	20-feet
Side yard setback:	15-feet	20-feet
Rear yard setback:	20-feet	20-feet
Maximum height:	35-feet	35-feet
Permitted lot coverage:	30%	25%

A. Property Owner:

Andreé Larose and Henry Elsen
901 Stuart Street
Helena, MT 59601

B. Size and Location:

The subject property is 4.73 acres in size and is located off Haugen Heights, to the west of the Maple Ridge neighborhood. It is addressed as 325 Haugen Heights and can be legally described as Tract 3F in Section 27, Township 31N, Range 22W, P.M.M., Flathead County, Montana.

C. Existing Land Use, Zoning and Growth Policy Designation:

The property is undeveloped. The property is zoned Flathead County R-2.5. The Growth Policy identifies these properties as Suburban Residential.

D. Adjacent Land Uses, Zoning and Growth Policy Designations:

North:	residential	SAG-10	Suburban Residential
West:	residential	WER	Suburban Residential
South:	residential	WER	Suburban Residential
East:	residential	WR-2	Urban Residential

E. Public Notice:

Notice was mailed to adjacent land owners within 150-feet of the subject properties on May 27, 2016. A notice was emailed to advisory agencies on May 27, 2016. A notice was published in the *Whitefish Pilot* on June 1, 2016. As of the writing of this staff report, one email was received identifying concerns with density and traffic.

F. Utilities

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuge
Electric:	Flathead Electric Co-op
Gas:	Northwestern Energy
Phone:	Centurylink
Police:	City of Whitefish
Fire:	City of Whitefish

Roads: City of Whitefish

REVIEW AND FINDINGS OF FACT:

This request is reviewed in accordance with the Whitefish Zoning Regulations Section 11-7-10 and based on statutory criteria on the purposes of zoning (76-2-304 & 305 M.C.A.).

The Whitefish Zoning Jurisdiction Regulations set forth the process for rezoning property and the considerations that both the Planning Board and the City Council must make in order to approve an amendment. While some of these considerations are not applicable as the existing and proposed zoning districts already address them, several considerations need to be reviewed in light of the proposed zoning district. The following is a review and discussion of considerations applicable to the proposed zoning district.

A. Made in Accordance with a Growth Policy.

The Growth Policy designates the tract as Suburban Residential. The WER (Estate Residential District) would be in conformance with the Suburban Residential land use designation. The Suburban Residential land use designation is consistent with WCR (Country Residential District) WSR (Suburban Residential District) and WER (Estate Residential District).

Finding 1: The proposed zone change to WER is in accordance with the Growth Policy because it complies with the Suburban land use designation.

B. Secure safety from fire, panic and other dangers.

The property is served by the City of Whitefish Police and Fire Departments. Any future development will meet all City requirements for roadway widths and Fire Department standards.

Finding 2: The proposed zone change will secure safety from fire, panic and other dangers because the city standards and zoning standards will be reviewed at the time of development.

C. Promote the public health, public safety and general welfare.

Public services and utilities were extended on Haugen Heights Road as part of the Tamarack Ridge preliminary plat and will serve this site.

Finding 3: The proposed zone change promotes public interest, health, comfort and general welfare because it is in conformance with the Growth Policy.

D. Facilitate the Adequate Provision of Transportation, Water, Sewerage, Schools, Parks and other Public Requirements.

There is public water, sewer and streets that serve this property. Parkland development will be addressed with any future subdivision application.

Finding 4: The proposed zone change facilitates the adequate provision of transportation, water, schools, parks and other public requirements because it is located inside city limits and is served by all public services and facilities.

E. Reasonable Provision of Adequate Light and Air.

The proposed zoning designation include setbacks, maximum building height and lot coverage. In addition, all future construction will require conformance with the Building Code, as the property was recently annexed into the city limits.

Finding 5: The proposed zone change provides reasonable provision of adequate light and air because the zoning and other city standards will prevent the overcrowding of the land through lot coverage, setbacks and conformance with the Building Code.

F. The Effect on Motorized and Nonmotorized Transportation Systems.

Impacts on motorized and nonmotorized transportation systems will be evaluated at the time of subdivision review. The property fronts on a public street with adequate access onto the public system. In addition, the project is located in an area with new bike paths to downtown constructed as part of the Highway 93 W project. In addition, State Park Road is on the city's list of streets to be reconstructed. As of 2014, State Park Road is the #3 priority of street reconstruction between Highway 93 W and the railroad tracks.

Finding 6: The proposed zone change will not have an effect on motorized and non-motorized transportation systems because the property is served by a paved public maintained road.

G. Promotion of Compatible Urban Growth.

The zone change will transition from the Urban development to the east and more suburban-scale development with larger lots to the west, but still connected to public services and facilities.

Finding 7: The proposed zone change will promote compatible growth because the property is served by public services, and is consistent with the adopted Growth Policy.

H. Consideration to the character of the district and its particular suitability for particular uses.

The character of the district is predominately single-family. The lot sizes with this zoning district are comparable to the surrounding neighborhoods.

Finding 8: The proposed zone change considers the character of the district and its particular suitability for particular uses because it is a predominately single family neighborhood, the lot sizes are comparable to the neighborhood, and the proposed zoning will be the most equivalent.

I. Conserving the Value of Buildings.

The subject property is undeveloped. The WER zoning only permits single-family dwellings. Therefore, the value of surrounding buildings will not be negatively impacted by the proposed zone change. This criterion is subjective at best. However, it is permissible for the Board to consider testimony from nearby residents as prima facie evidence of adverse impact.

Finding 9: The value of surrounding buildings will be maintained because the WER zoning only permits single-family residences.

J. Encouraging the Most Appropriate Use of Land Throughout the Jurisdictional Area.

This property has remained in a rural-type usage while urban scale development has grown up to the east and south bringing public services and facilities to the property. The proposed zone change to WER would encourage the most appropriate use of land as it would be similar to adjacent properties developed and developing as residential.

Finding 10: The proposed zone change encourages the most appropriate use of land throughout the jurisdictional area because it will be the most similar to adjacent properties.

K. That Historical Use and Establish Use Patterns and Recent Change in Use Trends will be Weighed Equally and Consideration not be Given One to the Exclusion of the Other.

Finding 11: The Planning Board and the City Council should consider the historical and established use patterns, including trends, when making a decision on the project.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt staff report WZC 16-02 findings of fact and recommend to the Whitefish City Council the map amendment be **approved**.

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 Whitefish TP llc is proposing to construct a hotel with a building footprint of 17,565 which requires a Conditional Use Permit as it exceeds 15,000 square feet. The property is currently undeveloped and is zoned WB-2 (Secondary Business District). The property is located at 6361 Highway 93 S and can be legally described as Tract 1BDB in S01 T30N R22W 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, June 16, 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 **Tuesday, July 5, 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, June 6, 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

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

Date: May 27, 2016

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, June 16, 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 Tuesday July 5, 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 to construct an 81-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6361 Highway 93 S and can be legally described as Tract 1DBD in Section 1 Township 30N Range 22W. (WCUP 16-04) Compton-Ring

2. A request by Andreé Larose & Henry Elsen for a Zoning Map Amendment from County R-2.5 to Estate Residential District (WER). The property is located at 325 Haugen Heights Road and can be legally described as Tract 3F in Section 27 Township 31N Range 22W. (WZC 16-02) Compton-Ring

3. A request by GMJ llc for a Conditional Use Permit to develop a 12 condominium cabin neighborhood. The properties are zoned WRR-1 (Low Density Resort Residential District). They are located at 1325 and 1331 Nelson Lane and can be legally described as Tracts 1AD, 1MA-NPT and 1ABAA in Section 35 Township 31N Range 22W. (WCUP 16-05) Compton-Ring

4. A request by the City of Whitefish to rezone a parcel recently annexed into City limits from County RR-1 (Low Density Resort Residential District) to WRR-1 (Low Density Resort Residential District). The subject property is unaddressed, but is known as Nelson Lane. It can be legally described as Tract 1MA-NPT in Section 35 Township 31N Range 22W. (WZC 16-04) 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: joel shehan <shehan22@msn.com>
Sent: Monday, June 06, 2016 2:03 PM
To: Wendy Compton-Ring
Subject: Zone change for Haugen Heights (tracts 3f section 27, township 31n, range 22W, pmm

Whitefish Planning Board:
I am writing to comment on the rezone proposal on Haugen Heights. As a resident in the area, my concern is developing traffic coming down Haugen Heights road. Several properties along Haugen Heights have minimal set back from this currently very residential street. An increase in traffic places higher risks of traffic interaction with people, children, and pets that may be playing in close proximity to the road due to the proximal location of the houses along it. Concerns of area residents and City Council Members in 2013 lead to a directed limit of houses to be built on the Tamarack Ridge Subdivision, which is across the street from the property currently under rezoning proposal. In the situation of Tamarack Ridge, the property was rezoned to WER which by itself allows a greater housing density, but was limited by a Council action to be a less dense total number of houses. I support this precedent set by the Council for this area in regards to a limitation on density similar to the Tamarack Ridge Subdivision property. This would allow for the current developer of Tamarack Ridge to maintain his product value. It would allow for the current trend for development of the area to be maintained with a lessening density as one travels west on Haugen Heights. It would also keep traffic levels on Haugen Heights to a more pleasant and safe level. These items become even more critical when considering the multiple properties in the area that are still relatively undeveloped. If these properties eventually all rezone WER and subdivide, the traffic and housing density gets substantially more complicated. I urge the Planning Board to continue the current precedent of lower density development with one eye to the future of possible further rezoning in this area that would bring more and more housing and traffic in.
Thank you,
Joel Shehan

Sent from my iPad

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: _____

ZONING MAP AMENDMENT

FEE ATTACHED $ 2,695
(See current fee schedule)

INSTRUCTIONS:

☒ A pre-application meeting with planning staff is required. Date of pre-application meeting: PRE APP MTG: 04-13-16 & SITE PLAN REVIEW: 04-28-16

☒ 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 at 6:00 PM in the City Council Chambers at 1005 Baker Avenue.

☐ 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: 325 Haugen Heights Rd

Assessor's Tract No.(s) 3F Lot No(s) 1
Block # n/a Subdivision Name n/a
Section 27 Township 31N Range 22W

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

SEE LETTER OF AUTHORIZATION ATTACHED
Owner's Signature[1] Date

Andree Larose and Henry Elsen
Print Name

Bruce Boody ASLA
Applicant's Signature Date 05-04-16

Bruce Boody Landscape Architect Inc
Print Name

Representative's Signature Date

TD&H Engineering, Doug Peppmeier
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 1-13-16

APPLICATION CONTENTS:

Attached	ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED
✓	Zoning Map Amendment Application – **8 copies**
✓	Written description how the project meets the criteria in Section D – **8 copies**
✓	Map showing the location and boundaries of the property – **8 copies**
	Reduced copy of the map not to exceed 11" x 17" – **1 copy**
	Petition for zone change signed by the real property owners representing at least 65% of the land area for which the change in zoning classification is sought – **8 copies**
✓	Electronic version of entire application such as .pdf

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

B. OWNER(S) OF RECORD:

Name: Andree Larose and Henry Elsen Phone: 406-461-7525

Mailing Address: 901 Stuart Street

City, State, Zip: Helena, MT 59601

Email: laroseelsen@bresnan.net

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: TD&H Engineering, Doug Peppmeier Phone: 406-751-5246

Mailing Address: 450 Corporate Drive, Suite 101

City, State, Zip: Kalispell, MT 59901

Email: doug.peppmeier@tdhengineering.com

C. PROPOSAL:

CURRENT ZONING DISTRICT: County R-2.5

PROPOSED ZONING DISTRICT: Whitefish WER

State the changed or changing conditions that make the proposed amendment necessary:

See Attached

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

1. Made in accordance with a Growth Policy

   See Attached

2. Secure safety from fire and other dangers:

   See Attached

3. Promote public health, safety and general welfare:

   See Attached

4. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements:

   See Attached

5. Provide reasonable provision of adequate light and air:

See Attached

6. The effect motorized and nonmotorized transportation systems:

See Attached

7. Promote compatible urban growth:

See Attached

8. Consider the character of the district and its particular suitability for particular uses:

See Attached

9. Conserving the value of buildings:

See Attached

10. Encourage the most appropriate use of land throughout the jurisdictional area:

See Attached

11. That historical uses and established use patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other:

See Attached

C. PROPOSAL:

CURRENT ZONING DISTRICT: R-2.5 (County)
PROPOSED ZONING DISTRICT: WER Estate Residential

State the changed or changing conditions that make the proposed amendment necessary:
The subject property is located just beyond the municipal limits of Whitefish, in an area that has seen considerable residential growth (Old Town, Tamarack Ridge Phase 1, Maple Ridge, Mountain Pines and Mountain Park subdivisions). The site has direct access to city sewer and water infrastructure. Rather than develop the property into large (one acre or greater) lots with individual drainfields and a community water system, and fully aware of the current water quality issues facing the city in the nearby Lion Mountain area, the applicant feels it would be more appropriate to annex the property into the city and take advantage of the available city utilities and services.

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

1. Made in accordance with a Growth Policy
The City of Whitefish Growth Policy's Land Use Element (Chapter 3) includes a Future Land Use Map. The Map is "a graphic and general representation of the type, density, and spatial extent of future growth in the Whitefish area" and designates the subject property as being appropriate for Suburban Residential uses and densities. Lands immediately east of the subject property are designated for "Urban" residential uses and densities by the Map. The Growth Policy defines the Suburban Residential designation as *"Lower density residential areas at the periphery of the urban service area generally fall under this designation on the Future Land Use Map. The residential product type is predominantly single-family, but cluster homes and low density town homes that preserve significant open space are also appropriate. Densities range from one unit per 2 ½ acres to 2.5 units per acre, but could be higher through the PUD. Zoning districts include WCR,* ***WER****, and WSR. Cluster residential that preserves considerable open space, allows for limited agriculture, maintains wildlife habitat is encouraged"*

The location of the land to be annexed and zoned, and the ultimate development plan for the property (five single-family residential lots and one open space lot) are in conformance with the policies and vision of the Growth Policy. The change will allow orderly and appropriate suburban-density residential development to occur amidst similar residential development as Whitefish grows to the west.

The Growth Policy includes the following Future Land Use Goals and Policies, each of which will be met by the proposed zone change (numbered as they appear in the G.P.):

Future Land Use Goals:

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

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.

2. Secure safety from fire and other dangers:

The subject property is within the Whitefish Fire Service Area and will be annexed into the City of Whitefish. The city's emergency services building is located approximately 2.5 miles from the proposed annexation and zone change. Water mains are currently located in Haugen Heights Road adjacent to the subject site and development of the subject property will include fire hydrants per city development standards. Homes and other structures that will eventually be constructed on the site will have to meet the city's development and fire-safety codes.

3. Promote public health, safety and general welfare:

The proposed annexation and zone change will promote public health and the general welfare by implementing aspects of the city's growth policy by providing a logical extension of the municipal limits, and by extending municipal utilities and services.

4. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements:

The annexation, zoning, and eventual development of the subject property should not negatively impact any municipal utility or local service. Sewer and water infrastructure is in place in the Haugen Heights Road right-of-way. Stormwater will be handled on-site. It is the applicant's intent to create five single-family residential lots; this density should not result in significant impact on the local school district. Nearby park and recreation areas include State Park, Whitefish Lake Golf Course and the fields and tennis courts at Grouse Mountain. A traffic impact study (TIS) was done for Tamarack Ridge, a 32-lot subdivision immediately south and west of the subject property, beyond Haugen Heights Road. The study concluded that the peak-

hour addition of 32 trips to the area street network would have no negative impact in terms of Level-of-Service (LOS) at key intersections. The eventual introduction of five single-family lots on the property seeking the zone change should similarly have no measurable negative impact on local traffic.

5. **Provide reasonable provision of adequate light and air:**
The requested zoning designation is accompanied by development standards which include minimum lot size and width, minimum front, side and rear yards, and maximum building height and lot coverage. These standards assure adequate provision of light and air.

6. The effect on motorized and nonmotorized transportation systems:
According to the City's Bike/Ped Master Plan map of existing and proposed bicycle and pedestrian trails there are no future facilities shown along Haugen Heights Road, but there is a trail parallel to State Park Road from US Highway 93 to the State Park. This trail will connect with the newly completed trail on the north side of U.S. Hwy 93, at the intersection with State Park Road. This urban trail will eventually connect with the rural Whitefish Trails.

Work has recently been completed on the re-configuration of the intersections of US 93 and Lion Mountain Loop and State Park Road. The project has significantly improved safety and traffic flow in the area. The planning and design of these improvements took into consideration the potential for the City of Whitefish to continue to grow in this area. The proposed annexation and zone change are anticipated by both the Growth Policy and by the planning and the construction of improvements to the local and state traffic network.

7. Promote compatible urban growth:
The Whitefish Growth Policy's Future Land Use Map indicates the subject property is located in an area appropriate for either urban or suburban residential uses and densities (the property is situated on the interface between the two designations). Among the zoning designations that are appropriate for this area is the requested WER zone. Given the Growth Policy designation of the property and of those in the vicinity, neighboring zoning classifications, and the neighboring land-use pattern, the proposed zone change will promote and result in compatible growth in the vicinity. Eventual development of five single-family residential lots will be compatible with the first phase of Tamarack Ridge to the south and west beyond Haugen Heights Road, and to the townhome lots in Maple Ridge immediately east of the site.

8. Consider the character of the district and its particular suitability for particular uses:
Please refer to the response to #7, above.

9. Conserving the value of buildings:
There are no buildings on the subject property at this time. New construction will be subject to all applicable city zoning, building, plumbing and electrical codes and inspections, thereby assuring no diminishment of property/building values on- or off-site.

10. Encourage the most appropriate use of land throughout the jurisdictional area:
The proposed zone change complies with the Growth Policy's Future Land Use Map and is complementary to and consistent with surrounding zoning and development.

11. That historical uses and established use patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other:
The proposed change is in keeping with recent growth trends on Whitefish's western edge. The site is bounded by Phase 1 of Tamarack Ridge to the south and west (beyond Haugen Heights Road) and Maple Ridge to the east.

Tr. 3 017275

BY: SANDS SURVEYING
1995 3RD AVENUE EAST
KALISPELL, MT. 59901
PH: 755-6481

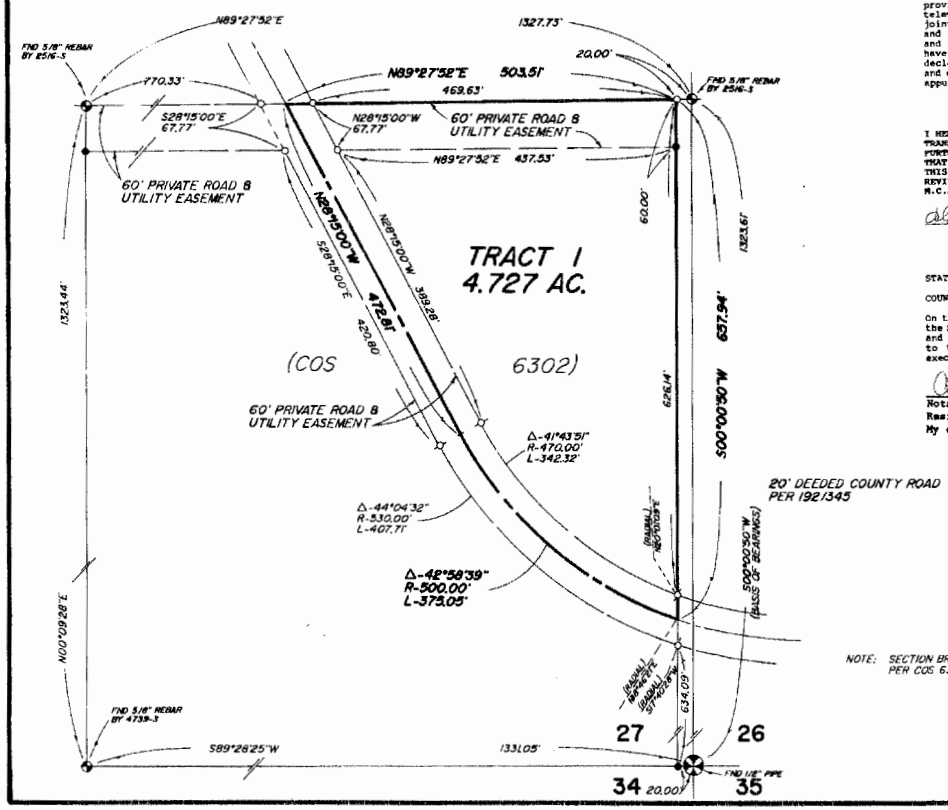
DATE: JULY 12, 1991
FOR: AL RADDATZ
OWNER: AL RADDATZ

CERTIFICATE OF SURVEY

SE1/4 SE1/4 SEC.27, T.31 N., R.22W., P.M., M., FLATHEAD CO.

SCALE 1" = 100'

0' 50' 100' 200' 300'



NOTE: SECTION BREAKDOWN PER COS 6302

PURPOSE OF SURVEY: OCCASIONAL SALE

DESCRIPTION:

A TRACT OF LAND, SITUATED, LYING, AND BEING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Commencing at the northeast corner of the Southeast Quarter of the Southeast Quarter of Section 27, Township 31 North, Range 22 West, P.M.,M., Flathead County, Montana, Which is a found iron pin; Thence S89°27'52"W and along the north boundary of said SE1/4SE1/4 a distance of 20.00 feet to a set iron pin and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED: Thence S00°00'50"W and parallel with the east boundary of said SE1/4SE1/4 a distance of 657.94 feet to a point on the centerline of a 60 foot private road and utility easement, which point is on a 500.00 foot radius curve, concave northeasterly, (radial bearing N18°46'21"E); Thence northwesterly along said centerline and along said curve through a central angle of 42°58'39" an arc length of 375.05 feet to the P.T. of said curve; Thence N28°15'00"W 472.81 feet to a point on the north boundary of said SE1/4SE1/4; Thence leaving said centerline and along said north boundary N89°27'52"E 503.51 feet to the point of beginning and containing 4.727 ACRES; Subject to and together with all appurtenant easements of record.

UTILITY EASEMENT CERTIFICATE

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under and across each area designated hereon as "UTILITY EASEMENT" to have and to hold forever. The roadways shown hereon are hereby declared to be for private roadway easement purposes for ingress, and egress to and through the properties shown hereon and any other appurtenant properties.

OCCASIONAL SALE

I HEREBY CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS TO TRANSFER OWNERSHIP OF THE PARCEL CREATED AS AN OCCASIONAL SALE; FURTHERMORE, I CERTIFY THAT I AM ENTITLED TO USE THIS EXEMPTION IN THAT I AM IN COMPLIANCE WITH ALL CONDITIONS IMPOSED IN THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207 (1) (d), M.C.A.

Alan D. Raddatz

STATE OF MONTANA)
SS
COUNTY OF FLATHEAD

On this 15th day of December, 1991, before me a Notary Public for the State of Montana, personally appeared Alan D. Raddatz and known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Alisa C. Richason
Notary Public for the State of Montana
Residing at Kalispell
My commission expires 1/2/95

LEGEND

1. SEC. COR. (AS NOTED)
2. 1/4 CORNER (AS NOTED)
3. CENTER SECTION (AS NOTED)
4. 1/16 CORNER (AS NOTED)
5. FOUND 5/8" REBAR BY 2516-S (UNLESS NOTED)
6. SET 1/2" X 24" REBAR WITH 1 1/4" PLASTIC CAP, STAMPED SANDS, 7978-S

CERTIFICATE OF SURVEYOR

Thomas J. Sands
REGISTRATION No. 7978-S

APPROVED July 24, 1991
James H. Burton
EXAMINING LAND SURVEYOR REG. No. 5486

STATE OF MONTANA
COUNTY OF FLATHEAD SS

FILED ON THE 23 DAY OF Dec, 1991 A.D.
AT 1:55 O'CLOCK P M
Susan W. Hayfield
CLERK & RECORDER
BY Diane C. Hess
DEPUTY

BOOK _____ PAGE _____
INSTRUMENT REC. No. 9133713550
#5.50 pd.

SHEET 1 OF 1 SHEETS

CERTIFICATE OF SURVEY No. 1342S

10428

FLATHEAD COUNTY GIS
KALISPELL, MONTANA

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- Election
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- Subdivision Growth
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- Zoning
- Imagery

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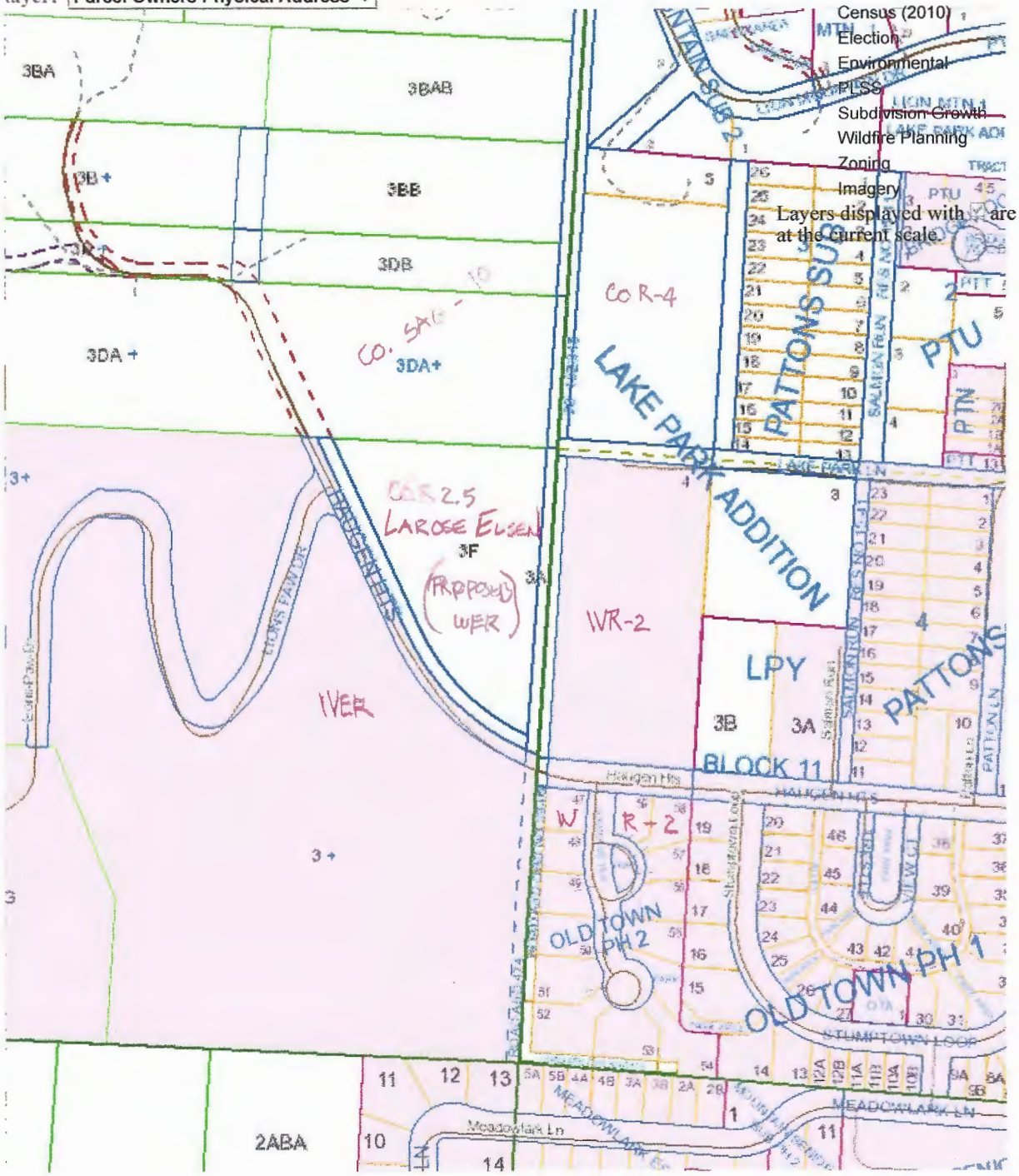
map scale: 1:3,317 map center: latitude 48° 25' 1.75 longitude -114° 22' 26.38 active tool: pan map active layer: Parcel Owners Physical Address



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MEMORANDUM
#2016-021

To: Mayor Muhlfeld
City Council Members

From: Chuck Stearns, City Manager

Re: Staff Report – Consideration of not demolishing the Depot Park Building in the future as planned for in the Depot Park Master Plan and instead leasing it out

Date: June 24, 2016

INTRODUCTION/HISTORY

On March 5, 2012, the City Council adopted the Depot Park Master Plan via Resolution No. 12-05. A copy of the Depot Park Master Plan is attached to this staff report. One recommended action in the Master Plan on page 7 was to remove existing structures in the park. The Credit Union's drive through facility was removed in spring of 2012 and the pond is currently being removed.

Earlier this year, when the City Council was dealing with the City Hall/Parking Structure budget and costs, there were discussions of a number of options to cut costs or raise other revenue. Mayor Muhlfeld suggested capitalizing and contributing three years of lease revenue for the retail space in the Parking Structure toward the costs (repaying the TIF fund over those three years) and suggested we could consider leaving the Depot Park Building in place and leasing it out. We estimated that we might receive as much as $35,000 - $40,000 in annual lease revenue if leased at market rates ($15.00 per square foot per year = $35,790 for the 2,386 square foot building). The City Council discussed keeping the building up briefly during these discussions and decided the proposal was worth putting forward for consideration.

The entire park was purchased in 2008 and 2009 for $3,847,500 in two separate transactions. All funds were paid from the Tax Increment Fund. The purchase was first conceived in the original 2005 Downtown Master Plan with the following goal:

- ***Provide focus for civic activities*** by developing a square and city hall adjacent to the railroad depot.

CURRENT REPORT

After the City Council decided to put forward consideration of keeping the building, the former Depot Park Master Plan Committee met in April to discuss the proposal. Former members present at that meeting were Rhonda Fitzgerald, Bruce Boody, Kevin Gartland, and Jill Evans. Other people present were Chris Hyatt, Dylan Boyle, Maria Butts, and me. John Phelps a former member of the committee and the Library Board both wrote emails or letters on the issue and those are included with this packet. There was no consensus at that meeting as some people favored keeping the building and others said it was imperative that the building be removed.

I have prepared a list of the pros and cons arguments that I have heard over the years and that list is contained in the packet. We have also provided the draft minutes from the Park Board meeting of June 14th. The Park Board recommendation from that meeting is below:

> Vice President Brunk made a motion to postpone the demolition of the building at Depot Park and put it up for a lease rental for up to 5 years. At the end of that time the building would be removed. The parking lot will remain for the period of the lease. The lease will be to a civic nonprofit at market rates and those funds, for the life of TIF, shall be paid to TIF and after TIF expires, the revenue stream goes to the Park Fund.
>
> Member Dunn seconds.
>
> A vote was taken with 4 ayes and 3 nays. The motion passes.

FINANCIAL REQUIREMENTS/IMPACTS

Based on leasing a downtown Whitefish commercial building for at least $15.00 per square foot, the 2,386 square foot building could render $35,790 per year. The actual market lease might be higher than that or the City Council could consider subsidized rental rates for community organizations at a rate less than $15.00 per square foot.

RECOMMENDATION

Staff respectfully requests the City Council consider the past and current public testimony on this topic, including the Depot Park Master Plan, and make a decision on keeping the building or continuing with the plan to demolish the building.

Depot Park Master Plan
Final

Whitefish, Montana

February 14, 2012

BRUCE BOODY
Landscape
Architect Inc

301 Second Street, Suite 1B
Whitefish, Montana 59937
406 862-4755
www.bruceboody

WHITEFISH DEPOT PARK MASTER PLAN

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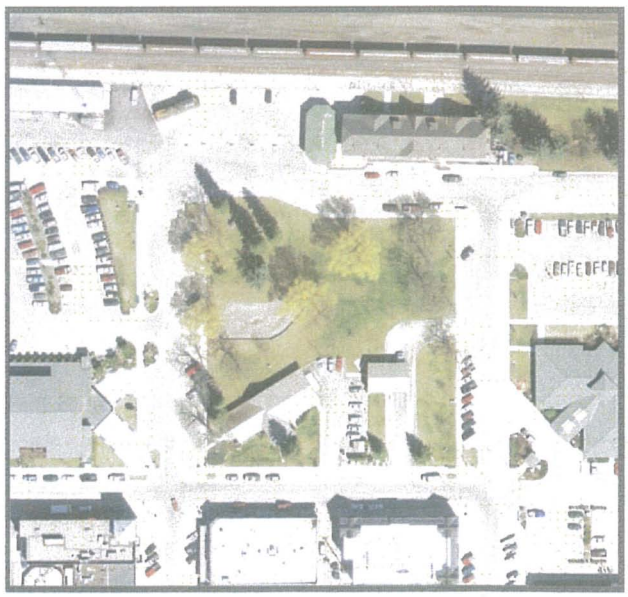
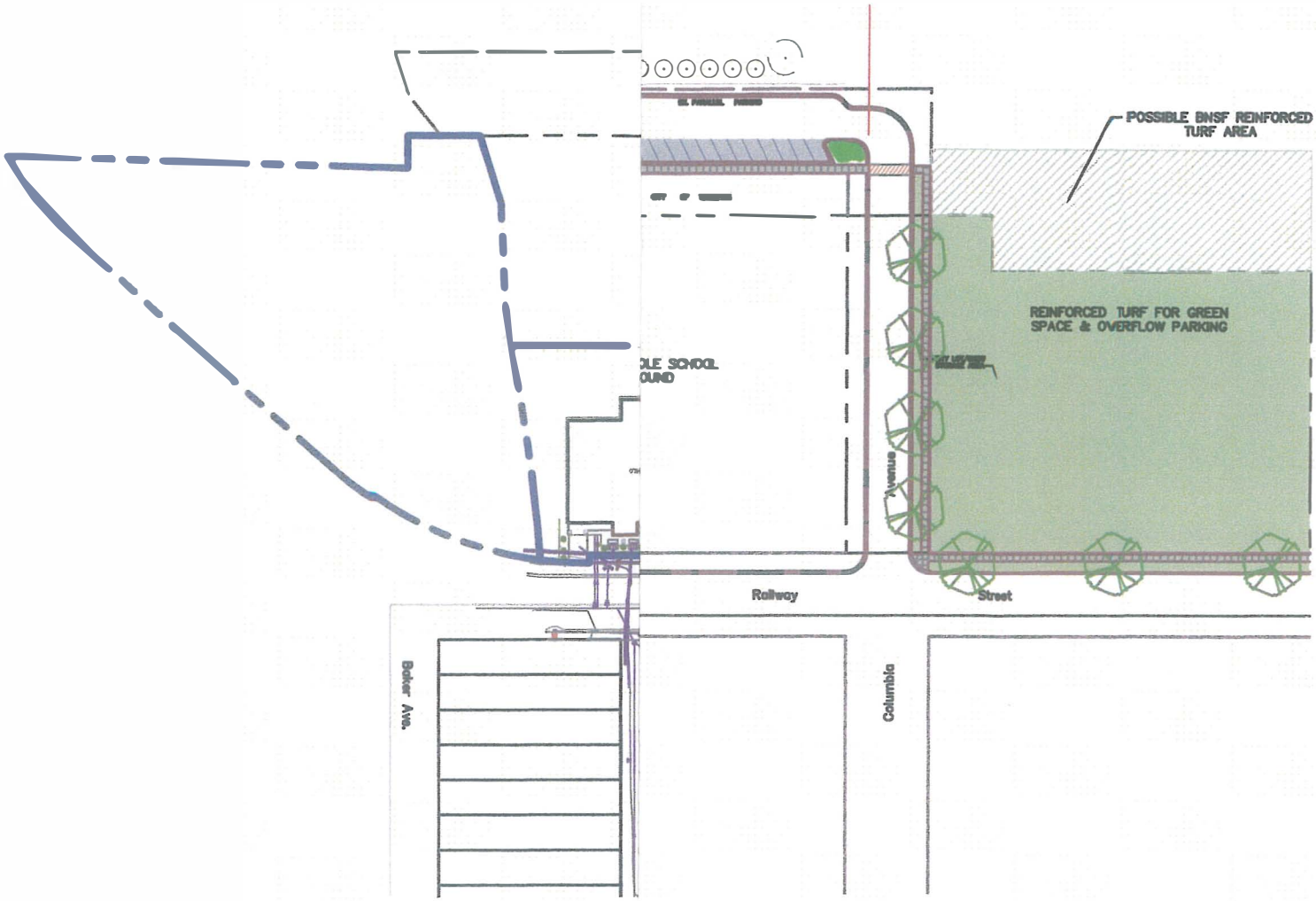
Depot Park 1961



Depot Park 2006



City of Whitefish Parks and Recreation

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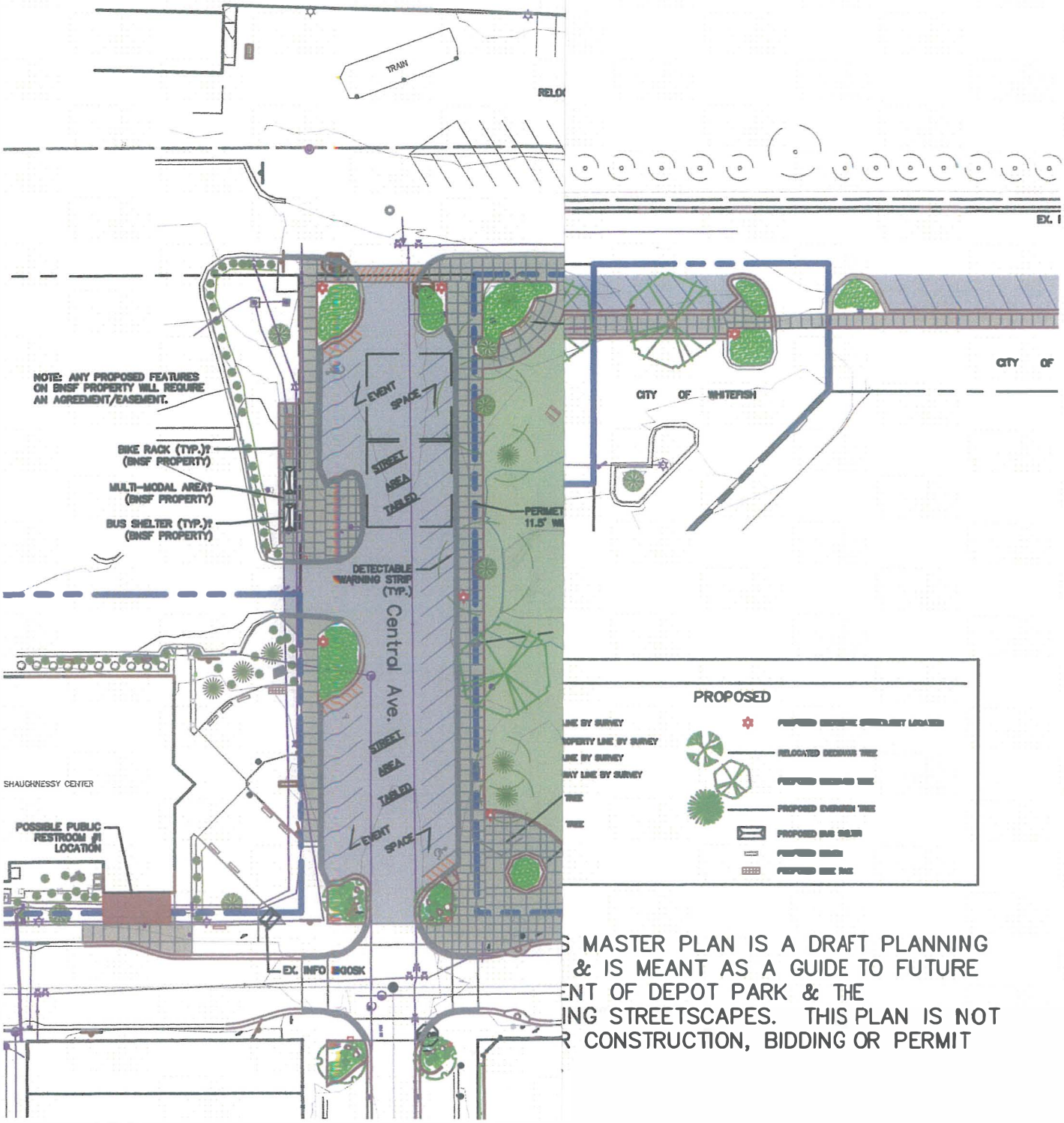

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boodyla@bruceboody.com

I. Purpose of the Plan

Depot Park is the last open space in the heart of the Whitefish's downtown. It is the venue for many summer festivals and events. It is also a place where families have picnics and one can enjoy a book. This park is loved by residents and visitors alike. It is nestled between the train depot, the city library and the O'Shaughnessy Center at the north end of Whitefish's downtown.

In 2010 the City of Whitefish Parks & Recreation Department decided to develop a Master Plan to address the Depot Park area and the surrounding streetscapes. The intent was to update and enhance the Park to meet the greatly expanded use, make the park more functional for community events, daily use and enjoyment, to create a terminus to the downtown Central Avenue improvements and gateway for the historic Depot building. The Master Plan was to build on the foundational ideas and decisions made in the Whitefish Downtown Business District Master Plan.

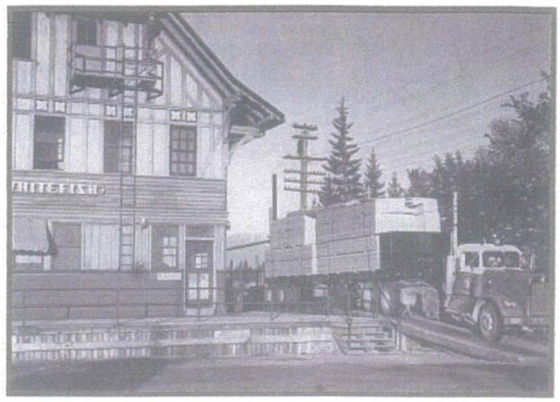
The purpose of this plan is to set a vision for the park and lay a foundation for future park development. The plan establishes goals and objectives for park development and use, and identifies next steps.

II. Historical Perspective

Depot Park, the community parkland in the heart of downtown Whitefish, is an essential and dynamic place for community gatherings and events. The park provides a welcome setting for the historic train depot directly to the north and an attractive terminus for Central Avenue. Depot Park has, over the years, experienced an interesting evolution. Originally, the property functioned as railroad property open space and eventually led to serving as the location for temporary railroad housing. From there the property turned to Burlington Northern Credit Union ownership and the credit union structures were built. In 2009 the City of Whitefish acquired the property giving the community a centralized downtown green space in perpetuity. The Park and adjacent streets are both intensively used for events and also provide important support for the downtown business district.

As the park has evolved, so has the downtown area. The area, comprised of the O'Shaughnessy Center, the Whitefish City Library and the associated roads and infrastructure, historically was a vacant lot and a storage area for gravel, snow and automobiles. Private donors, with the City as their partner, made possible the area that exists to serve the public today, known as the Community Center. Depot Park, sitting in the heart of the Community Center area, is host to many community events year round.

Over time, the Park and surrounding streetscapes have evolved. From the 1940's through the 1960's "Depot Street" was primarily a working railroad spur and the Depot's south platform was the loading area and ramps. The properties west and east of Depot Park block were, for the most part, vacant with only temporary uses and very little activity on the streets. Through the 1970's and into the 1980's the west and east parcels served as gravel and snow storage areas and overflow used car lot.

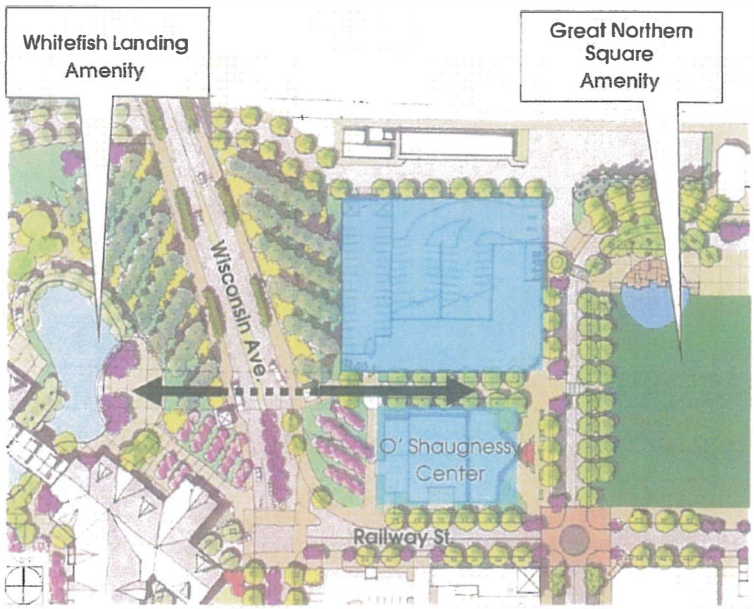


In the 1980's the City of Whitefish began to look at these properties as vital to the future of the Central Business District. When the Mountain Mall on U.S. Highway 93 South was proposed, an alternate mall was proposed on the block west of Depot Park. Though that proposal was never realized, the City's interest in the three blocks remained. The community's and City's vision was realized through adoption of the Community Center Master Plan. Through negotiations the City eventually purchased the blocks west and east of the de *facto* park block that was under Burlington Northern Credit Union ownership.

Through a public-private partnership the utilities and portions of the surrounding streets, along with the O'Shaughnessy Center and Library were built. The City continued its interest in the Park block and the importance was reaffirmed in the Whitefish Downtown Business District Master Plan [2006]. The City completed purchase of the Park block in 2009.

Whitefish Downtown Business District Master Plan

The Downtown Business District Master Plan process was begun in 2002 and culminated in the adoption of the plan in 2006. The Plan identified several issues related to Depot Park [called Great Northern Square in the WFDBD Master Plan] that help set the foundation for the Depot Park Master Plan. Most important among those issues is that the Park would remain an open, flexible green space to serve both daily use as well as events. There would be both turf and paved areas, suitable for passive and active uses and possibly some type of a water feature.



Wisconsin Pedestrian Underpass

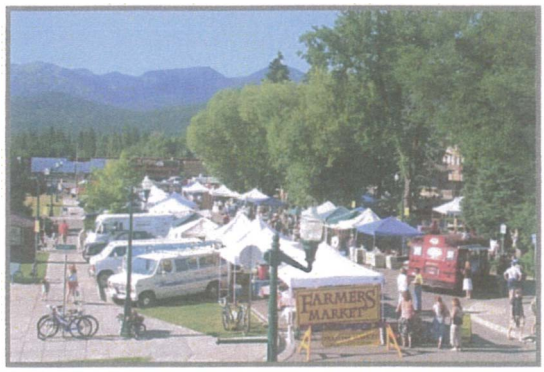
Other elements in the Business District Master Plan have an influence on the Park including: a proposed parking structure to the northwest [currently owned by Burlington Northern Santa Fe], a proposed pedestrian-bicycle underpass to tie the commercial Railway District to the downtown and the Central Avenue streetscape.

I. Existing Conditions

Location
Depot Park is located in the center of the Community Center area and is the northern anchor to the downtown business district. To the south of the Park, across Railway Street, there are several small businesses and offices. It also serves as the visual foreground and physical link to the historic Whitefish Train Depot. The Depot is a very important center of activity and is the busiest Amtrak Station between Minneapolis and Seattle.

Parkland
The Depot Park property is a city block, consisting of 1.93 acres [84,050 square feet]. Adjacent rights-of-way, often used in conjunction with park events, total 1.51 acres [65,950 square feet]. Together, the entire park area is roughly [3.5 acres 150,000 square feet]. The adjacent rights-of-way are also intensively used in conjunction with the larger events, but they also function for business district parking, vehicle and pedestrian circulation and a visual attraction to the downtown. The Master Plan area includes Depot Street to Columbia Avenue and the east block of the 'community center' area (snow storage lot) and the adjacent Columbia and Railway Street right-of-ways.

The Park's main features are its trees and open lawns. There are two structures within the park boundaries – the former Parkside Credit Union building and the credit union's drive thru. The main building is now home to the City of Whitefish Planning & Building and Parks & Recreation Departments. This building will remain in place until a new city hall is constructed.



Activities
Depot Park is the setting for numerous events including: the weekly Farmers' Market, Huckleberry Days, Art in the Park, Octoberfest and Taste of Whitefish. It is used for many other events, reunions, receptions, concerts and daily activities. The Park is used daily by the public such as walkers, dog walkers, picnickers, frisbee, family games and school athletes.

II. Depot Park Master Plan

A. Design Goals, Objectives and Recommended Actions

The following goals and objectives shall serve as a vision for the park and guide its development:

A. Goal: Preserve and enhance the unique character of Depot Park.

Objectives: Maintain as an open green space, as a terminus of Central Avenue improvements and as a forecourt for the historic Depot building.
Compliment surrounding architecture with proposed park elements.

Recommended Actions:
Assess the health of the existing trees and preserve to the extent possible
Install Central Avenue standard furnishings.
Develop streetscape dimensions and character to match Central Avenue.

B. Goal: Depot Park will be planned to maximize the flexibility of the parks' space and provide for diverse users.

Objectives: Develop a flexible, open green space that is not highly programmed
Maximize event space and usage.
No permanent structures shall be located within the park

Recommended Actions:
Minimize hardscape within the park – keep hardscape to the perimeter of park.
Remove existing structures in phases.
Develop a covered pavilion for small performances and daily use.
Provide events spaces in streetscape areas.

C. Goal: Enhance the daily use experience in Depot Park.

Objectives: Improved pedestrian access and circulation.
Provide improved open green space for passive recreation.
Provide ample parking and other facilities.

Recommended Actions:
Develop a location for public restrooms.
Develop a water feature area.
Develop a covered pavilion for a gathering/picnic space.
Develop a historical/interpretive signage area.
Increase parking.

