1) Call to Order

2) Interview - Whitefish Community Housing Committee
   a) 5:15 p.m. – Addie Brown-Testa – (housing policy, property management, housing programs, end-users of community housing programs and housing advocacy)
   b) 5:25 p.m. – Carolyn Pitman – (fundraising or financing)
   c) 5:35 p.m. – Leanette Galaz – (housing policy, property management, housing programs, end-users of community housing programs and housing advocacy)
   d) 5:45 p.m. – Bob Horne – (housing policy, property management, housing programs, end-users of community housing programs and housing advocacy)
   e) 5:55 p.m. – Roxann Gallagher – (housing policy, property management, housing programs, end-users of community housing programs and housing advocacy)
   f) 6:05 p.m. – Cameron Blake – (real estate development) (fundraising or financing)

3) Public Comment

4) Appointment
   a) Whitefish Community Housing Committee – Five (5) positions. Committee disband December 2023
      - One (1) member of the public with relevant professional or personal expertise in real estate development
      - One (1) member of the public with relevant professional or personal expertise in fundraising or financing
      - Two (2) members of the public with relevant professional or personal expertise in housing policy, property management, housing programs, end-users of community housing programs, or housing advocacy

**If time runs out before appointments are made, there will be time at the end of the regular session**

**********************************************************************************
PUBLIC NOTICE
VACANCIES ON CITY BOARDS/COMMITTEES

WHITEFISH SUSTAINABLE TOURISM MANAGEMENT PLAN STANDING COMMITTEE - Eight (8) positions. Four (4) position - members-at-large (must be a city resident with experience in, knowledge of, or perspective on tourism and its relationship to the Whitefish community); two (2) members may reside outside the City of Whitefish, as long as the member resides in Flathead County and has an ownership interest in or a managerial position at a business located and operating within the corporate limits of Whitefish; one (1) member from Whitefish Mountain Resort; one (1) member from the Whitefish Convention and Visitors Bureau.

WHITEFISH CONVENTION AND VISITORS BUREAU - Two (2) positions, complete term ending 5/31/2023. Applicant shall reside in the city of Whitefish postal district (59937) and shall have ownership interest or managerial position at a business located and operating within the city of Whitefish postal district (59937). Openings include preference for representative for transportation business finance, large lodging properties, or Whitefish Golf Course. Committee meets once a month.

WHITEFISH LAKE AND LAKESHORE PROTECTION COMMITTEE - One (1) position, 2-year term, applicant must be a lakefront property owner within the corporate limits of the city of Whitefish. Committee meets once a month.

WHITEFISH COMMUNITY HOUSING COMMITTEE - Four (4) positions, term ending 12/31/2023, one (1) member of the public with relevant professional or personal expertise in real estate development; one (1) member of the public with relevant professional or personal expertise in fundraising or financing; and two (2) members of the public with relevant professional or personal expertise in housing policy, property management, housing programs, end-users of community housing programs, or housing advocacy. The Committee shall meet as often as necessary to accomplish its general purpose, as described above, but at least quarterly.

FLATHEAD CONSERVATION DISTRICT BOARD - Two (2) position, 3-year term to serve as an urban supervisor. Pursuant §76-15-311 M.C.A (1) applicants may reside within the city limits of Whitefish; and (1) applicant may live outside the municipality the supervisor represents, but the supervisor must reside within the boundaries of the district. For more details on this board please see their website https://flatheadccd.org/

IMPACT FEE ADVISORY COMMITTEE - One (1) position to complete term ending 12/31/2023. Applicant shall be a member-at-large and shall reside or work within the City limits.

BOARD OF APPEALS - One (1) position, term not designated. The Board of Appeals determines suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the International Building Code. Applicant must be qualified by experience or training to pass on matters pertaining to building construction. The Committee meets as needed.