D. Goal: Manage Depot Park as one of the last open spaces in downtown.

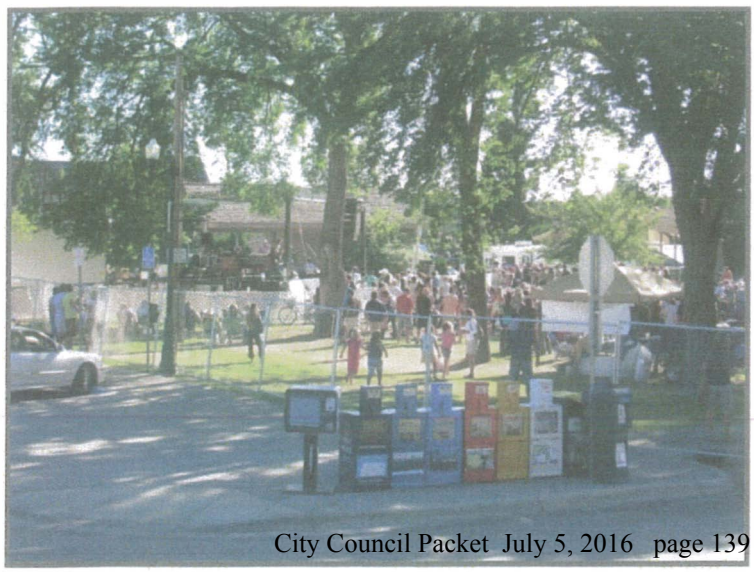
Objectives: Protect the public investment in the park.
Recognize the varying needs of all of the users of the park.

Recommended Actions:
Develop and implement an operation and maintenance plan to protect Depot Park.
Limit the frequency & size of events.

E. Goal: Develop Depot Park with a 100-year vision.

Objectives: Development of the park will be timeless and have a simple design.
Development of the park will be flexible so as to respond to community evolution and allow for the largest variety of events.

Recommended Actions:
Use quality materials.
Plant long-lasting trees.



B. Depot Park Master Plan Narrative

Summary

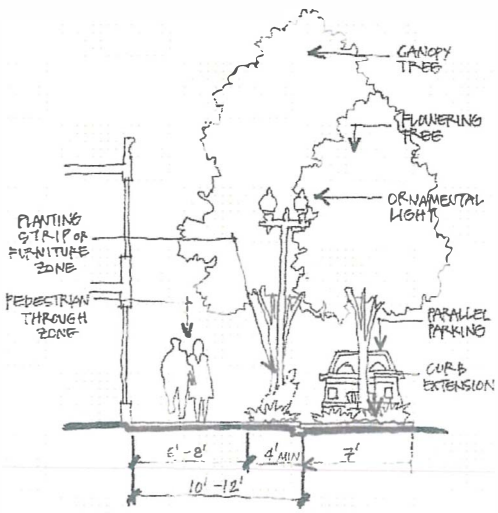
The main features of the renovated Park will be the greatly expanded open lawn areas and greatly improved visuals. Approximately 30 % of the Park is currently occupied by structures, paved parking areas and a dilapidated pond. Besides occupying a significant portion of the Park, the existing structures block the visual connection from the business district to the historic Depot. The early removal of the drive-thru portion of the former bank facility along with the associated parking could provide some much needed and immediate additional green space. Eventually, as decided through the public process in the Whitefish Downtown Business District Master Plan and supported by the Depot Park Steering Committee, all the permanent, occupied structures will be removed. The Park perimeter will be enhanced with a newly revitalized streetscape to match the characteristics of the newly re-built Central Avenue. The new streetscape will significantly alter the use patterns at the Park, allowing for much greater flexibility for event staging. There will also be enhanced paved pedestrian areas at the four corners of the Park, meant to act as a backdrop and as gathering/small event spaces. There will also be enhanced benches at the park perimeter and un-anchored picnic tables within the park green space.

Corners

Each of the corner to the park will provide a unique gateway into Depot Park. The southwest entry to the park will feature a large raised planter to entice downtown users into the Park, provide a seat-height resting area and act as a foreground element to the Park and historic Depot. The northwest corner will primarily be an enhanced seating area among existing trees. The northeast corner, directly across from the Depot, will serve as an historical interpretive area and a gathering space. The southeast corner will have an expanded hard surface area and a 24-foot wide gazebo structure. The gazebo will serve as an informal covered space for daily activities and as a small performance space.

Streets

The adjacent tabled street areas of both Central Avenue and the northern portion of Spokane Avenue are meant to serve as the primary hard surface, intensive use areas-leaving the Park block as primarily open, flexible event and green space. The tabled street areas will add flexibility for events and circulation. One of the streets will remain open at all times. New scored concrete sidewalks will be 11.5-feet in width, new streetlights with flower baskets and banner arms and new street trees, where appropriate, will set the character for the Park.



Pedestrian Emphasis Streetscape Elements

Crown Fountain

Water Feature
Rather than having walkways traversing the Park, there is a water feature proposed as a visually blending attraction at the Park's center. While being unobtrusive, it would be an attractant when either the water jets and/or the lights are activated. The water feature would be flush with the lawn surface and its surface would be made of a dark blue-grey stone to be both visually unobtrusive and allow unrestricted and flexible event use when not activated.

Trees
The existing trees in Depot Park are an important feature. An arborist review of all the existing trees in the Park was undertaken early in the design process. As a result of that review and the renovation of the Park, there will be some changes to the overstory. Four trees of various small caliper will need to be relocated to accommodate new features in the Park and adjacent right-of-way. Twelve trees will need to be removed due to condition or Park renovation. Of those, 5 were identified as dead, 4 in poor condition and 3 in good condition. Four new trees are proposed to be added to the 20 remaining trees. All but one of the existing conifers will remain.

Lawn
The bulk of the Park block will remain as open, flexible lawn area. The lawn area will be updated with turf reinforcement where possible, soil amendments, re-grading and leveling for drainage and enhanced usable areas, new irrigation and sleeving for event tent setup.

Master Plan Features Outside the Park Proper
The following features, while not within the bounds of the park, are important to serve users of the park:

Angle parking on the south side of Depot Street between Spokane and Columbia Avenue.

A multi-modal area north of the O'Shaughnessy Center, to serve those using alternative modes of transportation including bicyclists, the Snow Bus, intercity transit, Rimrock bus service and Amtrak. There will be maps and an information kiosk. There is also a parking structure identified in the Downtown Business Plan.

Enhanced open space lawn area on the block east of the school playground (known as the snow storage lot), to serve the adjacent neighborhoods and be an adjunct space to Depot Park for activities and overflow parking.

Tabled intersections at Spokane Avenue and Depot Street and also Spokane Avenue and Railway Street, to function as additional event space.

Street reconstruction to match Central Avenue and provide more pedestrian friendly environment.

Potential public restroom facilities are also identified at the south side of the O'Shaughnessy Center and the west side of the Library, to serve the daily user of the park and downtown business district.

IV. Public Participation Process

Steering Committee
The Depot Park Steering Committee, appointed by the City Council, was charged guiding the planning process. The Steering Committee met monthly from May 2011 through February 2012. The Committee offered suggestions and input into the design of the Master Plan. Steering Committee members are:

Karl Cozad	Whitefish Parks and Recreation Dept. Director
Chris Hyatt	Whitefish City Council and Park Board
Susan Schnee	Whitefish Park Board
Chris Schustrom	Downtown Business District
Jill Evans	Stumptown Historical Society
Kevin Gartland	Whitefish Chamber of Commerce
Nancy Svennungsen	Farmers Market
John Phelps	At Large
Greg Gundersen	At Large
Tee Baur	At Large

Stakeholders
For the purpose of this plan, stakeholders are groups or entities that either are located in close proximity to the park, have special needs related to park develop ment or are major users of the park facility. At the beginning of the master planning process, staff and the consultant team identified and met with the following stakeholders:

BNSF	Doug Schuch
	Ricco Montini
O'Shaughnessy Center	Carolyn Pittman
Farmers Market	Rhonda Fitzgerald
Chamber of Commerce	Kevin Gartland
Whitefish Christian Acad.	Todd Kotila
School District 5	Kerry Drown
Whitefish Community Library	Joey Kositzky

Also, the Design Team met with stakeholders, as necessary during plan development, to get feedback on specific aspects of the master plan. Overall, stakeholders were in support of the plan and concerns raised during their review were addressed.

Public Open Houses
Public open houses were held at specific points along the design process.

Open House #1 (Thursday June 9, 2011) was held early in the process to preview background and existing conditions information; determine how the park is currently being used; and what works well and what could be improved within the park.

Open House #2 (Wednesday August 10, 2011) presented the Preliminary Master Plan. Designers wanted feedback on proposed elements.

Open House #3 (Wednesday January 25, 2012) presented the final master plan (prior to presentation to Parks Board and City Council for adoption).

In addition, the public provided feedback to the Parks and Recreation Department staff directly throughout the project process which was shared with the Design Team. During the Farmers' Market in the summer of 2012, the Parks Department held an open house to solicit public comments.

V. Expected Next Steps

Adoption of the Master Plan
Following Park Board Review and Public Hearing in February of 2012, there will be a Public Hearing at Whitefish City Council. It is anticipated that the Public Hearing will be scheduled for March 2012.

Funding
The City is currently reviewing and prioritizing projects to be funded out of the Tax Increment Funds. In the Whitefish Downtown Business District Master Plan, Depot Park (Great Northern Square) was listed as one of the five Priority Catalyst Projects, along with Public Parking, Central Ave., City Hall, and Baker Mixed-Use Redevelopment.

Design and Construction
Once funding is in place the City would issue a Request for Qualifications for design and engineering consultants, for the detailed design and construction documents phase of the project.

Following the detailed design work and Council approval, the project could go out for construction bids. Depending on funding, it is possible that the project might need to be phased. Part of the phasing process would be the removal of the Whitefish Planning, Building and Parks & Recreation Department building when a new City Hall is constructed.

Pros and Cons of Keeping or Demolishing current building in Depot Park
DRAFT Prepared: 6/24/16

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	Could remove other buildings and the parking lot and keep the main building for a short term (Park Board idea)
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)	

Chuck Stearns

From: joeyk@whitefishlibrary.org
Sent: Wednesday, March 16, 2016 11:07 AM
To: Maria Butts
Subject: Master Plan for Depot Park

Good morning Maria,

First, thanks Maria for everything you do to make our community so special. Secondly, thank you for alerting me concerning the discussion on the Depot Park Master Plan.

I would like to voice my concerns about removing the City Parks & Rec building. I agree with the comments regarding the many functional uses for the building as reflected in the minutes you forwarded.

I have always thought that if Parks & Rec ever relocated that the building would be a perfect location for the Visitor's Bureau. It is an attractive building that sits in the very heart of our community. The first 'welcome to Whitefish' that reflects our spirit and pride to visitors arriving on the train, or the bus, is our beautiful park. And the first place they come to for information (because they have no idea where the present Visitor's Center/Chamber is located) is the library. When we direct them to the Visitor's Bureau their first question is "is it very far to walk?" as they are pulling their luggage in the rain.

Having lived here for 56 years, I must admit I am very sentimental when it comes to our community. I am also aware that change is often good. However, sentiment and change aside, common sense tells me that demolishing a perfectly functional building to make more 'green space' and then constructing a gazebo to basically take its place is not the wisest use of the land OR our tax dollars.

This is strictly my personal opinion and I am definitely not speaking on behalf of the library.

Thank you!
joey

Joey Kositzky, Director
Whitefish Community Library

9 Spokane Ave
Whitefish, MT 59937
(406)862-9914
fax (406)862-1407

Chuck Stearns

From: Tee Baur <etbaur@baurproperties.net>
Sent: Tuesday, March 15, 2016 8:02 PM
To: Maria Butts; 'John & Melisa Phelps'; 'Kevin Gartland'; 'Greg Gunderson'; 'Chris Hyatt'; 'Schustrom, Chris'; 'Jill Evans'; 'Mark Svennungsen'; Susan Schnee; Jill Evans; 'Ricco Montini'; 'Rhonda Fitzgerald'; 'Joey Kositzky'; carolyn@whitefishtheatreco.org; 'Drown, Kerry'; gbristol@whitefishacademy.org
Cc: John Muhlfeld; Chuck Stearns; 'Bruce Boody'; 'Ryan Mitchell'
Subject: RE: Depot Park Master Plan

Maria,

I want the City Council to know how disappointed I am in the possibility of their voting to change the approved Master Plan of Depot Park. There was considerable time and debate in arriving at the Master Plan, because all of us on the planning committee felt that Depot Park is a unique opportunity for the City of Whitefish. Depot Park will be a real 'gem' when the Master Plan is adhered to and completed. While the existing park with the old Park Saving building is very functional, an entire block solely for the green-space of Depot Park will be an even bigger draw for downtown Whitefish than the current park. The prospect of the old Park Savings building remaining is not acceptable as it would not just be a visual protrusion into the park(as it is today) but it is also a people blocker for those wanting to access the park. The implementation of the Park Master Plan will do more for the downtown businesses and entire City of Whitefish than the possible rental stream from the existing building.
I have personally funded the lighting of evergreens in Depot Park to highlight the park in the winter and I hope to make further donations to light additional trees because I feel Depot Park can be so special for the City.
I appreciate the council's consideration of not changing the Depot Park Master Plan.
Respectfully submitted,

Tee Baur
211 Huckleberry Ln.
Whitefish, MT 59937

From: Maria Butts [mailto:parksadm@cityofwhitefish.org]
Sent: Tuesday, March 15, 2016 6:29 PM
To: 'John & Melisa Phelps'; 'Kevin Gartland'; 'Greg Gunderson'; 'Chris Hyatt'; 'Schustrom, Chris'; 'Jill Evans'; 'Mark Svennungsen'; Tee Baur; Susan Schnee; Jill Evans; 'Ricco Montini'; 'Rhonda Fitzgerald'; 'Joey Kositzky'; carolyn@whitefishtheatreco.org; 'Drown, Kerry'; gbristol@whitefishacademy.org
Cc: 'John Muhlfeld'; 'Chuck Stearns'; 'Bruce Boody'; 'Ryan Mitchell'
Subject: Depot Park Master Plan

Good Afternoon Depot Park Steering Committee Members,
On March 7, 2016 Whitefish City Council addressed the following agenda item: "Discussion of initiating a process to consider changing the Depot Park Master Plan so as to consider not demolishing the existing building in Depot Park**."** After some discussion, the Council decided to look into the concept further. I have attached the draft minutes of the meeting for your referral. It can be found on page 6, item 12.c.. The City of Whitefish feels that it is important to begin this dialogue with the Depot Park Steering Committee Members. Therefore, I would like to invite all of you to the City Hall Council Chambers, 1005 Baker Street, on April 6th at 4pm to take part in this discussion. If you are unable to attend, please feel free to either send a representative in your place or send your written comments to me prior to the meeting.
Sincerely,
Maria Butts
Director of Parks, Recreation and Community Services
City of Whitefish
PO Box 158
Whitefish, MT 59937

406-863-2471

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Version: 2016.0.7442 / Virus Database: 4540/11795 - Release Date: 03/11/16

Chuck Stearns

From: John Phelps <jjohn016@centurytel.net>
Sent: Thursday, March 31, 2016 4:54 PM
To: Chuck Stearns
Subject: Fwd: Development of Depot Park

From: John Phelps <jjohn016@centurytel.net>
Date: March 30, 2016 at 5:07:52 PM HST
To: cstearns@cityofwhitefish.org
Subject: Development of Depot Park

Hello Chuck,

Would you please pass my comments (below) on to the Mayor and City Council.

I'm writing concerning the recent proposal to reconsider the adopted Depot Park Masterplan with a view toward keeping the existing building located in Depot Park. In my opinion it is the worst idea to come before the City Council in some time.

This Council is known for having an effective and enlightened approach to the long term good of the City. The decision to spend a very significant amount on a city hall and an elevated parking garage, although controversial to some, evidenced to me the Council's ability to appreciate the importance of looking to the future, and to appreciate the need to invest heavily in the downtown area, to serve the public, and to provide for City employees. To me, the idea of significantly reducing the size of Depot Park in order to maintain an obsolete building and produce a modest stream of income, at the expense of downtown, the Downtown Masterplan, and the greater Whitefish community, represents backward thinking.

I was employed by the City at the time that the City Council decided to invest $3.8 million in the purchase of Depot Park. I attended every staff meeting and Council meeting at which the purchase was discussed. I don't recall any discussion of purchasing the park in order to acquire some low quality commercial rental property. The land was acquired in order to preserve and expand Depot Park.

I had the opportunity to serve on the citizens' committee to devise a master plan for Depot Park. I attended every meeting. All were well-attended by the other committee members. We all took our mission seriously. Of course we discussed whether there was any reasonable utility in retaining the existing buildings. It was not an extended discussion, because preserving the

buildings made no sense. We could not identify any good reason for preserving any of the buildings, and we identified numerous reasons for demolishing them and increasing the land available for use by the community. It would be pointless to re-assemble the original committee to reconsider the preservation of the existing building. The result would be the same, although it would be, perhaps, more emphatic.

I could go on for some time about the need to use every square inch of Depot Park for the benefit of the community. I'm confident that other individuals will adequately cover the point.

I will be out of town for the Council's April 6 meeting. I hope you will consider my comments, as well as those of the other committee members and the Park Board. Thank you for the wonderful job that you do for the community. John Phelps

Sent from my iPad

WHITEFISH COMMUNITY
LIBRARY

May 25, 2016

Hon. Mayor and City Council
The Park Board, City of Whitefish
Ms. Maria Butts, Director of Parks, Recreation, and Community Services
504 Central Ave.
Whitefish, MT 59937

Dear Whitefish Representatives:

As an immediate neighbor of Depot Park, the Whitefish Community Library (WCL) has closely followed planning for that park. Because our facility and patrons are heavily impacted by Depot Park activities, we have appreciated the City's request for our feedback whenever events are proposed that may close our street or impact our library operation. Consequently, our WCL Board of Trustees and staff would like to offer the following comments:

- When the Depot Park Master plan called for the removal of the current Parks' Department structure, we were dismayed because we feel strongly this would be a waste of an attractive, serviceable structure. We are pleased to hear that demolition is being reconsidered. We believe this attractive building does not "impede" either the viewshed or the welcome-aspect of Depot Park; in fact, we feel it is particularly positioned to offer a warm welcome to visitors. **It is a valuable City resource and prudent stewardship would dictate retaining it.**

- The existing building serves well as a City office annex. Having the Parks Department located in one of the most active City parks is beneficial. Depot Park events severely impact all immediate neighbors, and **it is definitely beneficial to have Park staff located right in the park for monitoring of such activities during business hours.**

- We support Depot Park and have done what we can to mitigate these events' effects on our operation. Thanks to the City, we have re-signed our parking lot; however, unless we can find a full-time volunteer to "staff" our parking lot, we anticipate that during the Farmers' Market and other Depot Park events, library patrons will continue to find it difficult or impossible to access the WCL due to our parking spaces being consumed by Park visitors. This is very hard to explain to, for example, elderly or infirm patrons who cannot park within two blocks of the library. **Depot Park parking and event overflow so impede our patrons' accessibility to the WCL that we often have to close the library during big events.** The more events that occur, the more often library service will be compromised.

- While a pavilion seems like a lovely idea, it may be the "straw that breaks the camel's back" for Depot Park. The Park's natural resource (turf, landscaping, ambience) are already severely compromised by the amount of scheduled activities occurring there, and it would be a shame to remove, or jeopardize the health of, the beautiful, mature trees on that corner. **Adding a pavilion to attract more events may make it nearly impossible to maintain the park's environmental condition.**

9 Spokane Avenue Whitefish, Montana 59937 (406) 862-9914

- **We also question why it would be considered necessary to remove a building on the southwest corner to "preserve the viewshed" and yet construct another on the southeast corner that would have the same effect.** When you spend a day there, you will see that a high percentage of Depot Park visitors approach Depot Park from the southeast.

- **One rule of thumb for a properly done recreational installation is that it should be adequate to support its own needs.** If a pavilion is going to be added, there should be adequate "support structure" accommodated within the Park facility for the additional events that it will attract; any proposed addition should accommodate *all its own needs* for restrooms, parking, access, electrical power, dressing rooms, etc. Our existing Park facility already cannot accommodate all its own needs for such purposes, and will increase the demands on neighboring facilities' parking, restrooms, etc. How does the City plan to address those needs?

- **If the pavilion *is* going to be constructed, why not configure the existing Parks structure to fulfill some of the unmet needs in the area?** Whitefish needs a welcome center for train travelers and other tourists. The Park lacks a dressing room facility and the existing restrooms are too distant from the proposed Pavilion location for practical use. We also do not have sufficient public meeting rooms in our community. **All of these needs could be met within the existing structure, and it could serve as a revenue- generator for the Parks Department to help offset the Depot Park event impacts.**

- As noted, current Depot Park events already exceed the Park's support resources. The proposed pavilion's neighborhood impact-area encompasses the WCL campus; consequently, our library patrons' access to their restrooms, parking, and services will become even more compromised by these events. Our private-entity neighbors are experiencing similar effects. **If a private developer were proposing to similarly impact neighboring entities' operations, what limitations/requirements would the City impose on that project?**

The Whitefish Community Library Board and staff are supportive neighbors of Depot Park and we are pleased the City may be reconsidering the removal of the existing structure. We are also grateful for this opportunity to offer our comments and observations on the related proposals. Thank you.

Sincerely,

Anne Shaw Moran
Chair
WCL Board of Trustees

cc: Joey Kositzky, WCL Library Director

DRAFT

Park Board Meeting Minutes
June 14, 2016

Park Board Members Present: Ron Brunk, Jim DeHerrera, Frank Sweeney, Susan Schnee, Terri Dunn, Ray Boksich and Doug Wise
Park Board Members Absent: None
Guest: None
City Staff Present: Maria Butts, Chuck Stearns and Mary Blubaugh

A. Call to Order: 7:02 pm
B. Approval of June 14, 2016 Agenda- Member Sweeney moves to approve. Vice President Brunk seconds. All ayes; the agenda is approved.
C. Approval of the May 10, 2016 Minutes – Vice President Brunk moves to approve. Member DeHerrera seconds. All ayes; the minutes are approved.

D. Approval of the May 25, 2016 Special Meeting Minutes – The agenda had an incorrect date for this meeting. Vice President Brunk moves to approve. Member Sweeney seconds. All ayes; the minutes are approved.

E. Public Comments – Joey Kositzky from the Whitefish Community Library told the Park Board the library's Board of Trustees wanted her to highlight part of the letter, which was included in the Park Board's packet. They question the necessity of removing a building to preserve the view, yet constructing another building on the other corner. If a pavilion is going to be constructed, why not configure the existing structure to fulfill the unmet needs of the area? Having the Parks Department located in one of the most active City parks is beneficial. They would like to see the Parks and Recreation staff remain in the existing building.

City of Whitefish City Manager Chuck Stearns told the Park Board he is here as a resource in the matter of Depot Park. The Park Board has a list of Pros and Cons, which Chuck created. The existing building is 2,386 square feet and is insured for $402,000.

F. Committee Reports

a. Bicycle/Pedestrian Committee – Member DeHerrera said the approach to Skye Park Bridge has been delayed. BNSF is moving forward with easement access to Birch Point.

b. Tree Advisory Committee – Member Dunn said the committee walked 7th Street to look at tree replacement. They will consult with homeowners as much as possible.

c. WSFF Board Meeting – Neither Vice President Brunk nor Member Sweeney were able to attend. They did view the May financial report. The finances were very tight, as May was a quiet month. The ice will come out next week for repairs to the rink. Member Sweeney asked if the curling club is coming back. Director Butts said no.

d. WAG Board Rep Committee –The minutes for their May meeting were included in the packet.

G. Presentations - None

H. Public Hearings - None

I. Old Business - None

J. New Business

a. Consideration to remove or keep the Depot Park building was discussed. City Council is asking for a recommendation from the Park Board. President Wise opened it up for discussion.

The Depot Park Master Plan was created in 2010. The intent was to maintain open green space. After public consideration, it was decided to remove the building at some point. The master plan was to be implemented in phases.

Member Boksich said he is more in favor of the building going. He would still like to see bathrooms in the park. Having either the Whitefish Convention and Visitors Bureau (WCVB) or the Chamber of Commerce there is a good idea. He talked to his block of neighbors, and the majority want the building to stay.

Member Sweeney is on the fence. He sees great value in the Depot Park Master Plan, which was a public process. It is still a good building with an opportunity to lease it at the market rate. Leasing could help pay back TIF funds. Personally, he would like to see the building remain for another 4 or 5 years. He thinks it would offer value to the City. Frank believes it is a timing issue versus whether to keep it or not. He would like to keep the building for several years (possibly 4 or 5), then have it removed. He might consider taking out the parking lot now for more green space.

Member Dunn is also mixed. If we put a time frame on the demolition of the building, we will find ourselves back here after 4 years. Terri would like to hear what Member Schnee has to say, as she was on the original Depot Park Master Plan committee.

Vice President Brunk supports the Depot Park Master Plan, but we don't have the money to tear down the building. This is not a phase we can act on right now. He would like to lease it for a set time and demolish the building at a later date. The Depot Park Master Plan is the voice of the people, and we should try to follow that.

Member Schnee served on the Depot Park Master Plan committee. She believes there will be push back if we don't get rid of the building. She would prefer a community building and would like to keep the parking lot until it is time to demolish. She does not want the building to be leased to a commercial entity. We must have a definite timeline for getting rid of the building.

Member DeHerrera agrees with Member Sweeney. There should be a strict timeline for how long we keep the building. At the end of that timeframe there should be no more discussion and the building goes. He believes the building should serve the public or be of public benefit. He would like to see the parking lot go.

President Wise believes we should go in the direction of the Master Plan. Using the structure for the Whitefish Convention and Visitor's Bureau would be an asset. He likes the timeframe idea. TIF ends in 2020. We would have 3 years to generate revenue if the lease starts in 2017. He would like to revisit what to do with the building after TIF ends versus having a set timeline for demolition.

Member Schnee asked how do we determine who to lease it to? Do we turn down a restaurant that may want to be at Depot Park?

Chuck Stearns said the lease would be under the Park Board. He originally thought the building should stay and provide public bathrooms. There are good points on both sides. He can see potential longer use for the building. Should the City grow out of space at the new building, the Parks and Recreation Department could move back. He would prefer to keep the building.

Member Sweeney asked if the revenue stream belongs to the Park Board. Chuck said the revenue stream would go back to TIF.

Member Schnee would like to eliminate commercial use for the building and lease only to non-profits.

Chuck Stearns said the Park Board would be able to determine the specifics of the lease. Chuck also said occupancy for the new City Hall is April 4, 2017.

Director Butts said if we propose a timeframe the Chamber and WCVB may find it challenging to move into a building for a short amount of time.

Member Schnee asked if we lease the building, must we provide parking. Chuck Stearns said the current code says if you build now, you must provide parking. If you take the parking out, you may run into opposition from City Council. It limits the attractiveness to potential tenant if you don't provide parking.

Member Boksich made a motion to postpone the demolition of the building at Depot Park and put it up for a lease rental for up to 5 years. At the end of that time the building would be removed. The parking lot would be removed and not be part of the lease.

Member Sweeney seconds and make a friendly amendment. The lease will be to a civic nonprofit at market rates and those funds, for the life of TIF, shall be paid to TIF and after TIF expires, the revenue stream goes to the Park Fund.

Member Sweeney clarified at the end of the lease the building is either removed or a Master Plan committee be reconvened to determine the future of the building.

A vote was taken with 3 ayes and 4 nays. The motion fails.

Vice President Brunk made a motion to postpone the demolition of the building at Depot Park and put it up for a lease rental for up to 5 years. At the end of that time the building would be removed. The parking lot will remain for the period of the lease. The lease will be to a civic nonprofit at market rates and those funds, for the life of TIF, shall be paid to TIF and after TIF expires, the revenue stream goes to the Park Fund.

Member Dunn seconds.

A vote was taken with 4 ayes and 3 nays. The motion passes.

b. Bakke Nature Reserve Parking Lot - Director Butts told the Park Board there was a change to the bid alternate for the parking lot. The 10 stall original project was changed to a 5 stall lot in the western portion. This is paid for with Resort Tax. The Resort Tax Committee has approved the funding.

Vice President Brunk made a motion to accept the estimated cost and design for the 5 stall parking lot as presented.

Member Schnee seconds. A vote was taken with all ayes.

c. Bakke Nature Reserve Future Plans – Director Butts met with Joel Pemberton with Rotary. The Rotary would like to assist us in developing the property as their Great Fish project. Someone has asked Public Works if they could buy the remaining buildings on the property. This would give us a clean slate to work with. President Wise said Rotary would like some sort of direction so they can fundraise with a goal in mind. Maria told the Park Board a medical mile is an option. This is a good way for the Parks and Recreation Department to partner with the health community. The state is actively seeking medical miles.

Member Schnee asked if the Parks Department would have to maintain this medical mile during the winter. Director Butts said that decision is up to us and would depend on the width and type of path. The Park Board then discussed the different type of paths. Member DeHerrera would like a gravel path as it goes with the nature reserve feel. President Wise asked if the Park Board had ever discussed picnic tables out there. Member Schnee said if you have picnic tables, then you need trash cans. Vice President Brunk agrees with Member DeHerrera. The Park Board needs to honor the wishes of the Bakke family. He would like the medical mile with some benches placed at various intervals. That would be a good start.

President Wise asked about the fencing. Director Butts said removal of the fencing would be a good volunteer project.

The Park Board decided on a medical mile natural path.

d. School District Joint Facility Use Agreement – Director Butts included this agreement in the Park Board packet. The 2nd page lists the shared facilities approved by the School Board. She is seeking Park Board approval.

Vice President Brunk makes a motion to accept the MOU prepared and presented by Director Butts.

Member DeHerrera seconds. A vote was taken with all ayes.

Member Sweeney asked Director Butts if we are using the Muldown Elementary School cafeteria for the Parks and Recreation Morning and After School Program.

Director Butts said yes.

K. Items from Parks and Recreation Department

a. Administrative Report – Director Butts told the Park Board core samples from the Riverside tennis courts area are being analyzed. She will be told how much it will cost to construct the courts sometime in July.

The WAG MOU has been preliminarily approved by the WAG Board.

The Whitefish Wolverines are in violation of their lease agreement for the Warming Hut. They have been noticed by the Deputy City Attorney. Currently the Wolverines owe the Parks and Recreation Department for rent and utilities. They have also been noticed that they are responsible for maintenance and damages of the premises. Josh Steel, owner of the Wolverines, spoke with the Deputy City Attorney and disputed several of the financial obligations. Director Butts would like to meet with Josh Steel and would like two Park Board members to attend that

meeting as well as the Deputy City Attorney. Member Boksich and Vice President Brunk volunteered to attend that meeting.

Discussion regarding lifeguards at City Beach and commercial vending on the lake will be an agenda item on the July Park Board meeting.

The Parks and Recreation fee schedule will also be a topic on the July agenda.

b. Recreation Coordinator – The After School program end of year party was held on June 8th. The kids chose a Star Wars, Egyptian, Hawaiian themed party. The Volunteer to Ski program will start up in a few weeks. The program allows 11 and 12-year-old students to earn a season pass to Whitefish Mountain Resort by providing community service. Thanks to a generous donation from the Whitefish Winter Carnival, a donated season pass from Whitefish Mountain Resort and funding raised from our Spring Gear Swap, we have accepted 7 kids into this program.

b. Parks Maintenance – Due to budget cuts, weekend staffing for parks maintenance has been changed. Instead of 2 workers on weekends all day we will have one staff working half days on Saturday and Sunday. There will still be a staff member on call for emergencies. The Memorial Park basketball court installation will begin the middle of this month. Jason provided the Park Board with photos of damage/violations at the Warming Hut.

c. Community Services Coordinator – Carla has completed all hiring at City Beach. She worked with a representative with the WGM group and staff from the County Health Department to host an open house at the Parks and Recreation office at the first Farmer's Market. The intent was to seek community input for the Whitefish Bicycle and Pedestrian Master Plan.

L. Correspondence - None

M. Items from Park Board:

Jim Deherrera – None
Susan Schnee – None
Ron Brunk –None
Terri Dunn – She appreciates Jason Loveless coming up with the gazebo alternatives.
Ray Boksich had to leave the meeting after the Depot Park building discussion.
Doug Wise – Thanks to the staff. He believes the gazebo will be an asset to the park.

N. Adjourn: The meeting was adjourned at 9:20 pm

Montana Code Annotated 2015

7-8-4201. Disposal or lease of municipal property -- election. (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 members of the council.

(b) Except for property acquired by tax deed or property described in subsection (3), if the property is held in trust for a specific purpose, the sale or lease must be approved by a majority vote of the electors of the municipality voting at an election called for that purpose. The election must be held in accordance with Title 13, chapter 1, part 4.

(3) If a city or town owns property containing a historically significant building or monument, the city or town may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property. The contract for the transfer of the property must contain a provision that:

(a) requires the property to be preserved in its present or restored state upon any subsequent transfer; and

(b) provides for the reversion of the property to the city or town for noncompliance with conditions attached to the transfer.

(4) This section may not be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city that were acquired for parks within the limitations prescribed by 7-16-4223.

(5) A city or town may donate land or sell the land at a reduced price to a corporation for the purpose of constructing:

(a) a multifamily housing development operated by the corporation for low-income housing;

(b) single-family houses. Upon completion of a house, the corporation shall sell the property to a low-income person who meets the eligibility requirements of the corporation. Once the sale is completed, the property becomes subject to taxation.

(c) improvements to real property or modifying, altering, or repairing improvements to real property that will enable the corporation, subject to the restrictions of Article X, section 6, of the Montana constitution, to pursue purposes specified in the articles of incorporation of the corporation, including the sale, lease, rental, or other use of the donated land and improvements.

(6) Land that is transferred pursuant to subsection (5) must be used to permanently provide low-income housing. The transfer of the property may contain a reversionary clause to reflect this condition.

History: En. Subd. 62, Sec. 5039, R.C.M. 1921; amd. Sec. 1, Ch. 115, L. 1925; amd. Sec. 1, Ch. 20, L. 1927; re-en. Sec. 5039.61, R.C.M. 1935; amd. Sec. 1, Ch. 35, L. 1937; R.C.M. 1947, 11-964; amd. Sec. 14, Ch. 311, L. 1979; amd. Sec. 1, Ch. 305, L. 1993; amd. Sec. 38, Ch. 387, L. 1995; amd. Sec. 4, Ch. 202, L. 1999; amd. Sec. 7, Ch. 170, L. 2009; amd. Sec. 110, Ch. 49, L. 2015.

Provided by Montana Legislative Services

Montana Code Annotated 2015

7-16-4223. Leasing of municipal land for nonpark purposes. The board of park commissioners shall have the power and be charged with the duty to lease all lands owned by the city heretofore acquired for parks, whether within or without the city, which, in the judgment of the board, it shall not be advisable to improve as parks, upon such terms and conditions as the board shall deem to be for the best interests of the city. Such lands shall not be leased for a longer term at any one time than 5 years and not for a longer time than 1 year without the concurrence of two-thirds of the entire board of park commissioners.

History: En. Sec. 2, p. 75, L. 1901; re-en. Sec. 3319, Rev. C. 1907; re-en. Sec. 5162, R.C.M. 1921; re-en. Sec. 5162, R.C.M. 1935; R.C.M. 1947, 62-204(5).

Provided by Montana Legislative Services

Montana Code Annotated 2015

7-16-4222. Rules to implement part. (1) In addition to the powers and duties established in the ordinance creating the board of park commissioners and the provisions of 7-16-4223 and 7-16-4225 through 7-16-4228, the board of park commissioners has the following powers and duties:

(a) to make all rules necessary or convenient to protect and promote the growth of trees and plants in parks, streets, avenues, alleys, boulevards, and public places under the care and control of the board and for the protection of all birds inhabiting, frequenting, or nesting in the parks, streets, avenues, boulevards, and public places;

(b) to make all rules for the use of parks by the public; and

(c) to provide penalties for the violation of the rules.

(2) The rules authorized by this section have the force of city ordinances and may be enforced as ordinances of the city are enforced.

History: En. Sec. 2, p. 75, L. 1901; re-en. Sec. 3319, Rev. C. 1907; re-en. Sec. 5162, R.C.M. 1921; re-en. Sec. 5162, R.C.M. 1935; R.C.M. 1947, 62-204(3); amd. Sec. 14, Ch. 543, L. 1995; amd. Sec. 39, Ch. 42, L. 1997.

Provided by Montana Legislative Services

Chapter 2
BOARD OF PARK COMMISSIONERS[1]

2-2-1: BOARD CREATED; MEMBERSHIP:

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

A. Term Of Office:

1. Except as provided in subsection A2 of this section, the term of office of each park commissioner shall be two (2) years from and after May 1 of the year in which he is appointed and until his successor is appointed and qualified.

2. Three (3) of the commissioners first appointed shall hold office for the period of one year from and after May 1 and until their successors are appointed and qualified.

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

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

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

2-2-2: ORGANIZATION OF BOARD:

A. On the second Tuesday in May in each year, the board of park commissioners shall meet and organize by electing one of their number president and one of their number vice president, who shall hold their offices, respectively, for the term of one year.

B. The city clerk or the city clerk's designee shall be ex officio clerk of the board of park commissioners. (Ord. 96-15, 2-18-1997)

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

A. The board of park commissioners shall hold an annual meeting on the second Tuesday of May and a meeting at least once in each month in each year at such times as the board shall by rule prescribe. Special meetings may also be held at the call of the president or, in his absence, the vice president, upon giving to each member of the board at least twenty four (24) hours' notice in writing of the time and place of holding such meeting.

B. A majority of the entire board shall be necessary to constitute a quorum for the transaction of the business of the board. (Ord. 96-15, 2-18-1997)

2-2-4: POWERS AND DUTIES:

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

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

C. Park Board Powers And Duties:

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

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

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

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

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

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

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

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

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

2-2-5: CONTRACTS AND EMPLOYMENT:

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

1. To employ and discharge workers, laborers, engineers, foresters and others, and to fix their compensation; and

2. To make all contracts necessary or convenient for carrying out any and all of the powers conferred and duties enjoined upon the board by this part; provided, however, that any contract having a term of more than five (5) years must be approved by the city council.

B. All contracts made by the board must be in the name of the city and must be signed by the city clerk and by the president of the board or, in the president's absence, by the vice president of the board; provided, however, that any contract having a term of one year or less may be signed by the parks and recreation director.

C. An order or resolution authorizing the making of any contract may not be passed or adopted except by a yea and nay vote, which must be recorded in full in the minutes by the city clerk.

D. The board may elect to have all, or certain, personnel decisions made by the mayor, the city manager or the parks and recreation director pursuant to the policies and regulations governing other city personnel decisions. (Ord. 96-15, 2-18-1997)

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

June 28, 2016

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

RE: Whitefish TP, llc, 6361 Highway 93 S; (WCUP 16-04)

Honorable Mayor and Council:

Summary of Requested Action: Jordan Scott on behalf of Whitefish TP, llc is proposing to develop a three story 81-room Marriott Towneplace Suites with 90 off-street parking spaces at 6361 Highway 93 S. The property is undeveloped and is zoned WB-2 (Secondary Business District). The Whitefish Growth Policy designates this property as 'General Commercial'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit applications dated May 2, 2016 subject to 16 conditions set forth in the attached staff report.

Public Hearing: The applicant and representatives spoke at the June 21, 2016 public hearing and two members of the public also spoke. 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 June 21, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval. In making their decision, the Planning Board adopted staff report WCUP 16-04 with Findings of Fact and recommended Conditions of Approval.

Proposed Motion:

- I move to approve WCUP 16-04, the Findings of Fact in the staff report, the 16 conditions of approval, as recommended by the Whitefish Planning Board on June 16, 2016.

This item has been placed on the agenda for your regularly scheduled meeting on July 5, 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: Planning Staff Recommended Conditions of Approval
Draft Minutes, Planning Board Meeting, 6-16-16

Exhibits from 6-16-16 Staff Packet

1. Staff Report – WCUP 16-04, 6-9-16
2. Adjacent Landowner Notice, 5-27-16
3. Advisory Agency Notice, 5-27-16

The following were submitted by the applicant:

4. Application for Conditional Use Permit, 5-2-16

The following item was submitted at the Planning Board meeting:

5. Letter, Don Spivy, 6-16-16

c: w/att Michelle Howke, City Clerk

c: w/o att Whitefish TP, llc, Jordan Scott 4340 Indian School Road #21-550 Phoenix, AZ 85018
3 Engineering, Dan Mann 2929 E Camelback Road, suite 116 Phoenix, AZ 85016
Eric Mulcahy, Sands Surveying 2 Village Loop Kalispell, MT 59901
PK Architects, Michael Porter 4515 S McClintock Dr Tempe, AZ 85282
CTA Architects & Engineers, David Koel 2 Main Street, suite 205 Kalispell, MT 59901

Exhibit A
Whitefish TP, llc
WCUP 16-04
Whitefish Planning Board
Recommended Conditions of Approval
June 16, 2016

1. The project shall be in compliance with the site plan submitted on May 2, 2016, except as amended by these conditions. Minor deviations from the plans shall require review pursuant to §11-7-8E(8) and major deviations from the plans shall require review pursuant to §11-7-8. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.

2. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the City of Whitefish Public Works Department. The plan shall include, but may not necessarily be limited to, the following:
   - Dust abatement and control of fugitive dust.
   - Hours of construction activity.
   - Noise abatement.
   - Control of erosion and siltation.
   - Routing for heavy equipment, hauling, and employees, including signage to direct equipment and workers.
   - Construction office siting, staging areas for material and vehicles, and employee parking.
   - Measures to prevent soil and construction debris from being tracked onto public road, including procedures remove soil and construction debris from road 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. (Engineering Standards, Appendix K)

3. Prior to any 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, sidewalks, 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, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (Engineering Standards, Chapter 1)

4. A 60-foot right-of-way shall be fully constructed along the project's north property line connecting Highway 93 S through to the eastern boundary of the project prior to occupancy of the building. The full 60-foot right-of-way shall be dedicated to

the City prior to submitting an application for Building Permit. (Findings #3, #4, #5, #6; City Engineering Standards 2009)

5. 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 #6)

6. 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 #6)

7. 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)

8. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. (IFC)

9. A Boundary Line Adjustment (BLA) shall be obtained prior to submitting an application to create the lot for the hotel. (§11, WCC)

10. Approval from the Architectural Review Committee shall be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)

11. Swimming pool standards in §11-3-20A shall be met and shown on the building plan submittal. (§11-3-20A, WCC)

12. The refuse and recycling location shall be reviewed and approved by the Public Works Department and North Valley Refuse. (§4-2, WCC)

13. All exterior mechanical equipment shall be screened visually and acoustically. (4.6.1., Arch Review Standards)

14. A landscaping plan shall be submitted for review and approval. A landscaping buffer shall be installed along the eastern boundary of the project pursuant to the requirements of §11-4-8. In addition, all standards within §11-4-5B shall be included. (§§11-4-5B, C, §11-4-8, WCC; Finding of Fact #4)

15. Large, healthy trees shall be protected during construction. Landscape areas may need to be modified in order to accommodate the tree retention. No trees outside the CUP requested area shall be removed with this project. (Finding of Fact #4)

16. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

WHITEFISH PLANNING BOARD
MINUTES OF MEETING
JUNE 16, 2016

CALL TO ORDER AND ROLL CALL	Vice Chair Melissa Picoli Philips called the regular meeting of the Whitefish Planning Board to order at 6:03 pm. Board members present were Councilor Frank Sweeney (substituting for Richard Hildner), John Ellis, Jim Laidlaw, Rebecca Norton, Melissa Picoli Philips and Ken Stein. Chairman Ken Meckel was absent. Planning Director David Taylor and Senior Planner Wendy Compton-Ring represented the Whitefish Planning and Building Department. There were approximately 23 people in the audience.
APPROVAL OF MINUTES 6:04 pm	Rebecca moved and Jim seconded to approve the April 21, 2016 minutes without changes. **The motion passed unanimously.**
COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) 6:04 pm	None.
OLD BUSINESS: 6:04 pm	None.
PUBLIC HEARING 1: WHITEFISH TP, LLC, CONDITIONAL USE PERMIT 6:04 pm	A request by Whitefish TP, LLC, for a Conditional Use Permit to construct an 81-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6361 Highway 93 South and can be legally described as Tract 1DBD in Section 1, Township 30N, Range 22W.
STAFF REPORT WCUP 16-04 (Compton-Ring)	Planner Compton-Ring reviewed her staff report and findings. This project previously came before the Planning Board as a larger project in a different location, and included a Planned Unit Development. That application was withdrawn prior to review by City Council. To date, no comments have been received on this most current proposal. Staff recommended adoption of the findings of fact and conditions of approval within staff report WCUP 16-04, and for **approval** to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Rebecca asked why the elevator shaft, at 42'10", is not required to be enclosed. Compton-Ring said elevator shafts are exempt from building height standards. Rebecca asked if that is different than downtown, and

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	Compton-Ring replied downtown is different as it requires elevator shafts and all mechanical equipment stays under the 45' limit, but in the rest of town projections such as elevator shafts are exempt from building height standard of 35-feet. This has been in the Zoning Regulations since 1982. Rebecca also asked if they are using the Mkay Project Geotech report and Compton-Ring replied this is one of the lots within the preliminary plat and the Geotech report was done for the entire site. Rebecca also asked what Condition No. 13 means regarding screening mechanical equipment acoustically and how it is enforced. Compton-Ring replied the requirement is included to prevent an annoyance to neighbors and will be reviewed during the building permit stage.
APPLICANT / AGENCIES	Jordan Scott, President of Glacier House Hotels, the applicant, Whitefish TP, LLC, 4340 Indian School Road, #21-550, Phoenix, said it is good to be back before the Planning Board and he felt they made a lot of mistakes the first time around. To address some of the issues raised last time, Mr. Ellis asked about the carbon footprint and Mr. Laidlaw asked why another hotel is needed. Marriott has over 11 branded hotels; this is a TownePlace hotel, which is their smallest hotel footprint product type. This is their extended-stay product, which means they try to target guests who will stay for a period of over seven days. Because people stay longer, sheets are only washed every seven days, unless a guest is staying less than seven days, which has a huge impact on their water and electricity usage. Part of the brand requirement is that they be part of the Greenhouse Global Initiative, which is an industry-wide carbon footprint tracking reduction tool. Consultants come in quarterly, evaluate all utility uses, and determine where they are not maximizing a reduction in utility consumption. They will also be participating in recycling, local sustainability programs, carpool initiatives for staff and biking options. As far as why another hotel, he thinks there is a need to have a Marriott product in the market, and they chose this location because they wanted to help keep Whitefish unique by not bringing national brands to downtown. They chose their initial location, behind the Mall, as they thought it was the least burdening part of the town being off the highway, but they didn't think too much about River's Edge, which was very valued and they took it into consideration when they started over. They met with Mr. Morton and chose this new location which is flat, does not have a lot of trees and is along the highway which is great for visibility. The only current extended-stay product is in Kalispell, so they will market and try to get them to come to Whitefish. Since there will be no restaurant/bar, guests will take advantage of the wonderful,

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independent restaurants, bars and shopping downtown Whitefish has to offer. They have tried to create an architectural look to work with rest of Whitefish, rather than a big-box look. As far as the competition, he feels when these groups come to Whitefish and stay at this corporate-type hotel, they see what Whitefish has to offer and will bring their families back to enjoy it. He thinks this is a value to other hotels rather than a competition, and they will work collectively with those hotels to ensure they are maximizing any overflow of rooms.

Rebecca asked Mr. Scott whether they vacated the original proposed hotel location next to the pond and bought property since that time. Mr. Scott replied they were under contract on the eight acres, which included the frontage and four acres on the pond, and they canceled escrow because it was contingent on this process, and are now under contract with Mr. Morton, Mkay Properties, on the four acres of his eight-acre property he is developing. They are a separate entity and not in business together.

Eric Mulcahy, Sands Surveying, 2 Village Loop, Kalispell, has been helping Mr. Scott and his group with the application process for this TownePlace Hotel. As has been pointed out, they were at Planning Board a couple of months ago, went through the public hearing process, and received a lot of input and feedback from the Board and the public. They ultimately got a recommendation for denial so rather than go and try to battle this with the City Council, the developer went back to the drawing board to see if he could come up with a project to address the concerns and issues. One of the prior issues was the impact and height on the neighborhood to the east, River's Edge. Mr. Scott contacted Mr. Morton and moved the project south to the vacant parcel north of Les Schwab Tire. The entrance road, Akers Avenue extension, is going to access the Mkay project, so will be built whether the Marriott goes in or not. This project will provide help in the cost of that construction. Where the project used to be approximately 100' from the River's Edge development, now it is approximately 500' away, so the impact to the residential neighborhood is reduced.

Height was the second issue, which is why they brought forward the Planned Unit Development previously. The applicants and architects worked extremely hard to lower the building to get three stories of units within the 35' height limit. They succeeded with the exception of the elevator shaft and mechanical equipment. He said pretty much every zoning code around the state and nation allow penetrations for mechanical and elevator shafts. The elevator shaft has to be raised because the mechanical equipment and clearance cannot fit within the

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roof structure and meet the 35' height requirement.

The third item the public and Planning Board addressed was the size of the structure. At 111 units, it would have been the largest hotel on the highway corridor, and at 22,600 square feet, it would have been the biggest footprint on highway corridor. They inventoried the hotels on strip and found most, five out of eight, are three stories, and a number of them are in excess of 15,000 square feet. Mr. Scott reduced the unit count to 81, which is within the average of other hotels and reduced the footprint to 17,500 square feet, also within the average, but still exceeds 15,000, which requires the Conditional Use Permit. Those are the items they changed on this application before bringing it back to the Planning Board and they hope to garner some support. Mr. Mulcahy also addressed the site plan elements of the hotel and its zoning and growth policy designation. Also, most of this site is void of trees except in the southeast corner, which has a pretty good stand of trees. The parking and structure have been moved away from the southeast corner to allow keeping the trees to soften the view and preserve the wooded feel as folks come into the City. He thinks the architects and site planners did an excellent job working on the project and they have no arguments with any of the Conditions of Approval.

Rebecca asked Mr. Mulcahy to point out the elevator shaft on the diagram and he brought up David Mitchell, with CTA Architect and Engineers. Mr. Mitchell thinks the new site is absolutely a more appropriate site and the building fits in very gracefully. It is pulled towards the street so there is still a nice backdrop of the mountain and dense trees behind it and trees in the parking lot incorporated in two islands. The plan is oriented east to west so it doesn't look so long when driving down the highway, you catch a glimpse and then you are past it. With 35', the problem they had was to continue to give the building enough character. He described the different strategies including color, elements, depth and height to enhance the character and create a shadow effect. They put the parking in the front and had enough room to allow a nice greenbelt in front of the building with trees in the recessed areas, and canopies, wood, stone, and other products.

To answer a few of the questions, as far as the Geotech, it really is one big site with the same groundwater and soil conditions, so they were able to use the same report rather than digging new holes. He noted the location of the elevator shaft and three mechanical units which are condensed into one area and screened to limit sound. Acoustically, sound transmission is directional, so is either absorbed into the walls of the screen, or reflected up where it dissipates.

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	Jim asked Mr. Mitchell where they were able to save the six to seven feet to come in under the 35' height limit, and he replied they lowered the ceiling height in the rooms and used more expensive floor joists which are smaller to pick up inches from each floor. Melissa asked and Mr. Mitchell said signs had not specifically been addressed or calculated yet other than they will comply with Whitefish's sign regulations and dark skies ordinance. Melissa asked and Mr. Mitchell responded that recycling and trash bins will be locatedto the east away from the highway, hidden back in the area of the fenced pool. She asked if there will be easily-accessible recycling bins throughout property and Mr. Mitchell said yes. She also asked if bikes will be available for guests to use and Mr. Scott said they typically do not provide them, but will include them if the Board wants them. Rebecca asked and Mr. Scott stated an eight-person meeting room is planned for inside, but it is not for the community to rent. She also and Mr. Mitchell said no bike rack location is identified yet. Rebecca asked and Mr. Mitchell replied CTA has done two green roofs on commercial buildings on Whitefish Mountain and it would not be unreasonable, but you have to have a steel structure.
PUBLIC COMMENT 6:47 pm	Mark Owagio, 270 Fox Farm Court, Whitefish, moved here as a Park employee in 1997 and works at the Stillwater Fish House. He has been in the food service business for 30 years. He likes how the downtown has preserved its feel. He feels we are an untapped sort of town with a lot of potential and an opportunity to bring in a corporate brand. By not having a restaurant and/or meeting room, folks will be encouraged to go downtown so it is a great opportunity to generate revenue, but still maintain the uniqueness of downtown. In his experience, Marriott hotels are well-managed, and this is a pleasing-looking place and should bring folks to Whitefish in the shoulder seasons. He supports the project and does not feel it will have a terrible impact. The value of this hotel is better than accommodations he has looked at in Kalispell and he sees no reason why we would not want to support businesses in our community. Don Spivey, 117 Park Knoll Avenue, Whitefish, distributed and read a memo dated June 16, 2016 (copy attached). He likes the new plan better, but still has concerns with traffic, sewage treatment capacity and odor control, and whether or not there is a need for more hotel rooms in Whitefish. He is also concerned with how often variances to the 15,000 square foot limit seem to be granted, since the limit was put in

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	place with a purpose. He suggested the Planning Board recommend denial of the proposed Conditional Use Permit to the City Council. There being no further comment, Vice Chair Picoli Philips closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	John moved and Rebecca seconded to adopt the findings of fact within staff report WCUP 16-04, with the sixteen (16) Conditions of Approval as proposed by City Staff. Rebecca likes the design and how the structure is placed on the property. She appreciates the height being reduced to protect the viewshed and the lessened impact on the neighbors. She would like to see a bike rack, and Mr. Scott agreed. She is concerned about adding this many rooms, but is comfortable passing the project forward. Melissa asked Mr. Scott stated the windows open 4". She also asked if he is aware of the shortage of service staff in Whitefish and he said he was. She suggested bikes again and he will add a bike rack and rental bikes. She suggested they think about going even further than required to reduce light pollution. John said when the Planning Board previously denied the project, they were not saying a hotel could not be built on that property, they were simply saying the mass of the hotel, and its connection to the residential neighborhood were problems to be resolved. He thinks they could have built a great hotel on the other property, just by doing it a little differently. Secondly, he wanted to say to the applicant and the public, he doesn't, and he doesn't think any other member of the Board, take sides in the hotel business. He is not going to vote to deny the proposed hotel simply because we have other hotels in town. Those are business decisions Mr. Scott and other folks have made and it's not the Planning Board's function to get into picking favorites with hotels when making decisions. Although Mr. Averill stood up last time and recommended the Planning Board deny this proposed hotel based on his new hotel, that had no bearing on his decision and he doubted it was factor in any other Board member's decision. Third, in the landscaping he hopes they will use native trees. He feels a lot of people come to the northwest to see Spruce, Fir and Larch trees and it distresses him to see how many non-native trees get planted. Doing a good job with landscaping and not trying to save money there will go a long way towards making this hotel really cool place to stay.

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	Jim called for the question.
VOTE	**The motion passed unanimously.** The matter is scheduled to go before the Council on July 5, 2016.
PUBLIC HEARING 2: ANDREÉ LAROSE AND HENRY ELSEN ZONING MAP AMENDMENT 7:10 pm	A request by Andreé Larose and Henry Elsen for a Zoning Map Amendment from County R-2.5 to Estate Residential District (WER). The property is located at 325 Haugen Heights Road and can be legally described as Tract 3F in Section 27, Township 31N, Range 22W.
STAFF REPORT WZC 16-02 (Compton-Ring)	Planner Compton-Ring reviewed her staff report and findings. To date, one email was received with concerns of density and traffic. Staff recommended adoption of the findings of fact within staff report WZC 16-02, and for **approval** to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Regarding the email received, John asked Compton-Ring to provide more information about the concerns of residents and City Council members in 2013 that lead to a directed limited amount of houses to be built in the Tamarack Ridge Subdivision. Compton–Ring replied the Council approved the subdivision as it was proposed by the applicant. The lots were between one-half acre and an acre, so the Council did not limit any development of that property. Jim asked if the Tamarack subdivision is the Collins' property and Compton–Ring replied yes. Jim said it was his understanding the sewer line has just been connected down the lane next to Maple Ridge was paid for and put in by developer. He asked if this property would be serviced by that line and Compton–Ring replied yes, there is a public main in the road. The lines and roads have not been dedicated to the City yet because it has not gone to final plat. She said the Public Works Director is here and could answer any more specific questions if necessary.
APPLICANT / AGENCIES	Andreé Larose, one of the property owners, 901 Stuart Street, Helena, said she is here, along with Bruce Boody, Bruce Boody Landscape Architect, and Andy Bestwick, TD&H Engineering, to answer any questions. She thanked Compton-Ring and other Planning Department staff, and Public Works Director Craig Workman for helping put this together.

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WHITEFISH TP llc
CONDITIONAL USE PERMIT
WCUP 16-04
June 9, 2016

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a conditional use permit to construct a three-story 81-room hotel with 90 parking spaces with a building footprint greater than 15,000 square feet. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, **June 16, 2016**. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Tuesday, **July 5, 2016**.

PROJECT SCOPE

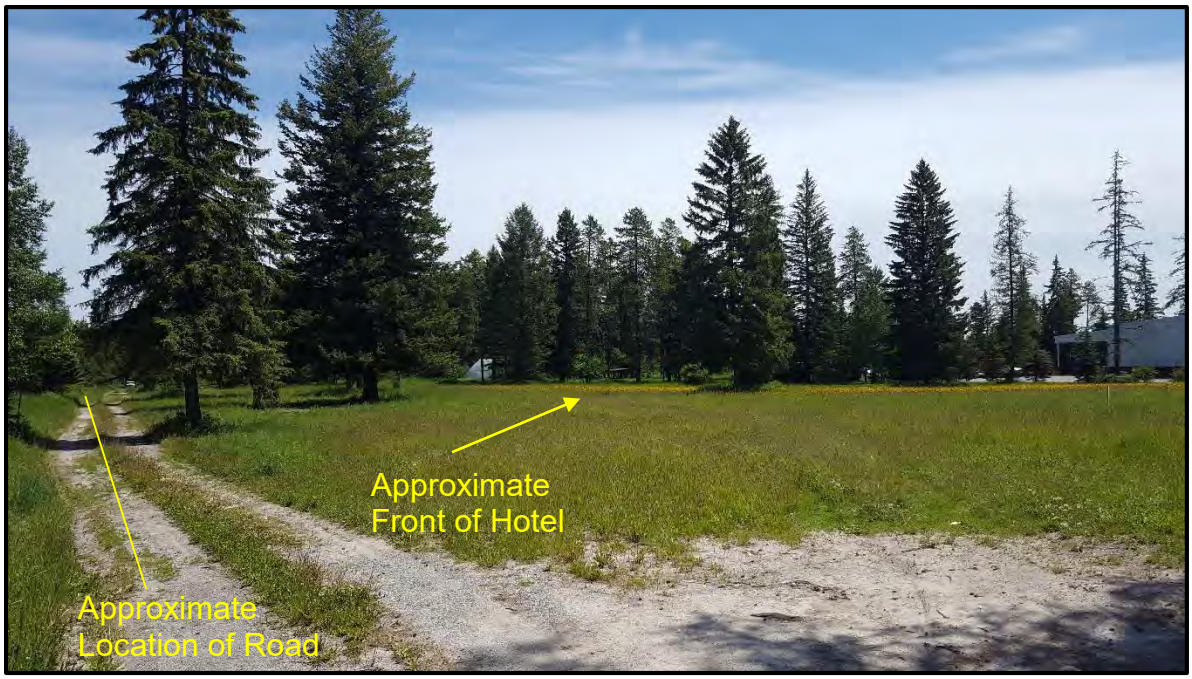
Jordan Scott of Whitefish TP llc, is requesting a Conditional Use Permit in order to construct a hotel. The applicant is proposing a three-story hotel with 81 rooms and 90 parking spaces. Two driveways are proposed off a new east-west public street to be constructed from Highway 93 S to Whitefish Avenue as part of the Mkay Enterprises preliminary plat. No changes are proposed to the Highway 93 S frontage and no access will be located directly from Highway 93 S. The required parking wraps around the north, west and a portion of the south side of the hotel. They are also proposing an outdoor pool/spa area along the south side of the building and outdoor seating areas on both the north and south sides of the building.

A Conditional Use Permit is required for this project because the footprint of the building exceeds 15,000 square feet in the WB-2 (Secondary Business District) zoning (§11-2K-4; bulk and scale).

Background

This applicant previously submitted a Conditional Use Permit and Planned Unit Development permit for a hotel to the northeast of the present site, but withdrew the application March 2016 before it was reviewed by the City Council. The Planning Board, after holding a public hearing on March 17, 2016, recommended denial of the application.

The previous request had 111 rooms with 115 parking spaces. Changes to the proposal include the footprint of the building reduced and the proposed pool located outside instead of within the building. Finally, the previous application included a zoning deviation request to go to up to 42-feet in height. This current application does not include a request for a building height zoning deviation.



A.

OWNER:
Mkay Enterprises
PO Box 997
Whitefish, MT 59937

APPLICANT:
Jordan Scott
Whitefish TP llc
4340 Indian School Road, #21-550
Phoenix, AZ 85018

TECHNICAL/PROFESSIONAL:
Dan Mann
3 Engineering
2929 E Camelback Road, suite 116
Phoenix, AZ 85016

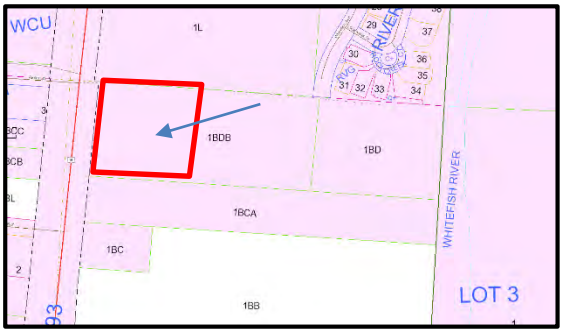
Eric Mulcahy
Sands Surveying, Inc
2 Village Loop
Kalispell, MT 59901

Michael Porter
PK Architects
4515 S McClintock Drive
Tempe, AZ 85282

David Koel
CTA Architect and Engineers
2 Main Street, suite 205
Kalispell, MT 59901

B. SIZE AND LOCATION OF PROPERTY:

The property to be developed is 2.66 acres and is located at 6361 Highway 93 S. The project can be legally described as Tract 1BDB in S01 T30N R22W, P.M.M., Flathead County, Montana.



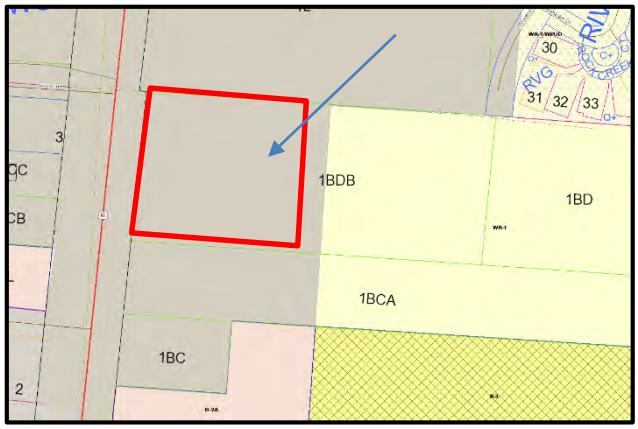
C. EXISTING LAND USE:

The subject property is currently undeveloped.

D. ADJACENT LAND USES AND ZONING:

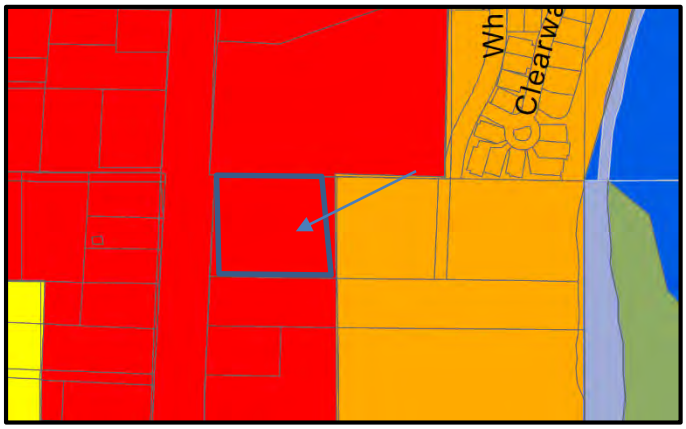
North:	Undeveloped	WB-2
West:	Commercial Use	WB-2
South:	Commercial Use	WB-2
East:	Undeveloped (Mkay Enterprises preliminary plat approved 4-18-16)	WB-2

E. ZONING DISTRICT:



The property is zoned WB-2 (Secondary Business District). The purpose of the WB-2 District 'is intended to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to highways or arterial streets and may be located in business corridors or islands.'

F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:



The Growth Policy designation is General Commercial which corresponds to the WB-2 zoning district.

> "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."

G. UTILITIES:

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

H. PUBLIC COMMENTS:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 27, 2016. A notice was emailed to advisory agencies on May 27, 2016. A notice of the public hearing was published in the *Whitefish Pilot* on June 1, 2016. As of the writing of this report, no letters have been received.

REVIEW AND FINDINGS OF FACT

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

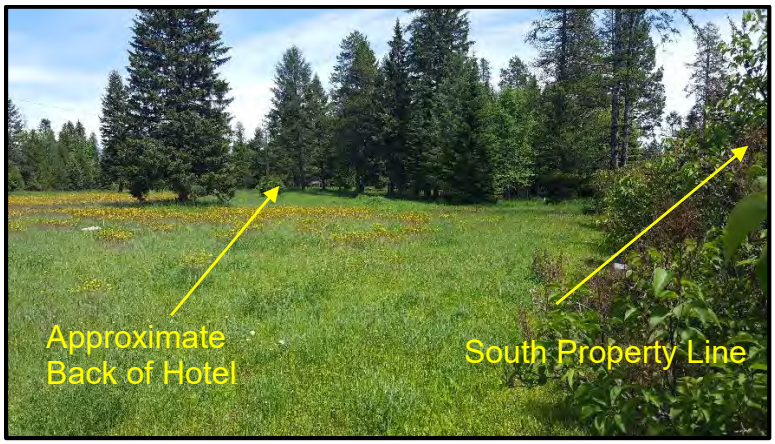
1. Growth Policy Compliance: The Growth Policy designates this area as General Commercial which is consistent with the WB-2 zoning district.

Finding 1: The proposed use complies with Growth Policy Designation of General Commercial because it is zoned WB-2 (Secondary Business District), the proposed use is consistent with the WB-2 zone.

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

The property is zoned WB-2, Secondary Business District. The purpose of this district "is intended to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas,

large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to highways or arterial streets and may be located in business corridors or islands." The development proposal is consistent with the purpose and intent of the applicable regulations.



Setbacks:
The WB-2 zoning setbacks are: 20-feet front on Highway 93 S, 20-foot greenbelt when abutting a public right-of-way (north) and 20-foot greenbelt when abutting a residential district (east). While the property to the east isn't a residential district per se it does have a Planned Unit Development (PUD) overlay permitting residential; therefore, making it a residential district. The setbacks are being met with this proposal.

Parking:
§11-6-2B, requires off-street parking at a rate of one (1) space per each hotel room plus 1 space per each two employees per maximum shift. They are providing 90 parking spaces for 81 rooms indicating they have space for a maximum of 18 employees on a maximum shift.

Height:
The zoning permits a maximum building height of 35-feet with certain exemptions allowed in zoning. This standard appears to be met and will be confirmed at the time of building permit. The applicant is not requesting a deviation to the height standards.

Finding 2: The project complies with the zoning regulations because all the zoning standards are being met or will be met with conditions of approval.

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

<u>Adequate usable land area:</u> The subject parcel is adequate to serve the proposed use.

Access that meets the standards set forth in these regulations, including emergency access: All access requirements are being met and the Fire Marshal will review the access for emergency vehicles at the time of engineering plan submittal to confirm standards are being met.

Absence of environmental constraints that would render the site inappropriate for the proposed use or development, including, but not necessarily limited to floodplains, slope, wetlands, riparian buffers/setbacks, or geological hazards: The proposed development is not located within the 100-year floodplain and there are no other environmental constraints on-site. This property is located within a potential high groundwater area; however, the geotechnical report for the Mkay preliminary plat indicated, at their deepest boring depth of 21.5-feet, no groundwater or evidence of groundwater was found. This will need to be confirmed as the project progresses. If it is a high groundwater area, high groundwater construction measures will be considered and implemented.

Finding 3: The project is suitable for the site because there is adequate usable land area, the existing access meets emergency standards and there are no environmental constraints.

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

Parking locations and layout: As described previously, the parking lot wraps around the north, west and south side of the building. The layout is adequate to meet the needs of the users. No parking is permitted in the front yard setback. This standard appears to be meet, but will be confirmed at the time of building permit.

Traffic Circulation: The traffic will circulate off the new east-west street along the north side of the project. The applicant is proposing two driveways. Driveway widths and spacing will meet all Public Works Engineering Standards.

Open space: Open space is not a requirement for hotels. The WB-2 zone is an urban zoning designation and is intended to be developed to urban standards. This particular project is proposing open space areas for users of the hotel in the form of an outdoor pool/spa area and outside seating on both the north and south side of the building.

Fencing/Screening: Buffering is required between dissimilar uses. This will be a requirement along the east property line adjacent to the multi-family of the Mkay development. Pursuant to §11-4-5B(4), the landscaping buffer between the hotel and the residential use must be 20-feet. There is adequate space along the eastern property line with a slight modification to the parking lot. Staff will recommend this be a condition of approval.

The applicant is also proposing fencing along the southern boundary to screen the hotel from the adjacent commercial use.

Landscaping: Landscaping will be required for both the site (8%) and the parking area (10%). In addition, the City's tree density standards will apply. There are a few large trees the applicant is proposing to incorporate into the design of the project. The applicant will receive credit for these trees. The final plan will be reviewed and approved at the time of building permit.

Signage: Staff has not seen any proposed signage. All new signage is required to obtain a permit from the Planning & Building office prior to installation.

Undergrounding of new and existing utilities: New utilities will be underground.

Finding 4: The quality and functionality of the proposed development has effectively dealt with site design issues because there is adequate parking for the use, traffic circulation has been evaluated and landscaping, along with a landscaping buffer, will be installed.

5. Availability and Adequacy of Public Services and Facilities.

Sewer: Sewer is located to the south of this property. The applicant is working with the development to the east in order to extend sewer to this site. It is adequate to serve the project.

Water: Water is located within Whitefish Avenue to the east of this site. The applicant is working with the development to the east to extend water to this site. It is adequate to serve the project.

Storm Water Drainage: An engineered stormwater plan meeting the City's engineering standards will be required, as the project is creating more than 5,000 square feet of impervious surface. The preliminary drainage plan shows two underground systems in the parking lot. The City's Public Works Department will review and approve the engineering plan.

Fire Protection: The Whitefish Fire Department serves the site and response times and access are good. The proposed use is not expected to have significant impacts upon fire services. The Whitefish Fire Marshal has reviewed the project. The Fire Department's goals for this project are:

- to make sure the firefighters have safe and efficient roof access; and
- to have safe and efficient patient transport routes.

The Fire Department has a 35-foot roof ladder which gives the department a 28-foot vertical working distance. Without taller ladders fire fighter will be using high-rise fire tactics on buildings over 28-feet. Items the Fire Department will require for this project include:

- Protected stairwells from outside the building to each floor and the roof, in a location where a hose line can reach within a 150-feet of every area on the roof
- Roof access to include a full-sized man door walkout
- Standpipes in each stairwell (wet or dry)
- Maximum of 150-feet from a standpipe connection to any area of the building
- Sprinklered building in compliance with current City Fire Code (including attic spaces)
- Fully addressable alarm system
- Elevator to each floor big enough to handle the ambulance stretcher in a flat position
- Knox box near the FDC and Alarm panel
- Fire Hydrant(s) located at the FDC and stairway standpipes

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

Streets: The project fronts on Highway 93 S, but will be accessed off the new east-west street on the north side of the property. The east-west street is required to be constructed as part of the Mkay Enterprises preliminary plat to the east. In the event the preliminary plat does not occur or does not occur in a timely fashion for this project, staff will recommend a condition of approval to ensure full construction of the new east-west road is completed through the project's frontage. No improvements or changes will be made to the Highway 93 S frontage.

Finding 5: Public services and facilities are adequate and available because municipal water and sewer are nearby and will be extended to the project, stormwater will be handled on-site, response times for police and fire are not anticipated to be affected due to the proposed development and the property will have adequate access to a newly constructed right-of-way along the north.

6. Neighborhood/Community Impact:

Traffic Generation: The Traffic Impact Study was updated to reflect this most recent project in concert with the Mkay preliminary plat. The traffic is, of course, less with this proposal of 81 rooms versus the previous proposal of 111 room. 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 own acceptable levels of service. The existing intersection of Highway 93 S/Akers Lane is operating a level of service (LOS) 'C'. Other intersections along the corridor are operating at LOS 'A' and 'B'. According to the TIS, the LOS of the Highway 93

S/Akers Lane will likely fall to 'D' within the next five years without any development on adjacent properties.

The TIS found 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 50.0 seconds to make a left hand turn from the west side of Highway 93 S and 26.1 seconds to make a left-hand turn from the east side of Highway 93 S.

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 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.

Noise or Vibration: No impacts are anticipated beyond what would be expected from a typical commercial use.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from a typical hotel.

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

Hours of Operation: The hours of operation will be typical hotel hours.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because noise, dust, smoke, odor or other environmental nuisances are not expected and all outdoor lighting is required to meet city standards. The additional vehicles may have an adverse effect on traffic, however, this will be gradual over several 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.

7. Neighborhood/Community Compatibility:

The character of this neighborhood is predominately commercial with residential development in recent years. The commercial buildings are larger structures with very large parking areas to accommodate users of the buildings or provide a location to store merchandise and/or equipment. This property is also near a single family neighborhood to the northeast.

There are a few large trees on the site that contribute to the character of the neighborhood. Projects that retain existing trees help integrate them into the existing neighborhood and give the project an impression of longevity. This project is proposing to retain long-lived/healthy trees around the building and within the parking lot. Staff will recommend a condition of approval that healthy, long-lived trees be identified and incorporated in the site plan.

This project is required to obtain Architectural Review prior to submitting any building permits. An important part of the review is ensuring new buildings complement the existing built neighborhood. The ARC reviews scale, form and materials for new buildings to ensure they do not detract from the existing neighborhood. In addition, buildings with a footprint greater than 15,000 square foot have additional standards to mitigate the effects of larger buildings. These standards look at the site – for example, how pedestrians and bicyclists interface with the project, how a larger parking area is screened and also the building – for example screening equipment, prohibiting large blank walls and other material selection issues.

(project boundaries are approximate)

Finding 7: The project is compatible with the neighborhood and community because design features are being implemented including, articulating the walls and roof forms making the building more interesting and reducing its mass, installing landscaping throughout the site and retaining existing trees within the site plan.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 16-04 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be in compliance with the site plan submitted on May 2, 2016, except as amended by these conditions. Minor deviations from the plans shall require review pursuant to §11-7-8E(8) and major deviations from the plans shall require review pursuant to §11-7-8. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.

2. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the City of Whitefish Public Works Department. The plan shall include, but may not necessarily be limited to, the following:
   - Dust abatement and control of fugitive dust.
   - Hours of construction activity.
   - Noise abatement.
   - Control of erosion and siltation.
   - Routing for heavy equipment, hauling, and employees, including signage to direct equipment and workers.
   - Construction office siting, staging areas for material and vehicles, and employee parking.
   - Measures to prevent soil and construction debris from being tracked onto public road, including procedures remove soil and construction debris from road 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. (Engineering Standards, Appendix K)

3. Prior to any 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, sidewalks, 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, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (Engineering Standards, Chapter 1)

4. A 60-foot right-of-way shall be fully constructed along the project's north property line connecting Highway 93 S through to the eastern boundary of the project prior to occupancy of the building. The full 60-foot right-of-way shall be dedicated to the City prior to submitting an application for Building Permit. (Findings #3, #4, #5, #6; City Engineering Standards 2009)

5. 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 #6)

6. 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 #6)

7. 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)

8. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. (IFC)

9. A Boundary Line Adjustment (BLA) shall be obtained prior to submitting an application to create the lot for the hotel. (§11, WCC)

10. Approval from the Architectural Review Committee shall be obtained prior to submitting an application for a building permit. (§11-3-3B, WCC)

11. Swimming pool standards in §11-3-20A shall be met and shown on the building plan submittal. (§11-3-20A, WCC)

12. The refuse and recycling location shall be reviewed and approved by the Public Works Department and North Valley Refuse. (§4-2, WCC)

13. All exterior mechanical equipment shall be screened visually and acoustically. (4.6.1., Arch Review Standards)

14. A landscaping plan shall be submitted for review and approval. A landscaping buffer shall be installed along the eastern boundary of the project pursuant to the requirements of §11-4-8. In addition, all standards within §11-4-5B shall be included. (§§11-4-5B, C, §11-4-8, WCC; Finding of Fact #4)

15. Large, healthy trees shall be protected during construction. Landscape areas may need to be modified in order to accommodate the tree retention. No trees

outside the CUP requested area shall be removed with this project. (Finding of Fact #4)

16. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

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 Whitefish TP llc is proposing to construct a hotel with a building footprint of 17,565 which requires a Conditional Use Permit as it exceeds 15,000 square feet. The property is currently undeveloped and is zoned WB-2 (Secondary Business District). The property is located at 6361 Highway 93 S and can be legally described as Tract 1BDB in S01 T30N R22W 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, June 16, 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 **Tuesday, July 5, 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, June 6, 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

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

Date: May 27, 2016

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, June 16, 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 Tuesday July 5, 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 to construct an 81-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6361 Highway 93 S and can be legally described as Tract 1DBD in Section 1 Township 30N Range 22W. (WCUP 16-04) Compton-Ring

2. A request by Andreé Larose & Henry Elsen for a Zoning Map Amendment from County R-2.5 to Estate Residential District (WER). The property is located at 325 Haugen Heights Road and can be legally described as Tract 3F in Section 27 Township 31N Range 22W. (WZC 16-02) Compton-Ring

3. A request by GMJ llc for a Conditional Use Permit to develop a 12 condominium cabin neighborhood. The properties are zoned WRR-1 (Low Density Resort Residential District). They are located at 1325 and 1331 Nelson Lane and can be legally described as Tracts 1AD, 1MA-NPT and 1ABAA in Section 35 Township 31N Range 22W. (WCUP 16-05) Compton-Ring

4. A request by the City of Whitefish to rezone a parcel recently annexed into City limits from County RR-1 (Low Density Resort Residential District) to WRR-1 (Low Density Resort Residential District). The subject property is unaddressed, but is known as Nelson Lane. It can be legally described as Tract 1MA-NPT in Section 35 Township 31N Range 22W. (WZC 16-04) 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.

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

APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF WHITEFISH

FEE ATTACHED__$2,055.00__ (See current fee schedule)

OWNER(S) OF RECORD:

Name: __Mkay Enterprises._____

Mailing Address: _P.O. Box 997_____

City/State/Zip: _Whitefish, MT 59937_____ Phone: _____

APPLICANT:

Name: __Whitefish TP LLC, Attn: Jordan Scott_____

Mailing Address: __4340 Indian School Road #21-550_____

City/State/Zip: ___Phoenix, AZ 85018_____ Phone: _(602) 750-8407

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: _3 Engineering, Attn: Dan Mann_____

Mailing Address: _2929 E. Camelback Road, Suite #116_____

City/State/Zip: __Phoenix , AZ 85016_____ Phone: __(602) 334-4387_____

Name: _Sands Surveying, Inc. Attn: Eric Mulcahy_____

Mailing Address: _2 Village Loop_____

City/State/Zip: __Kalispell, MT 59901_____ Phone: __(406) 755-6481_____

Name: _CTA Architect and Engineers, Attn: David Koel_____

Mailing Address: _#2 Main Street, Suite 205_____

City/State/Zip: __Kalispell, MT 59901_____ Phone: __(406) 257-8172_____

Name: _PK Architects, Attn: Michael Porter_____

Mailing Address: _4515 S. McClintock Drive_____

City/State/Zip: __Tempe, AZ 85282_____ Phone: __(602) 283-1620_____

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):
Street
Address: _6361 Highway 93 South, Whitefish__

Sec.	Town-	Range
No.__1_____	ship __30____	No.__22_____

Subdivision	Tract	Lot	Block
Name: ____N/A_	No(s).1DBD_	No(s)._____	No._____

DESCRIBE PROPOSED USE: __Per Section 11-2K-4 of the Whitefish Zoning Regulations, a Conditional Use Permit (CUP) is required when a structure footprint exceeds 15,000 square feet. The proposed TownePlace Suites is a 81 room, three story hotel located on Highway 93. Each of the guest suites in the hotel have a kitchenette that caters to the multiple day vacation visitors that might be budget minded. The proposed project complies with setback, parking, landscaping, and lot coverage. The property is zoned WB-2 (Secondary Business District) and hotels are specified as a permitted use within this district. The footprint of the hotel structure is 17,565 square feet. The Whitefish Zoning Regulations do not read or imply that the 15,000 square feet is a limit for building size, the regulations clearly state, only, that the conditional use permit is required for buildings in excess of the 15,000 threshold.

ZONING DISTRICT: __WB-2 (Secondary Business District)

CHAPTER 7 OF TITLE 11 WHITEFISH ZONING REGULATIONS REQUIRES THE FOLLOWING:

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

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

The 2007 Whitefish Growth Policy Map is designated General/Highway Commercial and supports the existing Commercial Zoning Designation of this property. Based on the historical zoning maps available in City Hall, this property shows commercial zoning as far back as 1982. The applicants do not propose any change to the Growth Policy Designation or the WB-2 commercial zoning.

Source: Portion of 2007 Whitefish Growth Policy Map

The Growth Policy defines General/Highway Commercial as follows: "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 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 high-quality visual image. Zoning is generally WB-2, but high density residential with WR-3 zoning, and mixed use development may also be appropriate in this area."

The proposed TownePlace Suites Hotel is consistent with the Growth Policy designation and is specifically called out as a use intended for this corridor.

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

The property is presently zoned WB-2 by the City of Whitefish. The Whitefish Zoning Ordinance, Section 11-2K-1, Intent and Purpose, states the following: "The WB-2 district is intended to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage area and by outdoor commercial amusement or recreational activities." In addition, the WB-2 zoning designation lists as a permitted use "hotels/motels and other hospitality and entertainment uses". The hotel use, as a segment of the services industry with a large parking need, is intended for the WB-2 zoning district.

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

The proposed hotel is located on a 2.66 acres parcel that fronts on Highway 93 and will be accessed by a new Akers Road extension. The proposed use complies with the WB-2 setback requirements. The WB-2 zoning district does not have a maximum lot coverage but the Architects for the proposed Hotel worked hard to preserve a significant outdoor space which correlates to the location of the significant trees on the site. The building, pool, patio, and parking were designed around the majority of existing trees which can now be preserved.

Access to the Hotel will be by a new City Street connecting Highway 93 with Whitefish Avenue. The new City street will not only provide primary and emergency access to the proposed project but it will provide secondary access to the Rivers Edge development located east of the proposed project. This connection is part of the city of Whitefish Long Range Transportation Plan for south Whitefish.

There are no sensitive areas on site such as wetlands, ponds, or streams. The property is located in an area mapped as potentially high groundwater. But these City maps are intended as planning level maps and not engineering level maps. With development on and/or proposed on all four sides of the project, design engineering should be able to mitigate an potential impacts of high groundwater.

4. How are the following design issues addressed on the site plan?

a. Parking locations and layout

The applicant has proposed a site plan with a parking layout that would support the hotel and is compliant with the parking standards of the Zoning Regulations. Per the Zoning Ordinance the applicant must provide one space per rented room plus one space per two employees at maximum shift. The site plan shows 90 parking spaces to meet the ordinance. Parking is located in front and along the north and south sides of the building. Access is provided by two approaches to the new City Street.

b. Traffic circulation

The applicant has prepared a Traffic Impact Study for the new City Street and its connection to Highway 93. The TIS was revised from the previous report in order to account for the reduction in rooms for the TownePlace project and a reduction in residential units for the Mkay development

directly east of the subject property. The proposed intersection with Highway 93 lines up with Akers Lane on the west side of the Highway. According to the TIS, the intersection of Ackers Lane and Highway 93 is approaching a Level of Service (LOS) D at peak PM hour and LOS C at the peak AM hour. This means that there are delays for certain turning movements at the peak hours and the longer the delay the worse the level of service. A possible future solution is installing a signal at this intersection, but this signal must meet the MDOT merits and approval before one could be installed. The TIS indicates that the two projects will not trigger the merits for the signal.

c. Open space

The WB-2 zoning classification does not regulate the maximum lot coverage. However approximately 1/2 acre of area is devoted to the outdoor pool/patio/yard area in the southeast corner of the property. The location of the yard area was selected as it preserves most of the existing trees on the site and it buffers some of the highway noise from the hotel guests that may use the patio/pool.

d. Fencing/screening

A solid fence is proposed along the south boundary of the hotel to block some of the view and noise generated by the Tire Shop to the south.

e. Landscaping

The applicant will landscape the areas around the building and the parking lot as indicated in the preliminary landscape plan. The Whitefish Zoning Regulations require a minimum of 8% of the lot area to be landscaped when the developable area is between 22,000 sf and five acres. The landscaping equals approximately 30% of the site.

f. Signage

A sign package has not yet been developed for the site. If the CUP is approved, the applicant will work with the architect and sign maker to prepare a sign plan that complies with the Whitefish Sign Regulation.

g. Undergrounding of new utilities

All utilities will be extended underground into the site.

h. Undergrounding of existing utilities

Any existing above ground utilities of which there are very few, will be replaced with underground utilities.

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

a. Sewer

Sanitary sewer is available south of the proposed development. The applicant is working with the neighboring property owner to the east to develop easement to extend the City sewer main northwest to serve the proposed hotel.

b. Water

There is City water within the City right-of-way for Whitefish Avenue northeast of the applicants property. The TownePlace and Mkay development will work together to extend water service into the site.

c. Stormwater

If the CUP is approved, the site plan will be reviewed for stormwater facilities by Public Works. The applicants engineer has provided a preliminary stormwater plan with this application. As with the Ackers Street extension, TownePlace will work with Mkay to design a facilitate stormwater drainage.

d. Fire Protection

The Whitefish Fire Department serves the property. The Fire Marshall will review specific building plans for compliance with fire code and access at a future date.

e. Police Protection

Whitefish Police Department currently serves the property.

f. Street (public or private)

The property fronts Highway 93, however the applicant will be working with the neighboring property to the east to develop a new City street connecting Whitefish Avenue with Highway 93 to use as primary access. This access will line up with Ackers Way on the west side of the highway. A TIS has been developed for the street and the two projects, TownePlace Suites and Mkay Enterprises. The new street will provide access for the TownePlace project as well as secondary access for this project and the Rivers Edge development to the east.

g. Parks (residential only)

N/A

h. Sidewalks

Pedestrian paths provide circulation along the Highway 93 corridor. Within the project walkways will connect to the public sidewalks in the public rights of way. Pedestrian linkages proposed in the new city street consist of a five foot sidewalk on the south side of the proposed Akers extension. The recently approved Mkay project to the east will provide a pedestrian path connection with the Whitefish River Trail.

i. Bike/pedestrian ways – including connectivity to existing and proposed developments

See previous discussion under sidewalks.

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

a. Excessive traffic generation and/or infiltration of traffic into neighborhoods

The property is zoned for commercial use and has been such for more than 30 years. Two properties to the north is the Mountain Mall, a significant

retail and service enterprise. Properties to the west include hotels, restaurants, and retail uses. The eastern property owner (Mkay) just recently received approval for a mixed density residential development along with the extension of Whitefish Avenue and Akers Lane. Whitefish Avenue is a collector street envisioned in the South Whitefish Neighborhood Plan adopted in 2000 and again in the Whitefish Transportation Plan – 2009. The proposed collector enables residents to access commercial uses and move north and south without the need to access Highway 93. Whitefish Avenue is envisioned to function like Baker Avenue on the west side of Highway 93.

Based on the TIS, very little if any traffic will head east from the hotel to Whitefish Avenue. However traffic from the Rivers Edge development will utilize the new street to access the highway. Therefore the proposed project should have little or no negative impact in the neighboring residential subdivision to the east but the proposed project will most likely have a positive traffic impact on the residential development. It is important to know note, the Akers Lane extension was approved as part of the Mkay development and will become a City street regardless of the Towne Place project.

b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

The site is located in a commercial district and the proposed use is commercial accommodations. The proposed hotel does not plan or show a restaurant or bar with the project. The swimming pool is located outdoors so it will be a seasonal use. Any impacts from noise, vibration, dust, glare, heat, smoke, fumes or odors will be consistent neighboring uses.

7. What are the proposed hours of operation?

As this is a commercial setting, business hours will be typical of other business, however hotels have a 24 hour a day presence to insure that there is little disturbance to the guests during the night-time hours.

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:

a. Structural bulk and massing

The proposed hotel is a three story building located on a 2.66 acre site with 300-feet of Highway 93 frontage. To provide visual interest and disruption of mass, the architects break up large planes of structure by projecting and recessing sections of the building façade. The structure will be 35-feet in height except for the Elevator shaft and the mechanical screens both of which are exempt from the height requirements by the Whitefish Zoning Code (§11-2-3.5). The proposed height is a change from the initial application that included a PUD to allow the hotel to stand 42 feet in height. As this current application meets the 35-foot height restriction, there is no PUD application.

b. Scale

The scale of the structure will match that of other hotels, both existing and under construction (See Table 1), located along the Highway 93 corridor. At

the previous hearing for the TownePlace Suites, public testimony and planning board discussion stated that most of the hotels along the Highway 93 corridor were only two stories in height. As indicated in the table below, this is a false statement and most of the hotels along the highway are indeed three stories in height. The Table also shows that four of the seven listed hotels are in excess of the 15,000 square feet footprint.

Table 1

	Square footage	Height	# of floors	# of rooms
Fire Brand Hotel	15816 sq ft	47-feet	3	86
Hampton	18702 sq ft	42-feet	3	75
Stumptown Inn	5395 sq ft	Unknown	3	40
Pine Lodge	12160 sq ft	Unknown	3	76
Rocky Mountain Lodge (Best Western)	16065 sq ft	Unknown	3	79
Chalet	7104 sq ft	Unknown	2	32
Big Mountain Lodge	17,995 sq ft	Unknown	2	66

Source: City of Whitefish PUD/CUP files and CAMA data.

c. Context of existing neighborhood

The TownePlace Suites is proposed on commercially zoned property and is in a commercial corridor. The immediate neighborhood is primarily commercial and the recently approved residential use to the east came about well after the commercial use was established for this area.

d. Density

The WB-2 zoning district does not have a minimum lot size or maximum density. There is no maximum lot coverage other than there is minimum landscaping standards. The proposed project maintains approximately 30% of the site in landscape, pool, and patio space As a result, the applicants are limiting the impact of the hotel structure on the land and the neighborhood.

e. Community Character

The City of Whitefish has established a business corridor along Highway 93. The earliest zoning map available in City Hall is dated 1982 and identifies this property as commercial. The Mountain Mall was constructed in the 1980's and solidified the commercial character of this part of the community. With two major car dealerships located south of the proposed hotel, commercial use is further solidified in the community character. The proposed TownePlace Suites compliments the neighboring commercial use and character.

B. PROPERTY OWNER LIST

Submit a list of names with mailing addresses of property owners within **150** feet of the proposed use (**public street right-of-ways are not counted as part of the 150 feet**). The owner of record must appear exactly as on the official records of Flathead County. This list is obtained from the Flathead County GIS Department using the 'Adjacent Landowner Request' form.

C. SITE PLAN

Submit a site plan, either drawn to scale or with dimensions added, which shows in detail your proposed use, your property lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc. Where new buildings or additions are proposed, building sketches and elevations shall be submitted.

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

_____ _____

Applicant's Signature Date

_____

Print Name

Towne Place & Mkay Enterprises
Traffic Impact Study - UPDATE

Whitefish, Montana

Prepared For:

3 Engineering
2929 E. Camelback Rd., Suite # 116
Phoenix, AZ 85016

April, 2016

130 South Howie Street
Helena, Montana 59601

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Towne Place & Mkay Enterprises Traffic Impact Study - UPDATE
Whitefish, Montana

A. EXECUTIVE SUMMARY

The 81 room Towne Place Suites Hotel and 41 unit Mkay Enterprises residential development are currently proposed along U.S. Highway 93 south of the Mountain Mall. 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 and Mkay Enterprises 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. This report updates the January 2016 TIS prepared for these projects. The document identifies any traffic mitigation efforts that these projects may require. The Commonwealth Apartments are no longer under consideration for this area.

C. EXISTING CONDITIONS

The subject property consists of 7-acres of land east of Highway 93 in the City of Whitefish. A total of 2.7 acres are currently dedicated to the Towne Place Suites and 4.7 acres are dedicated to the MKay Enterprises residential development. 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 2.7 acres of land east of Highway 93 which would be developed into an 81 room hotel (originally 111 rooms). The hotel would be accessed from two approaches onto Akers Lane. The proposed location of the Hotel has been changed from the north side of Akers Lane to the south side of 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. The total number of residential units on the Mkay Enterprises property has decreased from 95 to 41. This residential development would include 13 single family homes, 10 condominium/townhouse units, and 18 apartment 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**.

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 43 AM peak hour trips, 49 PM peak hour trips, and 662 daily trips. The MKay Enterprises would produce up to 23 AM peak hour trips, 29 PM peak hour trips, and 302 daily trips. The trip generation rates and totals are shown in **Table 3**. Under the current proposal the overall trip generation from the site has decreased from 1,568 trip per day to 964 trips per day. This is a 40% percent decrease from the original proposal.

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
Towne Pl. Hotel	81	0.53	43	0.6	49	8.17	662
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			**66**		**78**		**964**

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**.

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 4**. These calculations are based on the projected model volumes included in **Appendix B** of this report.

Table 4 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.