Interested citizens - Please submit a letter of interest to serve on the above committees to the Whitefish City Clerk's Office at 418 E. 2nd St.; mail to P.O. Box 158, Whitefish, MT 59937, or email mhowke@cityofwhitefish.org, by Friday, January 27, 2023. Please include your name, mailing address, physical address, and phone number. Letters of interest will be accepted until the positions are filled. If you have any questions, please call Michelle Howke, City Clerk at 863-2402 or visit the City’s website: www.cityofwhitefish.org

THANK YOU FOR YOUR INTEREST
RESOLUTION NO. 23-02

A Resolution of the City Council of the City of Whitefish, Montana, establishing the Whitefish Community Housing Committee.

WHEREAS, in 2017, the Whitefish City Council adopted the Whitefish Strategic Housing Plan which created a step-by-step approach for addressing the housing needs identified in the 2016 Whitefish Area Housing Needs Assessment; and

WHEREAS, Resolution No. 17-50, established the Whitefish Strategic Housing Plan Steering Committee recommended by the Whitefish Strategic Housing Plan; and

WHEREAS, on November 21, 2022, at a lawfully notice public hearing, the Whitefish City Council adopted the Whitefish Community Housing Roadmap, based on the 2022 Whitefish Area Housing Needs Assessment, which represents the next step evolution and plan update of the 2017 Whitefish Strategic Housing Plan; and

WHEREAS, the Whitefish Community Housing Roadmap calls for a reconfiguration of the Whitefish Strategic Housing Plan Steering Committee to advise the Whitefish City Council on actions listed in the Roadmap that are the responsibility of the City; and

WHEREAS, it will be in the best interests of the City of Whitefish, and its inhabitants, to establish the Whitefish Community Housing Committee.

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

Section 1: There is hereby established the Whitefish Community Housing Committee.

Section 2: Members of the Committee shall be appointed by the Mayor and ratified by a simple majority of the City Council in attendance at a special or regular session. Committee members shall receive no compensation.

Section 3: The specific purpose of the Committee will be to make recommendations to the City Council to implement the housing strategies that are the responsibility of the City, to liaison with the Housing Coordinator, and to report to City Council. The Committee shall keep decisions and discussions within the confines of City Council directives.

Section 4: The Committee will consist of nine members with representation as follows: the Mayor or one member of the City Council; one representative of the Whitefish Housing Authority; one representative of Housing Whitefish; one representative of the Whitefish Chamber of Commerce; one representative of the Whitefish Convention and Visitors Bureau; one member of the public with relevant professional or personal expertise in real estate development; one member of the public with relevant professional or personal expertise in fundraising or financing; and two members of the public with relevant professional or personal expertise in housing policy, property management, housing programs, end-users of community...
housing programs, or housing advocacy. A majority of the Committee members shall constitute a quorum. The Committee shall meet as often as necessary to accomplish its general purpose, as described above, but at least quarterly. The Committee shall cease to exist as provided in Section 5.

Section 5: The Committee will begin its deliberations as soon as practical after its creation and will automatically disband at the end of 2023.

Section 6: A member of the Committee may be removed by the City Council, after a hearing for misconduct or nonperformance of duty. Absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute grounds for removal. The circumstances of the absences shall be considered by the City Council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the Chairperson of the Committee at least twenty-four (24) hours prior to any scheduled meeting.

Section 7: Any vacancy occurring on the Committee will be filled in the same manner that the initial position was filled.

Section 8: The Committee will not have authority to make any expenditure on behalf of the City or disburse any funds provided by the City or to obligate the City for any funds.

Section 9: The Committee will have no authority to direct City staff with respect to any matter but may request information and assistance from City staff.

Section 10: This Resolution will 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 3RD DAY OF JANUARY 2023.