Figure 2 – Towne Place Suites Hotel

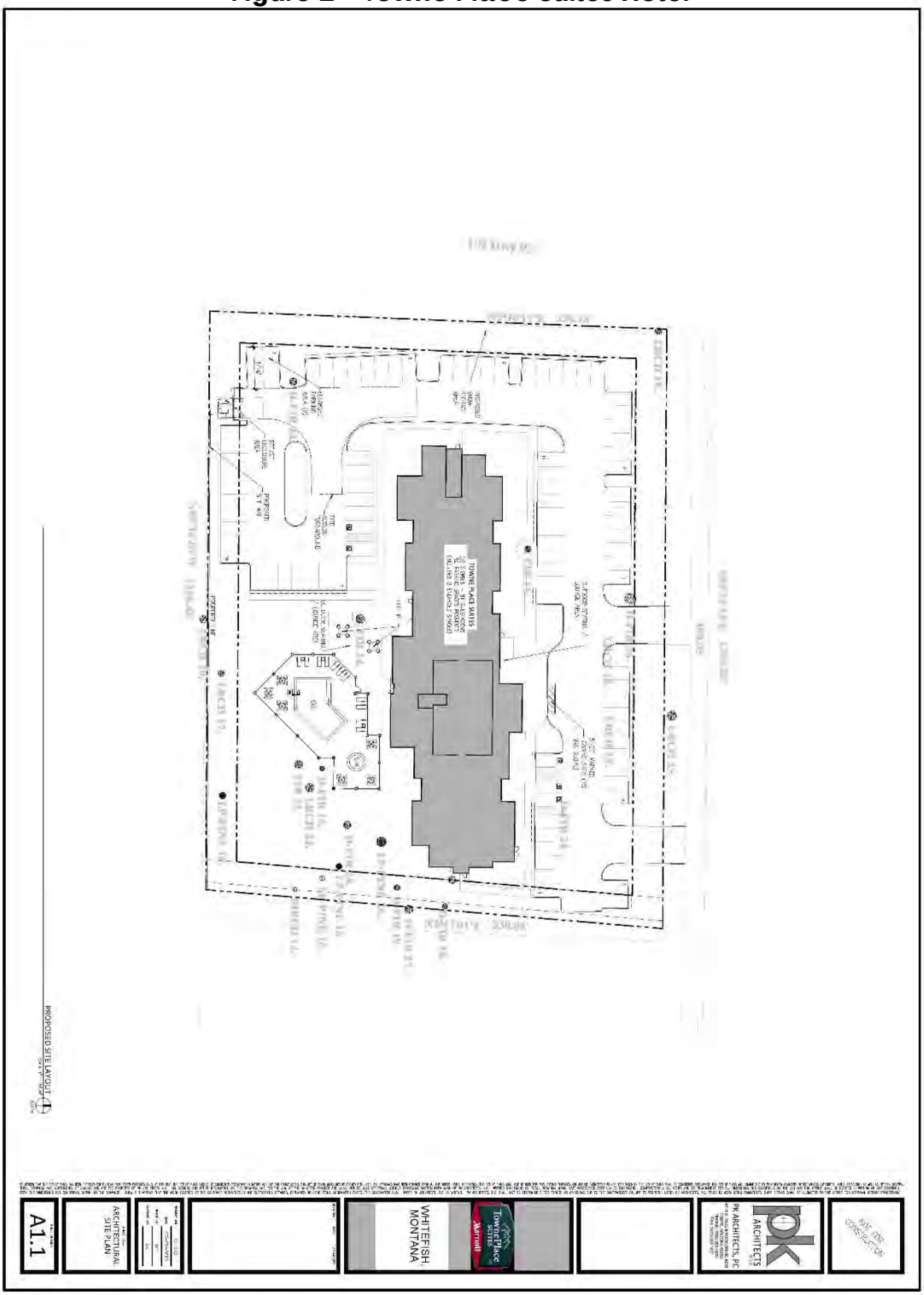


Figure 3 – MKay Enterprises Development

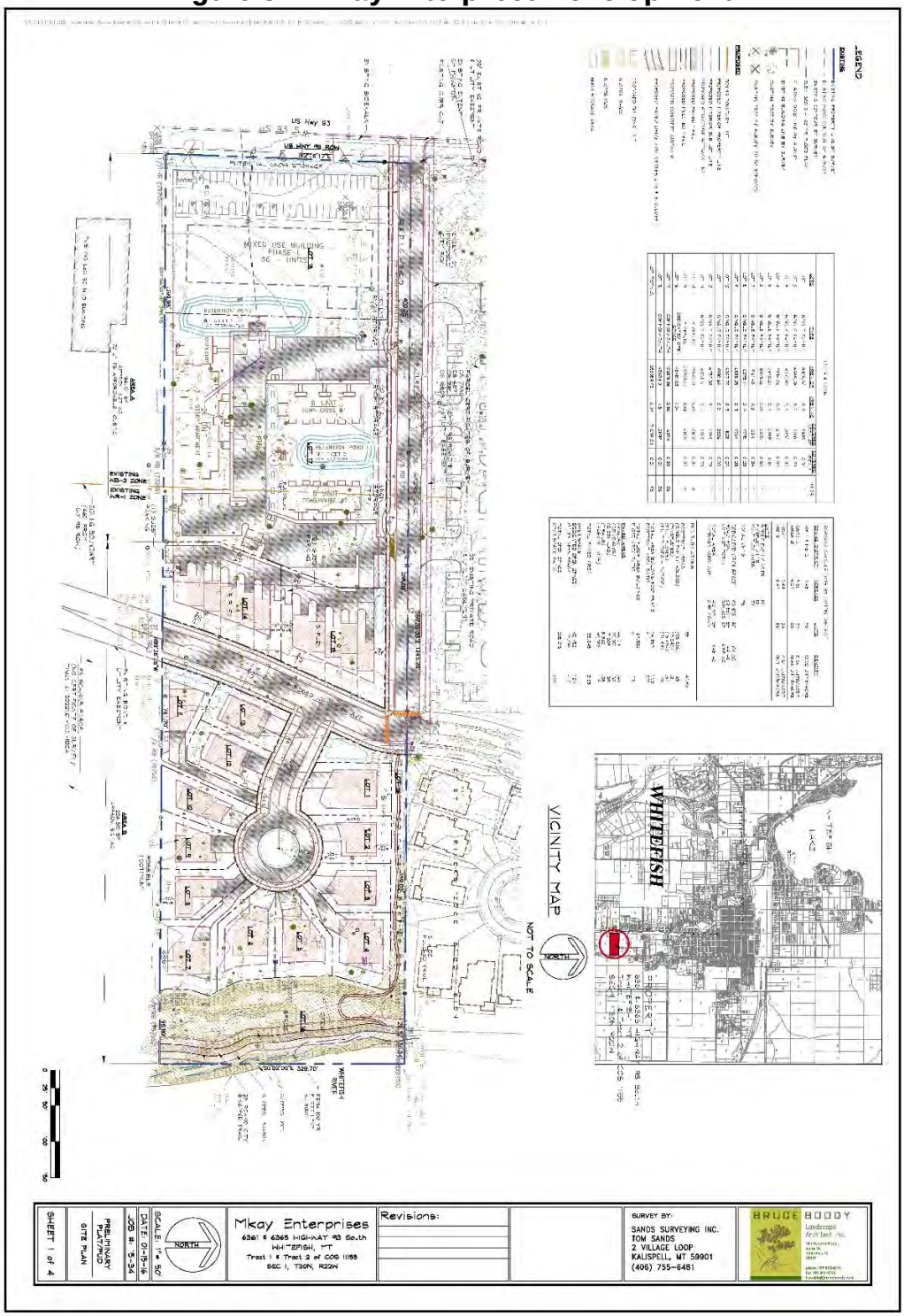


Figure 4 – Trip Distribution

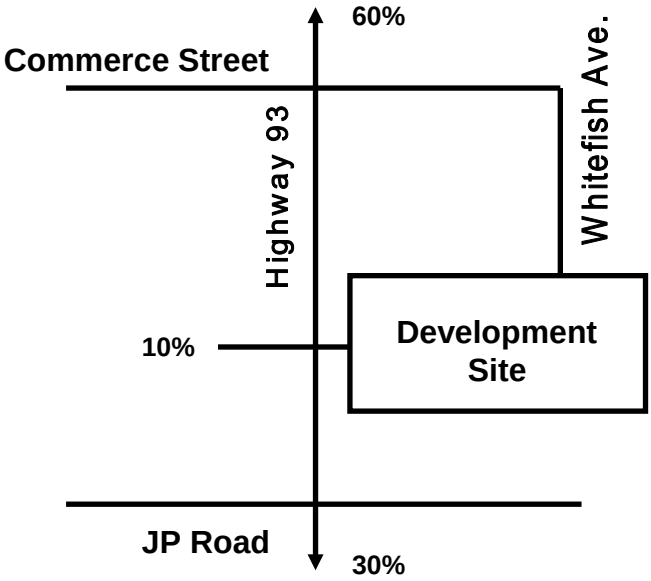


Table 4 –Level of Service Summary
With the Towne Place Suites and Mkay Enterprises

	AM Peak Hour		PM Peak Hour	
Intersection	**Delay (Sec.)**	**LOS**	**Delay (Sec.)**	**LOS**
Highway 93 & Commerce Street	6.4	A	11.6	B
Highway 93 & Akers Lane*	30.3/16.3	D/C	50.0/26.1	F/D
Highway 93 & JP Road	9.9	A	7.2	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 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 and Mkay Enterprise 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	

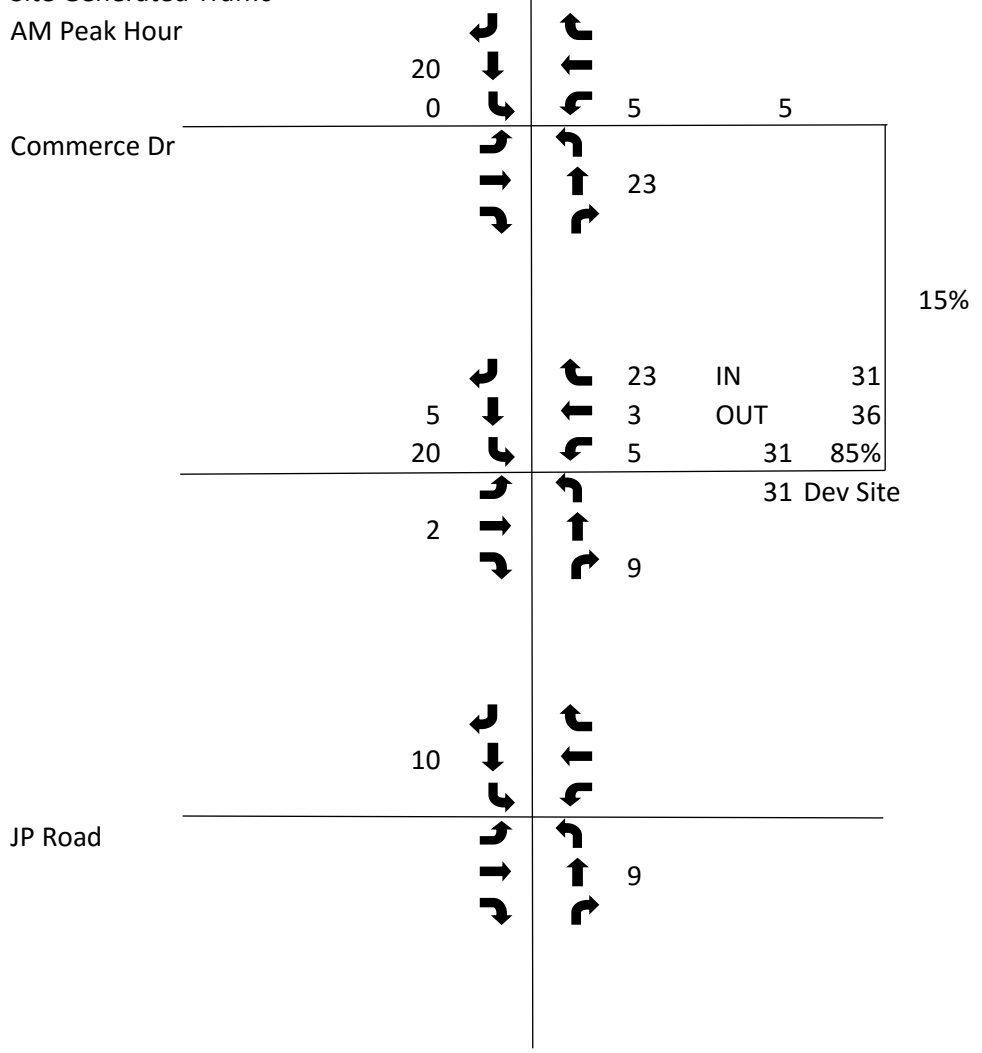
TownePlace Suites + Mkay Properties

Traffic Model

Hwy 93

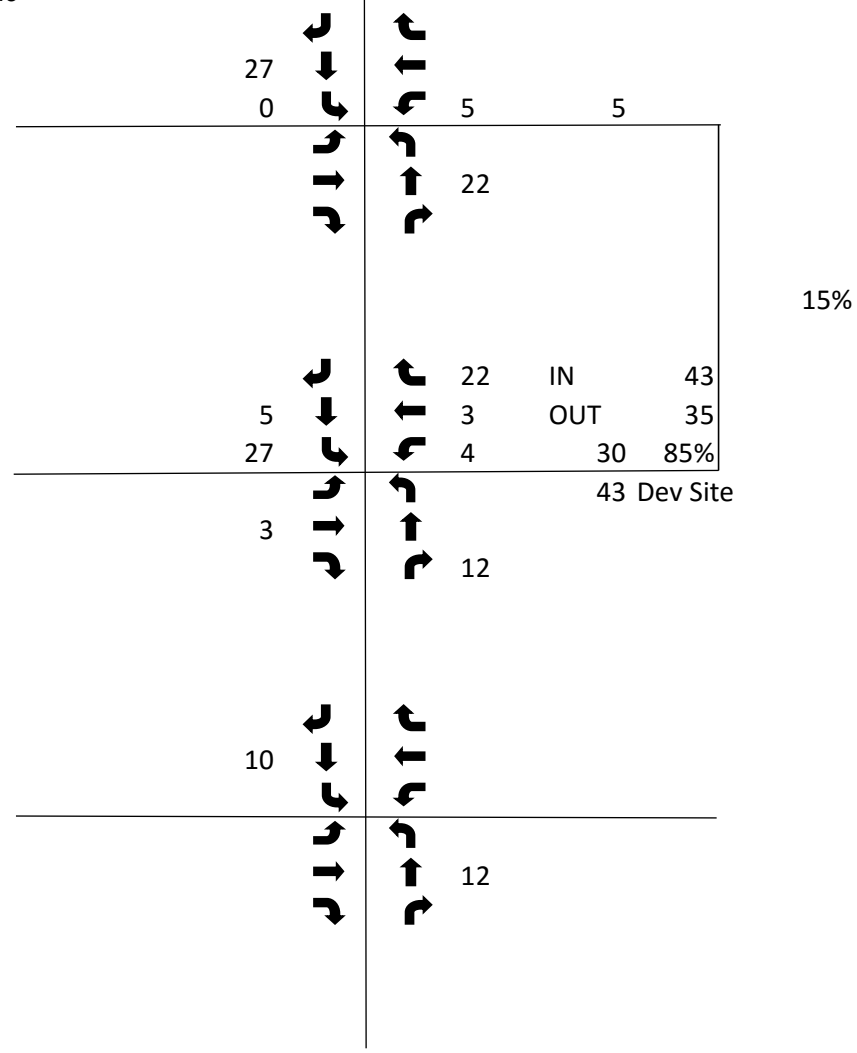
Site Generated Traffic

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
		732		8
		24		57
Commerce Dr		4		32
		16		763
		12		88
		4		23
		781		3
		20		5
		8		12
		2		1036
		4		9
		8		88
		730		4
		48		12
JP Road		16		8
		8		941
		4		12

Towne + Mkay

Total Projected Traffic

PM Peak Hour

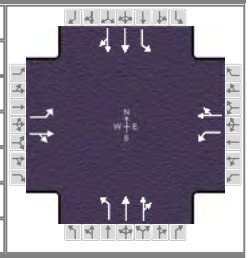
		8		40
		711		28
		44		113
		12		28
		28		810
		12		140
		12		22
		1125		3
		27		4
		12		4
		3		1100
		16		12
		4		80
		970		4
		156		28
		8		16
		4		1024
		4		36

APPENDIX C

LOS Calculations

HCS 2010 Signalized Intersection Results Summary

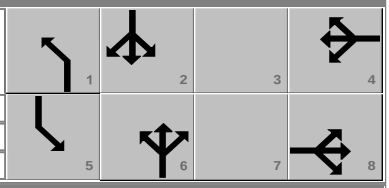
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93AM2015.xus		
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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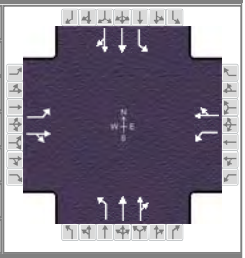
HCS 2010 Signalized Intersection Results Summary

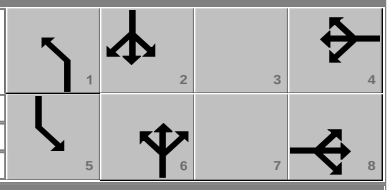
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93PM2015.xus		
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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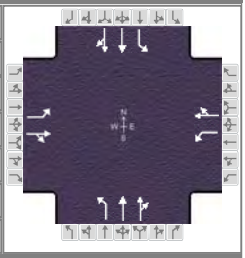
HCS 2010 Signalized Intersection Results Summary

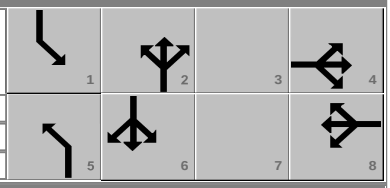
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93AM2015.xus		
Project 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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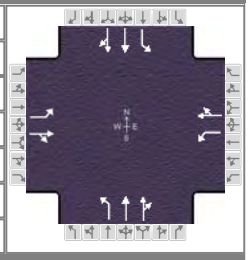
HCS 2010 Signalized Intersection Results Summary

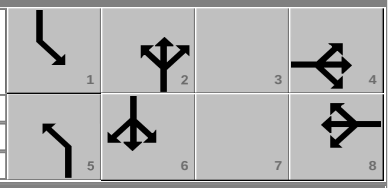
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93PM2015.xus		
Project 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 Two-Way Stop Control Summary Report

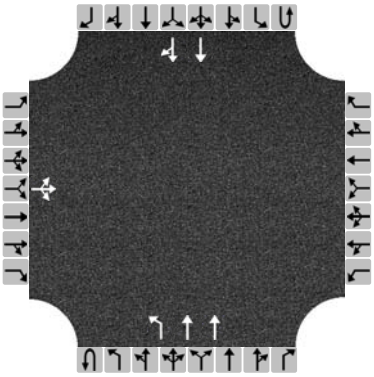
General Information

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

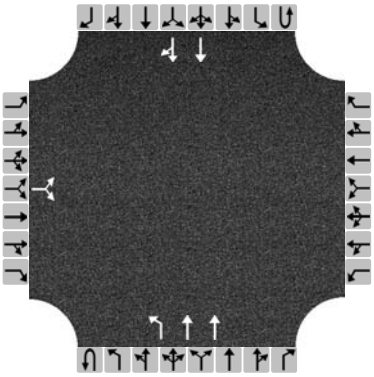
General Information

Analyst	RLA
Agency/Co.	ATS
Date Performed	10/20/2015
Analysis Year	2015
Time Analyzed	PM 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	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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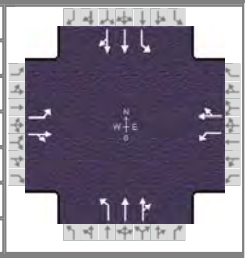
HCS 2010 Signalized Intersection Results Summary

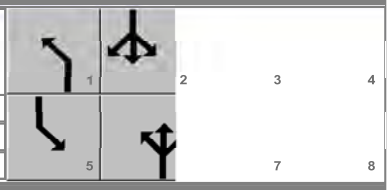
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93AMwith.xus		
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	732	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	510	491	24	368	368
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	7.5	7.7	0.3	5.6	5.6
Cycle Queue Clearance Time (g_c), s	2.4	1.5		5.5	2.0		0.4	7.5	7.7	0.3	5.6	5.6
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		686	1473	1419	531	1454	1451
Volume-to-Capacity Ratio (*X*)	0.027	0.210		0.365	0.285		0.055	0.346	0.346	0.045	0.253	0.253
Available Capacity (c_a), veh/h	698	829		710	783		1769	1473	1419	1519	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		3.6	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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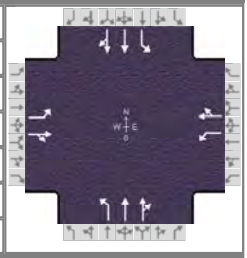
HCS 2010 Signalized Intersection Results Summary

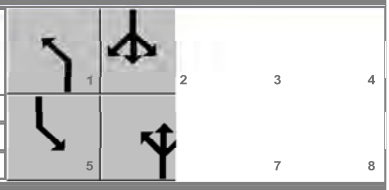
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	Commerce Dr.	File Name	93PMwith.xus		
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	113	28	40	28	810	140	44	711	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		113	68		32	550	522	44	360	359
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	8.9	0.4	5.0	5.0
Cycle Queue Clearance Time (g_c), s	4.7	2.1		6.0	3.9		0.3	8.8	8.9	0.4	5.0	5.0
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		691	1478	1401	534	1491	1485
Volume-to-Capacity Ratio (*X*)	0.119	0.370		0.899	0.660		0.046	0.372	0.373	0.082	0.242	0.242
Available Capacity (c_a), veh/h	101	108		126	103		983	1478	1401	1170	1491	1485
Back of Queue (*Q*), veh/ln (50 th percentile)	0.3	0.9		4.5	1.9		0.1	2.2	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		49.1	46.0		2.0	3.3	3.4	2.1	2.9	2.9
Incremental Delay (d_2), s/veh	0.2	0.8		49.6	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		98.7	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		83.3	F		4.0	A		3.2	A	
Intersection Delay, s/veh / LOS	11.6						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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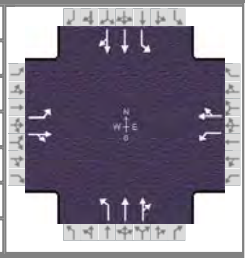
HCS 2010 Signalized Intersection Results Summary

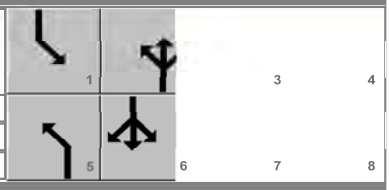
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	AM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93AMwith.xus		
Project 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	941	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	478	475	48	371	369
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	7.5	7.5	0.4	4.3	4.3
Cycle Queue Clearance Time (g_c), s	6.0	0.6		1.4	5.7		0.1	7.5	7.5	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		660	1474	1467	591	1535	1529
Volume-to-Capacity Ratio (X)	0.209	0.112		0.081	0.946		0.012	0.324	0.324	0.081	0.241	0.241
Available Capacity (c_a), veh/h	77	108		148	97		788	1474	1467	1712	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	3.9	3.9	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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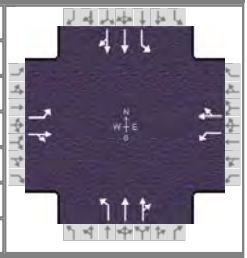
HCS 2010 Signalized Intersection Results Summary

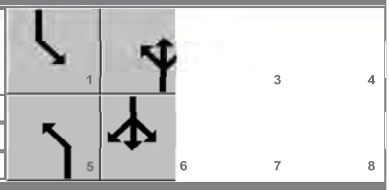
General Information				Intersection Information	
Agency	ATS			Duration, h	0.25
Analyst	RLA	Analysis Date	Oct 20, 2015	Area Type	Other
Jurisdiction	MDT	Time Period	PM Peak Hour	PHF	1.00
Urban Street	Highway 93	Analysis Year	2015	Analysis Period	1> 7:00
Intersection	JP Road	File Name	93PMwith.xus		
Project 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	1024	36	156	970	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		0.96	
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	533	527	113	355	354
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	9.8	9.8	1.1	4.7	4.7
Cycle Queue Clearance Time (g_c), s	5.6	0.4		2.3	5.1		0.2	9.8	9.8	1.1	4.7	4.7
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		673	1421	1404	545	1490	1488
Volume-to-Capacity Ratio (X)	0.077	0.062		0.163	0.696		0.024	0.375	0.375	0.208	0.238	0.238
Available Capacity (c_a), veh/h	111	139		180	130		1339	1421	1404	1445	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	0.8	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	3.1	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	7.2						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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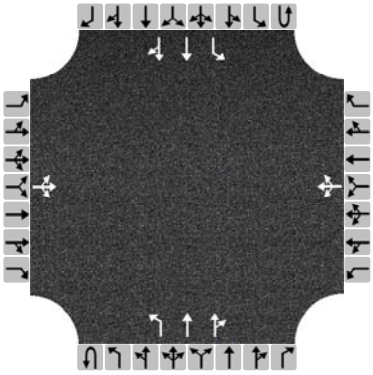
HCS 2010 Two-Way Stop Control Summary Report

General Information		Site Information	
Analyst	RLA	Intersection	Hwy 93 & Towne Suites
Agency/Co.	ATS	Jurisdiction	MDT
Date Performed	10/20/2015	East/West Street	Towne Suites
Analysis Year	2015	North/South Street	Hwy 93
Time Analyzed	AM Peak Hour	Peak Hour Factor	1.00
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	With Development		

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	2	4		5	3	23		12	1036	9		20	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)			14				31			12				20		
Capacity			156				349			929				725		
v/c Ratio			0.09				0.09			0.01				0.03		
95% Queue Length			0.3				0.3			0.0				0.1		
Control Delay (s/veh)			30.3				16.3			8.9				10.1		
Level of Service (LOS)			D				C			A				B		
Approach Delay (s/veh)	30.3				16.3				0.1				0.3			
Approach LOS	D				C				A				A			

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TowneAMwith.xtw

Generated: 4/26/2016 8:50:37 AM

HCS 2010 Two-Way Stop Control Summary Report

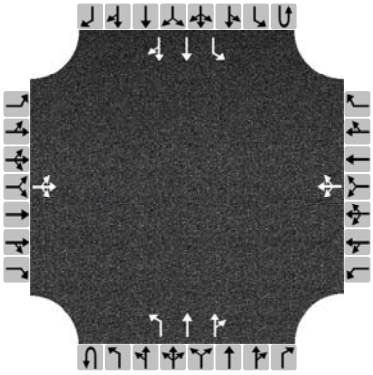
General Information

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	3	16		4	3	22		4	1100	12		27	1125	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)			31				29			4				27		
Capacity			110				199			664				680		
v/c Ratio			0.28				0.15			0.01				0.04		
95% Queue Length			1.1				0.5			0.0				0.1		
Control Delay (s/veh)			50.0				26.1			10.5				10.5		
Level of Service (LOS)			F				D			B				B		
Approach Delay (s/veh)	50.0				26.1				0.0				0.2			
Approach LOS	F				D				A				A			

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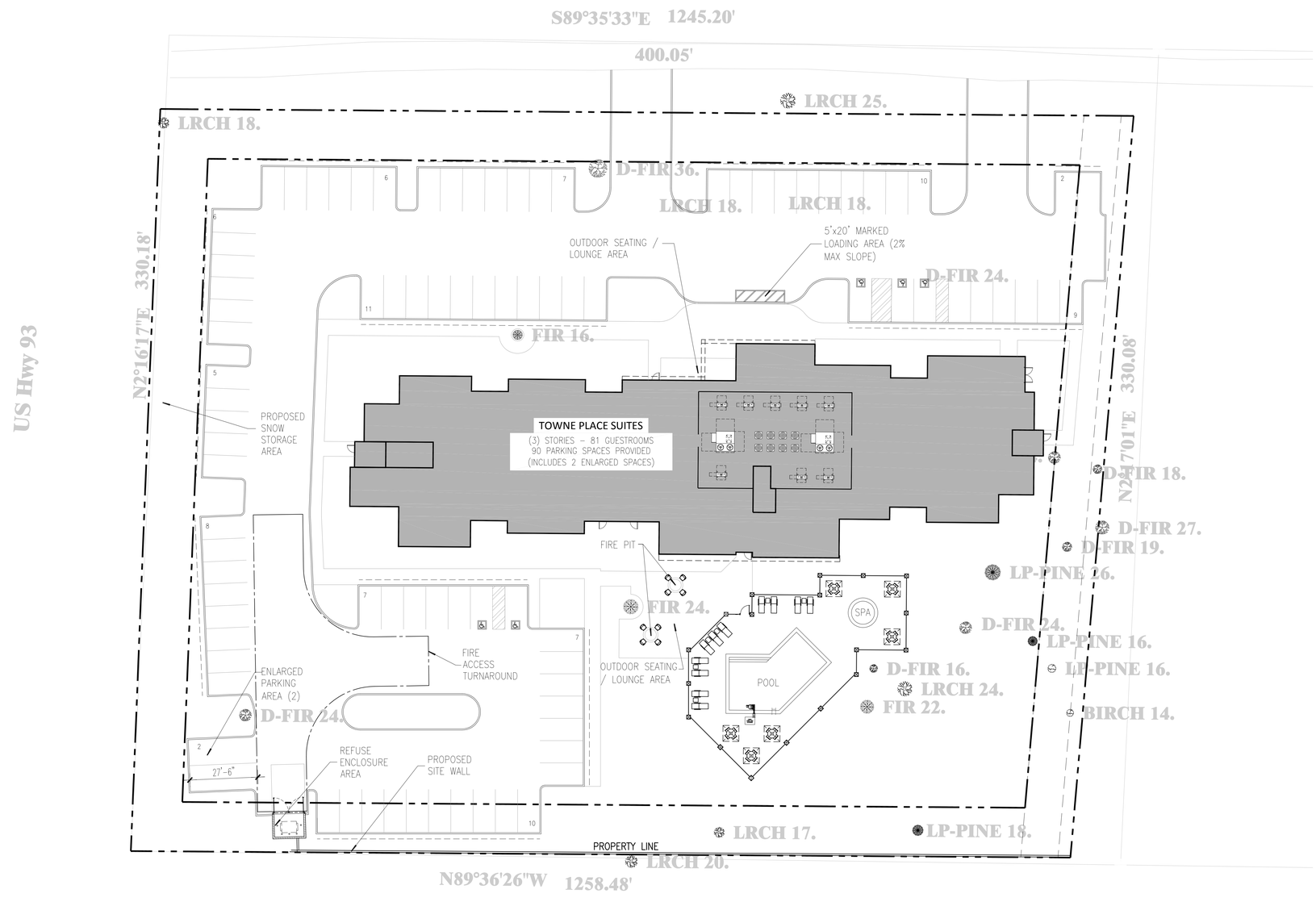

PROPOSED SITE LAYOUT

SCALE: 1" = 20'-0"

NORTH

NOT FOR CONSTRUCTION

PK ARCHITECTS
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PK ARCHITECTS, PC
4515 S. McCLINTOCK DRIVE, #206
TEMPE, ARIZONA 85282
PHONE: (602) 283-1620
FAX: (602) 283-1621

TownePlace SUITES Marriott

WHITEFISH, MONTANA

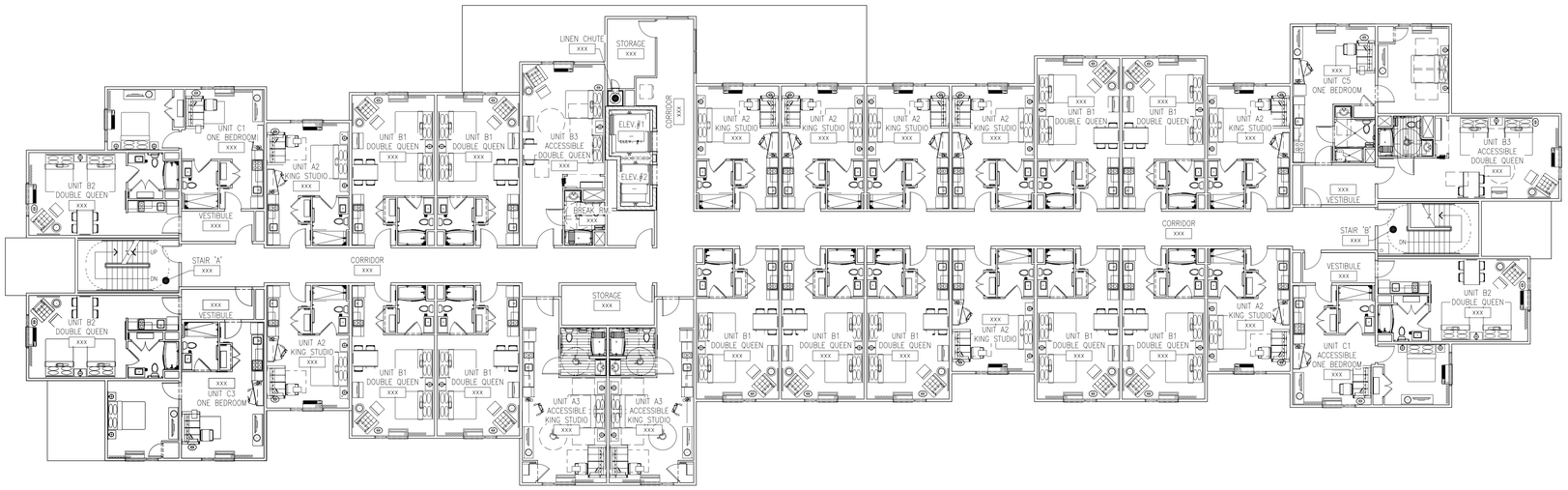
REVISION:	DATE:	COMMENTS:

PROJECT NO:	15-313
DATE:	03-30-2016
DRAWN BY:	MP
CHECKED BY:	SK

SHEET TITLE:
ARCHITECTURAL SITE PLAN

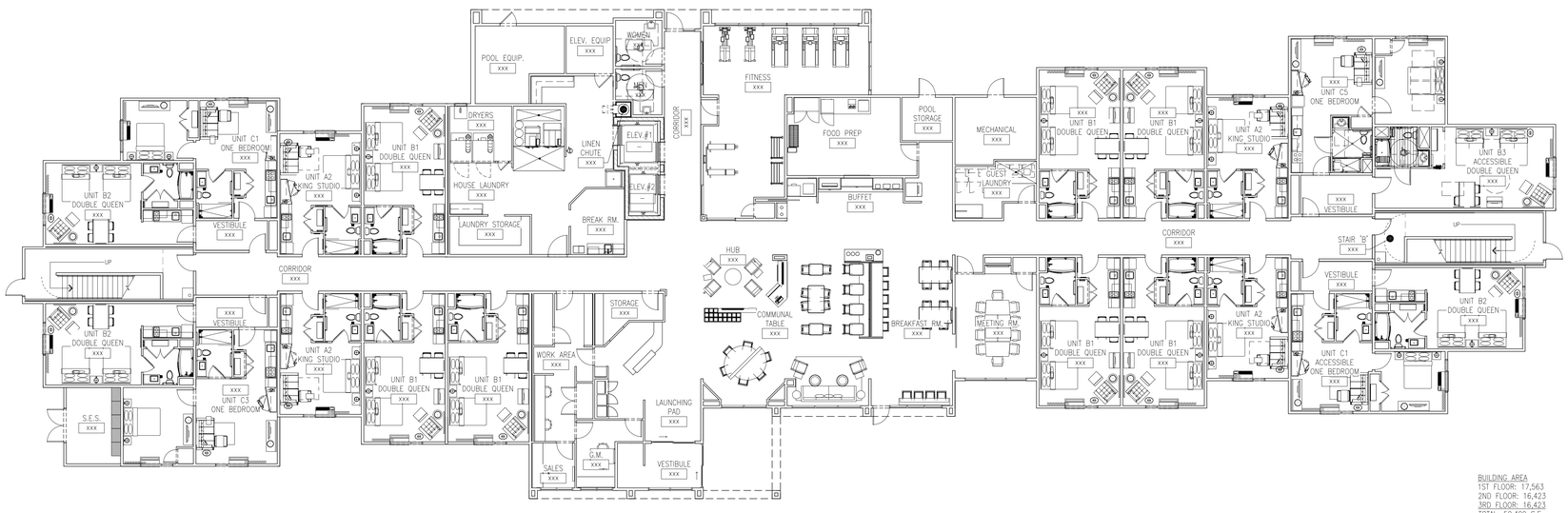
SHEET NUMBER:
A1.1

BE ADVISED THAT THIS SET OF PLANS HAS BEEN PREPARED FOR BUILDING PLAN REVIEW PURPOSES ONLY AT THIS TIME. THIS SET OF PLANS SHOULD BE CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE DEEMED FINAL UNTIL ALL APPROVALS HAVE BEEN OBTAINED FROM ALL AUTHORITIES HAVING JURISDICTION, AS WELL AS INTERNAL REVIEWS. THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF PK ARCHITECTS, P.C. ALL DESIGNS AND OTHER INFORMATION ON THE DRAWINGS ARE FOR THE USE OF THE SPECIFIED PROJECT AND SHALL NOT BE USED OTHERWISE WITHOUT EXPRESSED WRITTEN PERMISSION OF PK ARCHITECTS, P.C. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IN WRITING OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS. SHOULD IT APPEAR THAT THE WORK CONTEMPLATED BY THE CONTRACT DOCUMENTS IS NOT SUFFICIENTLY DETAILED, EXPLAINED OR CONTAINING INFORMATION EVASIVE, THE CONTRACTOR SHALL NOTIFY PK ARCHITECTS, P.C. IN WRITING, PRIOR TO BEING COMMENCED. SHOP DETAILS SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING.



PROPOSED 2ND AND 3RD FLOOR LAYOUTS

SCALE: 3/32" = 1'-0"



BUILDING AREA
1ST FLOOR: 17,563
2ND FLOOR: 16,423
3RD FLOOR: 16,423
TOTAL: 50,409 S.F.

PROPOSED 1ST FLOOR LAYOUT

SCALE: 3/32" = 1'-0"

NORTH

© FROM ALL AUTHORITIES HAVING JURISDICTION. THIS SET OF PLANS SHALL NOT BE USED FOR FINAL BIDDING PURPOSES AND ANY BID SUBMITTED THAT HAS BEEN BASED ON THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS WILL CHANGE DUE TO PLAN REVIEW COMMENTS BY THE VARIOUS AUTHORITIES HAVING JURISDICTION AS WELL AS INTERNAL REVIEWS. THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF PK ARCHITECTS, P.C. ALL DESIGNS AND OTHER INFORMATION ON THE DRAWINGS ARE FOR THE USE OF THE SPECIFIED PROJECT AND SHALL NOT BE USED OTHERWISE WITHOUT EXPRESSED WRITTEN PERMISSION OF PK ARCHITECTS, P.C. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IN WRITING OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS. SHOULD IT APPEAR THAT THE WORK CALLED FOR BY THE CONTRACT DOCUMENTS IS NOT SUFFICIENTLY DETAILED, EXPLAINED OR COMPLETING INFORMATION EXISTS, THE CONTRACTOR SHALL NOTIFY PK ARCHITECTS, P.C. IN WRITING. PK ARCHITECTS, P.C. SHALL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS DUE TO THE CONTRACTOR'S FAILURE TO PROPERLY NOTIFY PK ARCHITECTS, P.C. PRIOR TO WORK BEING COMMENCED. SHOP DETAILS SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING.

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TownePlace SUITES Marriott

WHITEFISH, MONTANA

REVISION:	DATE:	COMMENTS:

PROJECT NO:	15-313
DATE:	03-30-2016
DRAWN BY:	MP
CHECKED BY:	SK

SHEET TITLE:
ARCHITECTURAL FLOOR PLANS

SHEET NUMBER:
A2-1

PROPOSED NORTH ELEVATION

SCALE: 3/32" = 1'-0"

PROPOSED WEST ELEVATION

SCALE: 3/32" = 1'-0"

PROPOSED EAST ELEVATION

SCALE: 3/32" = 1'-0"

PROPOSED SOUTH ELEVATION

SCALE: 3/32" = 1'-0"

NOT FOR CONSTRUCTION

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PHONE: (602) 283-1620
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TownePlace SUITES Marriott

WHITEFISH, MONTANA

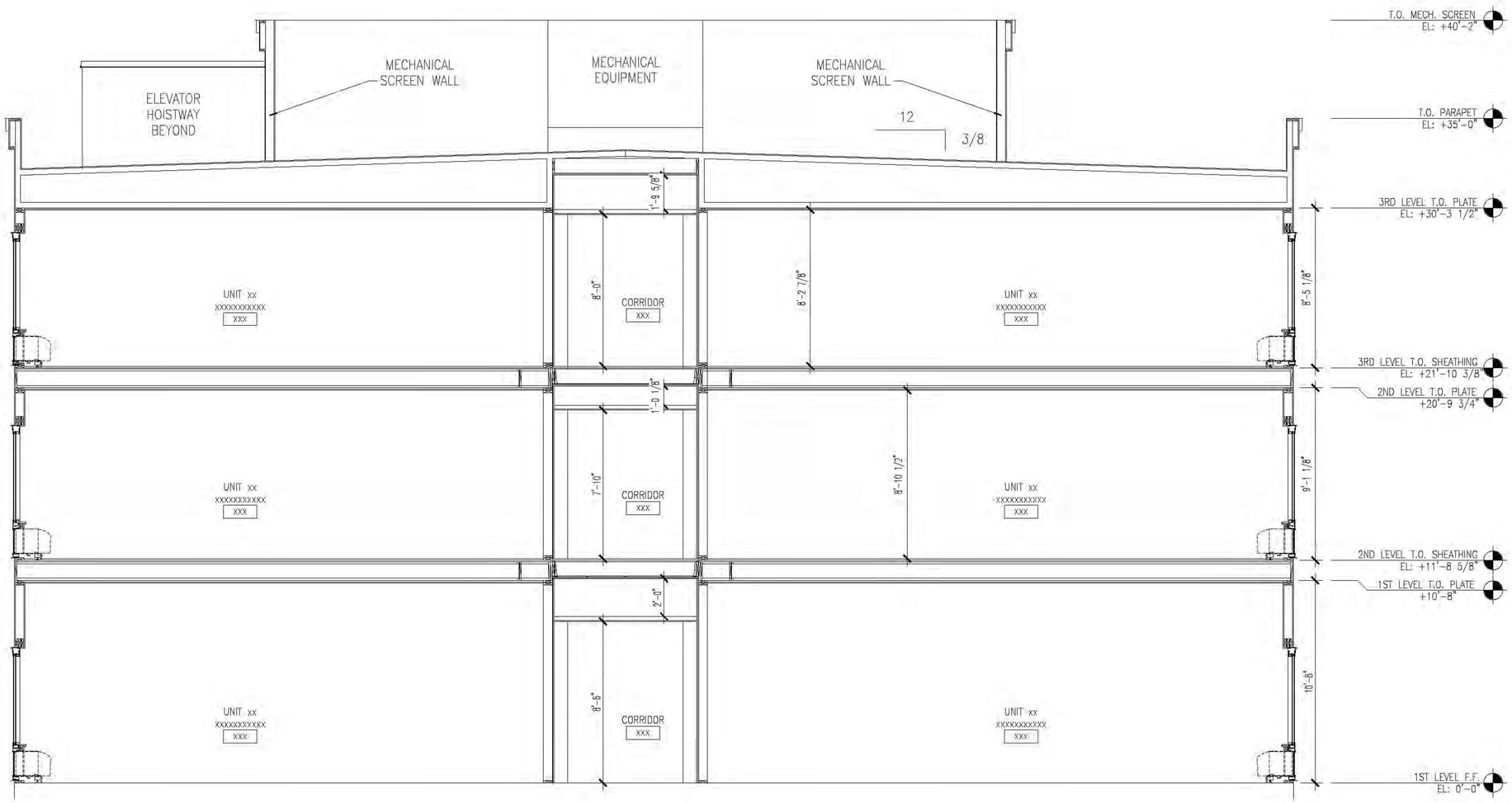
REVISION:	DATE:	COMMENTS:

PROJECT NO:	15-313
DATE:	03-30-2016
DRAWN BY:	MP
CHECKED BY:	SK

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
A3-1

BE ADVISED THAT THIS SET OF PLANS HAS BEEN PREPARED FOR BUILDING PLAN REVIEW PURPOSES ONLY. AT THIS TIME, THE SET OF PLANS SHOULD BE CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE DEEMED FINAL UNTIL ALL APPROVALS HAVE BEEN OBTAINED FROM ALL AUTHORITIES HAVING JURISDICTION. THIS SET OF PLANS SHALL NOT BE USED FOR FINAL BIDDING PURPOSES AND BID SUBMITTED THAT HAS BEEN BASED ON THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS WILL CHANGE DUE TO PLAN REVIEW COMMENTS BY THE VARIOUS AUTHORITIES HAVING JURISDICTION AS WELL AS INTERNAL REVIEWS. THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF PK ARCHITECTS, P.C. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IN WRITING OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS. SHOULD IT APPEAR THAT THE WORK CONTEMPLATED BY THE CONTRACT DOCUMENTS IS NOT SUFFICIENTLY DETAILED, EXPLAINED OR CONFLICTING INFORMATION EXISTS, THE CONTRACTOR SHALL NOTIFY PK ARCHITECTS, P.C. IN WRITING. PK ARCHITECTS, P.C. SHALL NOT BE RESPONSIBLE FOR ERRORS OR OMISSIONS DUE TO THE CONTRACTOR'S FAILURE TO PROPERLY NOTIFY PK ARCHITECTS, P.C. PRIOR TO WORK BEING COMMENCED. SHOP DRAWS SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING.



PROPOSED OVERALL BUILDING SECTION

SCALE: 3/8" = 1'-0"

THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE BIDDED FROM. VISIT ALL AUTHORITIES HAVING JURISDICTION IN WHICH THE PROJECT IS LOCATED. THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS WILL CHANGE DUE TO PLAN REVIEW COMMENTS OF THE VARIOUS AUTHORITIES HAVING JURISDICTION IN WHICH THE PROJECT IS LOCATED. THIS SET OF PLANS SHALL NOT BE BIDDED FROM. VISIT ALL AUTHORITIES HAVING JURISDICTION IN WHICH THE PROJECT IS LOCATED. THIS SET OF PLANS SHALL BE DESIGNED FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE OFFICE SHALL BE NOTIFIED IN WRITING OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS. SHOULD IT APPEAR THAT THE WORK CORRECT BY THE CONTRACT DOCUMENTS IS NOT SUFFICIENTLY DETAILED, EXPLAINED OR CONTAINING INFORMATION LESS THAN THE CONTRACTOR'S FAILURE TO PROPERLY NOTIFY PK ARCHITECTS, P.C. PRIOR TO WORK BEING COMMENCED. SHOP DRAWS SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING. THE DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS ARE FOR THE SPECIFIED PROJECT AND SHALL NOT BE USED OTHERWISE WITHOUT EXPRESSED WRITTEN PERMISSION OF PK ARCHITECTS, P.C. ALL AGENCIES AND OTHER INFORMATION ON THE DRAWINGS ARE FOR THE USE OF THE SPECIFIED PROJECT AND SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE OFFICE SHALL BE NOTIFIED IN WRITING OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS. SHOULD IT APPEAR THAT THE WORK CORRECT BY THE CONTRACT DOCUMENTS IS NOT SUFFICIENTLY DETAILED, EXPLAINED OR CONTAINING INFORMATION LESS THAN THE CONTRACTOR'S FAILURE TO PROPERLY NOTIFY PK ARCHITECTS, P.C. PRIOR TO WORK BEING COMMENCED. SHOP DRAWS SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING.

NOT FOR CONSTRUCTION

PK ARCHITECTS, PC
4515 S. McCLINTOCK DRIVE, #206
TEMPE, ARIZONA 85282
PHONE: (602) 283-1620
FAX: (602) 283-1621

TownePlace SUITES Marriott

WHITEFISH, MONTANA

REVISION:	DATE:	COMMENTS:

PROJECT NO:	15-313
DATE:	03-30-2016
DRAWN BY:	MP
CHECKED BY:	SK

SHEET TITLE:
ARCHITECTURAL BUILDING SECTION

SHEET NUMBER:
A3-2

aerial view
from the north

elevation
from the north

NOT FOR CONSTRUCTION

pk ARCHITECTS

PK ARCHITECTS, PC
6010 S. McCLINTOCK DRIVE, #206
TEMPE, ARIZONA 85283
PHONE: (602) 283-1920
FAX: (602) 283-1921

CTA

TownePlace SUITES Marriott

WHITEFISH, MONTANA

Whitefish Planning & Zoning:

Project Character Renderings

NOT FOR CONSTRUCTION

pk ARCHITECTS

PK ARCHITECTS, PC
4010 S. McCLINTOCK DRIVE, #206
TEMPE, ARIZONA 85282
PHONE: (602) 283-1020
FAX: (602) 283-1021

CTA

TownePlace SUITES Marriott

WHITEFISH, MONTANA

Whitefish Planning & Zoning:

Project Character Renderings

NOT FOR CONSTRUCTION

pk ARCHITECTS

PK ARCHITECTS, PC

CTA

TownePlace SUITES Marriott

WHITEFISH, MONTANA

Whitefish Planning & Zoning:

Project Character Renderings

perspective
from the west
(Highway 93)

perspective
from the northeast

NOT FOR CONSTRUCTION

pk ARCHITECTS

PK ARCHITECTS, PC

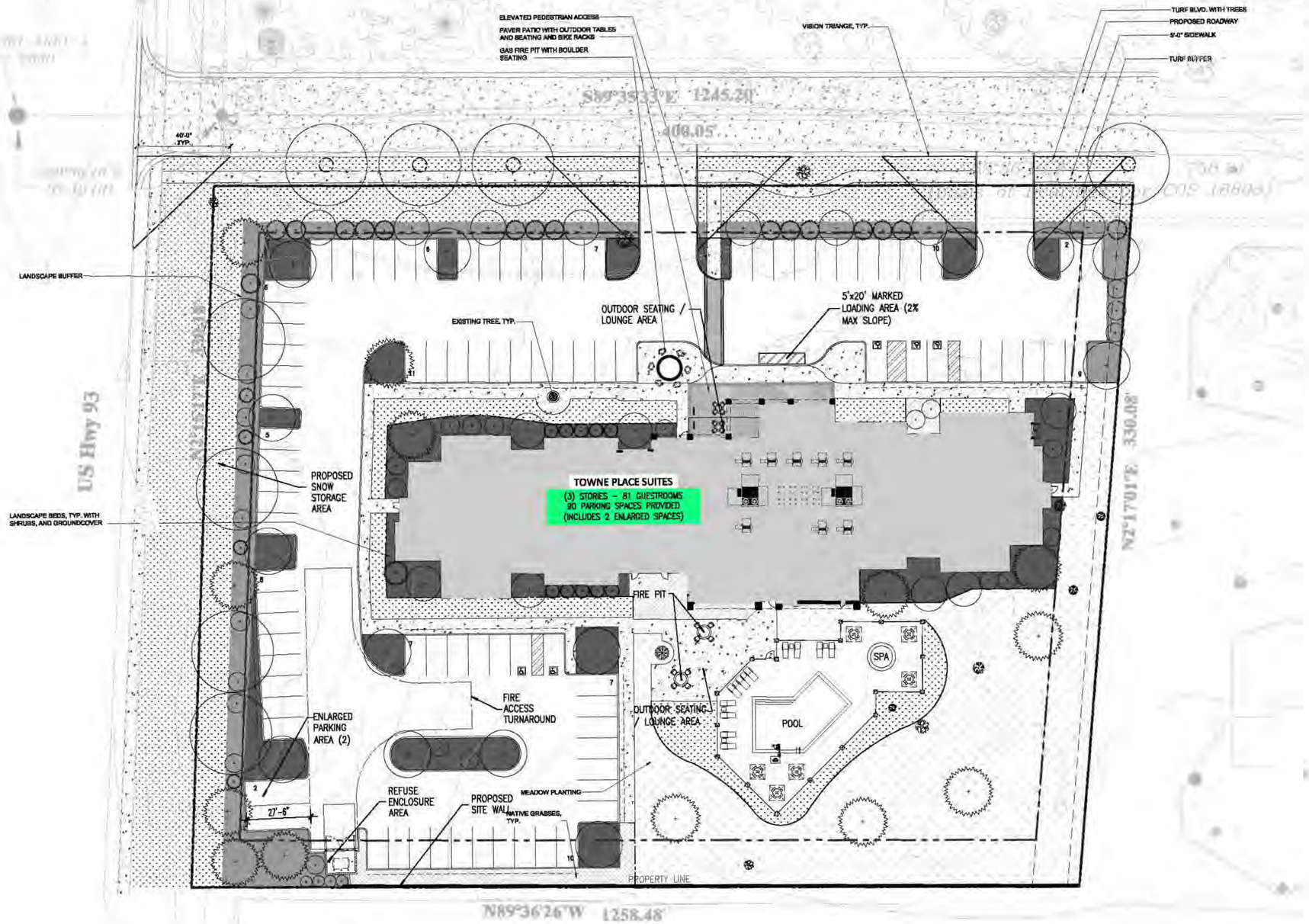
CTA

TownePlace SUITES Marriott

WHITEFISH, MONTANA

Whitefish Planning & Zoning:

Project Character Renderings



1 L101 **CONCEPTUAL LANDSCAPE PLAN** 1"=20'-0"

NORTH REF

0 10' 20' 40'
SCALE: 1" = 20'

WHITEFISH, MONTANA
MARRIOTT
TOWNEPLACE SUITES

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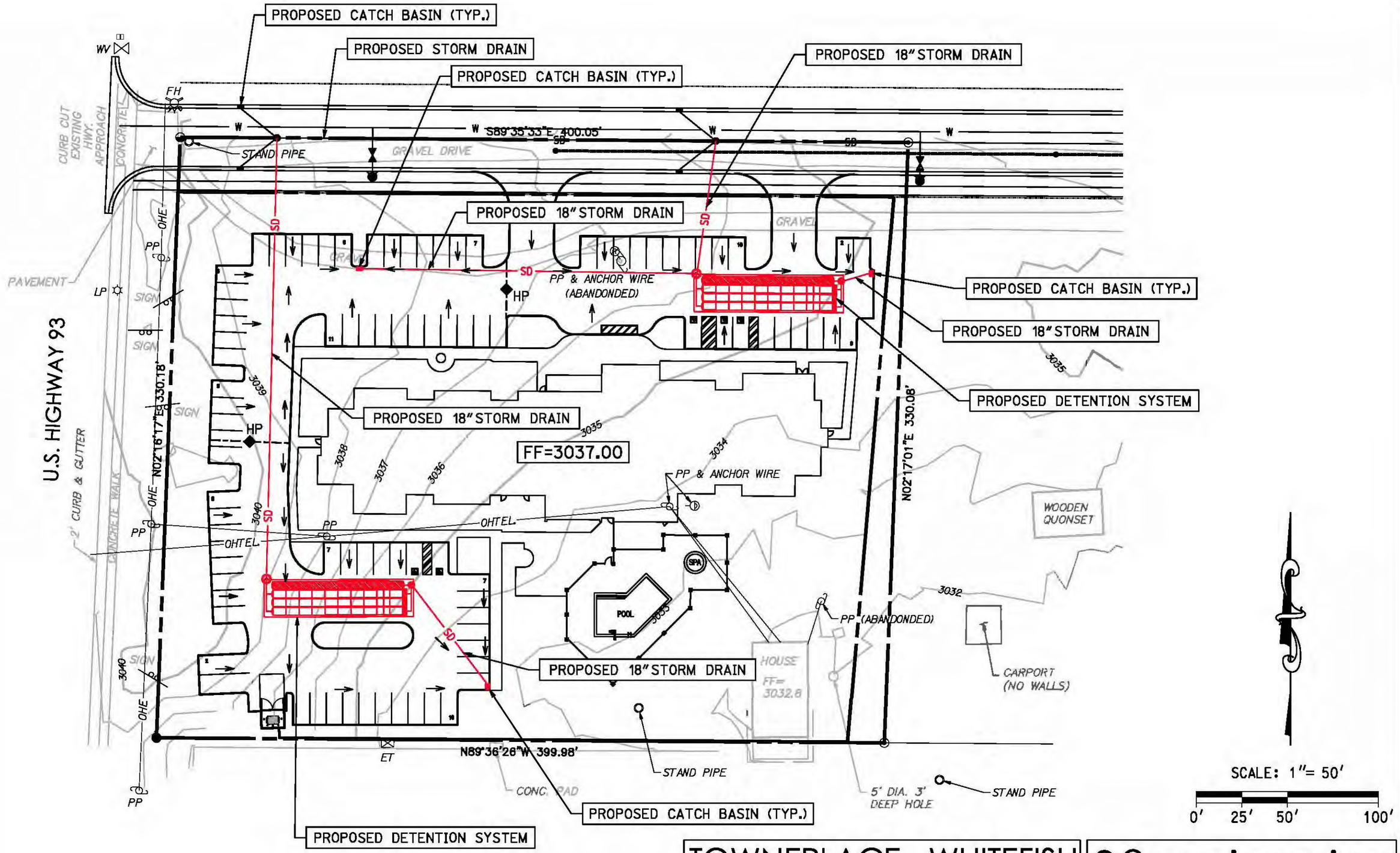
SITE REVIEW

05.01.2016
DRAWN BY | WILLIAMS
REVISIONS
-

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

CONCEPTUAL LANDSCAPE PLAN

L101



TOWNEPLACE - WHITEFISH

6361 US HIGHWAY 93S, WHITEFISH, MONTANA

CONCEPTUAL DRAINAGE PLAN

3 engineering
planning civil engineering surveying

3 ENGINEERING, LLC
2929 E. CAMELBACK ROAD, SUITE # 116 - PHOENIX, ARIZONA 85016
PHONE: (602) 334-4387 - FAX: (602) 490-3230
WWW.3ENGINEERING.COM

DATE:	PROJECT NO.
04/28/16	1143

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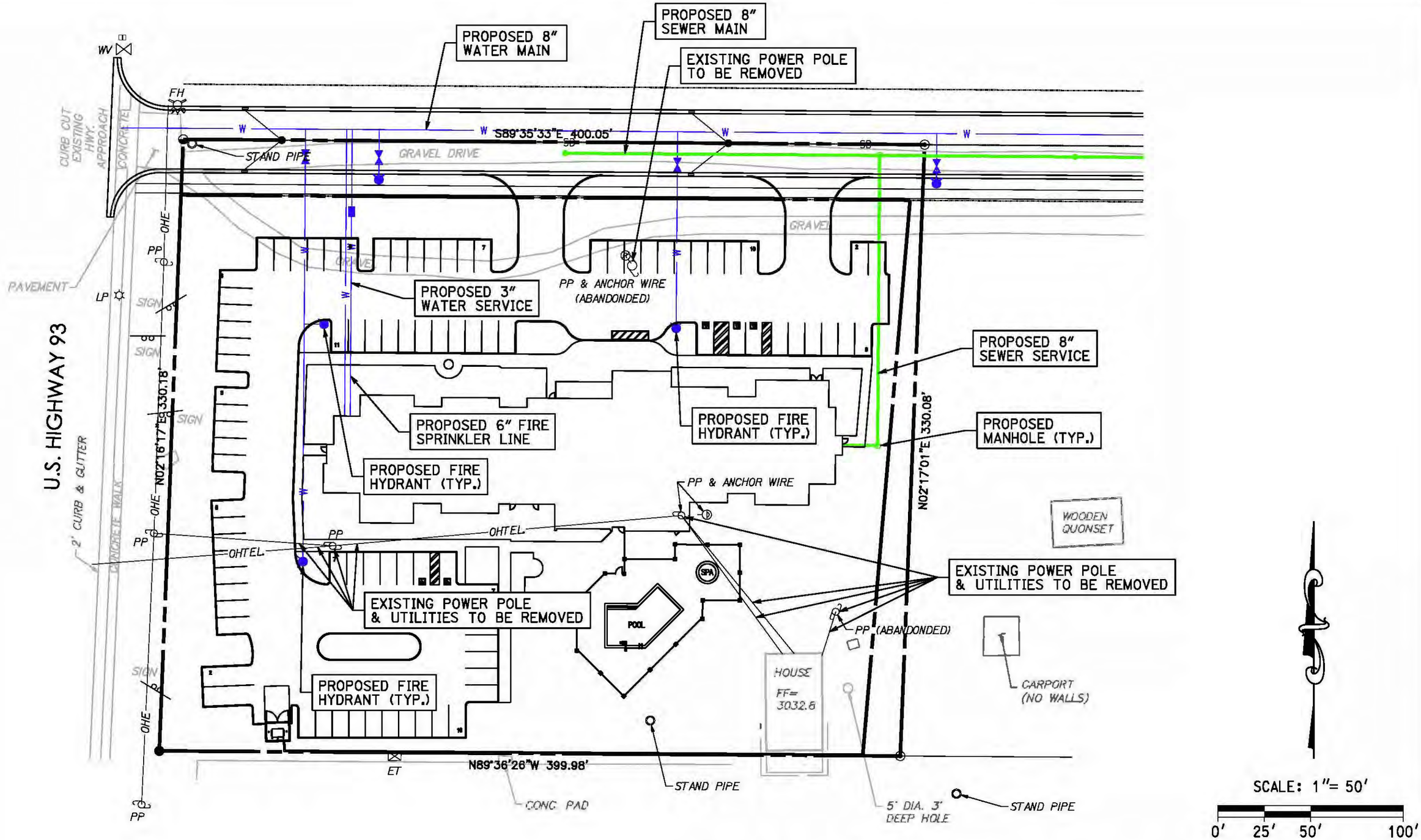

TOWNEPLACE - WHITEFISH

6361 US HIGHWAY 93S, WHITEFISH, MONTANA

CONCEPTUAL UTILITY PLAN

3 engineering
planning civil engineering surveying

3 ENGINEERING, LLC
2929 E. CAMELBACK ROAD, SUITE # 116 - PHOENIX, ARIZONA 85016
PHONE: (602) 334-4387 - FAX: (602) 490-3230
WWW.3ENGINEERING.COM

DATE:	PROJECT NO.
04/28/16	1143

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June 16, 2016

received 6-16-16 @ Planning Board mtg.

Memo to Whitefish Planning Board and Staff

Subject: WCUP 16-04 Whitefish TP llc

Board Members and staff:

This revised proposal for a Marriot Represents a scaled down version of their original proposal in a different but neighboring location. It is smaller and does not request a height variance. From my perspective there are 4 areas of concern and I will briefly address each of them.

Traffic

I have addressed this subject in much greater detail earlier and won't repeat what is already part of the public record. Remember my work addressed the US 93 corridor between JP Road and the signal at the Whitefish Mall. A few changes have occurred since my last submission to you, including:

The 55 acre Morris family property between the Baptist Church and the Mormon Church on the west side has been sold to an "Investment Group". I have no idea who they are or what they intend but surely development of that property will exacerbate traffic concerns in that area.

Offers are being made for the Dalen property on the east side and if it is sold will again further exacerbate traffic in that area as well

I have no reason to question the traffic study but it did not include the entire section I referenced. Also the tourism officials locally claim to have data showing the nearly everyone renting accommodations in Whitefish during the Summer season are headed one or more times to Glacier National Park. In the case of this proposed hotel there will be times when left turns are a rule and not an exception as well as being concentrated mostly in the mornings.

I realize the Public Works Department is trying to establish a working project with MDT to study possible traffic solutions in that area but that effort is not in their control (MDT owns US 93) and to date progress has been very slow.

There is some limited relief possible by extending Whitefish Ave. south to JP Rd. That too is moving slowly. You should be cautions and thoughtful before approving any significant development along that piece of US 93 until there is "light at the end of the tunnel" with both solution alternatives mentioned.

Sewage treatment capacity and odor control

Capacity of today's lagoon system: Between now and the time the treatment facility is upgraded (5 or so years) I am sure that more than 1000 new toilets will come on line with all the other inflow sources like washers, sinks, restaurants, etc. It is the position of the Public Works Dept. that today's system can handle the volume increases. I hope they are correct.

Lagoon odor control: You have all seen the press or may have actually experienced the odor problems encountered this season with today's sewage volumes. The City is working hard to improve todays lagoon system to mitigate that problem including hiring one of the nation's leading experts on these systems to help them now and until the new plant is build. Again I hope they are successful.

However, how and what is going to be done and how successful it may be re: mitigating odors is not yet clear. The new consultant is coming next month and presumably will make recommendations, but until more is known some have suggested a moratorium on new development. That is had to do and generally unpopular, but possibly a hold on approval might be considered pending successful odor control recommendations and solutions from the consultant.

The need for more hotel rooms

In earlier meeting with the Planning Board and Council presentations have been made by local tourism folks with data question the need for even more now room with the Hampton Inn, Fire Brand, new CF hotel and new Marriott in Kalispell all coming on line this Summer—collectively hundreds of new rooms. The impact could be very severe for all the hotel/motel facilities, but particularly for smaller hotel/motel and well B & B businesses in Whitefish. I am no expert on this subject but am sure it will be discussed in detail when this proposal reaches city council in July.

The CUP itself

The 15,000 ft. limit was put in place for a purpose, yet it seems we have tended to grant variances often, especially for hotel/motels. This has been done so often that it will be increasingly difficult not to grant one given all the precedents-- which incidentally are always quoted. I firmly believe we should hold to the 15,000 ft. limit or revise it. Although not currently required, I believe CUP's should be required to provide some community benefit in exchange for approving a CUP. In this case I don't see any.

Thus I would recommend that you forward a denial of the CUP request to Council.

Respectfully submitted,

Don Spivey

117 Park Knoll Lane

Whitefish, MT 59937

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ORDINANCE NO. 16-___

An Ordinance of the City Council of the City of Whitefish, Montana, rezoning approximately 0.11 acres of land known as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, from County RR-1 (Low Density Resort Residential District) to City WRR-1 (Low Density Resort Residential District) and adopting findings with respect to such rezone.

WHEREAS, the City of Whitefish initiated a rezone with respect to unaddressed property commonly known as Nelson Lane, and legally described as Tract 1MA in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Northern Portion, and Tract 1B, Tract 1-0 in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) Southern Portion, of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County; and

WHEREAS, in response to the rezone, the Whitefish Planning & Building staff prepared Staff Report WZC 16-04, dated June 9, 2016, which analyzed the proposed rezone and recommended in favor of its approval; and

WHEREAS, at a lawfully noticed public hearing on June 16, 2016, the Whitefish Planning Board reviewed Staff Report WZC 16-04, received an oral report from Planning staff, invited public comment, and thereafter voted to recommend in favor of the proposed zone change; and

WHEREAS, at a lawfully noticed public hearing on July 5, 2016, the Whitefish City Council reviewed Staff Report WZC 16-04 and letter of transmittal, received an oral report from Planning staff, and invited public comment; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to approve the proposed rezone; and

WHEREAS, the proposed rezone meets zoning procedure and the criteria and guidelines for the proposed rezone required by MCA §§ 76-2-303 through 76-2-305 and WCC § 11-7-12.

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

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

Section 2: Staff Report WZC 16-04 dated June 9, 2016, together with the June 28, 2016 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: The real property unaddressed, commonly known as Nelson Lane, and legally described as:

> The Easterly ten feet of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE¼SE¼NW¼) and the Easterly ten feet of the North

216.11 feet of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE¼SE¼NW¼) of Section 35, Township 31 North, Range 22 West, P.M.M., Flathead County, Montana.

Excepting therefrom that portion deeded to the State of Montana for highway purposes, recorded February 19, 2014, as Instrument No. 2014-00003072 and February 19, 2014, as Instrument No. 2014-00003073.

previously zoned County RR-1 (Low Density Resort Residential District) is hereby rezoned to City WRR-1 (Low Density Resort Residential District).

Section 4: The official Zoning Map of the City of Whitefish, Montana, shall be amended, altered and changed to provide that the rezone and zoning map amendment of the real property identified on the map attached hereto as Exhibit "A", and incorporated herein by reference, shall be designated City WRR-1 (Low Density Resort Residential District). The Zoning Administrator is instructed to change the City's official Zoning Map to conform to the terms of this Ordinance.

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

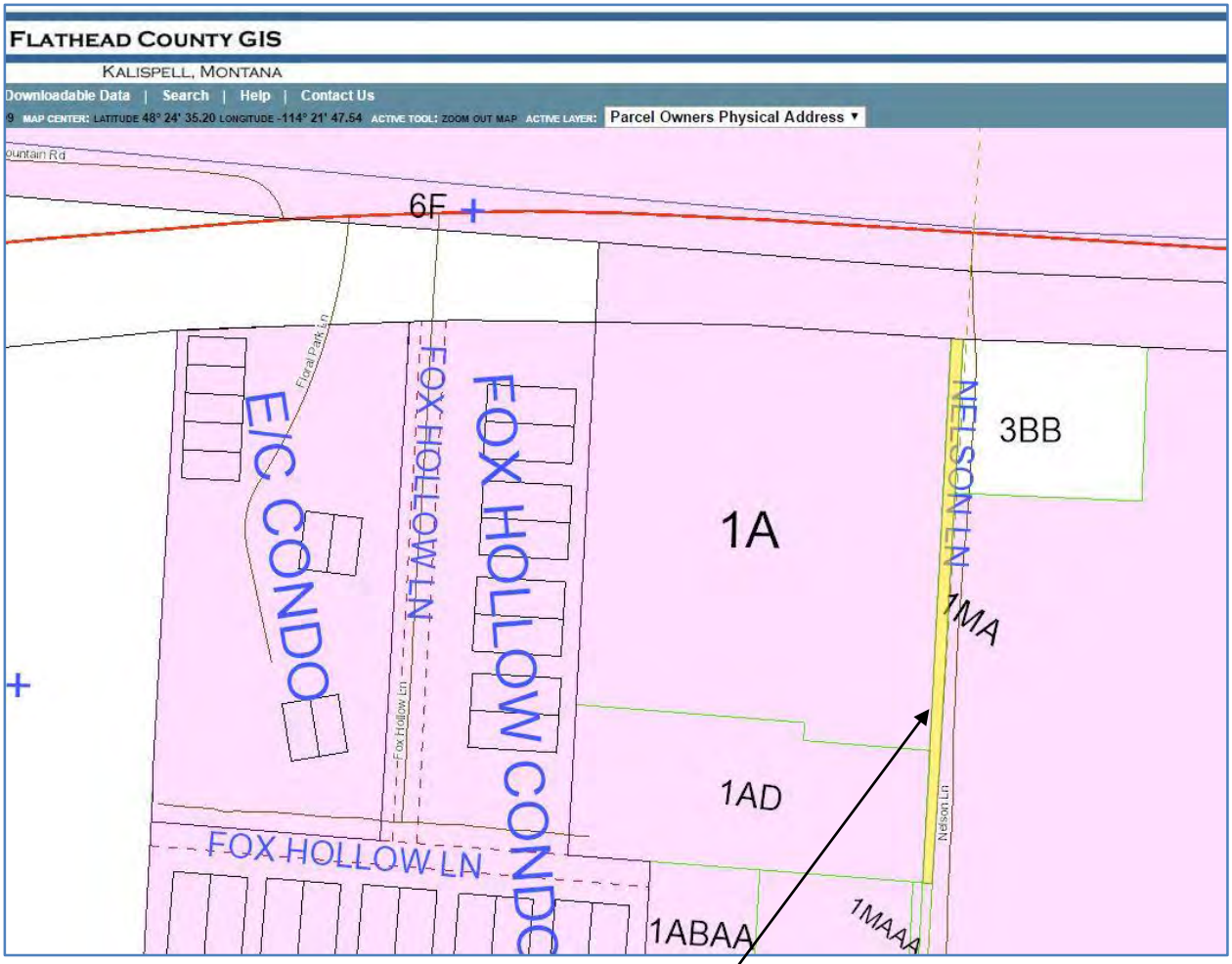
Section 6: This Ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Whitefish, Montana, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____, 2016.

_____
John M. Muhlfeld, Mayor

ATTEST:

_____
Michelle Howke, City Clerk



TR 1MA IN SE¼NW¼ NORTHERN PORTION
TR 1B, TR 1-0 IN SE¼NW¼ SOUTHERN PORTION
Assessor Nos. 0006303 and 0613050

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

June 28, 2016

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

RE: GMJ llc Zone Change: WZC 16-04

Honorable Mayor and Council:

Summary of Requested Action: This is a request by GMJ llc for a rezone of one parcel with the zoning designation of County RR-1 to City WRR-1 (Low Density Resort Residential District). The property is unaddressed, is commonly known as Nelson Lane and totals 0.11 acres.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced rezone.

Public Hearing: No members of the public spoke at the public hearing. The draft minutes from the Planning Board for this item are attached as part of this packet.

Planning Board Action: The Whitefish City Planning Board met on June 16, 2016 and considered the requested rezone. Following the public hearing, the Planning Board voted 6-0 (unanimously, Meckel was absent) and recommended approval of the above referenced rezone and adopted the staff report as findings of fact.

This item has been placed on the agenda for your regularly scheduled meeting on July 5, 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: Draft Minutes of 6-16-16 Planning Board Meeting

Exhibits from 6-16-16 Staff Packet

1. Staff Report WZC-16-04, 6-9-16
2. Adjacent Landowner Notice, 5-27-16
3. Advisory Agency Notice, 5-27-16

The following was submitted by the applicant:

4. Application for Zoning Map Amendment, 5-25-16

c: w/att Michelle Howke, City Clerk

c: w/o att GMJ llc Garth Boksich PO Box 4274 Whitefish, MT 59937

	one house per lot. They either have to do a CUP to have multiple buildings on one lot or they could have done a subdivision and each unit would have been on its own lot. Rebecca asked whether on-site lighting will be covered in the architectural review process and Compton-Ring replied outdoor lighting is part of architectural review but we also have the dark skies ordinance. Melissa pointed out it is Condition No. 10. Rebecca would like to consider a requirement of adding trees for screening along the Southern portion of the Western boundary. Melissa asked if it is covered by Condition No. 12 and Compton-Ring replied a landscaping plan does not necessarily cover screening. Ken asked and Compton-Ring replied the ARC looks at conceptual landscaping plans but not screening. Rebecca moved and Frank seconded that Condition No. 12 be revised to read, "A landscaping plan, *which shall include planting trees along the southern portion of the western boundary,* shall be submitted to the Planning Department for review and approval." include planting trees along the southern portion of the western boundary. **The motion passed unanimously.** Melissa moved and Rebecca seconded that Condition No. 11 be revised to read, "The refuse *and recycling* location shall be reviewed and approved by the Public Works Department and North Valley Refuse." **The motion passed unanimously.** Rebecca moved and Melissa seconded that Condition No. 9 be revised to read, "The applicant shall provide *and sign* three guest parking spaces in a central location." **The motion passed with a 5-1 vote; John opposed.** Frank called for the question.
VOTE	**The motion passed unanimously with the additional Condition of Approval No. 16 regarding Architectural Review Committee approval, and three amendments to Condition Nos. 9, 11 and 12.** The matter is scheduled to go before the Council on July 5, 2016.
PUBLIC HEARING 4: GMJ, LLC, REZONE REQUEST 8:22 pm	A request by GMJ, LLC, to rezone a parcel recently annexed into City limits from County RR-1 (Low Density Resort Residential District) to WRR-1 (Low Density Resort Residential District). The subject property is unaddressed, but is known as Nelson Lane. It can be legally described as Tract 1MA-NPT in Section 35, Township 31N, Range 22W.
STAFF REPORT WZC 16-04	Planner Compton-Ring reviewed her staff report and findings.

DRAFT

(Compton-Ring)	Staff recommended adoption of the findings of fact within staff report WZC 16-04, and for **approval** to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	None.
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	There being no comment, Vice Chair Picoli Philips closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	John moved and Rebecca seconded to adopt the findings of fact within staff report WZC 16-04.
VOTE	**The motion passed unanimously.** The matter is scheduled to go before the Council on July 5, 2016.
NEW BUSINESS 8:25 pm	None.
GOOD AND WELFARE 8:25 pm	1. Matters from Board. Rebecca said she has been attending the Planned Unit Development Re-Write Committee meetings and said if a Planning Board representative was needed on it, she would like to serve in that capacity. Taylor replied the Council has already established the Committee but, Rebecca was welcome to attend and offer comments; however, it would not be in an official capacity as a Planning Board representative. Melissa said she is sad about this being her second to last meeting since she is moving to Somers and she has really enjoyed serving on the Board. Ken asked whether recycling could be addressed in the application process for new developments if there is a need or feeling for it from the Board. Taylor said it is an important issue with the Council and most of these projects have included a condition, but he doesn't know if it needs to be codified in the Code. If the Board feels strongly, it is something they can look at as far as subdivisions. Part of the issue is North Valley Refuse is now doing billing instead of the City, we have a central recycling location and the process is still changing. Until we get to a place where we have easy, maybe curbside, recycling it is a little tricky. We can condition subdivisions, but the whole process is evolving. Ken asked if Taylor was saying it would be for any new projects and Taylor replied potentially. Taylor said a combined conference of Montana Planners and Western Planners is scheduled for August 10-12 in Great Falls. The City would cover the cost of tuition for any interested

DRAFT

GMJ llc
ZONE CHANGE
STAFF REPORT WZC 16-04
JUNE 9, 2016

A report to the Whitefish Planning Board and the Whitefish City Council regarding a request by GMJ llc to rezone one recently annexed parcel from County RR-1 (Low Density Resort Residential) to City WRR-1 (Low Density Resort Residential District). This tract is an unaddressed portion of a private road commonly known as Nelson Lane. This request is scheduled before the Whitefish Planning Board for public hearing on Thursday, **June 16, 2016** at 6:00 PM. A recommendation will be forwarded to the City Council for a subsequent public hearing on Tuesday, **July 5, 2016** at 7:10 PM. Both hearings will be held in the Whitefish City Council Chambers.

PROJECT SCOPE

The request is a zone change on one parcel (Tract 1MA-NPT) from County RR-1 (Low Density Resort Residential) to City WRR-1 (Low Density Resort Residential District). The parcel fronts on Highway 93 W and is located within the city limits.

The purpose of rezoning the property to a City zone is due to the adoption of Resolution 16-22 which annexed the property into Whitefish City limits on June 6, 2016. As the property is now within the City, the zoning must be changed from a County zoning designation to a City zoning designation. This property will be developed into a private road to access the Cabins at Whitefish proposal – no other development of the property will occur.

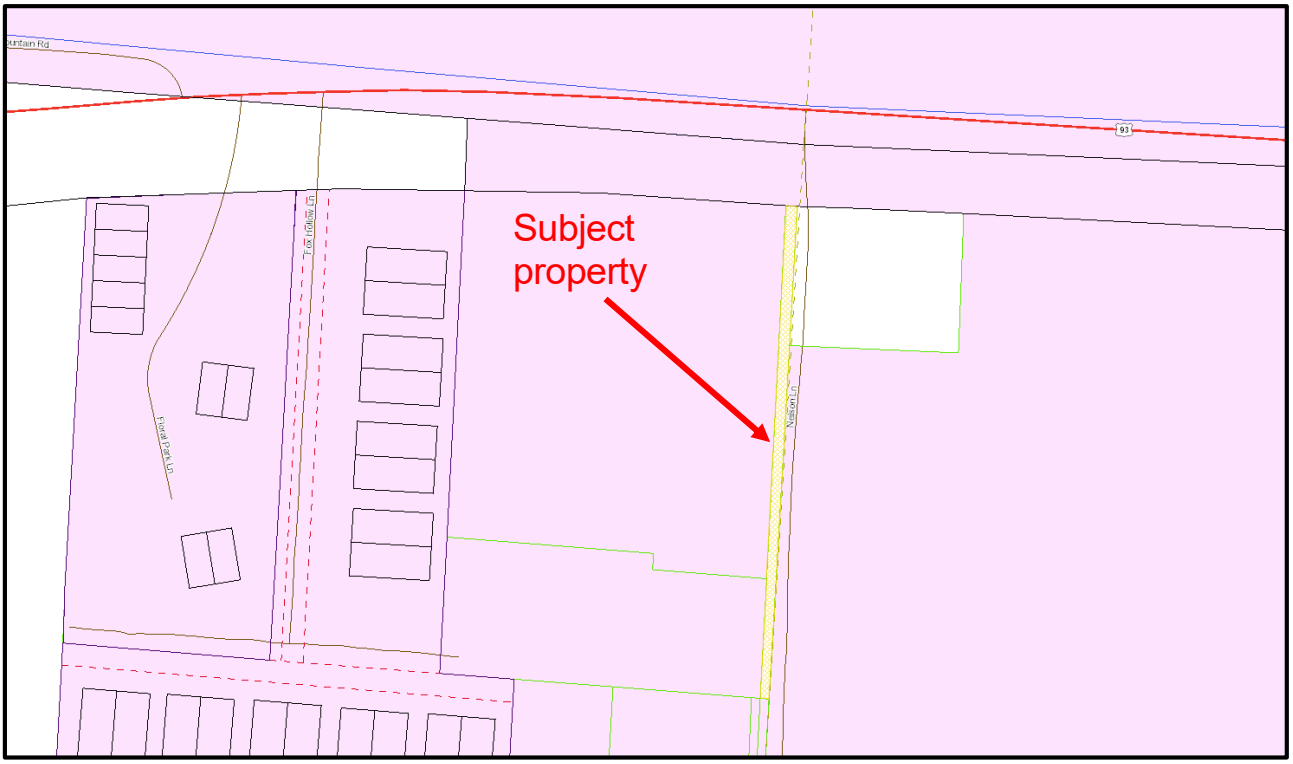
Purpose of WRR-1: The WRR-1 district is intended to provide a low density setting for secondary residential resorts.

	WRR-1 (proposed zoning)	**RR-1 (existing zoning)**
Minimum lot area:	n/a	n/a
Front yard setback:	25 feet	15 feet
Side yard setback:	10 feet	10 feet
Rear yard setback:	20 feet	20 feet
Maximum height:	35 feet	35 feet
Permitted lot coverage:	35% maximum	35% maximum

A. Property Owner:
GMJ llc
Garth Boksitch
PO Box 4274
Whitefish, MT 59937

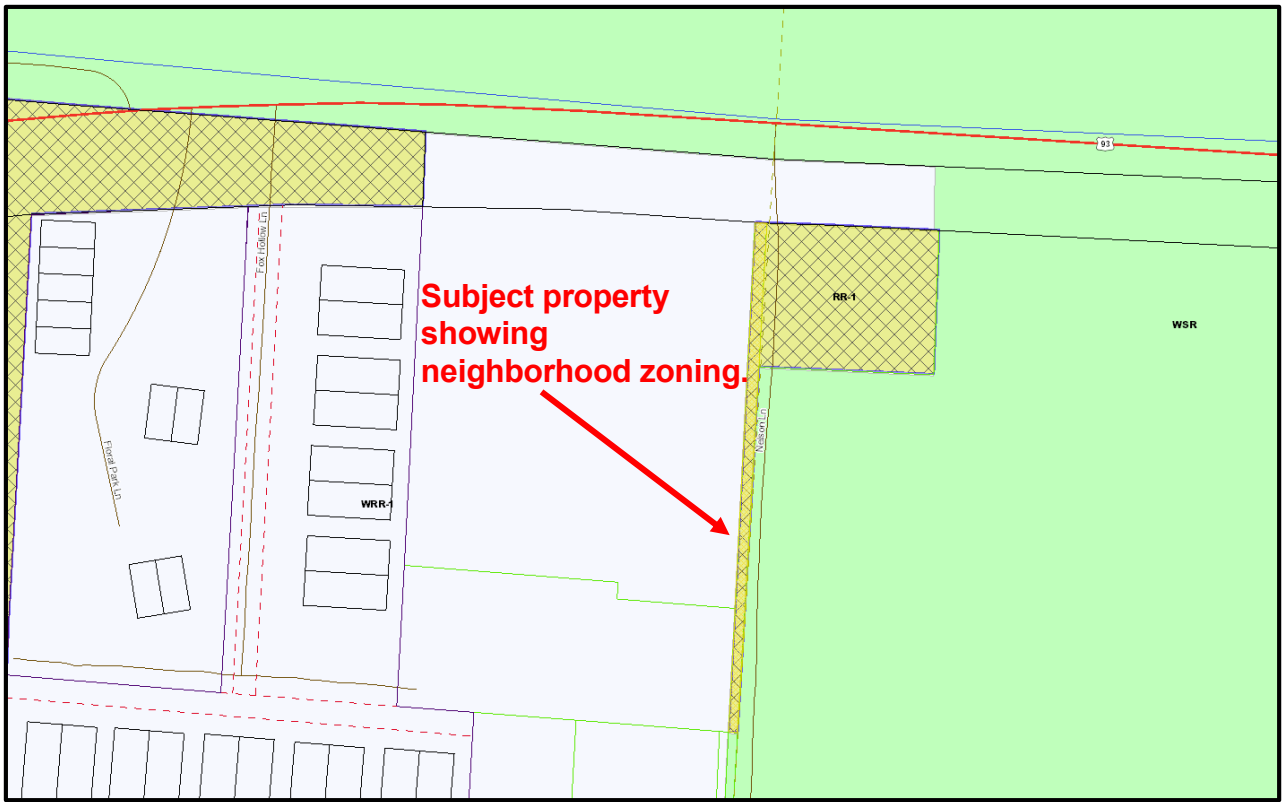
B. Location and Size:

The subject property is south of Highway 93 W between the US Border Patrol facilities. The property is 0.11 acres in size, is unaddressed, commonly known as Nelson Lane and can be legally described as Tract 1MA-NPT in Section 35, Township 31N, Range 22W, P.M.M., Flathead County, Montana.



C. Existing Land Use and Growth Policy Designation:

The property is currently undeveloped. The Growth Policy identifies the parcel as Resort Residential on the Whitefish City-County Growth Policy Future Land Use Map. The text within the Growth Policy relating to the classifications states this designation is "defined by resort residential development of all types and densities (in accordance with specific zoning). Included are one and two-family residential, rental cabins, vacation cottages, condominiums, and town homes. Commercial hotels and motels are not a part of this designation, but limited resort commercial is allowed. Zoning is generally WRR-1 and WRR-2."



D. Adjacent Land Uses, Zoning and Growth Policy Designations:

North:	golf course	WSR	Parks & Recreation
South:	residential	WRR-1	Resort Residential
East:	Border Patrol & city park	County RR-1 & WSR	Resort Residential & Parks & Recreation
West	Border Patrol & residential	WRR-1	Resort Residential

E. Public Notice:

A notice was mailed to adjacent land owners within 150-feet of the subject parcels on May 27, 2016. Advisory agencies were noticed on May 27, 2016. A notice was published in the Whitefish Pilot on June 1, 2016. As of the writing of this report, no public comments have been received.

F. Utilities

Sewer:	City of Whitefish
Water:	City of Whitefish
Solid Waste:	North Valley Refuse
Electric:	Flathead Electric Co-op
Natural Gas:	Northwest Energy
Phone:	Centurylink
Police:	City of Whitefish

Fire: City of Whitefish
Roads: MT Department of Transportation & private roads

REVIEW AND FINDINGS OF FACT:

This request is reviewed in accordance with the Whitefish Zoning Regulations Section 11-7-10 and based on statutory criteria on the purposes of zoning (76-2-304 & 305 M.C.A.).

The Whitefish Zoning Jurisdiction Regulations set forth the process for rezoning property and the considerations that both the Planning Board and the City Council must make in order to approve an amendment. While some of these considerations are not applicable as the existing and proposed zoning districts already address them, several considerations need to be reviewed in light of the proposed zoning district. The following is a review and discussion of considerations applicable to the proposed zoning district.

A. Made in Accordance with a Growth Policy.

The Growth Policy Future Land Use Map designates the parcel within the Resort Residential designation. The proposed change to WRR-1 (Low Density Resort Residential District) zoning is consistent with the Resort Residential designation.

Finding 1: The proposed zone change to WRR-1 is in accordance with the Growth Policy because it complies with the Resort Residential land use designation.

B. Secure safety from fire, panic and other dangers.

The property is served by the City of Whitefish Police and Fire Departments. Any future development will meet all City requirements for roadway widths and Fire Department standards.

Finding 2: The proposed zone change will secure safety from fire, panic and other dangers because the city standards and zoning standards will be reviewed at the time of development.

C. Promote the public health, public safety and general welfare.

Finding 3: The proposed zone change promotes public interest, health, comfort and general welfare because it is in conformance with the Growth Policy.

D. Facilitate the Adequate Provision of Transportation, Water, Sewerage, Schools, Parks and other Public Requirements.

The subject property fronts on Highway 93 W a state maintained road, which is paved. The school district will not change due to the recent annexation, and the subject property is located near city parks and trails.

Finding 4: The proposed zone change facilitates the adequate provision of transportation, water, schools, parks and other public requirements because it is located inside city limits and is served by all public services and facilities.

E. Reasonable Provision of Adequate Light and Air.

The proposed zoning designation include setbacks, maximum building height and lot coverage. In addition, all construction will require conformance with the Building Code.

Finding 5: The proposed zone change provides reasonable provision of adequate light and air because the zoning and other city standards will prevent the overcrowding of the land through lot coverage, setbacks and conformance with the Building Code.

F. The Effect on Motorized and Non-motorized Transportation Systems.

The property is located in the city limits and is served by Highway 93 W which is a state of Montana maintained road. The proposed zone change from a County RR-1 zone to a closely equivalent City WRR-1 zone will not have an effect on the motorized and non-motorized transportation systems because the proposed uses in each district are very similar.

Finding 6: The proposed zone change will not have an effect on motorized and non-motorized transportation systems because the property is served by a public highway maintained by the state of Montana and the proposed uses in each district are very similar.

G. Promotion of Compatible Urban Growth.

The subject property is located in an area identified as Resort Residential by the Growth Policy's Future Land Use Map. The Growth Policy designates Resort Residential as including WRR-1 and WRR-2. Since the subject property has been recently annexed into the Whitefish City limits, the property must be rezoned to an equivalent City zone, which is WRR-1. Therefore, the proposed zone change will promote compatible growth for the surrounding area.

Finding 7: The proposed zone change will promote compatible growth because the property is served by public services, and is consistent with the adopted Growth Policy.

H. Consideration to the character of the district and its particular suitability for particular uses.

The character of the district is a mixture of professional offices, multi-family and recreation facilities. The lot sizes are varied depending on the uses and the proposed zoning will be the most equivalent.

Finding 8: The proposed zone change considers the character of the district and its particular suitability for particular uses because it is a mixture of professional offices, multi-family and recreation facilities.

I. Conserving the Value of Buildings.

The subject property is undeveloped and the proposal for this narrow strip of land is to be developed as a road. Therefore the value of surrounding buildings will not be negatively impacted by the proposed zone change.

Finding 9: The proposed zone change will conserve the value of buildings because the property will be developed for its original intended use as a road.

J. Encouraging the Most Appropriate Use of Land Throughout the Jurisdictional Area.

As previously stated, the area encompassing the subject property is listed as Resort Residential in the Whitefish Growth Policy. The proposed zone change to WRR-1 would encourage the most appropriate use of land as it would be similar to adjacent properties and is the zoning designation prior to the County rezone of the planning jurisdiction.

Finding 10: The proposed zone change encourages the most appropriate use of land throughout the jurisdictional area because it will be similar to adjacent properties and will comply with the Growth Policy.

K. That Historical Use and Establish Use Patterns and Recent Change in Use Trends will be Weighed Equally and Consideration not be Given One to the Exclusion of the Other.

Finding 11: The Planning Board and the City Council should consider the historical and established use patterns, including trends, when making a decision on the project

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt staff report WZC 16-04 findings of fact and recommend to the Whitefish City Council the map amendment be **approved**.

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 the City is requesting a rezone of a parcel recently annexed into City limits from County RR-1 (Low Density Resort Residential District) to WRR-1 (Low Density Resort Residential District). The subject property is unaddressed, but is known as Nelson Lane. It can be legally described as Tract 1MA-NPT in Section 35 Township 31N 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, June 16, 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 **Tuesday, July 5, 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, June 6, 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

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

Date: May 27, 2016

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, June 16, 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 Tuesday July 5, 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 to construct an 81-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6361 Highway 93 S and can be legally described as Tract 1DBD in Section 1 Township 30N Range 22W. (WCUP 16-04) Compton-Ring

2. A request by Andreé Larose & Henry Elsen for a Zoning Map Amendment from County R-2.5 to Estate Residential District (WER). The property is located at 325 Haugen Heights Road and can be legally described as Tract 3F in Section 27 Township 31N Range 22W. (WZC 16-02) Compton-Ring

3. A request by GMJ llc for a Conditional Use Permit to develop a 12 condominium cabin neighborhood. The properties are zoned WRR-1 (Low Density Resort Residential District). They are located at 1325 and 1331 Nelson Lane and can be legally described as Tracts 1AD, 1MA-NPT and 1ABAA in Section 35 Township 31N Range 22W. (WCUP 16-05) Compton-Ring

4. A request by the City of Whitefish to rezone a parcel recently annexed into City limits from County RR-1 (Low Density Resort Residential District) to WRR-1 (Low Density Resort Residential District). The subject property is unaddressed, but is known as Nelson Lane. It can be legally described as Tract 1MA-NPT in Section 35 Township 31N Range 22W. (WZC 16-04) 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.

File #: _____

Date: _____

Intake Staff: _____

Date Complete: _____

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

ZONING MAP AMENDMENT - ANNEXATION

INSTRUCTIONS:

- ☐ Submit the completed application with annexation form and appropriate attachments to the Whitefish City Clerk's Office.
- ☐ After annexation, the rezone application will be scheduled at the next available meeting of the City Planning Board, which meets on the third Thursday of each month at 6:00 PM in the City Council Chambers at 1005 Baker Avenue.
- ☐ 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: Nelson Lane (1305 US Highway 93 W)

Assessor's Tract No.(s) 006303, 613050 Lot No(s) TR 1 MA in SE4 NW4 - Northern & TR 1B, TR 1-0 in SE4 NW4 - Southern

Block # N/A ~~Subdivision Name~~

Section 35 Township 31 N Range 22 W

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

Owner's Signature[1] _____ Date 5/25/16

Garth Boksich
Print Name

Applicant's Signature _____ Date _____

Print Name _____

Representative's Signature _____ Date _____

Print Name _____

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

Revised 1-13-16

APPLICATION CONTENTS:

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

___ Zoning Map Amendment – Annexation Application

___ Map showing the location and boundaries of the property

___ Copy of Approved Resolution annexing property into City limits or
Date of City Council Meeting _____

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

B. OWNER(S) OF RECORD:

Name: GMJ LLC Phone: (406) 212-0263

Mailing Address: PO Box 4274

City, State, Zip: Whitefish, MT 59937

Email: garth@npsmt.com

APPLICANT:

Name: City of Whitefish Phone: 406-863-2410

Mailing Address: P.O. Box 158

City, State, Zip: Whitefish, MT 59937

C. State the changing conditions that make the proposed amendment necessary:

- Proposed condo project on Nelson Lane requires widening existing road into the subject property.

---------- **For City Staff Use Only** ----------

PROPOSED ZONING:

CURRENT ZONING DISTRICT: _____

PROPOSED ZONING DISTRICT: _____

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

June 28, 2016

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

RE: The Cabins at Whitefish, 1325 & 1331 Nelson Lane; (WCUP 16-05)

Honorable Mayor and Council:

Summary of Requested Action: Garth Boksich on behalf of GMJ, llc is proposing to develop twelve condominium cabins at 1325 & 1331 Nelson Lane. The property is developed with a single family home and is zoned WRR-1 (Low Density Resort Residential District). The Whitefish Growth Policy designates this property as 'Resort Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Conditional Use Permit application dated May 2, 2016 subject to 15 conditions set forth in the attached staff report.

Public Hearing: The applicant and representatives spoke at the June 21, 2016 public hearing and three members of the public also spoke. These comments and the draft minutes for this item are attached as part of this packet. After the Planning Board hearing, an additional comment letter was received with comments on the revised site plan. These concerns included a request to go back to the prior layout that located the cabins away from the property owners home and continued concerns about how the development will manage potential negative behavior.

Planning Board Action: The Whitefish Planning Board met on June 21, 2016 and considered the request. Following the hearing, the Planning Board unanimously recommended approval. In making their decision, the Planning Board adopted staff report WCUP 16-04 with Findings of Fact and recommended Conditions of Approval.

In addition, the Board add Condition #16 to require the new cabins to be reviewed by the Architectural Review Committee. The Board also refined conditions 9, 11 and 12, as shown in Exhibit 'A' attached to this report.

Proposed Motion:

- I move to approve WCUP 16-04, the Findings of Fact in the staff report, the 16 conditions of approval, as recommended by the Whitefish Planning Board on June 16, 2016.

This item has been placed on the agenda for your regularly scheduled meeting on July 5, 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: Planning Staff Recommended Conditions of Approval
Draft Minutes, Planning Board Meeting, 6-16-16

Exhibits from 6-16-16 Staff Packet

1. Staff Report – WCUP 16-05, 6-9-16
2. Adjacent Landowner Notice, 5-27-16
3. Advisory Agency Notice, 5-27-16
4. Letter, Tracy, 6-6-16

The following were submitted by the applicant:

5. Application for Conditional Use Permit, 5-2-16 (including updated site plan handed out at the Planning Board meeting 6-16-16)

The following was submitted after the Planning Board meeting:

6. Letter, Tracy, 6-22-16

c: w/att Michelle Howke, City Clerk

c: w/o att Garth Boksich, GMJ llc, PO Box 4274 Whitefish, MT 59937
Doug Peppmeier, TD&H, 450 Corporate Way, suite 1010 Kalispell, MT 59901

Exhibit A
The Cabins at Whitefish
WCUP 16-05
Whitefish Planning Board
Recommended Conditions of Approval
June 16, 2016

1. The project shall be in compliance with the site plan submitted on ~~May 19~~June 16, 2016, except as amended by these conditions. Minor deviations from the plans shall require review pursuant to §11-7-8E(8) and major deviations from the plans shall require review pursuant to §11-7-8. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.

2. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the City of Whitefish Public Works Department. The plan shall include, but may not necessarily be limited to, the following:
   - Dust abatement and control of fugitive dust.
   - Hours of construction activity.
   - Noise abatement.
   - Control of erosion and siltation.
   - Routing for heavy equipment, hauling, and employees, including signage to direct equipment and workers.
   - Construction office siting, staging areas for material and vehicles, and employee parking.
   - Measures to prevent soil and construction debris from being tracked onto public road, including procedures remove soil and construction debris from road 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. (Engineering Standards, Appendix K)

3. Prior to any 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, sidewalks, 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, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (Engineering Standards, Chapter 1)

4. Nelson Lane shall be developed as a 24-foot wide paved private road from Highway 93 W to the southern boundary of Tract 1AD. This road shall be fully

constructed, including paving, prior to the issuance of a building permit. The applicant shall provide legal verification along with the engineering plans showing the roadway can be legally constructed. This shall also be provided to the Planning Office. Once ownership is verified, a utility easement shall be granted to the city of Whitefish for the city's water line. (Findings #3, #4, #5, #6; City Engineering Standards 2009)

5. The internal driveway and parking shall be paved. (§11-6-3-1D)

6. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access and hydrants shall be in place and inspected by the City of Whitefish Fire Department prior to the start of combustible construction. (IFC)

7. Gates securing the emergency vehicle access shall comply with all criteria contained in Section D103.5 of the current adopted City Fire Code. The current adopted City Fire Code is the International Fire Code, 2012 Edition. In addition, the edges of emergency access into Fox Hollow shall be marked for year round maintenance and snow shall be plowed through the gate. (IFC)

8. No parking shall be permitted on Nelson Lane or the internal driveway. Both Nelson Lane and the internal driveway shall be signed no parking and shall be maintained for year-round emergency access. (IFC)

9. The applicant shall provide <u>and sign</u> three guest parking spaces in a central location. (Finding 2)

10. All on-site lighting shall be dark sky compliant. (§11-3-25, WCC)

11. The refuse <u>and recycling</u> location shall be reviewed and approved by the Public Works Department and North Valley Refuse. (§4-2, WCC)

12. A landscaping plan shall be submitted to the Planning Department for review and approval. <u>Which shall include the installation of trees along the southern portion of the western boundary.</u> (Finding 4)

13. Large, healthy trees shall be protected during construction. Landscape areas may need to be modified in order to accommodate the tree retention. (Finding 4)

14. A fence permit must be obtained prior to installation of the fence. (§11-3-11)

15. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

16. The new cabins and any exterior alterations shall require review by the Architectural Review Committee prior to submitting an application for building permit. (Planning Board, 6-16-16)

PUBLIC COMMENT	There being no comment, Vice Chair Picoli Philips closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Rebecca moved and Frank seconded to adopt the findings of fact within staff report WZC 16-02. Rebecca said she appreciated the applicants being willing to get on City sewer and water, especially given our water issues around town. Jim called for the question.
VOTE	**The motion passed unanimously.** The matter is scheduled to go before the Council on July 5, 2016.
PUBLIC HEARING 3: GMJ, LLC, CONDITIONAL USE PERMIT 7:20 pm	A request by GMJ, LLC, for a Conditional Use Permit to develop a 12 condominium cabin neighborhood. The properties are zoned WRR-1 (Low Density Resort Residential District). They are located at 1325 and 1331 Nelson Lane and can be legally described as Tracts 1AD, 1MA-NPT and 1ABAA in Section 35, Township 31N, Range 22W.
STAFF REPORT WCUP 16-05 (Compton-Ring)	Planner Compton-Ring distributed a revised site plan received tonight with changes, including locations for three required additional guest parking spaces and a rearrangement of the four cabins in the southwest portion of the project. She reviewed her staff report and findings. To date, one letter was received from a neighbor with concerns regarding the overall long-term management of the project to ensure it is a good neighbor. Staff recommended adoption of the findings of fact and conditions of approval within staff report WCUP 16-05, and for **approval** to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Rebecca wondered about ownership of the property they are developing into a road and whether the City owns the land if it is determined no one owns it. Compton-Ring replied no, but probably attorneys and surveyors will need to get involved to determine who owns it. Melissa asked if it is a loophole to not have to have a landscape plan or architectural review by making them single units versus combining them. Compton-Ring replied landscape review is not required unless it is a triplex or up and architectural review is not required unless it is a

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	duplex or up. These 12 units will be individually owned and will not be required to go through architectural review. Rebecca asked what a "cart parking barn" is and Compton-Ring replied it is for golf carts. Rebecca asked where the location for garbage collection will be and Compton-Ring pointed it out on the drawing. She said the location will need to be reviewed by the Public Works Department and North Valley Refuse, so the drawing may not indicate the final location.
APPLICANT / AGENCIES	Garth Boksich, managing partner of GMJ, LLC, PO Box 4274, Whitefish, said his two partners are James Allen and Mike Bargery. They have been through site review three times dating back to 2013. Initially they looked at doing a conventional condominium development, but he was watching a "tiny home" show and his focus shifted to something like the North Forty Resort, which is made up of individual cabins. But this will be its own condominium unit a person can live in or use as a vacation home or rental, and this is one of the two pockets in town with a WRR-1 zoning. It is not a loophole to get out of anything, it is to create something that does not exist in Whitefish. They will be unique, rustic looking, modern architecture, similar to the Mindful Designs condos where their office is located. They acquired the 10' of what was supposed to be the location of Nelson Lane, but it got built next to it. There is 26.5' of land that nobody owns. There are several (6-7) homeowners this issue impacts because they are driving on a road on property nobody owns, and they will need to obtain legal access. Jim asked about the stakes currently located beside the border patrol office, and Mr. Boksich replied it is the 10' they purchased originally set aside to be Nelson Lane, and a 10' easement to the west which was abandoned in 2010, prior to them buying Nelson Lane. The road was built in the wrong spot. Mr. Boksich addressed the public comment letter and they intend to use the same model as Fox Hollow. Fox Hollow is made up of individually-deeded condominiums with an HOA, and this proposal would also have an HOA and manager. They will probably take it one step further because they have space in the existing home to turn into an onsite office/maintenance room/laundry room area. They will have oversight of guests with a fulltime position to run the HOA. Jim asked about access through to the Grouse Mountain Park and

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	Mr. Boksich replied there is a dirt path from Nelson Lane that is used by golf carts, walkers, and bikers. A lot of Fox Hollow residents go through the Loewen property to get to Grouse Mountain and the golf course, so they are proposing a pedestrian path and will grant them an easement so they will have the legal right to use the path and go through their property. They offered Fox Hollow residents a connection between the two roads for emergency vehicle traffic and snowplowing. Rebecca asked about snow storage and Mr. Boksich replied snow storage is set aside on the eastern side of their property, which was one of the reasons they wanted to connect the two roads so they do not stop right next to each other. John asked if they are going to build the condominiums or let the people who are buying them choose what to build and Mr. Boksich replied they are going to build them. Mike Bargery of Bargery Builders is one of his partners and they want to build them as soon as possible. Melissa asked whether recycling will be part of their HOA requirements. Mr. Boksich said they can look into it but he does not recall any HOA documents or CCRs requiring recycling. Melissa asked for clarification, and Mr. Boksich responded it is zoned for nightly/weekly rental, and each unit will be individually deeded and owned. Melissa asked Compton-Ring if the recycling requirement could be added, and Compton-Ring suggested it could be added to Condition No. 11, "The refuse *and recycling* location …." Mr. Boksich said they addressed the concerns with garbage expressed in the comment letter by moving it slightly and making sure it is enclosed for animal resistance. Rebecca asked if the three guest parking spots could be labeled as such and Mr. Boksich replied they could.
PUBLIC COMMENT	Glenn Nye, 201 Fox Hollow, Whitefish, had a couple of clarification points. He has heard the term "rental weekly and nightly" and he asked what the zoning allows. Compton-Ring replied it allows both. Mr. Nye was concerned about lack of parking, traffic, emergency access, the emergency gate and how it will be handled in the winter. He also asked about the cart parking barn - who has access, what will be in there, and who is entitled to use it. He noted there is no good access to Grouse Mountain Park other than going down a steep embankment. Pete Galee, who manages Fox Hollow Condominium Association spoke of noise potential from nightly rentals. He requested screening and

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	buffering between this project and Fox Hollow and the emergency access into Fox Hollow be constructed and maintained by this development. He encouraged onsite lighting for safety to deter crime and vandalism. He encouraged parking be included for RVs, boats and RV trailers. Snow removal and snow storage are also concerns experienced in Fox Hollow. As far as the overall management of the project, the Fox Hollow management plan has helped with oversight of the nightly rental properties; they don't have a way of finding out who is renting, but they do have access back to the owners which helps with management. Marilyn Joseph, 215 Fox Hollow, Whitefish, asked about the strip of land with the trees between Fox Hollow and the border patrol. She wanted to know how many 1,100 square foot cabins they intend to build, where will they go, and how close they will be to her condo. She asked what kind of fence they intend to build. There being no further comment, Vice Chair Picoli Philips closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Melissa asked Mr. Boksich if he and his partners have taken the time to go through the project with Fox Hollow residents and allow them to ask questions outside of this setting. He replied they have not met with them, but he has emailed and met with Mr. Galee along the way to keep them informed of their plans. In response to Ms. Joseph's question about the trees, Mr. Boksich said they plan to keep as many trees as possible between their property and Fox Hollow. Also, they are a condominium association, not a hotel. Ken asked if they have a plan of how many buildings of what sizes and Mr. Boksich replied they do and the number on the application actually exceeds their plan as 600 square feet would be about the largest. The dimensions indicated are not a finished product. They will leave it up to Matt at Montana Creative to design the units, but the footprints they had in mind are based off a project in Jackson, WY called the Fireside Resort, and he showed a sample of the units there. Mr. Boksich said they do not have a unit with 1,100 square feet and was not sure where that number came from. Compton-Ring replied she measured it off the submitted plans and maybe the scale wasn't correct. Mr. Boksich said they are going to be small, one-bedroom cabins with a loft, and they may be able to get some two-bedroom units on the site. They estimate the units will probably be 12' or 13' wide by maybe 35' long.