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

ATTEST:

/s/ Michelle Howke
Michelle Howke, City Clerk
Michelle:  
Please accept this email as my interest in serving on the Whitefish Community Housing Committee. My qualifications are summarized as follows:

1. Licensed property manager in Montana for over 20 years.
2. Owner of At Your Service Property Management for over 20 years.
3. Types of properties managed include:
   a. Vacation rentals at Whitefish Mountain resort for 8 years (discontinued 10 years ago)
   b. 30-day rentals (phasing out)
   c. Long term rentals
   d. Home Watch Program
   e. HOA management
4. Member of the Whitefish Chamber of Commerce
5. Previous member of the Society for Human Resource Management (12 years)
6. Retired board member of the Big Mountain Commercial Association
   a. Served for over 10 years
   b. Served as Treasurer for approximately 5 years
7. Retired board member of the Whitefish Housing Authority
8. Retired board member of Housing Whitefish
9. Served on the Housing Taskforce
10. Served on the Strategic Housing Plan Steering Committee

I plan on retiring by mid-2024. Housing is and has been vitally important to me since I moved back home over 26 years ago. Having been raised in Whitefish and having many family members and friends in this community, I see how the changes in our community have affected them and many more. I would like to work with this committee to help bring our community together and work toward improving our housing situation.

Thank you.
Dear Michelle,

My name is Carolyn Pitman and I am interested in becoming a member of Whitefish Housing Committee. I moved to Whitefish in 1977, husband and baby in tow, intending to “try it” for a year. But we had found our home. Now, decades later, our three grown children with their young children have returned to their hometown to live and work.

During the past forty-four years I have been actively involved in non-profit and civic endeavors, working with hundreds of community members on a variety of boards and committees. As a founding member and director of Whitefish Theatre Co, I quickly acquired fund-raising and grant writing skills to sustain the organization. Beginning with a fundraising goal of $1000 to produce our first play in 1978 to raising nearly $2,000,000 in 1998 to build the O’Shaughnessy Center, I realized the power of community support and philanthropy. I also saw how collaboration among civic, private and nonprofit entities can produce amazing results.

This spirit of collaboration and community support continued as we saw new projects succeed, among them The Wave and Smith Fields. I now serve on the Advisory Board of Whitefish Music School, with a goal of building a new facility. Last spring I joined a fund-raising arm of Project Whitefish Kids to solicit funding for six pickleball courts at Smith Fields; the money has been raised and we will break ground this spring. I believe that it is this dedication, generosity and commitment from our local citizens that sets Whitefish apart from other small towns, and it gives me optimism that we can continue to be successful in our endeavors to keep Whitefish a “hometown” for all our residents.

Most recently, I became a Board member of Flathead Families for Responsible Growth because I wanted to actively participate in finding solutions to challenges of rapid growth facing our community. Through meetings with local and state officials as well as reading extensively about housing issues in our town, state, and nation, I have tried to learn as much as possible about our local housing concerns. I would welcome the opportunity to work with our community toward solutions.

Sincerely,

Carolyn Pitman
One Tide Way
Whitefish, MT 59937
406-249-6367
Koppelpitman@yahoo.com
Hi Michelle,

I'm Leanette Galaz and I'd like to apply for the open position on the Whitefish Community Housing Committee. As a board member of Shelter WF, I am applying for the spot of community housing advocate.

I have the perspective of being a single parent, co-parenting with my daughters' father in Whitefish and renting in Whitefish. I have been organizing in Whitefish and the greater Flathead to help community members get involved and take actions on issues impacting our community, especially with regards to the housing crisis. I previously was working in the service industry in Whitefish and recently transitioned to my new role as a community organizer in the Flathead. Additionally, I bring the perspective and skills of a trained mediator. I'm a skilled listener, communicator, and am capable of bringing folks in seemingly incompatible positions to a place of mutual understanding.

These two years have been extremely difficult as a mother, and single person with two young children, even with a bachelor's degree from an esteemed university. That should be alarming to the entire community and I am eager to bring this perspective to the table as well as contribute my efforts toward finding solutions. Thank you for receiving my application.

Best,
Leanette
Hi Michelle,

Please forward the following email to the mayor and city council. Thanks!

Mayor Muhlfeld and City Councilors,

I am writing today to support Leanette Galaz’s appointment to the city’s newly established Community Housing Committee. As a true housing advocate and Shelter WF Board Member, Leanette meets the criteria for one of the final at-large positions in the resolution - held for two members of the public with relevant professional or personal expertise in housing policy, property management, housing programs, end-users of community housing programs, or housing advocacy.