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Matt Lawrence, Montana Creative, 158 Railway Street, Whitefish, said for this application, they needed to keep the design general, and make sure they could fit the units in the space, and get through this process with conceptual plans before they spend a lot of time and money on specifics. They like the style and design they have in mind, but it may not fit in a certain lot footprint. They have tried to be sensitive to the neighbor's concerns.

Rebecca asked if there will be a washer and dryer in each unit, since a central laundry room area was mentioned and Mr. Lawrence said yes.

A sidebar conversation occurred between the applicant and neighbor. Frank made a point of order and apologized, but said this is not the place for this conversation.

John moved and Ken seconded to adopt the findings of fact within staff report WCUP 16-05, with the fifteen (15) Conditions of Approval as proposed by City Staff.

Frank said if acceptable to the motion makers and second he wanted to include in the motion to add a requirement the project go before the Architectural Review Committee (ARC) prior to building permits being issued. Ken and John said that was fine with them.

Rebecca is concerned with how congested it seems for fire suppression but the Fire Marshal approved the project. The neighbors are concerned about screening and noise, so wondered if the Board could mandate an on-site manager be available to address noise. Taylor noted there is nothing in our Code to stipulate an on-site manager, but the City Council approves all CCRs. Compton-Ring added if a condo unit is going to allow overnight rentals, they will have to get a short-term rental permit, so the application will be on file and include a local contact in case someone has a complaint. She said landscape screening is within the Board's realm and could be added.

John asked how can we add a Condition to require this project to go before the ARC since the units are single-family dwellings and zoning does not require it. Compton-Ring replied through the public comment received they could make a finding there is an impact, and if they feel additional review through the ARC is necessary it could be a Condition of the CUP. John asked for a reminder of why a CUP is required for this project and Compton-Ring replied because there is more than one principal use on the property; 12 units on this one project instead of just

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	one house per lot. They either have to do a CUP to have multiple buildings on one lot or they could have done a subdivision and each unit would have been on its own lot. Rebecca asked whether on-site lighting will be covered in the architectural review process and Compton-Ring replied outdoor lighting is part of architectural review but we also have the dark skies ordinance. Melissa pointed out it is Condition No. 10. Rebecca would like to consider a requirement of adding trees for screening along the Southern portion of the Western boundary. Melissa asked if it is covered by Condition No. 12 and Compton-Ring replied a landscaping plan does not necessarily cover screening. Ken asked and Compton-Ring replied the ARC looks at conceptual landscaping plans but not screening. Rebecca moved and Frank seconded that Condition No. 12 be revised to read, "A landscaping plan, *which shall include planting trees along the southern portion of the western boundary,* shall be submitted to the Planning Department for review and approval." include planting trees along the southern portion of the western boundary. **The motion passed unanimously.** Melissa moved and Rebecca seconded that Condition No. 11 be revised to read, "The refuse *and recycling* location shall be reviewed and approved by the Public Works Department and North Valley Refuse." **The motion passed unanimously.** Rebecca moved and Melissa seconded that Condition No. 9 be revised to read, "The applicant shall provide *and sign* three guest parking spaces in a central location." **The motion passed with a 5-1 vote; John opposed.** Frank called for the question.
VOTE	**The motion passed unanimously with the additional Condition of Approval No. 16 regarding Architectural Review Committee approval, and three amendments to Condition Nos. 9, 11 and 12.** The matter is scheduled to go before the Council on July 5, 2016.
PUBLIC HEARING 4: CITY OF WHITEFISH REZONE REQUEST 8:22 pm	A request by GMJ, LLC, to rezone a parcel recently annexed into City limits from County RR-1 (Low Density Resort Residential District) to WRR-1 (Low Density Resort Residential District). The subject property is unaddressed, but is known as Nelson Lane. It can be legally described as Tract 1MA-NPT in Section 35, Township 31N, Range 22W.
STAFF REPORT WZC 16-04	Planner Compton-Ring reviewed her staff report and findings.

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THE CABINS at WHITEFISH
CONDITIONAL USE PERMIT
WCUP 16-05
June 9, 2016

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a conditional use permit to develop twelve condominium cabins. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, **June 16, 2016**. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Tuesday, **July 5, 2016**.

PROJECT SCOPE

Garth Boksich of GMJ llc is requesting a Conditional Use Permit in order to develop 12-units in the form of condominium cabins. Access to the development will be from Nelson Lane, a private road, which is accessed off Highway 93 W between the Border Patrol buildings. A secondary gated emergency access will go through the Fox Hollow neighborhood to the west of the development. Within the development a private road/driveway will serve the cabins. Each cabin will have two designated parking spaces. The site plan does not show any overflow or guest parking. A pedestrian path is shown to provide pedestrian access generally from Fox Hollow to Nelson Lane. No other designated pedestrian access is located within the development. The eleven proposed cabins are single-story and small in scale with building footprints ranging between 600-1,100 square feet. The current site plan shows the buildings fairly close together (approximately 5-10-feet). Upon review by the Building Department, the layout of the buildings may change in order to comply with the Building Code. The twelfth unit is the existing single family home located on Tract 1AD (1331 Nelson Lane) which will remain as part of the project.

A Conditional Use Permit is required for this project because more than one principal use is proposed on the two development lots (§11-2-3B(12)).

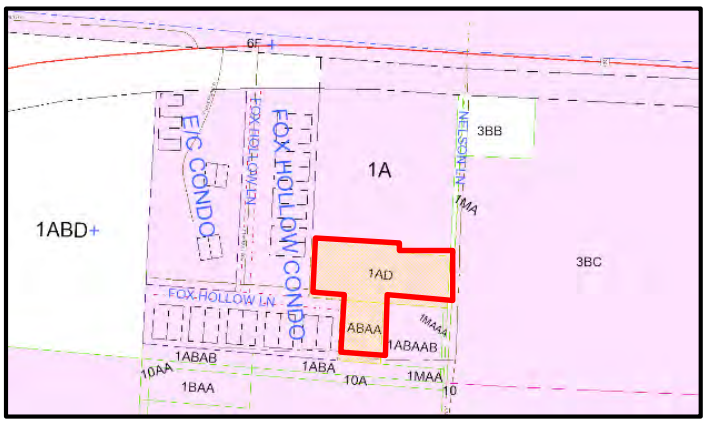
A.

OWNER/APPLICANT:
GMJ llc
Garth Boksich
PO Box 4274
Whitefish, MT 59937

TECHNICAL/PROFESSIONAL:
Doug Peppmeier
TD&H
450 Corporate Way, suite 1010
Kalispell, MT 59901

B. SIZE AND LOCATION OF PROPERTY:

The properties are 1.05 acres and are located at 1325 & 1331 Nelson Lane. The project can be legally described as Tracts 1AD and 1ABAA in S35 T31N R22W, P.M.M., Flathead County, Montana.



C. EXISTING LAND USE:

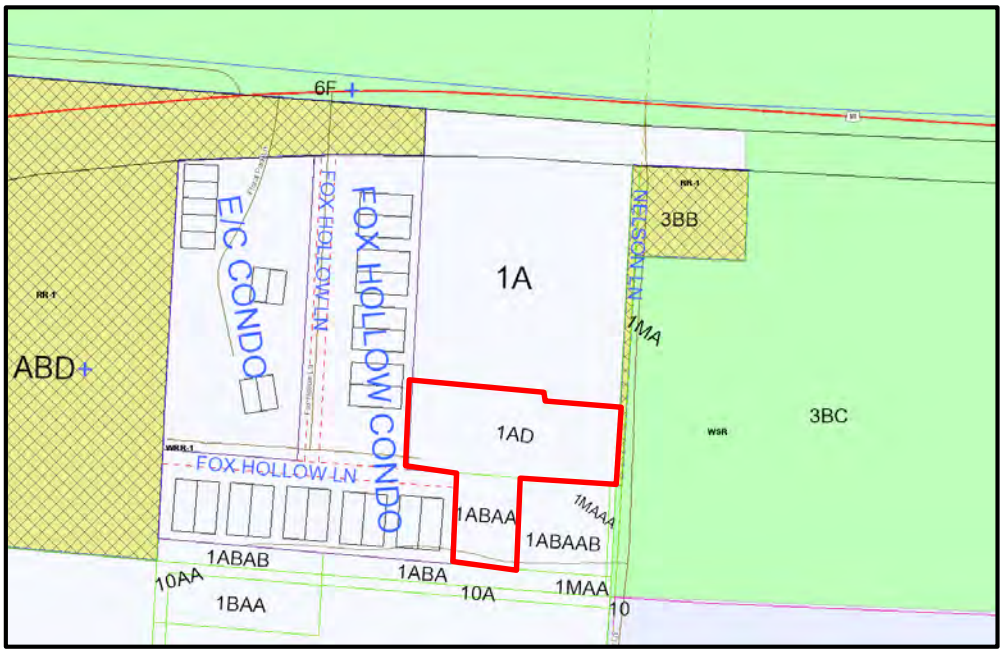
The subject properties are developed with one single family home that will be retained as part of the project.

D. ADJACENT LAND USES AND ZONING:

North:	Border Patrol	WRR-1
West:	Residential	WRR-1
South:	Residential	WRR-1
East:	Grouse Mountain Park	WSR

E. ZONING DISTRICT:

The property is zoned WRR-1 (Low Density Resort Residential District). The purpose of the WRR-1 District 'is intended to provide a low density setting for secondary residential resorts.'



F. WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:

The Growth Policy designation is Resort Residential which corresponds to the WRR-1 zoning district.

"This designation is defined by resort residential development of all types and densities (in accordance with specific zoning). Included are one and two-family residential, rental cabins, vacation cottages, condominiums, and town homes. Commercial hotels and motels are not a part of this designation, but limited resort commercial is allowed. Zoning is generally WRR-1 and WRR-2."

G. UTILITIES:

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

H. PUBLIC COMMENTS:

A notice was mailed to adjacent land owners within 150-feet of the subject parcel on May 27, 2016. A notice was emailed to advisory agencies on May 27, 2016. A notice of the public hearing was published in the *Whitefish Pilot* on June 1, 2016. As of the writing of this report, one letter was received. This neighbor was concerned with the overall long-term management of the project to ensure it is a good neighbor.

REVIEW AND FINDINGS OF FACT

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

1. **Growth Policy Compliance:** The Growth Policy designates this area as Resort Residential which is consistent with the WRR-1 zoning district.

   Finding 1: The proposed use complies with Growth Policy Designation of Resort Residential because it is zoned WRR-1 (Low Density Resort Residential District), the proposed use is consistent with the WRR-1 zone.

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

   The property is zoned WRR-1, Low Density Resort Residential District. The development proposal is consistent with the purpose and intent of the applicable regulations.

   Setbacks:
   The layout of the lot is technically a flag lot, as it's only frontage is through another tract (Nelson Lane) to Highway 93 W; therefore, the setbacks are 15-feet on all sides (§11-3-14A(2)).

   Parking:
   §11-6-2B, requires off-street parking at a rate of two (2) spaces per unit, which they are providing in front of each unit. While no overflow or guest parking is required or provided with this site plan, neither the driveway serving the units nor Nelson Lane will be able to provide on-street parking due to their narrow widths. Due to no parking on Nelson Lane or on the driveway within the development, staff recommends a condition of approval for a minimum of three parking spaces.

   Height:
   The zoning permits a maximum building height of 35-feet. This standard appears to be met and will be confirmed at the time of building permit.

   Lot Coverage:
   The lot coverage for the WRR-1 zoning district is 35%, which appears to be met with this project which will be confirmed at the time of building permit. The applicant might consider combining the two lots so the lot coverage can be across the entire area of the project and not just limited to the lot the construction is occurring.

   Finding 2: The project complies with the zoning regulations because all the zoning standards are being met or will be met with conditions of approval.

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

Adequate usable land area: The subject parcel is adequate to serve the proposed use.

Access that meets the standards set forth in these regulations, including emergency access: All access requirements are being met. The Fire Marshal has reviewed the access for emergency vehicles and confirmed standards are being met at the time of engineering plan review.

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

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

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

Parking locations and layout: As described previously, the parking for each unit is located adjacent to each residential unit. Also, as noted in this report, the applicant is not providing any overflow or guest parking. While guest parking is not required, staff will recommend a condition of approval that three guest parking spaces are including in the project, as no parking will be available on the internal driveway nor on Nelson Lane.

Traffic Circulation: The traffic will enter and exit the project via updated 24-foot wide paved Nelson Lane, a private road. The traffic will access each of the units with an internal paved 20-foot wide driveway.

Open space: Open space is not a requirement for condominiums. The project is well suited to take advantage of nearby recreational amenities including Grouse Mountain Park, the golf course, the Highway 93 W bike path/sidewalk system and the Whitefish Trails.

Fencing/Screening: The site plan indicates fencing surrounding the project. No further details have been provided. They will be required to comply with the City's fencing standards and obtain a fence permit. Staff will recommend this as a condition of approval. No buffering or screening is required.

Landscaping: This project is exempt from landscaping requirements because landscaping plans are only required for triplex and up – single family residential units are exempt from the landscaping requirements. However, the existing trees on the properties contribute to the overall character of the neighborhood. In order to better integrate into the existing neighborhood, staff will recommend a condition of approval that long-lived, healthy trees be identified and retained. In addition, staff recommends a condition of approval that a landscaping plan be completed and installed to better fit within the neighborhood.

Signage: Staff has not seen any proposed signage. All new signage is required to obtain a permit from the Planning & Building office.

Undergrounding of new and existing utilities: New utilities will be underground.

Finding 4: The quality and functionality of the proposed development has effectively dealt with the site design issues because there is adequate parking for the use, traffic circulation has been evaluated, existing healthy trees will be retained and landscaping installed in order to maintain the character of the neighborhood.

5. Availability and Adequacy of Public Services and Facilities.

Sewer: Sewer is located to the south of Tract 1AD. It is adequate to serve the project.

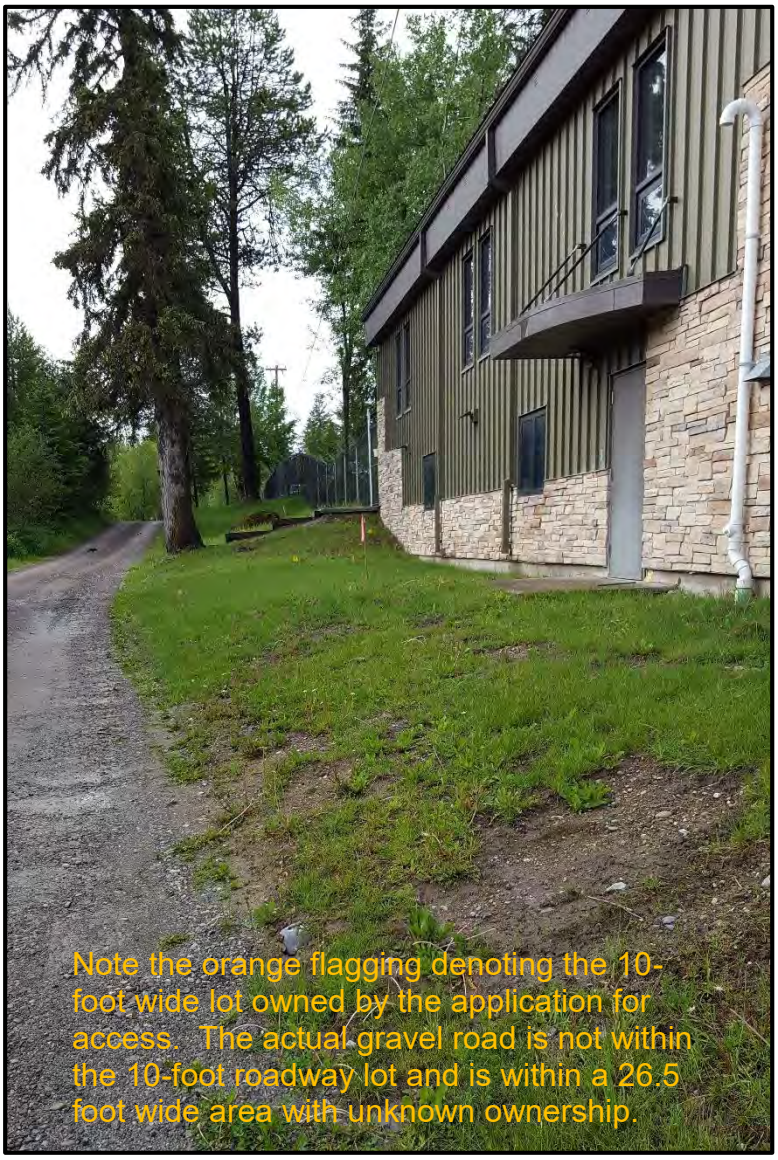
Water: Water is located to the north and south of Tract 1AD. It is adequate to serve the project.

Storm Water Drainage: An engineered stormwater plan meeting the City's engineering standards will be required, as the project is creating more than 5,000 square feet of impervious surface. The City's Public Works Department will review and approve the engineering plan.

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

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

Streets: The project will access off Nelson Lane which is connected to Highway 93 W. Currently, Nelson Lane is a narrow dirt road that is not constructed to any City street standards. The City is requesting Nelson Lane be paved to 24-foot width. The applicant currently owns a 10-foot wide parcel from the project to Highway 93 W. This is not wide enough to construct the road. The applicant has determined the actual dirt road is not located within the 10-foot parcel, but is located to the east. Upon further research, it has been discovered that the location of the road is located within a 26.5-foot strip of land that does not belong to anyone. It is located between the 10-foot wide parcel on the west and Grouse Mountain Park/Border Patrol building on the east. Staff will recommend a condition of approval to have the applicant obtain legal right to construct a roadway using the 26.5-foot strip. In addition, the City will request a utility easement be granted for the City's waterline that crosses this strip of land. Finally, it is standard practice to construct roads along the entire project's frontage. Therefore, staff will include this as part of the conditions of approval.



As this road is privately owned, it will not be maintained by the city of Whitefish. The property owner will be responsible for any long-term maintenance or plowing.

Staff forwarded the application to Montana Department of Transportation (MDT) and they requested an update approach permit. Staff will recommend this as a condition of approval.

Finding 5: Public services and facilities are adequate and available because municipal water and sewer are nearby and will be extended to the project, stormwater will be handled on-site, response times for police and fire are not anticipated to be affected due to the proposed development and the property will have adequate access to an updated Nelson Lane.

6. Neighborhood/Community Impact:

Traffic Generation: No Traffic Impact Study is required because the traffic generated by this proposal is less than 200 trips per day. It is anticipated that the updated Nelson Lane will be able to handle the additional traffic. In addition, Highway 93 W was recently upgraded, including a designated driveway cut for Nelson Lane.

Noise or Vibration: No impacts are anticipated beyond what would be expected from a typical residential use.

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

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

Hours of Operation: The hours of operation will be typical residential hours with no activity two weeks per year for maintenance of the site and cabins.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because noise, dust, smoke, odor or other environmental nuisances are not expected and all outdoor lighting is required to meet city standards. The additional vehicles should not have an adverse effect on traffic.

7. Neighborhood/Community Compatibility:

The character of this neighborhood is government offices (Border Patrol), residential and Grouse Mountain Park. There are a number of trees on both parcels that contribute to the character of the neighborhood. Staff will recommend a condition of approval that long-lived, healthy trees be identified and retained within landscape areas.

This project is not required to obtain Architectural Review approval. The Architectural Review Standards only apply to duplex structures and up.

(project boundaries are approximate)

Finding 7: The project is compatible with the neighborhood and community because design features are being implemented including, articulating the walls and roof forms making the building more interesting, the buildings are single story thereby reducing their overall mass, installing landscaping throughout the site and retaining existing trees within the site plan.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 16-05 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be in compliance with the site plan submitted on May 19, 2016, except as amended by these conditions. Minor deviations from the plans shall require review pursuant to §11-7-8E(8) and major deviations from the plans shall require review pursuant to §11-7-8. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.

2. Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the City of Whitefish Public Works Department. The plan shall include, but may not necessarily be limited to, the following:
   - Dust abatement and control of fugitive dust.
   - Hours of construction activity.
   - Noise abatement.

- Control of erosion and siltation.
- Routing for heavy equipment, hauling, and employees, including signage to direct equipment and workers.
- Construction office siting, staging areas for material and vehicles, and employee parking.
- Measures to prevent soil and construction debris from being tracked onto public road, including procedures remove soil and construction debris from road 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. (Engineering Standards, Appendix K)

3. Prior to any 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, sidewalks, 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, sidewalks and other improvements shall be submitted as a package and reviewed concurrently. No individual improvement designs shall be accepted by Public Works. (Engineering Standards, Chapter 1)

4. Nelson Lane shall be developed as a 24-foot wide paved private road from Highway 93 W to the southern boundary of Tract 1AD. This road shall be fully constructed, including paving, prior to the issuance of a building permit. The applicant shall provide legal verification along with the engineering plans showing the roadway can be legally constructed. This shall also be provided to the Planning Office. Once ownership is verified, a utility easement shall be granted to the city of Whitefish for the city's water line. (Findings #3, #4, #5, #6; City Engineering Standards 2009)

5. The internal driveway and parking shall be paved. (§11-6-3-1D)

6. The Fire Department requires the applicant to comply with all fire codes for this classification of occupancy. Emergency vehicle access and hydrants shall be in place and inspected by the City of Whitefish Fire Department prior to the start of combustible construction. (IFC)

7. Gates securing the emergency vehicle access shall comply with all criteria contained in Section D103.5 of the current adopted City Fire Code. The current adopted City Fire Code is the International Fire Code, 2012 Edition. In addition, the edges of emergency access into Fox Hollow shall be marked for year round maintenance and snow shall be plowed through the gate. (IFC)

8. No parking shall be permitted on Nelson Lane or the internal driveway. Both Nelson Lane and the internal driveway shall be signed no parking and shall be maintained for year-round emergency access. (IFC)

9. The applicant shall provide three guest parking spaces in a central location. (Finding 2)

10. All on-site lighting shall be dark sky compliant. (§11-3-25, WCC)

11. The refuse location shall be reviewed and approved by the Public Works Department and North Valley Refuse. (§4-2, WCC)

12. A landscaping plan shall be submitted to the Planning Department for review and approval. (Finding 4)

13. Large, healthy trees shall be protected during construction. Landscape areas may need to be modified in order to accommodate the tree retention. (Finding 4)

14. A fence permit must be obtained prior to installation of the fence. (§11-3-11)

15. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8, WCC)

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 GMJ llc and Nanette Loewen are proposing to develop a twelve (12) unit condominium cabins neighborhood. The properties are partially developed with one single family home and are zoned WRR-1 (Low Density Resort Residential District). The properties are located at 1325 and 1331 Nelson Lane and can be legally described as Tracts 1AD, 1MA-NPT and 1ABAA 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, June 16, 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 **Tuesday, July 5, 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, June 6, 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

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

Date: May 27, 2016

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, June 16, 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 Tuesday July 5, 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 to construct an 81-room hotel. The property is zoned WB-2 (Secondary Business District). It is located at 6361 Highway 93 S and can be legally described as Tract 1DBD in Section 1 Township 30N Range 22W. (WCUP 16-04) Compton-Ring

2. A request by Andreé Larose & Henry Elsen for a Zoning Map Amendment from County R-2.5 to Estate Residential District (WER). The property is located at 325 Haugen Heights Road and can be legally described as Tract 3F in Section 27 Township 31N Range 22W. (WZC 16-02) Compton-Ring

3. A request by GMJ llc for a Conditional Use Permit to develop a 12 condominium cabin neighborhood. The properties are zoned WRR-1 (Low Density Resort Residential District). They are located at 1325 and 1331 Nelson Lane and can be legally described as Tracts 1AD, 1MA-NPT and 1ABAA in Section 35 Township 31N Range 22W. (WCUP 16-05) Compton-Ring

4. A request by the City of Whitefish to rezone a parcel recently annexed into City limits from County RR-1 (Low Density Resort Residential District) to WRR-1 (Low Density Resort Residential District). The subject property is unaddressed, but is known as Nelson Lane. It can be legally described as Tract 1MA-NPT in Section 35 Township 31N Range 22W. (WZC 16-04) 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.

W Compton-Ring June 1, 2016

Planning Department

510 Railway Street

Whitefish, Montana 59937

Re; Cabins at Whitefish Development, Nelson Ln, Whitefish

Dear W. Compton-Ring

I am a home owner in the Fox Hollow development and my townhome is on the end looking over the proposed development site. I have several concerns that I hope can be addressed in the planning process or by the city council as this projects moves forward.

The older existing house on the property has been used as a vacation rental. We have seen our share of large groups of people renting the property, holding all night drinking sessions in the back yard with loud music, singing, swearing, and the occasion passed out individual observed lying in the grass in the morning.

The property owners have been responsive, adding a larger garbage container as trash was often left all over the property and suppling an emergency phone number if we had a complaint during non-business hours.

The proposed development is almost like a small motel that will market to large groups who at times use coming to Whitefish for a vacation as an excuse to party for days and nights at a time. This proposal has no plan for oversite of guest and their behavior. The answer isn't just call the police. Neighborhood issues should be addressed in the planning process and mitigated so as to not create an ongoing policing problem in the future.

The Fox Hollow development has a professional property manager. The use of a manager has resolved many problems and issues that have come up over the years in our development. Many of these issues were beyond the scope of a volunteer condo board of directors to handle. This model could be used by the condo owners in the new development at a reasonable cost to their association.

Trash management is a second area of concern. The site drawing shows a trash bin next to the pedestrian path. I suggest putting the ben in some type of enclosure with a covered roof. There are bears in the neighborhood and a secure and covered trash area will benefit the new owners. I also believe the issue of the volume of trash should be addressed with enough containers to meet the size of the development.

The development has a large number of units for a small area. I trust that your department will review areas such as density, parking etc. as it relates to local ordinances. I have met with the project managers and appreciate their inclusion of a pedestrian path in the project. I also thank them for their

JUN 6 2016

ongoing communication with the Fox Hollow Property Manager, Pete Glee, as this proposal moves forward.

Mark Tracy

235 Fox Hollow

Whitefish, Montana 59937

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

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

CONDITIONAL USE PERMIT

FEE ATTACHED $ _____
(See current fee schedule)

INSTRUCTIONS:

☐ A Site Review Meeting with city staff is required. Date of Site Review Meeting: _____

☐ Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department a minimum of **forty five (45) days prior** to the Planning Board meeting at which this application will be heard.

☐ The regularly scheduled meeting of the Whitefish City Planning Board is the third Thursday of each month at 6:00PM in the Council Chambers at 1005 Baker Avenue.

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

A. PROJECT INFORMATION:

Project Name: The Cabins at Whitefish

Project Address: 1331 Nelson Lane, Whitefish, MT, 59937

Assessor's Tract No.(s) 0974444 and 0456900 Lot No(s) 1AD and 1ABAA
Block # N/A Subdivision Name N/A
Section 35 Township 31N Range 22W

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

_____ _____
Owner's Signature[1] Date
GMJ LLC
Print Name

_____ _____
Applicant's Signature Date
- SAME -
Print Name

_____ _____
Representative's Signature Date
TDH ENGINEERING - Doug Peppmeier
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:

Attached	ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED
X	Conditional Use Permit Application – **8 copies**
X	Written description how the project meets the criteria in Section D – **8 copies**
X	Site Plan – **8 copies** The site plan, drawn to scale, which shows in detail your proposed use, your property lines, existing and proposed buildings, traffic circulation, driveways, parking, landscaping, fencing, signage, and any unusual topographic features such as slopes, drainage, ridges, etc.
X	Reduced copy of the site plan not to exceed 11" x 17" – **1 copy**
X	Where new buildings or additions are proposed, building sketches and elevations shall be submitted.
X	Electronic version of entire application such as .pdf
X	Any other additional information requested during the pre-application process

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

B. OWNER(S) OF RECORD:

Name: GMJ LLC Phone: _____

Mailing Address: P.O. BOX 4274

City, State, Zip: WHITEFISH, MT 59937

Email: garth@nprmt.com

APPLICANT (if different than above):

Name: - SAME - Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

TECHNICAL/PROFESSIONAL:

Name: TDH ENGINEERING - Doug Peppmeier Phone: _____

Mailing Address: 450 Corporate Way - Suite #1010

City, State, Zip: Kalispell, MT, 59901

Email: doug.peppmeier@tdhengineering.com

C. DESCRIBE PROPOSED USE:

Applicant purposes constructing Twelve(12) freestanding self contained condominium units while retaining the existing single family residence in place.

ZONING DISTRICT: WRR1 - City of Whitefish Zoning Ordinance

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

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

Whitefish City Growth Policy designates the area as Resort Residential: This designation is defined by resort residential development of all types and densities (in accordance with specific zoning). Included are one and two-family residential, rental cabins, vacation cottages, condominiums, and town homes. Zoning is generally WRR-1 and WRR-2.

Proposed project is conditionally permitted within the prescribed zoning designation of WRR-1.

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

Project envisions 12 freestanding condominium cabin units intended for overnight accommodations and permanent residency.

The WRR-1 district is intended to provide a low density setting for secondary residential resorts. The proposed project falls within the low density definition by meeting the density requirements as delineated in Whitefish Zoning Ordinance. Specifically in, Article N, WRR-1, 11-2N-1 Permitted Uses: includes the following language:

"Single family through fourplex dwelling units including resort and recreational condominiums, townhouses, time sharing and interval ownership residences, vacation units, or other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary services for the occupants and guests."

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

Project is located adjacent to existing Fox Hollow Condominiums to the west and south west. proposed use is consistent with current adjoining uses. Current zoning standard requires a minimum 1 acre with a maximum density of 10 dwelling units per gross acre.

Proposed project contains a total 1.25 acres with a density of 12 units. Access via Nelson Lane will be improved to a paved 24' width. Traffic routes within the project are to be a paved 20' width. Emergency vehicles will be able to exit the project via the alley and through the Fox Hollow Condominiums access. There are no environmentally sensitive areas located on the project site.

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

g. Undergrounding of new utilities
h. Undergrounding of existing utilities

Parking is located by each unit with the required number of spaces sized per City. Traffic will access and leave the project via an improved 24' wide paved Nelson Lane. Zoning ordinance requires maximum 35% lot coverage. Site calculations put lot coverage at 18%. All new utility extensions and services will be installed underground to City of Whitefish standards. Civil Site Plan is attached.
Fencing: The property boundary to the north is currently fenced with chain link and razor wire enclosing Border Patrol's equipment and vehicle parking. A new attractive fence will be installed on the Northern Boundary. The West boundary is contiguously dense in mature evergreens. On the Southern boundary an access trail is offered for neighborhood use and will be attractively landscaped and will be fenced. The Eastern most border involves the access road, typical attractive landscaping with views to the parkland to the East. No fence is planned on this boundary.
Landscaping: With CUP approval and at time of permitting a comprehensive landscape plan will be submitted.
Proposed sign location is indicated on Civil Plan. Sign permit application will be submitted upon design and execution of project.

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
   a. Sewer
   b. Water
   c. Stormwater
   d. Fire Protection
   e. Police Protection
   f. Street (public or private)
   g. Parks (residential only)
   h. Sidewalks
   i. Bike/pedestrian ways – including connectivity to existing and proposed developments

See civil plan attached. Public services are adjacent to and available for the proposed project. Water and sewer utilities will require main extensions. City of Whitefish currently has capacity to serve the project. Storm water will be retained and treated on site. Police and fire currently provide service to the site. Additional site service is not anticipated for the project. Nelson Lane will be improved to meet City of Whitefish standards. No parks or sidewalks are anticipated with the project. A bike/pedestrian path is proposed along the south side of the project.

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.
   a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
   b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

a. Any increase in traffic will be mitigated by the improvements to Nelson Lane as sole access to the project site. Any additional traffic generated in the neighborhood would be emergency vehicle only and by nature quite infrequently.
b. The project should not generate any additional noise, vibration, dust, glare, heat, smoke, fumes, odors during operation. Nuisance issues may occur during construction however those will issues will be confined to the duration of the construction period. The Cabins at Whitefish is providing a bike/pedestrian access easement to Grouse Mountain park through their lot along the south property line.

7. What are the proposed hours of operation?

24Hrs/day, 7 days/week, 50 weeks/year, 2 weeks/year maintenance

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

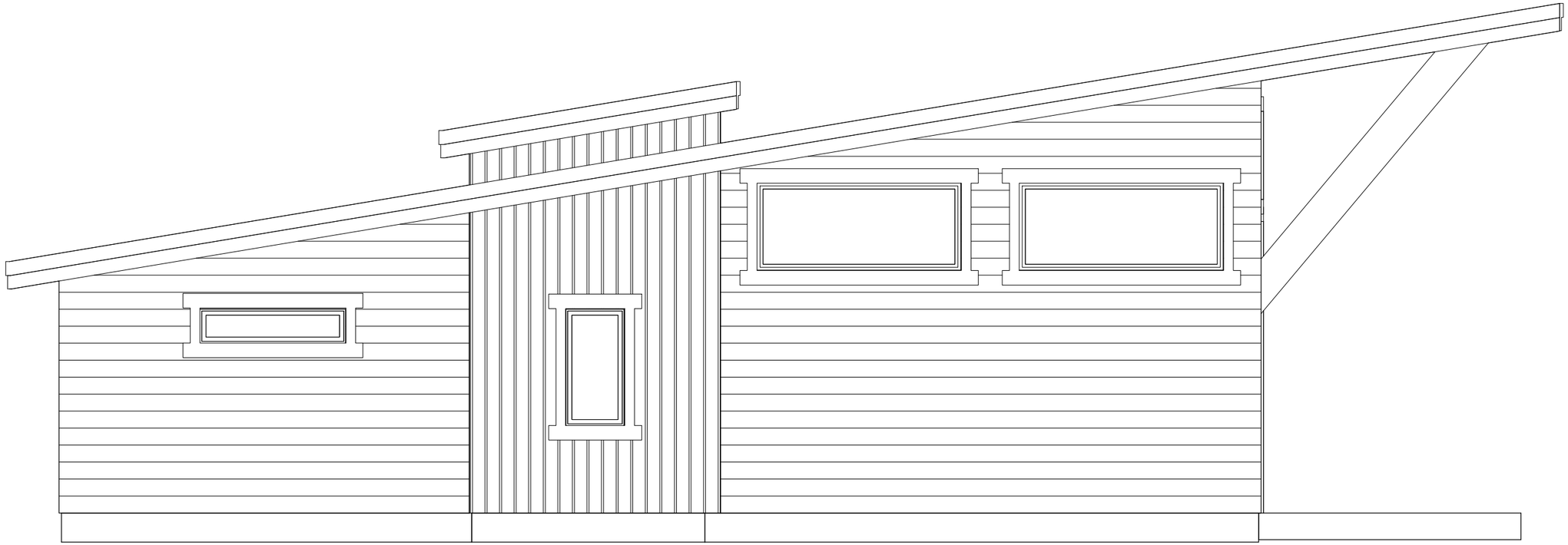
a. The proposed individual residential cabin style single story units are on a humble residential scale and will appear as a grouping of single family units. Distributed across the site with landscaping and trees the units will not have a massive structural bulk and scale. The overall appearance will comprise segmented views of the various single story units dispersed among the trees and across the site.

b. Scale of Buildings: Various single story buildings with architecturally modulated lengths varying from 30 to 45 feet in length and 20 - 25 width. Covered porches and car ports articulate the facade and roof lines within the volume.

c. Neighboring properties are a mix of highway frontage commercial, residential, weekly/nightly rental units, city park and large multi floor hotel multi-plex. Project is compatible and complementary to the neighborhood as it offers a residential appearance and scale in it's central location among the other disparate uses.

d. Current zoning standard requires a minimum 1 acre with a maximum density of 10 dwelling units per gross acre. Proposed project contains a total 1.25 acres with a density of 12 units.

e. Within the context proposed and within the allowed zoning this residential resort cabin offering is ideal and complementary without negatively impacting the neighborhood context nor character.



EAST

WEST

Montana Creative
architecture + design

THE CABIN'S AT WHITEFISH

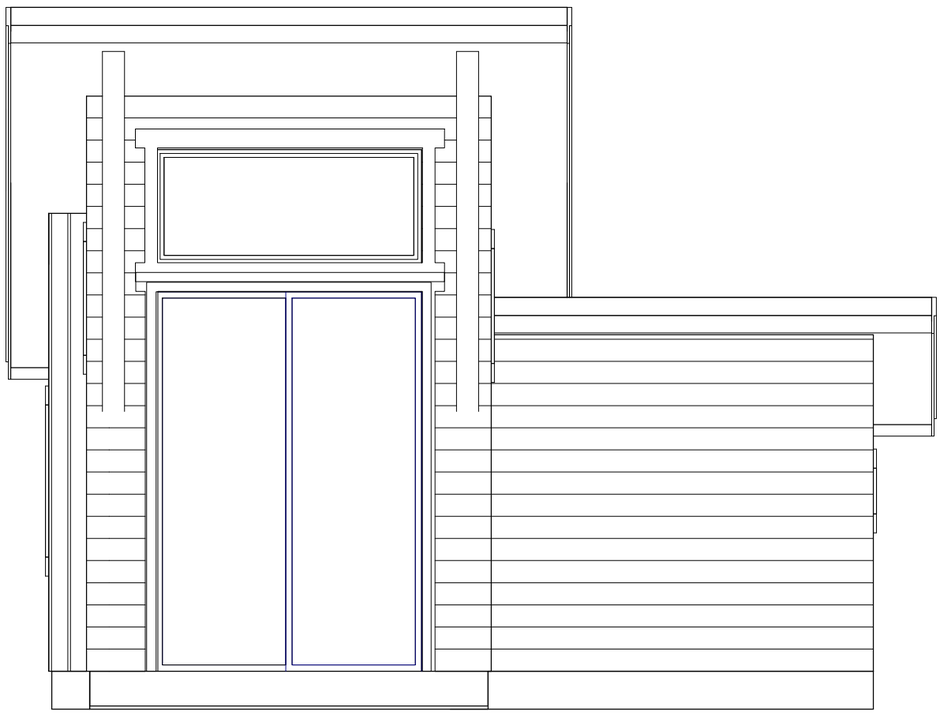
EAST & WEST ELEVATIONS

WHITEFISH, MT

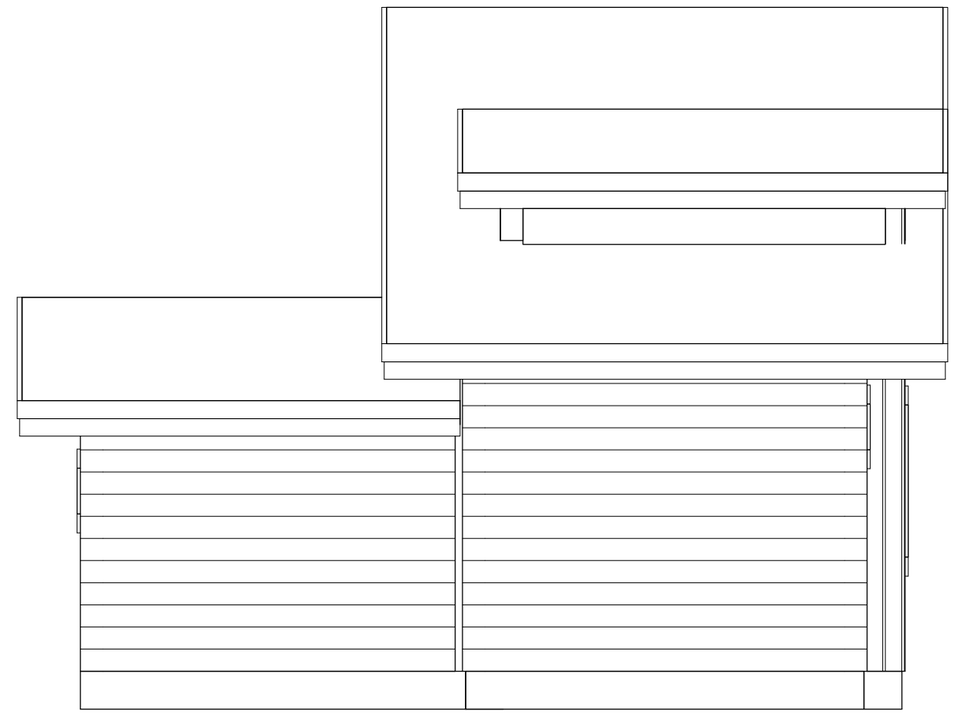
5-2-16

1/4" = 1'-0"

1



NORTH



SOUTH

Montana Creative
architecture + design

THE CABIN'S AT WHITEFISH

NORTH & SOUTH ELEVATIONS

WHITEFISH, MT

5-2-16

1/4" = 1'-0"

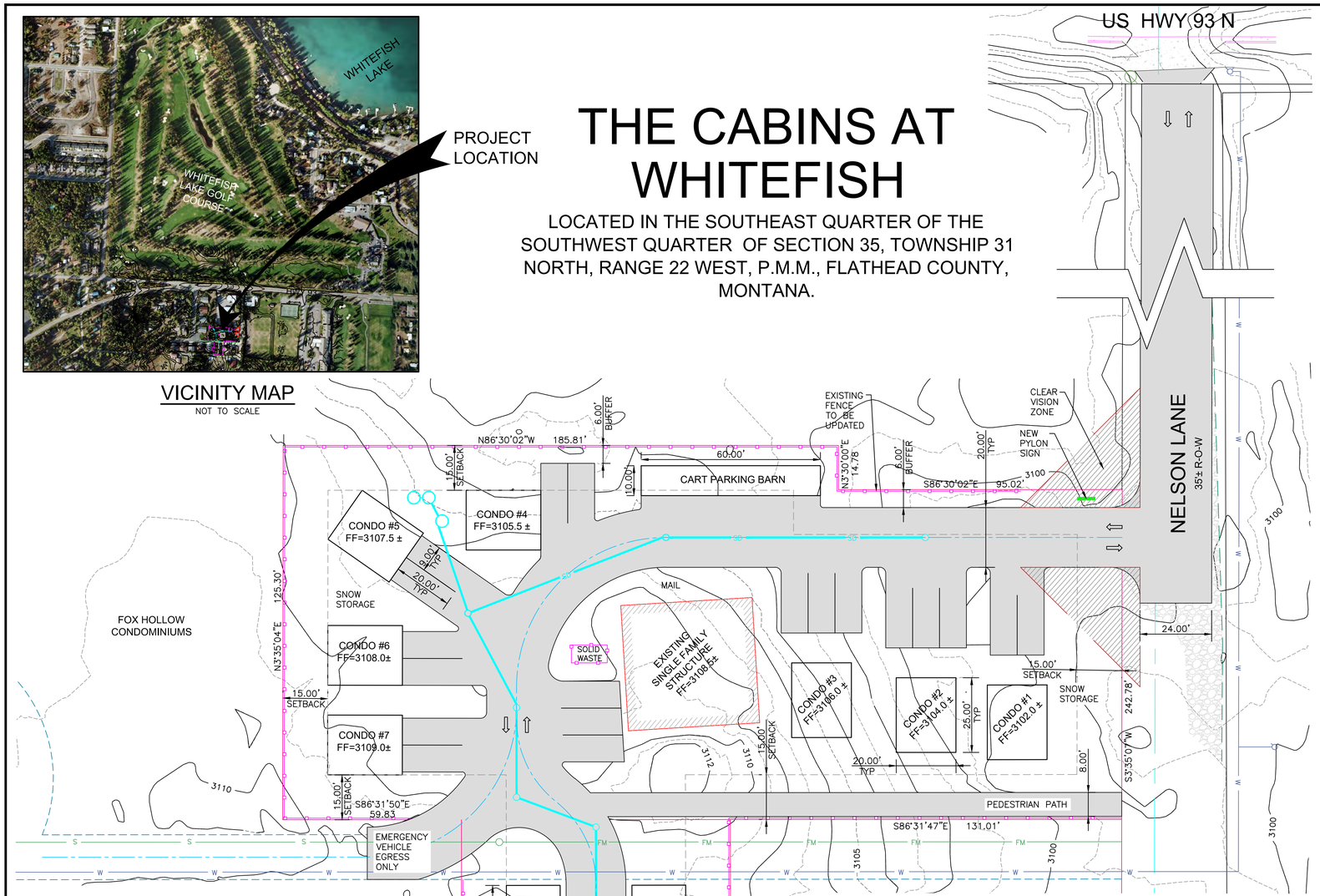
2

THE CABINS AT WHITEFISH

LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

VICINITY MAP

NOT TO SCALE



SITE PLAN

0 20' 40' 60'

SCALE

GENERAL NOTES

DATUM
THE MONTANA STATE PLANE COORDINATE SYSTEM, FEDERAL INFORMATION PROCESSING STANDARD (FIPS) ZONE 2500, NORTH AMERICAN DATUM,1983 (NAD 83), INTERNATIONAL FEET, WAS USED FOR HORIZONTAL CONTROL AND THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) WAS USED FOR THE VERTICAL CONTROL.

DESCRIPTION
TRACT 1AD, SECTION 35, T31N, R22W, PMM
ASSESSOR # – 0974444

TRACT 1ABAA, SECTION 35, T31N, R22W, PMM
ASSESSOR # – 0456900

PROPOSED USE
CONDOMINIUMS – 12 SINGLE UNITS (11 NEW & 1 EXISTING)

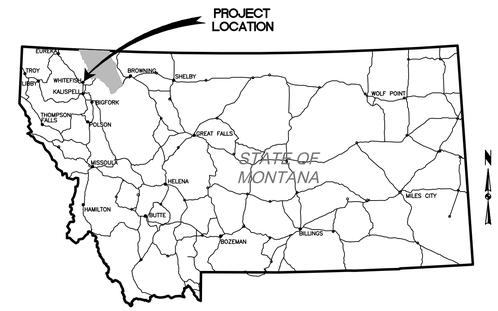
ZONING
CURRENT ZONING IS CITY OF WHITEFISH ZONING ORDINANCE DESIGNATION WRR–1 LOW DENSITY RESORT RESIDENTIAL DISTRICT. SETBACKS ARE BASED ON SAID DESIGNATION.

MUNICIPAL SERVICES
SANITARY SEWER AND WATER SERVICE TO BE PROVIDED BY THE CITY OF WHITEFISH. SEPARATE SERVICES ARE REQUIRED FOR EACH UNIT AND WILL BE CONNECTED TO EXISTING MAINS. (SERVICES ARE NOT SHOWN FOR CLARITY.)
SOLID WASTE BY CONTRACT HAULER.
STORM DRAINAGE TO BE TREATED AND DETAINED ON SITE.

EMERGENCY SERVICES
POLICE AND FIRE PROTECTION PROVIDED BY THE CITY OF WHITEFISH.

TRAFFIC
20' DRIVE AISLE – SINGLE IN & SINGLE OUT

PARKING
27 SPACES (9'X20')



LEGEND

- PERIMETER BOUNDARY
- CONTOUR LINE (1' INTERVAL)
- 2990 CONTOUR LINE (5' INTERVAL)
- EXISTING STRUCTURE
- EDGE OF ASPHALT
- EXISTING WIRE FENCE
- EXISTING WOOD FENCE
- PROPERTY PIN
- CONTROL POINT
- GAS VALVE
- LUMINAIRE
- EASEMENT BOUNDARY
- RETAINING WALL
- EDGE OF WATER
- EDGE OF GRAVEL
- G GAS LINE
- W WATER LINE
- E ELECTRIC LINE
- S SEWER LINE
- T TELEPHONE
- WATER METER & CURB STOP
- BARRIER POST
- MANHOLE
- DECIDUOUS TREE (12" OR LARGEF
- CONIFEROUS TREE (12" OR LARGE
- CONCRETE
- UTILITY POLE
- GAS METER
- GUY WIRE
- PROPOSED WATER SERVICE
- PROPOSED SEWER SERVICE
- PROPOSED STORM DRAIN
- PROPOSED ASPHALT

REV	DATE	REVISION

TD&H Engineering
tdhengineering.com
MONTANA WASHINGTON IDAHO NORTH DAKOTA
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY LEWISTON WATFORD CITY

DRAWN BY: DJK
DESIGNED BY:
QUALITY CHECK:
DATE: 06.14.2016
JOB NO. K16-007
FIELDBOOK

GMJ, LLC
WHITEFISH, MONTANA

1331 NELSON LANE
CUP - SITE PLAN

K16-007 CUP.DWG

SHEET 1

Subject: Cabins @ Whitefish
From: "Loewen, Nanette" <Nanette.Loewen@cenovus.com>
Date: 6/1/2016 4:58 PM
To: "'garth@nprmt.com'" <garth@nprmt.com>

Hi Garth:

Good talking to you today. As we discussed I'm happy to provide to you in writing our interest in your project as the City of Whitefish may require our consent to further discuss the project referred to the Cabins at Whitefish. I understand that you will pass this email onto the city of Whitefish for their reference.

Please be advised that we are currently in support of the proposed project underway by GMJ with the City of Whitefish. Specifically, the property description is 35 21 22 TR 1ABAA IN E2SE4NW4 under Nanette and Jim Loewen at 1321 Nelson Lane.

If you need further assurance or you have questions please feel free to contact me at 403.473.2703 or at gooddogfreddy@gmail.com

Thanks Garth hope to talk to you soon.

Nanette Loewen
June 05, 2016

Nanette Loewen
Cenovus Energy Inc.
Transportation and Business Development
(403.766.8330 cell 403.651-8470
Email: Nanette.loewen@cenovus.com

JUN 6 2016

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http://www.cenovus.com

JUN 2 7 2016

W Compton –Ring

June 22, 2016

Whitefish Planning Dept.

P.O. Box 158

Whitefish, Mt. 59937

Dear W. Compton-Ring

Thank you for sending me the revised site plan for the Cabins at Whitefish project. The site plan was revised two days before the Planning Board meeting and arrived at my mail box after the meeting was already over. I am disappointed that the city allows major plan revisions on such short notice without allowing proper time to comment by parties who are impacted by such a project.

In my first letter to your office dated June 1, 2016, I commented on the disruption this property has caused in the neighborhood in the past. In the first drawings dated May 2nd, 2016, the units were sited on the other side of a drive way and parking area that allowed for some buffer between my property and the proposed building sites. In the revised plans two of the units are now moved right against the property line of 235 Fox Hollow.

I again point out the history of this site renting to large groups that far exceed the capacity of the property. The drunken behavior and days at a time of noise, fireworks, and bon- fires will only be magnified by the size of this project. There is no plan for oversite of the renters in what is motel type facility that is being placed in a residential setting.

This project seems to be on the fast track towards approval. I ask that the City Council and the City Police Dept. work with the developers to make sure that this project won't negatively impact the neighborhood. I also request that the placement of the cabins be moved back to their original siting in the drawings first submitted. This would allow some space between my home and the proposed project buildings.

Mark Tracy

235 Fox Hollow,

Whitefish Mt. 58837

Ph. 831-818-0964

cc; Whitefish City Council

Whitefish Police Dept.

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

June 27, 2016

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

W 7th Street Reconstruction Project - Resort Tax

Recommendation to Build a Parking Lot at the James R. Bakke Nature Preserve

Introduction/History

The W. 7th Street Reconstruction Project includes complete street and utility renovation from Baker Ave. to Fairway Dr. Council authorized the completion of the final designs of the W. 7th Street Reconstruction Project on 4/20/2015, authorized bidding of the project on 2/1/2016, awarded the project to LHC, Inc. on 3/21/2016 and approved the purchase of the street lights on 6/6/2016. The last remaining element of the project that requires council approval is a decision on whether or not to construct a parking lot at the James R. Bakke Nature Preserve.

Current Report

There were two "Additive Alternates" included in the original bid for the project. These alternates were included to give Council the option to create a parking lot at the recently dedicated James R. Bakke Nature Reserve. Both alternates gave the contractor use of a 10,200 square foot area for staging during the project.

Additive Alternate #1 was for $9,700, leaving the City with a graded gravel parking lot at the completion of the project. This work included the removal of 7 trees (including stumps and large roots), installation of temporary construction fence around the staging area limits, stockpiling of existing topsoil, placement of 12" of crushed base course along with stabilization fabric, and final site restoration.

Additive Alternate #2 was for paving the gravel parking lot at a cost of $7,950. The total cost for the original parking lot was $17,650.

During the 3/21/2016 meeting, Council directed staff to redesign the parking lot to a 5-stall parking lot and reduce the number of trees requiring removal. This redesign was completed and given to the contractor for revised pricing as Work Directive Change #4. The cost came back at $13,942.68.

On 6/14/2016 the revised plan and pricing was reviewed by the park Board and a recommendation was made that City Council proceed with this change to construct the newly designed parking lot at the James R. Bakke Nature Preserve.

Financial Requirement

The W. 7th Street Reconstruction Project is being paid for with Resort Tax Funds. The final engineer's estimate for the project was $2,284,444 and the project was awarded to LHC, Inc. on 3/21/2016 in the amount of $2,161,378.52. The inclusion of this work would increase the contract by at $13,942.68.

An analysis of the projected Resort Tax Cash flow indicates this project can be supported by the resort Tax Fund, leaving the fund with an estimated cash balance of approximately $575,000 at the end of FY2017.

Recommendation

Based on the guidance and direction received from Council to date, and the recommendation of the Park Board, I respectfully request that Council approve Work Directive #4 in the amount of $13,942.68 to construct the 5-stall parking lot at the James R. Bakke Nature preserve.

Sincerely,

Craig Workman, P.E.
Public Works Director

WORK DIRECTIVE CHANGE #4

Instructions on Next Page

PROJECT TITLE: WEST 7TH STREET RECONSTRUCTION PROJECT

PROJECT NO.: 14105.000 **CONTRACT DATE:** April 18, 2016

OWNER: CITY OF WHITEFISH **ENGINEER:** Brandon Theis, PE (RPA)

CONTRACTOR: LHC, Inc.
P.O. Box 7338
Kalispell, MT 59904-0338

You are directed to proceed promptly with the following change(s):

DESCRIPTION:
Relocate 24-foot wide driveway from Station 28+23.86 RT to 28+48.45 RT. Construct 5 stall asphalt parking lot with approach upon 611/615 West 7th St property. Price includes the removal of up to 5 trees, topsoil stripping beneath parking lot and approach, reclamation/grading efforts to complete work, hydroseed/fertilizer/mulch, 4" wide parking stall striping (white) & yard hydrant removal. Move/relocate speed radar sigh, pull boxes and conduit as shown.

PURPOSE OF WORK DIRECTIVE CHANGE:
Per Owner request.

ATTACHMENTS: (List documents supporting change)
See attached Sheet E1-3, Exhibit "A" & Worksheet.

If a claim is made that the above change(s) have affected Contract Price or Contract Time, any claim for a Change Order based thereon will involve one of the following methods of determining the effect of the change(s).

Method of determining change in Contract Price:

- ☐ Time and Materials
- ☐ Unit Prices
- ☐ Cost Plus Fixed Fee
- ☑ Other See attached worksheet

Estimated increase (decrease) in Contract Price:
$ 13,942.68 amount. If the change involves an increase, the estimated amount is not to be exceeded without further authorization.

Method of determining change in Contract Time:

- ☐ Contractor's Records
- ☐ Engineer's Records
- ☑ Other Per Contractor's Estimate

Estimated increase (decrease) in Contract Time:
2 days. If the change involves an increase, the estimated time is not to be exceeded without further authorization.

	SIGNATURE	PRINT OR TYPE NAME	DATE
RECOMMENDED BY (Engineer):		Brandon Theis	5/10/16
AUTHORIZED BY (Owner):			
ACCEPTED BY (Contractor):		Jay McMillan	5-11-16

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WORK DIRECTIVE CHANGE

INSTRUCTIONS

A. GENERAL INFORMATION

This document was developed for use in situations involving changes in the Work which, if not processed expeditiously, might delay the Project. These changes are often initiated in the field and may affect the Contract Price or the Contract Time. This is not a Change Order, but only a directive to proceed with Work that may be included in a subsequent Change Order.

For supplemental instructions and minor changes not involving a change in the Contract Price or the Contract Time, a Field Order may be issued.

B. COMPLETING THE WORK DIRECTIVE CHANGE

Engineer initiates the form, including a description of the items involved and attachments.

Based on conversations between Engineer and Contractor, Engineer completes the following:

METHOD OF DETERMINING CHANGE, IF ANY, IN CONTRACT PRICE: Mark the method to be used in determining the final cost of Work involved and the net effect on the Contract Price. If the change involves an increase in the Contract Price and the estimated amount is approached before the additional or changed work is completed, another Work Directive Change must be issued to change the time or Contractor may stop the changed Work when the estimated time is reached. If the Work Directive Change is not likely to change the Contract Price, the space for estimated increase (decrease) should be marked "Not Applicable".

METHOD OF DETERMINING CHANGE, IF ANY, IN CONTRACT TIME: Mark the method to be used in determining the change in Contract Time and the estimated increase or decrease in Contract Time. If the change involves an increase in the Contract Time and the estimated time is approached before additional or changed Work is completed, another Work Directive Change must be issued to change the time or Contractor may stop the changed Work when the estimated time is reached. If the Work Directive Change is not likely to change the Contract Time, the space for estimated increase (decrease) should be marked "Not Applicable".

Once Engineer has completed and signed the form, all copies should be sent to Owner for authorization because Engineer alone does not have authority to authorize changes in price or time. Once authorized by Owner, a copy should be sent by Engineer to Contractor.

Once the Work covered by this directive is completed for final cost and time determined, Contractor should submit documentation for inclusion in a Change Order.

THIS IS A DIRECTIVE TO PROCEED WITH A CHANGE THAT MAY AFFECT THE CONTRACT PRICE OR THE CONTRACT TIME. A CHANGE ORDER, IF ANY, SHOULD BE CONSIDERED PROMPTLY.

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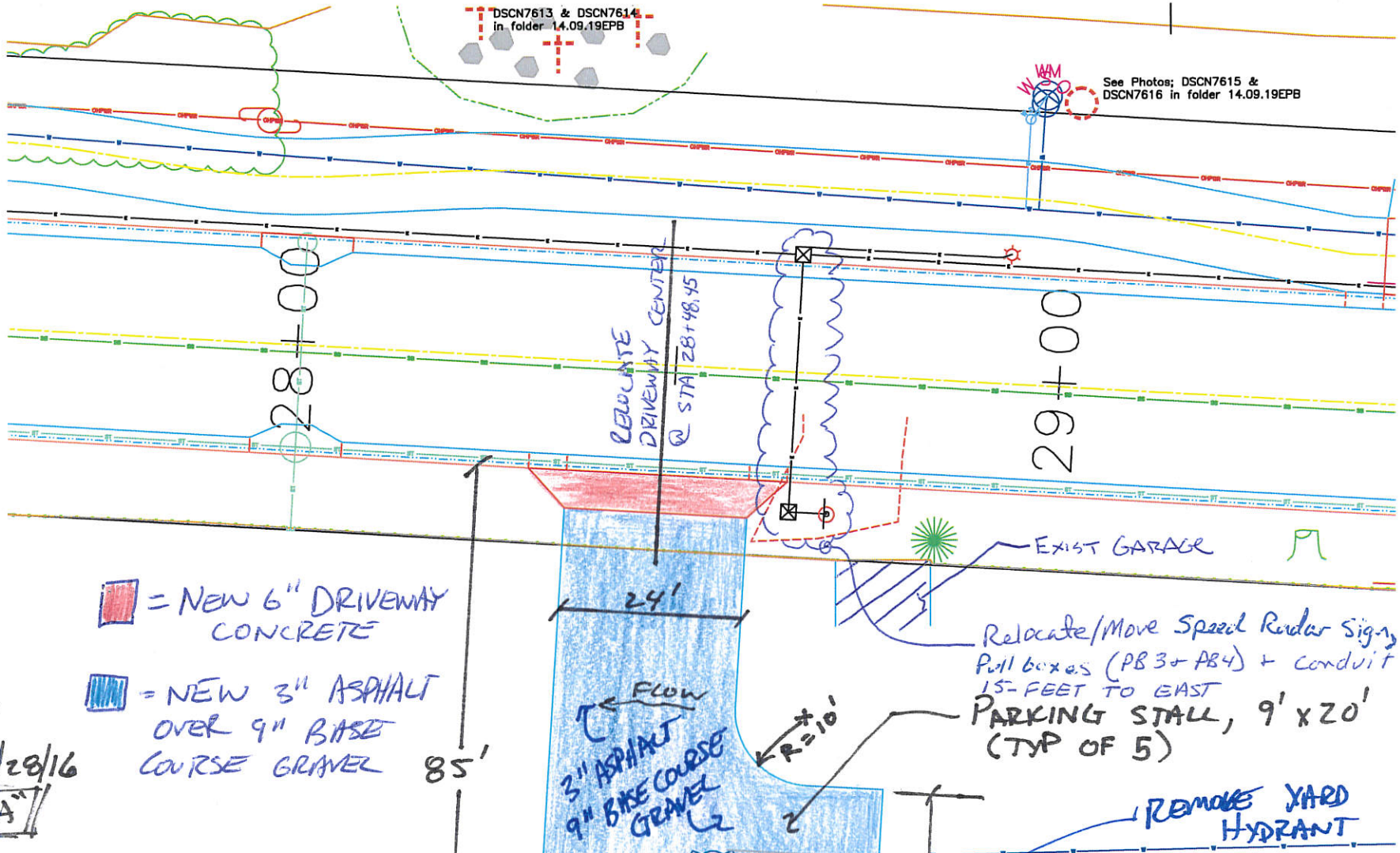
Worksheet for Work Directive Change No. 4
West 7th Street Reconstruction Project
By BMT on 5/10/16

Unit Price Decrease			
7.	Crushed Base Course – ¾" Minus (12" Thick, 129 SF)	5 CY @ $35.27/CY	**($176.35)**
46.	Conduit – 1-1/4" PVC Sch 40	15 LF @ $6.62/LF	**($99.30)**
		SUBTOTAL	**($275.65)**
Unit Price Increase			
7.	Crushed Base Course – ¾" Minus (9" Thick, 2841 SF)	79 CY @ $35.27/CY	**$2,786.33**
9.	Asphalt Concrete Pavement (3" Thick, 2841 SF)	52 Ton @ $66.00/Ton	**$3,432.00**
--	Parking Lot Striping	LUMP SUM	**$150.00**
--	Additional Site Preparation	LUMP SUM	**$7,750.00**
--	Additional Staking	LUMP SUM	**$100.00**
		SUBTOTAL	**14,218.33**
		TOTAL CONTRACT PRICE INCREASE	**$13,942.68**



N

1" = 20'

WDC #4

BMT 4/28/16

"Exhibit A"

= NEW 6" DRIVEWAY CONCRETE

= NEW 3" ASPHALT OVER 9" BASE COURSE GRAVEL

NOTES

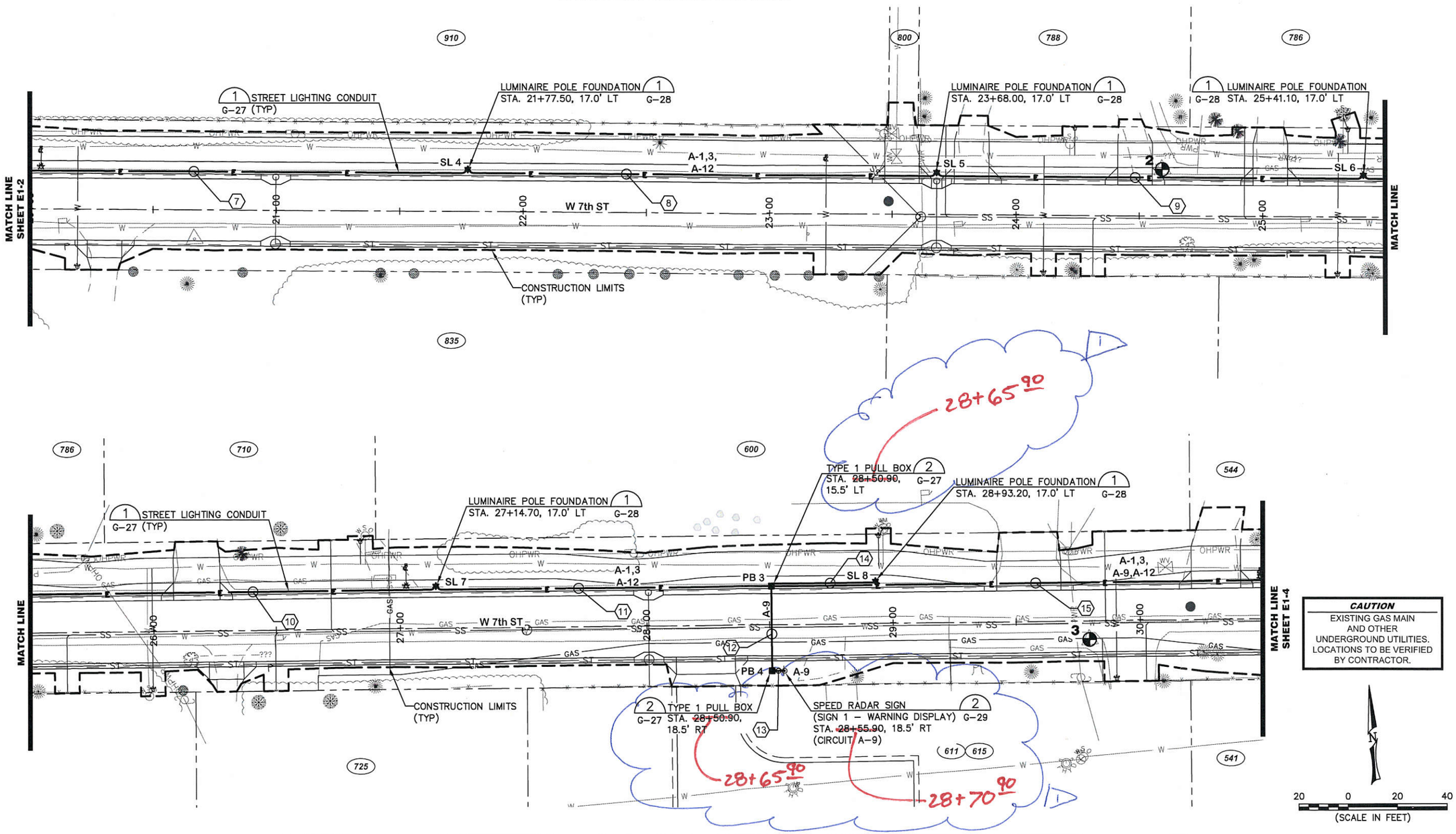
1. CONTRACTOR SHALL STRIP ALL TOPSOIL FROM PARKING AREA.
2. REUSE TOPSOIL TO RECLAIM SITE.
3. HYDRO SEED/FERTILIZE/MULCH ALL DISTURBED AREAS.
4. Remove up to 5 trees (AS DIRECTED BY ENGINEER)

NOTES (CONT.)

5. GRADES TO BE DETERMINED IN THE FILED BY ENGINEER. PARKING LOT SUBGRADE TO BE GENERALLY SET TO BOTTOM OF FOUND TOPSOIL. PARKING LOT TO DRAIN TO WEST.

CONDUIT AND WIRE SCHEDULE				
TAG#	CONDUIT SIZE	WIRE SIZE	FROM	TO
7	2"	2#8 LTS, 2#6, 1#8 GND	SL 3	SL 4
8	2"	2#8 LTS, 2#6, 1#8 GND	SL 4	SL 5
9	2"	2#8 LTS, 2#6, 1#8 GND	SL 5	SL 6
10	2"	2#8 LTS, 2#6, 1#8 GND	SL 6	SL 7
11	2"	2#8 LTS, 2#6, 1#8 GND	SL 7	PB 3
12	2"	2#8, 1#8 GND	PB 3	PB 4
13	1¼"	2#8, 1#8 GND	PB 4	SIGN 1
14	1¼"	2#8 LTS, 1#8 GND	PB 3	SL 8
15	2"	2#8 LTS, 2#8, 2#6, 1#8 GND	PB 3	PB 5

NOTE: ALL CONDUCTORS SHALL BE TYPE THWN



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RPA

SYM	REVISION	BY	APPR.	DATE
1	WRC #4	BNT		4/28

D.TINTZMAN DESIGNED BY
M.ROGERS DRAWN BY
R.MITCHELL CHECKED BY
FEBRUARY 2016 DATE
14105.000 PROJECT NO.
Streetlights_W7ST FILE

PROJECT TITLE
WEST 7th STREET RECONSTRUCTION PROJECT
Whitefish, Montana

SHEET TITLE
STREET LIGHTING PLAN AND SCHEDULES

SHEET
E1-3

K:\Vol-Proj-Data\14105.000 – West 7th Street\14105_000 2014 ACAD W7ST\SHEETS\CONSTRUCTION DWG\Streetlights_W7ST.dwg Feb 11, 2016

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MANAGER REPORT

June 29, 2016

WHITEFISH AIRSTRIP CHANGES

Cindi Martin, Executive Director of Glacier International Airport, called me recently to let me know about some upcoming changes to the Whitefish Airport (which she said is really an airstrip). The airstrip is currently run by the Glacier International Airport Authority (GIAA) and that mostly means they cut the grass on the airstrip. The airstrip is open and usable from June 1st through September 30th of each year. GIAA has had discussions this year with State of Montana Department of Transportation to transfer responsibility of the airstrip to MDT because operating the airstrip is not really in the primary scope of operations for GIAA. Cindi said this change will not mean much to Whitefish, it will probably only mean someone different mows the grass out there. She also said that this transfer of authority will likely be on the agenda for the GIAA monthly board meeting on July 12th at 4:00 p.m. at GIAA, but she cautioned anyone interested in attending to check their agenda to be sure the topic is on the agenda.

She also mentioned that the GIAA Board of Directors had voted earlier this year **not** to allow the ski joring event organizers to use the airstrip any longer in the future because of damage done to the airstrip by the event this year. She said ski joring is already looking for a different venue. We have had similar situations of damage to park facilities and grounds from the ski joring event.

PARKING STRUCTURE RETAIL SPACE – LEASE ADVERTISEMENTS

Chap Godsey, the City's Realtor of Record, is placing advertisements in this week's Whitefish Pilot to begin the process of selecting a tenant or tenants for the 2,824 square foot retail space in the parking structure. The advertisement will look a lot like the one attached to this report, but we delayed the submittal date to August 1st.

I am assuming that the Real Estate Advisors (Mayor Muhlfeld, Andy Feury, Dana Smith, and I) along with Chap will review the applications and make a tenant recommendation to the full City Council. If there are one or two other City Councilors who would like to be in on the interview and recommendation process, please let me know.

MEETINGS

Chamber of Commerce – Workforce Housing Breakfast with Chamber Members (6/22) – I attended the Chamber's breakfast meeting with members where they discussed the workforce housing needs assessment and the future implementation project. Wendy Sullivan was introduced to the members present and she and Kevin gave an outline of the project and solicited discussion of this issue and challenges from the members.

UPCOMING SPECIAL EVENTS

July 1-3 – Whitefish Arts Festival – Depot Park
July 16th - Celebration of Haskill Basin Conservation Easement – Depot Park 10:00 a.m. to noon

REMINDERS

City Hall Closed on Monday, July 4th – City Council meeting on Tuesday, July 5th

Chuck

Respectfully submitted,
Chuck Stearns, City Manager

PRIME COMMERCIAL LEASE SPACE IN DOWNTOWN WHITEFISH MONTANA

View of the subject commercial space located at the intersection of East First Street and Baker Avenue

THE CITY OF WHITEFISH IS NOW ACCEPTING LEASE PROPOSALS UNTIL JULY 1, 2016 FOR THIS PRIME COMMERCIAL SPACE ATTACHED TO THE NEW PARKING GARAGE AND CITY HALL. LOCATED AT THE INTERSECTION OF EAST FIRST STREET AND BAKER AVENUE, THE 2824 SQUARE FOOT SPACE CAN BE LEASED AS 1 WHOLE SPACE OR 2 SEPARATE SPACES. MINIMUM LEASE RATE OF $18/SQ.FT NNN.

Changing to Aug 1

AFTER JULY 1, 2016, THE CITY WILL REVIEW ALL SUBMITTED PROPOSALS AND THEN DETERMINE WHICH PROPOSAL AND TENANT OPPORTUNITY IS IN THE BEST INTEREST OF THE CITY.

THE CITY IS LOOKING FOR A TENANT WHO OFFERS THE MOST ATTRACTIVE LEASE TERMS AS WELL AS A TENANT WHO WILL DRAW PEDESTRIAN AND RETAIL ACTIVITY TO FIRST STREET, BAKER AVENUE, AND BEYOND.

THE CITY RESERVES THE RIGHT TO REJECT ANY AND ALL OFFERS UNITL THEY DETERMINE IF A PROPOSAL MEETS BOTH OF THESE GOALS AND MAY DECIDE TO EXTEND THE PROPOSAL DEADLINE PERIOD IF NEEDED.

PLEASE CONTACT CHAP GODSEY AT RE/MAX OF WHITEFISH FOR MORE INFORMATION.

chap@aboutmontana.com or (406) 261-8403

FEATURES

*** Location:** SE corner of Baker Avenue and East First Street

*** Parking::** Adjacent to parking structure with 212 spaces, at least 81 of which will be free retail spaces for customers with a 3 hour limit

*** Sq. Ft.:** 2,824 sq. feet as one space or dividable into two equal spaces of 1,412

*** Floor:** Concrete floor, slab on grade to be finished by City prior to occupancy. Flooring installed by lessee. The concrete floor is currently left out in the center of the space to facilitate any in floor electrical or plumbing for a tenant (1st Tenant). The floor concrete floor could be installed by the City or the Tenant.

*** Walls:** Drywall and taped provided by lessor; painting or finishes provided by lessee.

*** Windows:** Provided and Installed Lighting, permanent heating/cooling, mechanical makeup air for restaurant, mechanical venting for restaurant, and

Specific tenant equipment is not provided for the space. These are tenant specific items and anticipated to be installed by the Tenant.

*** Utilities :** Electricity - provided with separate meter; Paid by Lessee

Natural Gas- Provided with Separate Meter; Paid by Lessee

Water Sewer– Provided with Separate Metering or usage estimate paid by lessee

Other Utilities- Provided by Lessee

- Vented to Outside for possible restaurant with kitchen on east side of premises
- 2 Bathrooms provided—on same water meter as retail
- 2 Doors on East 1st Street provided; no exit doors onto Baker Avenue—There is an exit out of the south wall of the space that leads to pedestrian opening of the parking garage on to Baker, although , this would not be an entry.
- Delivery via SE entrance in parking structure or from East 1st Street.

*** Lease Term: 1 to 10 years as negotiated**

*** Pricing: minimum of $18 per Sq. Ft.**

RESOLUTION NO. 16-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, AUTHORIZING AN APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") PLANNING GRANT FOR AN AFFORDABLE WORKFORCE HOUSING IMPLEMENTATION PLAN.

WHEREAS, the City of Whitefish and the Whitefish Chamber of Commerce have partnered together to form an Affordable Workforce Housing Task Force; and

WHEREAS, the City of Whitefish has pledged up to $60,000 for completion of an Affordable Workforce Housing Needs Assessment which is scheduled to be completed in October of 2016; and

WHEREAS, in order to implement action steps and a plan to address the housing need found in the Whitefish Housing Needs Assessment, the City and the Chamber of Commerce would like to engage a consultant for an Affordable Workforce Housing Implementation Plan; and

WHEREAS, the City of Whitefish has the legal jurisdiction and authority to apply for, receive, and administer the proposed grant, but it will do so in concert with the Whitefish Chamber of Commerce and the Whitefish Housing Authority; and

WHEREAS, the City of Whitefish understands that $15,000 of matching funds will be required pursuant to the terms of the particular grant for which application is being made; and

WHEREAS, the Whitefish Chamber of Commerce will assume all costs of grant writing and will assume all other costs associated with preparing for, applying for, and administering the grant with reimbursement up of to $60,000 from the City; and

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

Section 1: The City of Whitefish agrees to conform to the regulations, statutes, terms and conditions described in the CDBG Certifications for Application.

Section 2: The Whitefish City Manager, Charles C. Stearns, is authorized to execute the Certifications for Application on behalf of the City of Whitefish in connection with this CDBG grant, and the Whitefish Chamber of Commerce is authorized to submit the CDBG application in compliance with the Montana CDBG Program Application Guidelines.

Section 3: The Whitefish City Manager, Charles C. Stearns, is authorized to act on behalf of the City of Whitefish, and to provide such additional information as may be required.

Section 4: The Whitefish City Manager, Charles C. Stearns, is directed and authorized to work in concert with the Whitefish Chamber of Commerce and the Whitefish Housing Authority in pursuance of such grant.

Section 5. The City of Whitefish, as part of its previous pledge of $60,000 for the work of the Affordable Workforce Housing Task Force, will commit $15,000 for the local matching funds required for a $45,000 CDBG planning grant for a total budget of $60,000.

Section 5: This Resolution shall take effect immediately upon its adoption by the City Council, and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____ DAY OF _____, 2016.

_____
JOHN M. MUHLFELD, MAYOR

ATTEST:

_____
Michelle Howke, City Clerk

MEMORANDUM
#2016-020

To: Mayor Muhlfeld
City Council Members

From: Chuck Stearns, City Manager

Re: Staff Report – CDBG Planning Grant Application – Housing Plan Implementation

Date: June 24, 2016

INTRODUCTION/HISTORY

The Whitefish Chamber of Commerce, along with Montana West Economic Development Corporation (MWED) and the City of Whitefish, sponsored a workforce housing summit on September 24, 2015 at Grouse Mountain Lodge. Out of that summit a task force was formed which is now called the Affordable Workforce Housing Task Force. That task force has met since last year and, in January of 2016, they approached the City Council for $60,000 of funds to help fund a Housing Needs Assessment and an Implementation Plan. The City Council approved that request on January 4, 2016. After a Request for Proposals was done, Rees Consulting of Crested Butte, CO was selected to perform the first half of the project which is a Housing Needs Assessment. That work is now underway.

CURRENT REPORT

The Task Force decided to split the project into two parts because the cost of the entire project is going to exceed the City's $60,000 contribution and in order to get going faster on the Housing Needs Assessment. It is hoped that the second half of the project, an implementation and action plan, can be funded with a Community Development Block Grant I(CDBG) from the State of Montana. The Chamber of Commerce has contracted with Kirsten Holland, a local grant writer, to prepare a CDBG planning grant application for $45,000 which requires local matching funds of $15,000 for a $60,000 project. Ms. Holland has completed that application and State CDBG regulations stipulate that the a local government (i.e. the City) has to be the applicant for the grant. We have done such grant applications a number of times in the past for the Whitefish Housing Authority. A Resolution is needed to authorize the application, so there is a Resolution and the grant application in the packet with this staff report.

FINANCIAL REQUIREMENTS/IMPACTS

There is no cost of this request beyond our original $60,000 appropriation in the Tax Increment Fund. The City incurs some minor grant administrative work with this grant, some of which will be performed by the Chamber of Commerce and/or the task force.

RECOMMENDATION

Staff respectfully requests the City Council approve a Resolution authorizing an application for a Community Development Block Grant ("CDBG") Planning Grant for an Affordable Workforce Housing Implementation Plan.

CDBG PLANNING GRANT APPLICATION FORM

MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
MONTANA DEPARTMENT OF COMMERCE – COMMUNITY DEVELOPMENT DIVISION

ACCEPTANCE OF CDBG PROGRAM REQUIREMENTS

The Applicant hereby certifies that:

It will comply with all applicable parts of Title 1 of the Federal Housing and Community Development Act of 1974, as amended, which have not been cited herein, as well as with other applicable federal laws and regulations.

It will comply with all requirements established by the Montana Department of Commerce and applicable State laws, regulations, and administrative procedures.

It accepts the terms, conditions, selection criteria, and procedures established by the Montana Community Development Block Grant (CDBG) Program and expressly waives any statutory or common law right it may have to challenge the legitimacy and propriety of these terms, conditions, criteria**,** and procedures in the event that it is not selected for an award of CDBG funds.

APPLICANT- CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

Signature _____
Chief Elected Official or Authorized Representative

Name Charles C. Stearns **Title** City Manager

Date 7/6/16

Applicant's Information	
Name of Local Government	City of Whitefish
Phone #	
Fax #	406-863-2419
Mailing Address of Applicant	PO Box 158 Whitefish, MT 59937-0158
Federal Tax ID #	81-6001325
DUNS Number	052421930
Name of Assisted Business (if applicable)	NA
Address of Assisted Business	NA

DUNS # of Assisted Business	NA
North American Industrial Classification System (NAICS) Code	NA
Primary Contact Person	
Name	Kevin Gartland
Affiliation	Whitefish Chamber of Commerce
Job Title	Executive Director
Phone #	
Fax #	406-862-9494
E-mail Address	kevin@whitefishchamber.org
Mailing Address of Applicant	PO Box 1120 Whitefish, MT 59937

CDBG Planning Grant Funds Requested: $ 45,000

☑ Community Benefit – 1:3 match required

☐ Site-Specific/Private Entity Benefit – 1:1 match required

OTHER FUNDING SOURCES:	AMOUNT	STATUS OF COMMITMENT *(Pending or Firm)*
Local match (required; see above)	$	Firm
CDBG Requested Funds	$ 45,000	Pending
	$	
	$	
TOTAL ESTIMATED PROJECT COST	$ 60,000	

PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED PLANNING ACTIVITY & COMMUNITY/PRIVATE ENTITY BENEFIT BELOW (Use additional sheets if necessary):

Whitefish City Growth Policy designates the area as Resort Residential: This designation is defined by resort residential development of all types and densities (in accordance with specific zoning). Included are one and two-family residential, rental cabins, vacation cottages, condominiums, and town homes. Zoning is generally WRR-1 and WRR-2.

Proposed project is conditionally permitted within the prescribed zoning designation of WRR-1.

I. ELIGIBLE APPLICANT? *[See Application Guidelines, page 4.]*

Yes ☑

No ☐

ELIGIBLE MIDURN COMMUNITY?

Yes ☐

No ☑

If applicable, please describe your participation in the State's application to HUD for NDRC funding (use additional sheets of paper if needed):

Project envisions 12 freestanding condominium cabin units intended for overnight accommodations and permanent residency.

II. APPLICATION SUBMITTED ON BEHALF OF A NON-PROFIT AGENCY, WATER AND SEWER DISTRICT OR SIMILAR ORGANIZATION? [*If 'Yes', describe the agency/organization.]*

Yes ☑

No ☐

Please describe the agency on behalf of which the local government is applying:

Project is located adjacent to existing Fox Hollow Condominiums to the west and south west. proposed use is consistent with current adjoining uses. Current zoning standard requires a minimum 1 acre with a maximum density of 10 dwelling units per gross acre.

III. ELIGIBLE PLANNING ACTIVITY? *[See Application Guidelines, pages 4-5.]*

Yes ☑

No ☐

IV. ARE REQUIRED MATCHING FUNDS PROVIDED? *[See Guidelines, pages 6-7.]*

Yes ☑

No ☐

Waiver of match requested with supporting documentation

V. REQUIRED LETTER(S) OF COMMITMENT INCLUDED? *[For funds or resources to be provided by a non-profit agency, water and sewer district, or similar organization; see Application Guidelines, pages 6-7.]*

Yes ☑

No ☐

NA ☐

VI. IS A PROJECT IMPLEMENTATION SCHEDULE PROVIDED? [*Provide a project implementation schedule using Exhibit 1 attached. Include a brief narrative to explain your proposed project schedule.]*

Yes ☑

No ☐

VII. IS THE PROPOSED PROJECT BUDGET AND BUDGET JUSTIFICATION NARRATIVE PROVIDED? *[Use Exhibit 2 attached to list your project budget and to provide a detailed narrative that explains and justifies each line item of your proposed budget.]*

Yes ☑

No ☐

VIII. DETAILED PROJECT PROPOSAL

Using separate sheets, applicants must thoroughly address each of the questions below, providing detailed responses. If a particular question is not applicable to the proposed planning project, the applicant must address why it is not applicable; simply answering 'n/a' will result in the application being considered incomplete. Visual aids and supplemental documents are encouraged to help illustrate the planning activity funding is being requested for.

A. Describe how the proposed planning project will:

1. Supports existing Montana communities by:

   a. Targeting funding toward existing communities to increase community revitalization, improve the efficiency of public works investments, and safeguards rural landscapes;

   b. Encouraging appropriate and comprehensive planning, market studies, preliminary architecture reports, and other studies or plans that support the sustainability of local communities, affordable housing, public works investments, vital employment centers, and the environment;

   c. Enhance the unique and resilient characteristics of all communities by investing in healthy, safe and walkable neighborhoods – rural, urban and suburban;

   d. Encouraging the rehabilitation of existing rental and owner-occupied homes, particularly for those with special needs and the elderly; and

   e. Encouraging the development and rehabilitation of community facilities and services located within walkable neighborhoods and/or served by public transportation systems, particularly for those with special needs and the elderly.

2. Supports investment in vital public infrastructure by:

   a. Encouraging appropriate and comprehensive pre-development planning activities for public infrastructure , including asset management, needs analysis, preliminary engineering and/or architectural reports, and other studies or plans;

   b. Providing funding opportunities to improve safety and efficiency of public infrastructure, promote health, safe and walkable neighborhoods, and safeguard the environment; and

   c. Provide funding opportunities to serve eligible Montanans, [particularly those special needs and elderly populations, with safe, efficient public infrastructure.

3. Enhances Montana's economic competitiveness by:

   a. Providing reliable and timely access to employment centers, educational opportunities, services and other basic needs by works as well as expanded business markets;

   b. Supporting comprehensive planning for downtown revitalization, business development, and other studies or plans to attract and retain talent in Montana communities;

   c. Providing job opportunities to eligible Montanans to strengthen communities within the State;

d. Encouraging activities that support and strengthen new and existing businesses, particularly those located within traditional downtown business centers comprising a mix of business, housing and services;

e. Encouraging housing and mixed-use development that contributes to broader revitalization efforts in Montana communities; and

f. Seeking opportunities to achieve multiple economic development goals, such as removing barriers to collaboration, leveraging multiple funding sources, and increasing efficiency through a single investment.

4. Promoting equitable, affordable housing in Montana by:

a. Expanding location and energy efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation;

b. Encouraging activities to acquire and/or construct new affordable housing for homeownership or rental in areas where existing investment in infrastructure, facilities and services leverages multiple economic, environmental and community objectives;

c. Encouraging appropriate and comprehensive planning, market studies, preliminary architectural reports, and other studies or plans in support of the efficient construction of affordable housing; and

d. Encouraging financial mechanism that increase homeownership opportunities and provide rental assistance to eligible Montanans, particularly those with special needs and the elderly.

B. Address the following elements as they relate to the proposed planning project, providing references and supplemental documentation as necessary to adequately illustrate a response:

1. The need for financial assistance to complete the planning project;

2. The fiscal capacity of the applicant to meet the grant conditions required by the Department, including but not limited to its ability to manage the planning project and demonstrate the use of generally accepted accounting principles;

3. Past efforts to ensure sound, effective, long-term community wide planning;

4. The ability to obtain and commit the required matching funds;

5. The demonstrated importance of, and the community's current support for, the planning project.

6. Relation of planning project to business expansion or retention, specifically the number of potential jobs created or retained as a result of the proposed planning effort.

C. Describe the intended outcome of the proposed planning project; how will the receipt of planning grant funds have a positive impact on the applicant community, and what steps will be taken following the conclusion of the planning activity (additional grant funds sought, implementation, construction, etc.)?

Alternative accessible formats of this document will be provided upon request.

If you need this document in an alternative format, such as large print, Braille, audio tape, or computer disc, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, or the Relay Services number 711.

EXHIBIT 1
MONTANA DEPARTMENT OF COMMERCE
CDBG HOUSING, PUBLIC FACILITIES & ECONOMIC DEVELOPMENT
PLANNING GRANTS

PROJECT IMPLEMENTATION SCHEDULE

TASK	MONTH
PROJECT START UP Preparation of MDOC Contract	September 2016
PROCUREMENT OF PROFESSIONAL ASSISTANCE *Including professional engineers, architects, and planning consultants, etc.*	
Submit Request for Proposals (RFP) to DOC for review *(Architectural and engineering services must be procured in compliance with Section 18-8-201, MCA)*	October 2016
Publish RFP or RFQ/Conduct limited solicitation	November 2016
Select professional	December 2016
Execute agreement with professional	January 2017
PROJECT IMPLEMENTATION	
Prepare draft plan/report	April 2017
Submit interim Request for Funds, and 50% draft of final product (digital copy)	April 2017
Public review and comment	May 2017
Finalize plan/report	June 2017
PROJECT CLOSEOUT Submit final product, both in digital and printed formats Submit final Request for Funds and Project Completion Report	Parking is located by each unit with the required number of spaces sized per City. Traffic will access and leave the project via an improved 24' wide paved Nelson Lane. Zoning ordinance requires maximum 35% lot coverage. Site calculations put lot coverage at

EXHIBIT 2
MONTANA DEPARTMENT OF COMMERCE
CDBG HOUSING, PUBLIC FACILITIES & ECONOMIC DEVELOPMENT
PLANNING GRANTS

PROPOSED PROJECT BUDGET AND
BUDGET JUSTIFICATION NARRATIVE

BUDGET for: Affordable Workforce Housing Plan (Project Title) **Date:** See civil plan attached. Public

	SOURCE: *CDBG*	**SOURCE:** *Match (Identify)*	**SOURCE:** a. Any increase in	**TOTAL**
Professional Planning Activities	45,000	15,000		60
Professional Architectural/Engineering Services				0
Other (Describe)				0
				0
				0
TOTAL PLANNING PROJECT	$ 45,000	$ 60,000	$ 0	$ 60,000

Note – Because the amount of funding is limited, applicants will be expected to absorb most costs associated with the administration of the CDBG Planning Grant.

The budget justification narrative must thoroughly explain the rationale or basis for all proposed budget costs for each line item. Quotes from qualified professionals may be requested by MDOC to justify the proposed budget; applicants are encouraged to provide estimates from qualified contractors as part of the application package, in support of the amount of funds requested. The thoroughness of the budget justification will be a consideration in the review of the application. **The budget for the planning project must be accompanied by a detailed narrative that explains:**

1) The justification for each budget line item for the CDBG funds requested;
2) Local matching funds; and
3) Other sources and amounts of local, state, federal, or private funds to be involved.

Reminder: Planning grants may not be used for reimbursement of activities undertaken or completed prior to the date of announcement of grant award by the Department of Commerce.

***APPLICANT'S RESPONSE* - Budget Justification Narrative:**

(Use as much space as needed; attach additional sheets to provide the required information.)

24Hrs/day, 7 days/week, 50 weeks/year, 2 weeks/year maintenance

ATTACHMENT #1

DESCRIPTION OF THE PROPOSED PLANNING ACTIVITY & COMMUNITY/PRIVATE ENTITY BENEFIT

Funding is requested to assist in the production of an Affordable Workforce Housing Implementation Plan for the City of Whitefish. The Implementation Plan will be the second phase of a comprehensive housing planning effort to address the lack of affordable workforce housing in Whitefish. The first phase, currently in process, is the creation of the 2016 Housing Needs Assessment. The assessment quantifies existing and future workforce housing needs in the community, providing hard data and critical information for use in creating the Affordable Workforce Housing Implementation Plan.

The community benefit of the planning activity is to provide the Whitefish workforce, from entry-level positions to professional practitioners, with financially attainable housing in the community where they are employed. The vitality and diversity of a community is attributable in large part to the ability of its workers to call it "home." With an adequate selection of affordable workforce housing, both rental and ownership, those who serve the community can also live in the community.

ATTACHMENT #2

CDBG PLANNING GRANT APPLICATION – CITY OF WHITEFISH

DETAILED PROJECT PROPOSAL

A. Describe how the proposed planning project:

1. Supports existing Montana communities by:

a. Targeting funding toward existing communities to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes;

The Affordable Workforce Housing Implementation Plan will identify strategies and tools for increasing the stock of workforce housing in the community as part of a comprehensive housing planning effort. Whitefish is facing a serious workforce housing crisis: a lack of housing in the community that the average wage earner can afford. The intent of this planning activity is to guide the development of new affordable workforce housing and the rehabilitation of existing housing for long-term lease or purchase in Whitefish.

The Implementation Plan will identify what housing types are needed, along with the best places to locate new developments near transportation, businesses, and essential services, using information gleaned from the Housing Needs Assessment that is currently underway. City staff, planners, and developers will be able to use the Implementation Plan as a guide to maximize proximity to transportation corridors and business centers while ensuring that new developments do not inappropriately encroach on rural and agricultural areas.

b. Encouraging appropriate and comprehensive planning, market studies, preliminary architecture reports, and other studies or plans that support the sustainability of local communities, affordable housing, public works investments, vital employment centers, and the environment;

The Affordable Workforce Housing Implementation Plan is part of a larger comprehensive housing planning effort that began in September 2015 when the City of Whitefish hosted a workforce housing summit in conjunction with the Whitefish Chamber of Commerce and Montana West Economic Development. This summit was in response to the increasing lack of affordable housing for the Whitefish workforce. The Affordable Workforce Housing Task Force was formed and this group made a formal request to the Whitefish City Council for financial support in January 2016 to develop a Housing Needs Assessment and Implementation Plan. The Council allocated up to $60,000 for the planning effort and following a Montana Department of Commerce (MDOC) protocol Request for Proposals process, contracted for the first phase of the effort, a Housing Needs Assessment, in May 2016. The assessment is currently underway and the final report is expected in October 2016.

The Housing Needs Assessment will quantify existing housing stock, what types of housing are not available to the existing workforce, and what is needed both in the near term and looking forward to the next 20 years. The Affordable Workforce Housing Implementation Plan, the subject of this funding request, is the second phase of this comprehensive planning effort. The Implementation Plan will provide strategies and tools that can be put into practice immediately to guide the task force, government officials, planners, and developers.

c. Enhance the unique and resilient characteristics of all communities by investing in healthy, safe and walkable neighborhoods – rural, urban and suburban;

Whitefish prides itself on being a “real town” in addition to one of the Rocky Mountain West’s top recreation and resort destinations. Residents are engaged, informed, and invested in the community. In order to retain this authenticity, it is critical that those who serve the community on all levels are able to reside and thrive in the community. Teachers, mechanics, firefighters, farmers, nurses, police officers, salespeople, and even medical professionals are unable to find

homes that are affordable at their income levels. Both rental and home purchase prices in the Whitefish area are significantly higher than other areas in Flathead County. The average home price in Whitefish in 2015 was $410,795, nearly 75% more than a home in the overall county. The average rent was $812 in 2015, compared to $731 in Flathead County. Many workers are forced to live outside of Whitefish and commute to their places of employment. North Valley Hospital, the largest employer in Whitefish, reports that 63% of its staff resides outside of the Whitefish city limits. This is a common theme with other local businesses as well, with up to two-thirds of employees commuting from Columbia Falls, Kalispell, and other areas of the county.

A sustainable, vital community relies on diversity. A community is safer when its first responders reside among those they serve and businesses thrive when employees thoroughly know the community because they call it home. Walkable neighborhoods foster a sense of health and vitality and encourage true community among residents. When those who spend 40 or more hours per week in a city or town leave at the end of the workday it affects the community economically and socially. Workers may choose to patronize businesses and services closer to home, resulting in a loss of revenue to the city where they work. The fabric of the community is also impacted when these workers choose to worship, volunteer, and socialize elsewhere. Increasing the affordable workforce housing stock in Whitefish to include a mix of housing types across a broad price spectrum, both rental and owner-occupied, ensures a healthy, diverse community.

d. Encouraging the rehabilitation of existing rental and owner-occupied homes, particularly for those with special needs and the elderly; and

One of the components of the Affordable Workforce Housing Implementation Plan will be to identify ways to incentivize owners of rental and owner-occupied properties to rehabilitate their existing units to preserve them either for long-term leasing or affordable sale. The Implementation Plan will use information from the Housing Needs Assessment regarding price, age, and condition of the existing housing stock to identify neighborhoods and properties in need of rehabilitation.

The Whitefish Housing Authority, an authorized agency of the City of Whitefish, will work with property owners and other city staff to access local, state, and federal programs that will provide assistance in maintaining affordability, where these properties can be made available to the elderly and those with special needs. The Housing Authority is well qualified for this task as it currently maintains Mountain View Manor, a 50-unit low-income housing development designated for the elderly and disabled.

The elderly and special needs populations are an important part of the Whitefish community. As the population ages, keeping seniors who desire to “age in place” in their homes will be central to the housing plan. Seniors contribute knowledge and experience to the community and those who are engaged through volunteering or paid work are particularly valuable. Members of the special needs population are similarly important to the fabric of this community.

e. Encouraging the development and rehabilitation of community facilities and services located within walkable neighborhoods and/or served by public transportation systems, particularly for those with special needs and the elderly.

Individual and families are the critical user elements to community facilities and services. The Affordable Workforce Housing Implementation Plan will indirectly benefit the development and rehabilitation of community facilities and services by ensuring that a plan is in place to maintain the core population of Whitefish: people who work in the community, serving both seasonal and year-round residents as well as visitors.

Additionally, Whitefish has a 3% resort tax that provides financial support for capital improvements and public works projects that maintain the community’s roads, bike paths, and infrastructure. This tax is applicable to the retail sale of lodging, restaurant and prepared food, alcoholic beverages, ski resort goods and services, and defined luxury items. Residents purchase many of these items; therefore maintaining the residential population of workers, seniors, and those with special needs is beneficial to the community.

2. Supports investment in vital public infrastructure by:

a. Encouraging appropriate and comprehensive pre-development planning activities for public infrastructure, including

asset management, needs analysis, preliminary engineering and/or architectural reports, and other studies or plans;

Public housing, a component of public infrastructure, will be included in the Affordable Workforce Housing Implementation Plan. While this comprehensive housing planning effort is not specifically targeted to public infrastructure assets such as roads, schools, hospitals, and utilities, there is a clear indirect benefit. These public assets cannot be maintained or function without employees. By identifying strategies and tools to increase the supply of workforce housing across all income levels, Whitefish can retain current residents who work for public infrastructure agencies, welcome back those who may have moved out of the area due to prohibitive housing costs, and attract new residents who may otherwise opt to take positions in other communities with more affordable housing.

b. Providing funding opportunities to improve safety and efficiency of public infrastructure, promote health, safe and walkable neighborhoods, and safeguard the environment; and

As stated above, although the Affordable Workforce Housing Implementation Plan will not directly address investment in public infrastructure beyond public housing, the development of this plan is still vitally important to preserving the safety and efficiency of public infrastructure. By identifying the type, location, and volume of affordable workforce housing needed in the community, the Housing Needs Assessment will provide valuable data that will inform the strategies and tools included in the Implementation Plan. These strategies will include locating housing near existing infrastructure including bike paths, major arterial routes, and are within walkable distance of employers. Incorporation of environmentally friendly building materials and features, as well as preserving critical environmental areas will be essential components of the Implementation Plan.

c. Provide funding opportunities to serve eligible Montanans, [particularly those special needs and elderly populations, with safe, efficient public infrastructure.