In addition to her housing advocacy experience, she is gaining significant experience with housing policy through Shelter WF’s work during the 2023 Montana State Legislature. Beyond these qualifications, she is a single mom, renter, and previous service-industry worker in town who provides valuable insight to our board. She will do the same on the Whitefish Community Housing Committee.

It is imperative that the new committee have a different membership than the old committee, and that renters are represented not just through an occasional public comment - but by having seats at the table. The new committee members need to be action-oriented with a sense of urgency to implement the report’s recommendations - not hold up action items for months and years as the old committee did on occasion. Leanette fits this bill as a prospective committee member and is thus deserving of Mayor Muhlfeld’s appointment.

Sincerely,

Nathan Dugan
President of Shelter WF

--
Nathan Dugan (he/him)
President

info@shelterwf.org
(208) 784-3290
Hello! I live here in whitefish and have experienced housing issues first hand. I am writing this email to express my support for leanette Galaz to serve in housing committee!
Dear Michelle,

I actually live in Kalispell and am not involved with public service but wanted to give a shout out for Leanette for Whitefish Community Housing Committee. For what it's worth, I can vouch for her passion, commitment, resourcefulness and leadership skills. She’s someone who gets things done and motivates others to join in. If I had a committee and needed effective committee members, I'd want her on it :)

With kind regards,
Nicole

Nicole Schubert
YA author & screenwriter

*Blues Harp Green*
*Saoirse Berger’s Bookish Lens In La La Land*
*Carpool to Christmas*

nicoleschubertwrites.com

mobile 310-962-0359
Leanette Galaz's appointment:

Mayor Muhlfeld and City Councilors,

I am writing today to support Leanette Galaz’s appointment to the city’s newly established Community Housing Committee. As a true housing advocate and and former WF city councillor I feel Leanette meets the criteria for one of the final at-large positions in the resolution - held for two members of the public with relevant professional or personal expertise in housing policy, property management, housing programs, end-users of community housing programs, or housing advocacy.
In addition to her housing advocacy experience, she is gaining significant experience with housing policy through Shelter WF’s work during the 2023 Montana State Legislature. Beyond these qualifications, she is a single mom, renter, and previous service-industry worker in town who provides valuable insight to our board. She will do the same on the Whitefish Community Housing Committee. I also worked for months with her in co-creating a play about the issues WF faces. She is an out-of-the-box thinker and a go-getter and would provide a valuable perspective to the conversation.

It is imperative that the new committee have a different membership than the old committee, and that renters are represented not just through an occasional public comment - but by having seats at the table. The new committee members need to be action-oriented with a sense of urgency to implement the report’s recommendations - not hold up action items for months and years as the old committee did on occasion. Leanette fits this bill as a prospective committee member and is thus deserving of Mayor Muhlfeld’s appointment.

Sincerely,

Velvet Phillips-Sullivan
Honorable Mayor John Muhlfeld and Members of Council
City of Whitefish
418 E. 2nd St.
Whitefish, MT 59937

Re: Letter of interest for Whitefish Community Housing Committee

Dear Mayor Muhlfeld and Members of Council:

After careful consideration, I am pleased to present this letter of interest to serve on the newly formed Whitefish Community Housing Committee. Attached for your use is my resume updated to 2018, the date of my semi-retirement.

As you are aware, I served on the Whitefish Strategic Housing Plan Steering Committee until its sunset in December. Now that the City is entering a new era in providing permanently affordable housing to its workforce, I would like to continue my work as a member of the Community Housing Committee. I understand that the City will be rewriting the growth policy in the coming year (I certainly hope its more than just an update) and I think it is vitally important that the new Housing Committee and all of the partners identified in the Road Map coordinate with the Planning Board not only housing, but on land use policy, infrastructure, transportation, and economic development as the new growth policy takes shape. With my experience, I believe I can contribute positively to that effort, and I would look forward to the challenge. I also believe there are still effective affordable housing programs out there in other communities that we can learn from. I saw that first-hand when I worked with the Deputy Director of the Montana League of Cities & Towns to gather information on existing and planned housing programs around the state to be appended to the Governor’s Task Force on Housing final report.