An indirect benefit of the Affordable Workforce Housing Implementation Plan will be to identify suitable locations for new housing in close proximity to bike and walking paths, public transportation, health care, and business districts. By ensuring that new housing is built with a high level of accessibility to these critical services, the special needs and elderly populations will be better served.

3. Enhances Montana's economic competitiveness by:

a. Providing reliable and timely access to employment centers, educational opportunities, services and other basic needs by works as well as expanded business markets;

One of the main drivers behind this comprehensive workforce housing planning effort is the need to attract and retain workers in Whitefish. As a mountain resort community, Whitefish hosts over 600,000 visitors each year and requires a reliable workforce to meet visitors' needs. A record number of positions are going unfilled in local businesses during the busiest seasons of the year due to a lack of affordable workforce housing. Whitefish businesses of all sizes are struggling to provide the level of service visitors expect due to these staff shortages. To remain economically competitive, Whitefish needs to increase its supply of workforce housing for workers of every income level. Without a way to house both seasonal and year-round workers, Whitefish will be unable to attract and retain workers who wish to live in the community where they work. The Whitefish economy plays a leading role in the Flathead Valley economy and relies on food servers, hotel clerks, outdoor recreation guides, housekeeping staff, first responders, bankers, teachers, and many other types of workers to keep its economy healthy and competitive.

b. Supporting comprehensive planning for downtown revitalization, business development, and other studies or plans to attract and retain talent in Montana communities;

This comprehensive workforce housing planning effort is designed to identify concrete solutions to address the lack of affordable workforce housing in Whitefish. The first phase is the completion of a Housing Needs Assessment that will be finalized in October 2016. The second phase, the Affordable Workforce Housing Implementation Plan, is the subject of this request. This effort is an innovative collaboration between the City of Whitefish, the Housing Authority, and the

Whitefish Chamber of Commerce. The Chamber plays a critical role in representing a broad range of Whitefish businesses and employers who have appealed to the Chamber and the City to help them find ways to attract and retain employees critical to the success of their businesses and to the Whitefish economy.

c. Providing job opportunities to eligible Montanans to strengthen communities within the State;

Whitefish businesses are ready, willing, and in some cases desperate to provide job opportunities to eligible Montanans. They are struggling to fill open positions because of a lack of affordable workforce housing in Whitefish. In many businesses, up to two-thirds of employees live outside of Whitefish. The goal of the Affordable Workforce Housing Implementation Plan is not only to identify tools and strategies to address housing needs, but also to actually create the housing that is needed to ensure Whitefish workers can live in Whitefish if they desire. When employees also live in the community where they work, they become more than just workers. They are ambassadors for the community, a quality that is critical to Montana's resort and recreation communities, which rely so heavily on seasonal tourist dollars.

d. Encouraging activities that support and strengthen new and existing businesses, particularly those located within traditional downtown business centers comprising a mix of business, housing and services;

The Affordable Workforce Housing Implementation Plan is in direct response to the business community's serious need to attract and retain employees so that they can continue to grow and strengthen their businesses. Many downtown merchants are having difficulty filling positions that in past years have been very competitive. Grouse Mountain Lodge, located just minutes from Whitefish's commercial core, had 20 vacant positions as of late June. The Implementation Plan will support local businesses by ensuring there is an adequate supply of affordable workforce housing across a range of options, including long-term rentals, rentals for seasonal workers, and home ownership opportunities within walking or biking distance of downtown.

e. Encouraging housing and mixed-use development that contributes to broader revitalization efforts in Montana communities; and

The workforce housing crisis in Whitefish is exacerbated by the community's high rate of seasonal occupancy, which results in vacancy rates as high as 30% due to part-time recreational or occasional use but does not increase the long-term housing supply. These units are not available for long-term rentals and are instead marketed as short term "by owner" rentals. Additionally, much of the new housing currently being developed is marketed to visitors and part-time residents with little focus on creating housing for year-round, working residents.

The first phase of this planning effort, the Housing Needs Assessment, will identify where and how the housing market is not meeting the current and future needs of the Whitefish workforce. The second phase and the subject of this request, the Housing Implementation Plan, will guide housing and mixed-use development with specific tools and strategies to ensure that needed housing actually gets built.

f. Seeking opportunities to achieve multiple economic development goals, such as removing barriers to collaboration, leveraging multiple funding sources, and increasing efficiency through a single investment.

Like other communities experiencing a widening affordability gap, certain barriers to collaboration exist. Community opposition to higher density housing, the cost of land, and a lack of clear guidance and accountability for developers all make it more difficult to integrate affordable workforce housing into the community. The Affordable Workforce Housing Implementation Plan presents a perfect opportunity to guide new development toward what the community actually needs, provide resources for public/private collaborations and partnerships to meet that need, and eliminate grey areas that are currently impeding the creation of affordable workforce units.

4. Promoting equitable, affordable housing in Montana by:

a. Expanding location and energy efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation;

The Affordable Workforce Housing Implementation Plan will use the information gleaned from the Housing Needs Assessment to identify the best places for new development in Whitefish close to downtown and other commercial centers as well as existing housing that may be repurposed as affordable workforce rental or ownership housing. Mixed use and fair share housing will be centrally located to ensure that residents can take advantage of biking and walking paths and lower their combined cost of housing and transportation.

b. Encouraging activities to acquire and/or construct new affordable housing for homeownership or rental in areas where existing investment in infrastructure, facilities and services leverages multiple economic, environmental and community objectives;

Whitefish currently encourages developers to include affordable units in new developments through a voluntary inclusionary zoning ordinance. This provides a density bonus when developers make 10% of the developed units affordable to moderate income families or pay an $11,000 per-unit fee for use by the Whitefish Housing Authority for affordable homeownership programs. Due to the voluntary nature of the program, just six units of affordable housing have been incorporated into new developments in the past year.

Support for mandatory inclusionary zoning is slowly building in the community. If this is the direction the Housing Needs Assessment reveals the City should take, placing higher density developments near existing infrastructure, services, and facilities would be strongly encouraged in the Affordable Workforce Housing Implementation Plan.

c. Encouraging appropriate and comprehensive planning, market studies, preliminary architectural reports, and other studies or plans in support of the efficient construction of affordable housing; and

As part of a larger comprehensive housing planning effort, the Affordable Workforce Housing Plan is a critical component of collaborative efforts to address the workforce housing shortage in Whitefish. Phase one of this project is the creation of the 2016 Housing Needs Assessment, which is currently in process. It will define the existing housing market and predict future housing needs, taking into consideration all the factors that influence housing supply and affordability.

Phase two is the Affordable Workforce Housing Implementation Plan. It will use the information gathered in the Needs Assessment to identify tools for a balanced approach to addressing the workforce housing shortage, potentially including public and private funding, commercial linkage, mandatory inclusionary zoning, employer-sponsored housing, and other innovative strategies.

d. Encouraging financial mechanism that increase homeownership opportunities and provide rental assistance to eligible Montanans, particularly those with special needs and the elderly.

The Affordable Workforce Housing Implementation Plan is intended to increase home ownership and access to rental housing for all members of the community, across all income levels. As the population ages, however, it is expected that more housing will be needed for elders who wish to “age in place,” including both affordable rental and ownership housing. This planning project will identify tools and techniques to address this issue, including tax credits for rental housing, land trusts or deed restrictions, and federal subsidies. The plan will also encourage accessible design features in new developments and rehabilitation projects to meet the needs of the elderly and those with special needs.

B. Address the following elements as they relate to the proposed planning project, providing references and supplemental documentation as necessary to adequately illustrate a response:

1. The need for financial assistance to complete the planning project;

The Whitefish City Council committed $60,000 to a comprehensive affordable workforce housing effort in January 2016. The first phase of this project, the 2016 Housing Needs Assessment, is currently being completed by Rees Consulting of Crested Butte, Colorado following a Request for Qualifications process. Of the $60,000 committed, up to $45,000 is dedicated to the Needs Assessment. The remaining funds will be applied to phase two, the Affordable Workforce Housing Implementation Plan. This application is to secure the additional funding needed for the creation of the Implementation Plan. If funding is awarded, the applicant will prepare an RFP per MDOC guidelines for this phase.

2. The fiscal capacity of the applicant to meet the grant conditions required by the Department, including but not limited to its ability to manage the planning project and demonstrate the use of generally accepted accounting principles;

The City of Whitefish is confident in its ability to meet all grant conditions required by CDBG, including management of the planning project, submission of progress and expenditure reports, procurement of professional services requirements, and the use of Generally Accepted Accounting Principles (GAAP).

3. Past efforts to ensure sound, effective, long-term community wide planning;

The City of Whitefish has a solid record of proactive and inclusive community wide planning, including the following long range planning documents:

2015 Downtown Master Plan
2015 Whitefish Highway 93 West Corridor Plan
2012 Housing Needs Assessment and Strategic Plan (Whitefish Housing Authority)
2009 Whitefish Transportation Plan
2009 Market Analysis and Housing Plan (Whitefish Housing Authority)
2008 Housing Needs Assessment
2007 Whitefish City-County Growth Policy

The 2016 Housing Needs Assessment will update the 2012 document with information relevant to current community needs and the changing economy. The Housing Needs Assessment is currently in process and includes employer surveys, focus groups, and broad community input. The Affordable Workforce Housing Implementation Plan will be a vital addition to the City's planning toolkit and provide clear direction for housing development going forward.

4. The ability to obtain and commit the required matching funds;

Matching funds are secured and have been committed by the applicant. Please see the enclosed Whitefish City Council Resolution in support of this application and confirming the matching commitment.

5. The demonstrated importance of, and the community's current support for, the planning project.

This planning project is in direct response to the widening affordability gap in the City of Whitefish and the serious impact it is having on attracting and retaining workers. The Whitefish City Council considers it a top priority and unanimously supports this application. The Whitefish Chamber of Commerce is taking the lead on the project, as the impact of the housing shortage is most deeply felt by the employers and businesses they represent. Please see enclosed letters of support from business owners, employers, and community leaders.

6. Relation of planning project to business expansion or retention, specifically the number of potential jobs created or retained as a result of the proposed planning effort.

This planning effort is directly related to business expansion and retention. Without affordable workforce housing, businesses cannot expand and grow. If the situation does not improve, some businesses may be forced to leave the community. While it cannot be estimated at this stage how many jobs will be created as a result of this effort, currently nearly 500 jobs remain unfilled during the busiest season of the year, in large part due to lack of available housing. By addressing the workforce housing crisis directly and aggressively, existing jobs will be retained and new jobs are much more likely to be created.

C. Describe the intended outcome of the proposed planning project; how will the receipt of planning grant funds have a positive impact on the applicant community, and what steps will be taken following the conclusion of the planning activity (additional grant funds sought, implementation, construction, etc.)?

The Affordable Workforce Housing Implementation Plan will be critical in providing clear guidance to developers, planners, the community, and local government officials as they work to address the lack of workforce housing in Whitefish. This document will not sit on a shelf but will be a dynamic document, referenced frequently and used as a tool to increase the stock of affordable workforce housing to meet current and future needs.

RESOLUTION NO. 16-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ADOPTING REVISIONS TO THE CONSULTANT SELECTION POLICY.

WHEREAS, the City Council created a Consultant Selection Policy on February 20, 1990; and

WHEREAS, said Consultant Selection Policy was amended on March 18, 1996 and other amendments to the Consultant Selection Policy were considered on May 16, 2005, but were not adopted; and

WHEREAS, the current Consultant Selection Policy is out of date and inconsistent with the State of Montana's procurement laws for Architectural, Engineering, and Land Surveying Services as found in Title 18, Chapter 8, Part 2; and

WHEREAS, city staff have reviewed the current Consultant Selection Policy and proposed some changes and the City Council has reviewed those changes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, AS FOLLOWS:

Section 1: That the CONSULTANT SELECTION POLICY attached hereto as Exhibit "A" is hereby adopted and approved;

Section 2: That all previous consultant selection policies are hereby repealed;

Section 3: This Resolution shall take effect immediately upon approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _____TH DAY OF _____, 2016.

_____
JOHN M. MUHLFELD
MAYOR

ATTEST:

_____
Michelle Howke,
City Clerk

CITY OF WHITEFISH

CITY COUNCIL POLICY MANUAL

Consultant Selection Policy and Procedures

The City of Whitefish hereby establishes a policy that it will publicly announce requirements for architectural, engineering, and land surveying services for projects upon which it is estimated the total cost of such services will exceed ~~$10,000~~the threshold set by State law, currently found at Section 18-8-212(1), MCA. The City will negotiate contracts for such professional services on the basis of demonstrated competence and qualifications for the type of professional services required, and at fair and reasonable prices.

Selection Process

Upon determining the need for a design professional, the City shall make a public announcement in accordance with Section 18-8-203, MCA, and the City's policy, that architectural, engineering, or surveying services are needed. The department staff will prepare a Request for Proposals (RFP).~~.~~

The requirement for professional services and the availability of the ~~-~~RFP shall be formally advertised for at least two consecutive weeks. A longer advertising period may be necessary. The form of announcement will include paid advertisements in ~~local newspapers~~ the city's newspaper of record, placement on the City's website, and~~/or~~ sending the notice ~~letters~~ to firms holding business licenses or listed in professional and yellow pages telephone directories, as well as to those whom the City knows are interested.~~ Care will be taken to make sure local vendors receive the Request for Proposal.~~

Each RFP will describe the location, nature of work, nature of the project, time constraints for the work to be done, the requested form of response, deadline for submittal, and primary selection criteria to qualify for the contract.

Information will be requested on:

1. Qualifications of proposed professional staff members, their supervisors, and availability for the project;

2. The capability of the firm to meet time and project budget requirements;

3. The proposed technical approach for completing the scope of work;

4. The capability of the firm to complete the work, given existing and future workloads;

5. The experience of the firm in doing comparable work for other clients;

6. Work the firm has performed for the City recently or is currently performing;

7. The location of the firm in relationship to the project; and

8. Other criteria, as appropriate.

~~For smaller, non-complex projects selection may be made from submittals in response to the Request for Qualifications. In larger projects, interviewing or requesting written technical proposals from the highest ranking firms will be considered appropriate. Generally, no more than five firms will be selected for more detailed submittals or interviews.~~

Rating Panel (Initial review)

A consultant Rating Panel made up of City staff, and other individuals approved by the City Council, will review the consultant proposals and compile a short list of highly qualified firms. The short list should include not less than three firms. The firm's request for proposal will be comparatively ranked by each individual proposal grader based on the criteria listed above. ~~Each grader shall assign a numerical ranking to the proposals. A rating of 100 shall be applied to the first ranked firm; each successively ranked firm shall receive five points less than the preceding proposal. The average ranking for these proposals will then be used to select the top three ranked firms for the final selection process. If the numerical averages do not present a clear selection, the consultant Rating Panel will meet to resolve the issue.~~

The Rating Panel will notify the firms that are on the short list and schedule an interview. The factors that will be used in making the final selection, and the relative importance and ranking weight of each, will be summarized in the notice.

Selection Committee (Final review)

A selection committee will be established for each project to make the final selection in accord with the City's selection criteria. The Selection Committee will be comprised of the ~~City Manager or Public Works Director~~Department Director, one other staff person, and one elected official. ~~, and one individual chosen from a list of professionals with current experience in the area of the specific project or a related professional field, and two individuals selected by the City Council.~~ The Selection Committee will choose its own chairman. The final selection will require an affirmative vote of at least ~~three of the four~~ two of the three Selection Committee members. ~~One or more members of the City Council will be invited to participate as "ex officio" members of the Committee. As such, they will participate in the interviews, but will not vote on the final selection.~~

Selection Criteria

Criteria for evaluating the firms shall be provided within the RFP or interview, and shall include, but not be limited to:

1. Qualifications of the personnel. The Committee will examine the background of the proposed professional personnel to be assigned to the project to determine that each key person is qualified to perform the kind of work required. The overall supervision to be exercised by the firm's management will be an important factor in this criterion.

Any professional services firm proposing to contract with the City shall provide evidence of professional qualification, licensing by the State of Montana, and proof of insurance as required by the City.

2. Capability to meet time and project budget requirements. Previous clients of each firm may be called to ascertain their record in completing assignments on time and within budget.

3. Technical and administrative approach. If appropriate, a discussion of the tasks or steps the firm proposes to follow to accomplish the work described in the City's RFP may take place. Responsiveness of the firm in understanding the work to be performed as demonstrated in the proposed technical process will be an important criterion. Updating and reporting progress and problems to the City is also an important evaluation criterion.

4. Present and projected workloads. The Committee will evaluate the capability of the firm to undertake the City's project considering its current and projected workload.

5. Related experience on similar projects. Comments from previous clients as to the similarity of other projects will be solicited to ascertain whether the firm's past performance is in line with the City's needs, regarding timeliness, experience, responsiveness, budget compliance, and general overall project success.

6. Recent and current work for the City. The Committee will evaluate the work the firm has done or is doing for the City. ~~Consideration will be given to the City's policy with respect to equitable distribution of work, if any.~~

7. Location. Familiarity with the proximity to the geographic location of the project. A consideration in selection will be the firm's knowledge of the City and its infrastructure, topography, soils, geography, and other circumstances pertinent to the project. ~~Preference shall be given first to firms maintaining a permanent office in Whitefish, second to firms maintaining a permanent office in Flathead County, and third to those firms located elsewhere within the State of Montana. Offices opened under the pretext of qualifying as a local firm shall not qualify for this degree of preference.~~

8. Other. Other criteria appropriate to the project.

Making the Selection

1. The firms selected for ~~final review~~ an interview will be evaluated and ranked by the Selection Committee using the criteria published in the RFP, information from the interview, and any other pertinent information made available to all members of the Selection Committee. The Selection Committee will rank the interviewed firms establishing the order for negotiating a service contract.

2. Staff, ~~with other members of the Selection Committee, as appropriate,~~ will attempt to enter into negotiations with the most qualified firm at a price that is within the project's budget and fair to the City and to the firm. If negotiations with the number one ranked firm are unsuccessful, staff will formally terminate negotiations with the number one ranked firm and will attempt to negotiate a contract with the second ranked firm, continuing until a contract has been agreed upon, or the City decides to continue the proposal evaluation and interview process or start the process anew.

3. This negotiating Committee will select a compensation plan mutually acceptable to the City and to the firm. The compensation plan will reflect the conditions and value of the assignment and may provide for any of the customary fee arrangements, including:

a. lump sum;
b. percent of construction;
c. cost reimbursable, plus fixed fee; or
d. time and materials (with ceiling, if appropriate) – this method is required for any procurement done with funds from federal grants, even federal pass-through funds through the state;

The negotiating Committee and the consultant will also establish milestone dates and completion dates for the service work. If appropriate, the negotiating Committee will include a recommendation to the City Council concerning the use of a completion date bonus or a completion date penalty to be included in the final contract produced or reviewed by the City Attorney.

4. When negotiated, the contract will be submitted to the City Council for approval.

~~5.~~ To establish a list of firms interested in City work, staff will at least use firms with a business license and in the yellow pages of the telephone book. ~~annual statements of interest will be accepted from interested firms. All qualified firms are welcome and encouraged to submit proposals regardless of whether they are currently included on the list of interested firms.~~

5.

Other Contract Services for Major Projects

Other professional services in excess of ~~$10,000~~the threshold set by State law including but not limited to auditing, accounting, and management consulting, will use the above process .~~with the following exception:~~

~~Price should be included in proposals and should be a significant factor, along with the other criteria, in making a final selection.~~

All Contract Services Under ~~$10,000~~the State Threshold

All contract services under ~~$10,000~~the threshold set by State law will use the standard purchase order process rather than the consultant selection process, unless otherwise required by federal grant procurement procedures. ~~Where practicable, the City will make an effort to informally rotate such jobs among qualified local~~

~~firms. The City Clerk will keep track of who has received small jobs and will make the information available to the departments so work can be rotated.~~ Jobs will not be artificially split to avoid the consultant selection process.

Adopted: 20FEB90
Amended: 18MAR96
Amended: July 5, 2016

MEMORANDUM
#2016-019

To: Mayor Muhlfeld
City Council Members

From: Chuck Stearns, City Manager

Re: Staff Report – Revisions to the Consultant Selection Policy

Date: June 24, 2016

INTRODUCTION/HISTORY

In 1990, the City Council adopted a policy for Selection of Consultants for services including, but not limited to architectural, engineering, surveying, auditing, accounting, and management consulting, where the services would exceed $10,000. This policy was amended and updated in 1996.

CURRENT REPORT

As state law has increased the threshold for such contracts to $20,000 as provided for in §18-8-212(1) MCA (copy enclosed), we felt we should review this policy. On February 16, 2016, the City Council discussed the policy and decided to revise the policy rather than repeal it – repealing was an option given the specificity of the State law and procedures cited above. Since that time, Department Directors have reviewed the policy and provided me with suggestions for revision and updating. A redline draft of those proposed changes is attached to this memo.

FINANCIAL REQUIREMENTS/IMPACTS

There is no real cost associated with updating this policy or from its implementation.

RECOMMENDATION

Staff respectfully requests the City Council either direct us to prepare a Resolution repealing the current Consultant Selection Policy or enact a Resolution adopting revisions to the Consultant Selection Policy.

(a) the legal advertisement was published on the dates ordered by the county and in the style set by the board; and

(b) the price was not in excess of the maximum price set by the board.

(5) The board may not establish maximum prices for printed county forms.

History: En. Sec. 5, Ch. 280, L. 1967; amd. Sec. 60, Ch. 348, L. 1974; R.C.M. 1947, 16-1229(2), (4), (5); amd. Sec. 3, Ch. 507, L. 1995; amd. Sec. 1, Ch. 148, L. 2009; Sec. 7-5-2404, MCA 2007; redes. 18-7-404 by Sec. 2, Ch. 148, L. 2009.

18-7-405. Adoption of printing standards. The board shall adopt necessary standards for typeface, type size, type style, and type leading for county legal advertising.

History: En. Sec. 5, Ch. 280, L. 1967; amd. Sec. 60, Ch. 348, L. 1974; R.C.M. 1947, 16-1229(3); amd. Sec. 4, Ch. 507, L. 1995; Sec. 7-5-2405, MCA 2007; redes. 18-7-405 by Sec. 2, Ch. 148, L. 2009.

18-7-406 through 18-7-410 reserved.

18-7-411. County printing contract. (1) The county commissioners shall contract for all advertising required by law and all printed forms required by the county. The advertising required by law must be awarded to a newspaper that:

(a) is published in the county;

(b) has general circulation;

(c) has been published continuously at least once a week in the county for the 12 months preceding the awarding of the contract; and

(d) prior to July 1 of each year, has submitted to the clerk and recorder a sworn statement that includes:

(i) circulation for the prior 12 months;

(ii) a statement of net distribution;

(iii) itemization of the circulation that is paid and that is free; and

(iv) the method of distribution.

(2) A newsletter or other document produced or published by the local government unit is not considered a newspaper that has general circulation as provided in subsection (1).

(3) Contracts for printed forms and materials may be awarded on an annual basis or may be awarded for a specific printing job.

(4) (a) The county clerk and recorder shall maintain a list of willing bidders for county printing and shall notify the printing establishments on the list of any call for bids.

(b) A printing establishment must be added to the county clerk and recorder's list when the clerk and recorder receives a written request from the printing establishment.

(c) The county clerk and recorder may delete the name of any printing establishment from the list if it has not submitted a bid during the previous 365 days.

History: En. Sec. 6, Ch. 280, L. 1967; amd. Sec. 1, Ch. 418, L. 1973; amd. Sec. 61, Ch. 348, L. 1974; R.C.M. 1947, 16-1230; amd. Sec. 3, Ch. 364, L. 1979; amd. Sec. 1, Ch. 70, L. 1981; amd. Sec. 1, Ch. 393, L. 1981; amd. Sec. 1, Ch. 152, L. 1985; amd. Sec. 1, Ch. 305, L. 1989; amd. Sec. 5, Ch. 507, L. 1995; amd. Sec. 2, Ch. 439, L. 2007; Sec. 7-5-2411, MCA 2007; redes. 18-7-411 by Sec. 2, Ch. 148, L. 2009.

Cross-References

County contracts — competitive bidding, Title 7, ch. 5, part 23.

18-7-412. Details relating to printing contract. (1) The contract must be let to the printing establishment that in the judgment of the county commissioners is the most suitable for performing the work. The county commissioners shall require a contractor to perform the county printing contract subject to the requirements of Title 18, chapter 1, part 2.

(2) This part may not be construed to compel the acceptance of unsatisfactory work.

(3) The term of a contract for county printing or county legal advertising may not exceed a period of 2 years.

History: En. Sec. 7, Ch. 280, L. 1967; amd. Sec. 2, Ch. 418, L. 1973; R.C.M. 1947, 16-1231(part); amd. Sec. 2, Ch. 152, L. 1985; amd. Sec. 6, Ch. 507, L. 1995; Sec. 7-5-2412, MCA 2007; redes. 18-7-412 by Sec. 2, Ch. 148, L. 2009.

18-7-413. Competitive bids required. The board of county commissioners shall call for competitive bids from persons or firms qualified to bid on county printing, or for county legal advertising if there is more than one legally qualified newspaper in the county, under the terms of this part.

History: En. Sec. 8, Ch. 280, L. 1967; amd. Sec. 3, Ch. 418, L. 1973; R.C.M. 1947, 16-1232; amd. Sec. 7, Ch. 507, L. 1995; Sec. 7-5-2413, MCA 2007; redes. 18-7-413 by Sec. 2, Ch. 148, L. 2009.

Cross-References

County contracts — competitive bidding, Title 7, ch. 5, part 23.

18-7-414. Exemption for county fairs. None of the provisions of this part applies to any printing or advertising that may be required in connection with the holding of county fairs and expositions.

History: En. Sec. 9, Ch. 280, L. 1967; amd. Sec. 62, Ch. 348, L. 1974; R.C.M. 1947, 16-1233; Sec. 7-5-2414, MCA 2007; redes. 18-7-414 by Sec. 2, Ch. 148, L. 2009.

Cross-References

County fairs, Title 7, ch. 21, part 34.

CHAPTER 8
PROCUREMENT OF SERVICES

Part 1 — Consultants (Repealed)

Part 2 — Architectural, Engineering, and Land Surveying Services

18-8-201. Statement of policy.
18-8-202. Definitions.
18-8-203. Public notice of agency requirements.
18-8-204. Procedures for selection.
18-8-205. Negotiation of contract for services.
18-8-206 through 18-8-209 reserved.
18-8-210. Energy performance contracts exempt.
18-8-211. Coordination with other statutes.
18-8-212. Exception.

Part 1
Consultants
(Repealed)

18-8-101. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 1, Ch. 547, L. 1981.

18-8-102. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 2, Ch. 547, L. 1981.

18-8-103. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 3, Ch. 547, L. 1981; amd. Sec. 1, Ch. 215, L. 1983; amd. Sec. 1, Ch. 231, L. 1985; amd. Sec. 2, Ch. 548, L. 1989; amd. Sec. 2, Ch. 630, L. 1993; amd. Sec. 3, Ch. 359, L. 1995.

18-8-104. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 4, Ch. 547, L. 1981.

18-8-105. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 6, Ch. 547, L. 1981; amd. Sec. 1, Ch. 509, L. 1983.

18-8-106. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 7, Ch. 547, L. 1981.

18-8-107 through 18-8-110 reserved.

18-8-111. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 5, Ch. 547, L. 1981.

18-8-112. Repealed. Sec. 21, Ch. 443, L. 1997.
History: En. Sec. 8, Ch. 547, L. 1981.

Part 2
Architectural, Engineering, and Land Surveying Services

Part Cross-References

Policy regarding practice of architecture — construction contracts, 18-2-111 through 18-2-114.

18-8-201. Statement of policy. The legislature hereby establishes a state policy that governmental agencies publicly announce requirements for architectural, engineering, and land surveying services and negotiate contracts for such professional services on the basis of demonstrated competence and qualifications for the type of professional services required and at fair and reasonable prices.

History: En. Sec. 1, Ch. 51, L. 1987.

18-8-202. Definitions. Unless the context clearly indicates otherwise, in this part, the following definitions apply:

(1) "Agency" means a state agency, local agency, or special district.

(2) "Architectural, engineering, and land surveying" means services rendered by a person, other than as an employee of an agency, contracting to perform activities within the scope of the general definition of professional practice and licensed for the respective practice as an architect pursuant to Title 37, chapter 65, or an engineer or land surveyor pursuant to Title 37, chapter 67.

(3) "Licensed professional" or "licensed architect, professional engineer, professional land surveyor" means a person providing professional services who is not an employee of the agency for which the services are provided.

(4) "Local agency" means a city, town, county, special district, municipal corporation, agency, port district or authority, airport authority, political subdivision of any type, or any other entity or authority of local government, in corporate form or otherwise.

(5) "Person" means an individual, organization, group, association, partnership, firm, joint venture, or corporation.

(6) "Special district" means a unit of local government, other than a city, town, or county, authorized by law to perform a single function or a limited number of functions, including but not limited to water districts, irrigation districts, fire districts, fire service areas, school districts, community college districts, hospital districts, sewer districts, and transportation districts.

(7) "State agency" means a department, agency, commission, bureau, office, or other entity or authority of state government.

History: En. Sec. 2, Ch. 51, L. 1987; amd. Sec. 49, Ch. 51, L. 1999; amd. Sec. 5, Ch. 449, L. 2007.

18-8-203. Public notice of agency requirements. Each agency shall publish in advance its requirement for professional services. The announcement must state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who can provide further details. An agency may comply with this section by:

(1) publishing an announcement on each occasion when professional services provided by a licensed professional are required by the agency; or

(2) announcing generally to the public its projected requirement for any category or type of professional services.

History: En. Sec. 3, Ch. 51, L. 1987.

18-8-204. Procedures for selection. (1) In the procurement of architectural, engineering, and land surveying services, the agency may encourage firms engaged in the lawful practice of their profession to submit annually or biennially a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.

(2) (a) The agency shall then select, based on criteria established under agency procedures and guidelines and the law, the firm considered most qualified to provide the services required for the proposed project.

(b) The agency procedures and guidelines must be available to the public and include at a minimum the following criteria as they relate to each firm:

(i) the qualifications of professional personnel to be assigned to the project;

(ii) capability to meet time and project budget requirements;

(iii) location;

(iv) present and projected workloads;

(v) related experience on similar projects; and

(vi) recent and current work for the agency.

(c) The agency shall follow the minimum criteria of this part if no other agency procedures are specifically adopted.

(3) The provisions of this section do not apply to procurement of architectural, engineering, and land surveying services for projects that the department of transportation has determined are part of the design-build contracting program authorized in 60-2-137.

History: En. Sec. 4, Ch. 51, L. 1987; amd. Sec. 5, Ch. 192, L. 2003; amd. Sec. 1, Ch. 56, L. 2007; amd. Sec. 1, Ch. 188, L. 2007.

18-8-205. Negotiation of contract for services. (1) The agency shall negotiate a contract with the most qualified firm for architectural, engineering, and land surveying services at a price that the agency determines to be fair and reasonable. In making its determination, the agency shall take into account the estimated value of the services to be rendered, as well as the scope, complexity, and professional nature of the services.

(2) If the agency is unable to negotiate a satisfactory contract with the firm selected at a price the agency determines to be fair and reasonable, negotiations with that firm must be formally terminated and the agency shall select other firms in accordance with 18-8-204 and continue as directed in this section until an agreement is reached or the process is terminated.

(3) The provisions of this section do not apply to the negotiation of contracts for projects that the department of transportation has determined are part of the design-build contracting program authorized in 60-2-137.

History: En. Sec. 5, Ch. 51, L. 1987; amd. Sec. 6, Ch. 192, L. 2003; amd. Sec. 2, Ch. 56, L. 2007.

18-8-206 through 18-8-209 reserved.

18-8-210. Energy performance contracts exempt. This part does not apply to solicitation and award of an investment grade energy audit or energy performance contract pursuant to Title 90, chapter 4, part 11, or to the construction or installation of conservation measures pursuant to the energy performance contract.

History: En. Sec. 12, Ch. 162, L. 2005.

18-8-211. Coordination with other statutes. (1) This part need not be complied with by an agency when the contracting authority makes a finding in accordance with this or any other applicable law that an emergency requires the immediate execution of the work involved. This part does not relieve the contracting authority from complying with applicable law limiting emergency expenditures.

(2) The limitation on the preparation of working drawings contained in 18-2-111 applies to this part.

(3) The procedure for appointment of architects and consulting engineers pursuant to 18-2-112 applies to this part, except that the agency shall select its proposed list of three architects or consulting engineers in accordance with this part prior to submission to the department of administration.

History: En. Sec. 6, Ch. 51, L. 1987; amd. Sec. 19, Ch. 443, L. 1997.

18-8-212. Exception. (1) All agencies securing architectural, engineering, and land surveying services for projects for which the fees are estimated not to exceed $20,000 may contract for those professional services by direct negotiation.

(2) An agency may not separate service contracts or split or break projects for the purpose of circumventing the provisions of this part.

History: En. Sec. 7, Ch. 51, L. 1987; amd. Sec. 3, Ch. 22, L. 1993; amd. Sec. 7, Ch. 518, L. 1993; amd. Sec. 1, Ch. 162, L. 2003.

CHAPTERS 9 AND 10
RESERVED

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.

Michelle Howke

From: Chuck Stearns
Sent: Tuesday, July 05, 2016 10:35 AM
To: Michelle Howke
Subject: FW: Depo Park

From: John & Melisa Phelps [mailto:jjohn016@centurytel.net]
Sent: Tuesday, July 05, 2016 9:26 AM
To: John Muhlfeld <jmuhlfeld@riverdesigngroup.net>; John Muhlfeld <jmuhlfeld@cityofwhitefish.org>; Pam Barberis <pbarberis@cityofwhitefish.org>; Katie Williams <kwilliams@cityofwhitefish.org>; Frank Sweeney <fsweeney@cityofwhitefish.org>; Andy Feury <afeury@cityofwhitefish.org>; Richard Hildner <rhildner@cityofwhitefish.org>; Jen Frandsen <jfrandsen@cityofwhitefish.org>
Cc: Chuck Stearns <cstearns@cityofwhitefish.org>
Subject: Depo Park

Dear Mayor Muhlfeld and City Councilors:

I am writing to you regarding the Council's consideration of keeping the old buildings in Depot Park. I am opposed to the idea. There are so many reasons to demolish the buildings that I can't include them all here. Hopefully others will bring up the reasons that I leave out. I will stick to three main reasons. They are:

1. The Council should focus on the big picture, and take a long view, as it customarily does.

Whitefish city councils of the past, and the current Council in particular, have resisted the temptation to focus on short term benefit, at the expense of a long term goal. This Council did so with the City Hall under construction. Your detractors pushed for a cheaper building at a different location, and some pushed for squeezing the city operations into an existing building that was ill-suited to the city's needs. Considerable pressure was brought to bare, and yet you focused on what would best fit the City's long-term needs, as well as what would be an attractive building that the citizenry (both now and in the future) would be proud of. I am urging you to take the long view now. A relatively small but attractive stream of income in the present should not dissuade you from creating a large and attractive park for the present and for the future. "Penny wise and pound foolish" would describe a decision to keep the existing buildings.

2. Your citizens should be able to rely on the Council honoring its prior decision, especially when your citizens actively participated in the decision.

The Council's prior decision to remove the buildings was not a decision made carelessly, without sufficient study. The removal of all of the buildings is laid out in the original Downtown Master Plan. The Master Plan was created with probably the greatest citizen involvement of any decision in recent city history. Numerous public hearings and meetings preceded the decision. Your citizens participated in those meetings as never before. Large meetings were held where the citizens were encouraged to vote, and the votes were tabulated and generally followed. Your downtown business and property owners participated extensively. Respected consultants identified the development of Depot Park, without its old buildings, as a catalyst project, number two on their list. Finally, the Council approved the Master Plan. Since them, the Council, and individual Councilors, have emphasized the importance of honoring the Plan.

Following through with the dictates of the Master Plan, the Council handpicked a group of citizens to develop a Master Plan for the renovation of Depot Park. I was on that committee. The committee discussed the possibility of retaining the buildings, but found that there was no persuasive reason to do so. The final product of the committees efforts called for the removal of the buildings. The Park Board approved the proposed Depot Park Master Plan. Then the Council approved the Master Plan, including the removal of the buildings.

Your citizens shouldn't have to closely watch their elected representatives, to make sure that they don't backtrack on what they have committed to do. Citizen Committees should be able to expect that their recommendations, once approved, will be honored, and that their investment of time and expertise will not be disregarded. While the Council should be expected to reverse a decision if there are overwhelming reasons and evidence to justify it, that is not the case here. The Council should honor its decision, and show the citizenry that they can count on it to do so.

3. Depot Park is too small to give up more space.

Depot Park, in its current shabby state, is loved by the community, and they rely on it for their activities. You must be aware that some current events utilize the entire park, and spill out into neighboring streets. Events in the future won't get smaller. The population of Whitefish is not going to shrink. The size of the park, and the need to increase the available land, is the first issue that the Depot Park Master Plan Committee focused on.

The Master Plan Committee considered numerous proposals to erect permanent improvements in the park. The Chamber of Commerce wanted to build a bandstand. Others wanted a very large gazebo. Some wanted a pond that would be pretty to look at but that would eliminate valuable usable space. The Committee compromised on a very small gazebo, but otherwise rejected all proposals to build structures, because the park had no space to give up. All of the Committee's decisions were based on the need to utilize every inch of the available space, including the space occupied by the old buildings.

Depot Park is currently being loved to death by the community. By mid-summer the grass has been worn away, and the ground remains bare well into the fall. The Committee discussed and supported the idea of rotating use of the park from one half to the other, so that parts of the park would get a rest and the lawn would be rejuvenated. It's the only way to keep the grass alive, and it will work only if the park is large enough. Retaining the buildings and exiting parking makes it impossible to effectively rotate use of the park. Retaining the buildings will guarantee that as park use increases, as it inevitably will, we will never have the healthy and attractive lawn that the Committee, and the community, wanted to see in their park.

****

I appreciate all that you do for the community, and I know that decisions that seem easy for me look a little more complicated to you. But this is a big one. Its effects will reverberate for decades. Please look at the big picture, and to the future. Thank you. John Phelps

Michelle Howke

From: Maria Butts
Sent: Tuesday, July 05, 2016 2:31 PM
To: Chuck Stearns
Cc: Michelle Howke
Subject: FW: Depot Park

Chuck,
I received this today. You will probably want to add it to tonight's packet.
Maria

From: Tony Veseth [mailto:toveseth@mwfbi.com]
Sent: Tuesday, July 05, 2016 12:46 PM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Cc: Pam Barberis <pbarberis@cityofwhitefish.org>; Andy Feury <afeury@cityofwhitefish.org>; Jen Frandsen <jfrandsen@cityofwhitefish.org>; Richard Hildner <rhildner@cityofwhitefish.org>; Frank Sweeney <fsweeney@cityofwhitefish.org>; Katie Williams <kwilliams@cityofwhitefish.org>; Craig Workman <cworkman@cityofwhitefish.org>; J.A. Barranger <jbarranger@cityofwhitefish.org>; David Taylor <dtaylor@cityofwhitefish.org>; Maria Butts <parksadm@cityofwhitefish.org>
Subject: Depot Park

City Councilors:

Whew. We made it through another extremely busy 4th of July Weekend in Whitefish! Throngs of tourists and visitors from afar navigating the busy streets of Whitefish, enjoying Art in the Park, all of our great shopping, and of course, indulging in our many restaurants and places of delicious libations! Oh right, then there are the theaters, parks, beaches, and all around beauty of The Flathead Valley. Tough to pack it all in and know exactly what is going on in our very active, vibrant community. Which brings me to my point of this letter: Where can tourists go to get all the information they need in one easy to locate and informative place? Exactly. They don't have a centrally located visitor center. With the local economy changing (especially with the mill in C Falls shutting down) to a service/tourist economy, I feel it is imperative for the City to start to plan for the future and massive growth we are seeing in this economic sector. We all make money and our town thrives on tourist dollars. We even increased our local resort tax to take advantage of our out of town visitors. The 3% resort tax depends on people visiting, spending money, and telling their friends. But where can my in-laws go to find out about what is going on? To purchase tickets for local shows and events? To find the schedule for Les Mason? A map of the Whitefish Trail system? Find out what the special is at The Buffalo tonight?

The idea of converting the existing building in Depot Park to a tourist information center, housing our local civic and business organizations, isn't a new one. People all over town have been talking about this idea for months, even years. I understand that the Depot Park Steering committee wants to demolish the existing building to provide more "green space" in downtown Whitefish, and spend millions of dollars upgrading and reimagining the park. Didn't we just pass a resolution to use resort tax money to buy even more green space around Whitefish? People that say we need more "green space" in Whitefish need to walk a ½ mile out of town. There is "green space" everywhere. And the park does not need more than just some TLC for what is already there. Let me address some valid points for keeping the old BN Parkside Credit Union building in place:

- The building is a valuable City asset, to demolish it would be fiscally irresponsible. The City has spent a LOT of money in the last 5 years. Why not show the citizens of Whitefish, and our local tax payers, that the City is great at building new City Halls and Parking structures, as well as great at utilizing the resources we already own to

offset the pain of costly projects. Oh, and have you told the Citizens of Whitefish that we need a new wastewater treatment facility? We are tapped out and need to generate some income, as opposed to spending money we don't really have. Wouldn't it be nice to tell The People that instead of tearing down a perfectly good asset, that we are generating an extra $30-35,000 a year for the City?

- The location is perfect for the City's official Visitor Information Center! The Amtrak Depot, Farmer's Market, Alpine Theater Company, O'Shaughnessy Center, Library, Downtown Whitefish shops and restaurants, are all within a 4 block walk of this building and park. People can easily park in our newly build parking garage, walk down to the Visitor Center, and get everything they need for their stay in Whitefish -- from tickets to shows, shuttle to The Mtn and Glacier, reservations for restaurants, and purchase that new Orvis fly rod to hit the rivers and streams! This building is in the Heart of Whitefish, ironically, the name of a local group who has done so much over the years to promote keeping business and visitors only in Downtown Whitefish. The building even comes with designated 20 minute parking right in front which has been a concern recently. Walk-in traffic to the Visitor Center will increase exponentially simply due to ease of access. This gives VIC staff the opportunity to personally tout our area's attractions and amenities to a far larger audience, promoting longer stays and return visits to Whitefish. Isn't this what we, as a City, are trying to do?
- The opportunity to co-locate 3-4 local non-profit organizations under one room offers potential cost savings and operational efficiencies to all, enabling more resources to be devoted to each organization's primary mission, promoting the City's economic development and enhancing its quality of life. The Whitefish Chamber, WCVB, Whitefish Legacy Partners, and BMCA would be OF value, and CREATE value to all of our visitors.
- I understand that the City only wants a 5 year lease so they can easily remove the tenants and demolish the building to revitalize Depot Park. I am sorry, but this is just silly. Those cost savings and efficiencies disappear if use of the building is limited to 5 years, as recommended by the Parks Board. The cost of needed improvements, renovations and signage for the building will be significant and I imagine in the $20-30,000 range. What savvy business person would put that kind of money into Tenant Improvements if the lease is only 5 years? It just doesn't make sense from a financial standpoint to do this. The cost, hassle and confusion caused by physically re-locating 3-4 organizations are also significant, as the City's experience with the City Hall project has so clearly illustrated. These civic and community organizations are not what we would call, "flush", with cash, and to have to re-locate in 5 years would be a financial and physical burden to the groups involved. Again, these groups are just trying to make our town even better than it already is. To help guide the tourists (who as you know after this weekend, need a LOT of guidance!) As a local business person, an initial lease term of at least 10 years is essential to making this scenario work.
- Re-visiting the Depot Park Master Plan – and retaining the building permanently -- is something the City should strongly consider. I understand that a small group of people got together a few years ago to dream about the perfect park. To visualize what they thought Whitefish needed. Well, as we have seen in the last few years, what Whitefish needs is a central tourist information center incubating the local economy by making it easy for folks to visit, get the info they need, and then go out onto the streets of Whitefish to spend money. We have a number of projects that need the extra resort tax revenue to be economically viable. No plan is set in stone. It is simply a guide for the future. Everything, and everyone, deserves a second look now and then. "A fresh set of eyes" so to speak!

Thank you for reading my letter that turned into more of a novel. I guess I had more points to make than I thought. I really feel that if the Citizens of Whitefish, who love to vote, were asked about these plans, you would find the response would be overwhelming to keep the building and Depot Park just the way it is. Isn't that what City Government is all about? To do what is best for the good of the many, not the dreams of a few?

Thank you for your time,

Tony Veseth
560 Somers Avenue
Citizen and Taxpayer
Business Owner – Farm Bureau Financial Services and Insurance
Chairman of the Board, Whitefish Chamber of Commerce

Volunteer – North Valley Food Bank

July 5, 2016

Whitefish City Council,
418 E Second Street,
Whitefish, MT 59937

Subject: Depot Park

In 2006 Whitefish adopted the Whitefish Downtown Business District Master Plan. Depot Park was identified as one of five Priority Catalyst Projects that had the most potential to:

- Stimulate new downtown development and private investment.
- Maintain and strengthen existing development
- Draw significant numbers of people downtown.
- Improve the quality of life for downtown Whitefish residents.

The city should be complimented for taking actions to implement the Priority Catalyst Projects including:

- Central Avenue Improvements
- Public Parking Structure
- New City Hall
- Depot Park

We understand that there is some reluctance to remove the old credit union building in Depot Park. However, the building needs to be removed before the intent of the 2006 Master Plan will be realized. Reasons for the removal of the building now, rather than later, are:

- **Increased retail sales** - The completed Central Avenue Improvements have successfully stimulated retail sales but Central Avenue's full potential will not be realized until Depot Park is completed. The great streets of the world have significant beginning and ending features. Depot Park will provide that feature.
- **Increased visitor traffic –** Visitors seek out beautiful places to visit. The old credit union blocks views into the park and views to the Depot. Removal of the building and a completed park will create a visitor 'wow' and enhance the downtown's charm and reputation.
- **Whitefish legacy –** Whitefish is becoming a poster child for downtown revitalization. Depot Park will cement that legacy.

A decision to keep the old building in Depot Park to generate a minimal rental return is not in the city's best interest. Short and long-term financial gain for the city requires a council decision to remove the building now.

Sincerely,
George

George Crandall, FAIA, Principal

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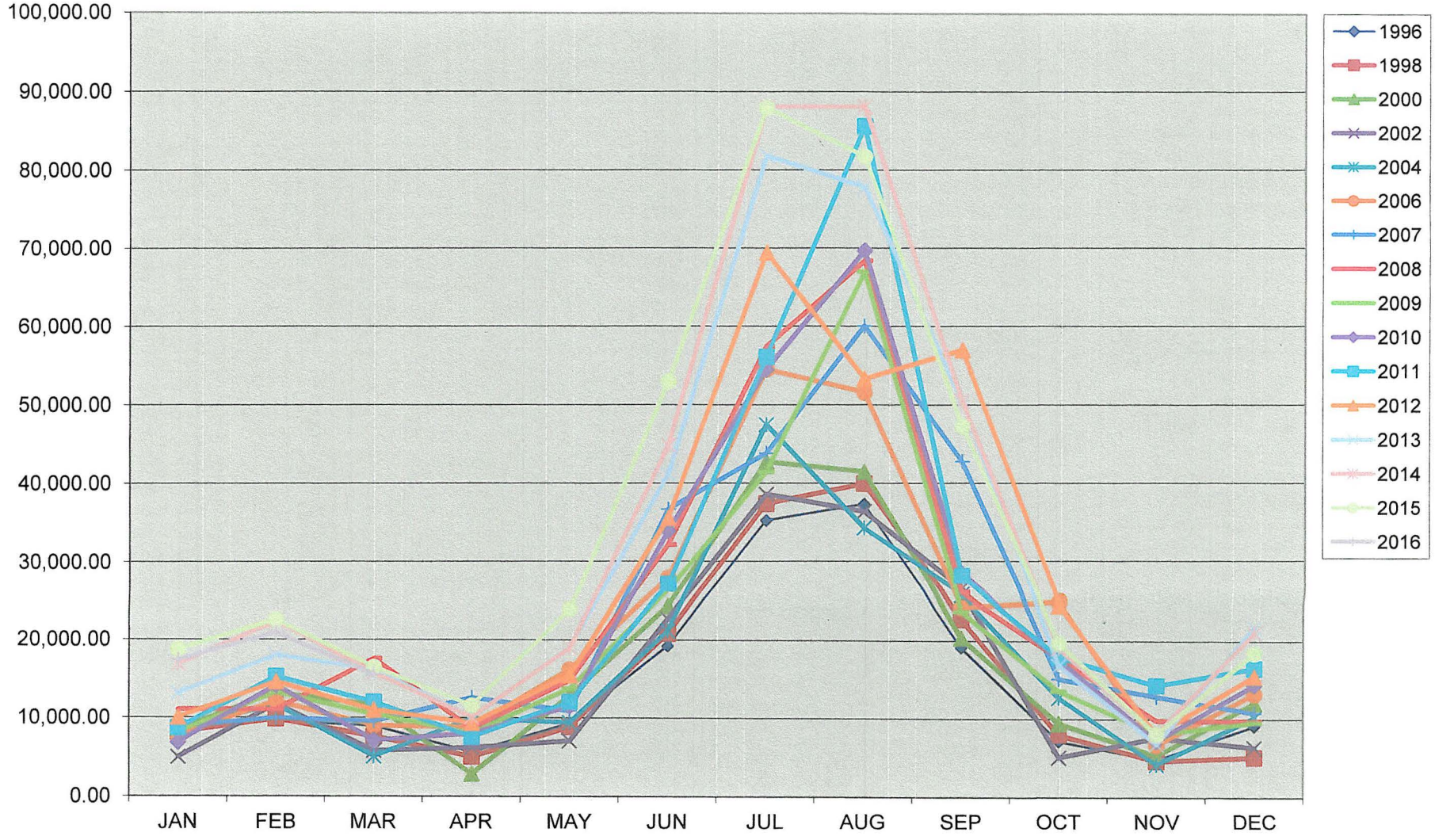
Whitefish Hotels/Motels Resort Tax Revenue