Now as before, my semi-retirement status gives me the time and energy to devote to an important volunteer effort like the Community Housing Committee. I hope you will look favorably upon my letter of interest.

Respectfully submitted,

Robert Horne, Jr.
ROBERT HORNE JR., (formerly AICP, now semi-retired)

Mr. Horne is a Principal of Applied Communications LLC, and has over 40-years of planning experience. He has worked in the private and public sectors including positions as Planning Director in Jackson, WY for 8 years and City-County Planning Director in Great Falls for 6 years. In 2005 he was hired by the City of Whitefish to set up their first local planning program and to write a new growth policy. In 2007, he reentered private practice with AppCom, a firm founded by his wife, Kate McMahon, in 1997. Mr. Horne holds a Master’s Degree in Urban & Regional Planning from Florida State University and was a member of the American Institute of Certified Planners from 1981 until his semi-retirement in 2018.

REPRESENTATIVE PROJECT EXPERIENCE:

Managed the City of Missoula’s public facilitation process for the update of the city’s growth policy. Responsibilities included planning and facilitating community meetings, listening sessions, and focus groups.

Anaconda - Deer Lodge County (2008-2019) – Provided development review support, updated county Growth Policy, rewrote the Development Permit System, and provided planning support for redevelopment of Superfund sites.

Georgetown Lake (2008-10) – Worked with the Georgetown Lake Homeowners Association to establish a special zoning district and regulations in the Georgetown Lake area of Granite County; adopted by Granite County in 2011.

Whitefish City-County Growth Policy (2006-07) - Worked with an 11-member steering committee to draft the Whitefish Growth Policy focusing on sustainability and community character. Conducted an extensive community involvement program.

Great Falls, MT City-County Growth Policy (1997-99) - Worked with a 16-member steering committee to draft the plan while directing an extensive and unique community involvement program.

Jackson-Teton County WY Comprehensive Plan and Land Development Regulations (1992-1994) - As Planning Director for the Town of Jackson, Bob coordinated the consultant team, conducted community outreach, and drafted key parts of the plan and regulations. Bob was also instrumental in formulating linkage and inclusionary affordable housing programs and regulations, and he brought forward many of the code amendments to implement the plan.

ADDITIONAL EXPERIENCE:

- Choteau, MT – Zoning Ordinance Update
- Upper Swan Valley, Missoula County – Neighborhood Plan
- Missouri River Corridor Plan – Great Falls, MT
- Walla Walla, WA Downtown Plan – Project Coordinator
- Gillette Technical Park, WY - Design Guidelines & CC&Rs
- Benewah County, ID – Growth Management Project, including zoning code revisions for City of St. Maries.
- Valley County, ID – Growth Management Project
Ms. Howke,

My name is Roxann Gallagher and I am interested in filling one of the four vacancies on the Whitefish Community Housing Committee. I have been a lawyer practicing in the areas of public finance (i.e., governmental finance), commercial finance, and economic development for over 20 years and I am currently the long-term chair of the board of directors of a non-profit organization that, among other things, develops and operates housing for low-income and homeless individuals in the Phoenix metro area. We have over 1,000 beds in 18 separate properties and $90 million in assets. Additionally, over the course of my career I have represented governments at the federal, state, tribal, and local levels. I also represent real estate developers, including low income housing developers and operators. I have attached a copy of my law firm’s website biography to summarize my professional experience. I have the requisite background in the areas of real estate development, finance, housing policy, property management, housing programs, end-users of community housing programs, and housing advocacy.

My husband’s family has lived in Whitefish during the summers for nearly 40 years and I have been spending prolonged periods in Whitefish with them for nearly 20 years. My husband and I relocated here with our two daughters permanently in 2020. I continue to work remotely for a law firm in Scottsdale, Arizona. I know in the eyes of some this makes me part of a community problem. I’d like to right that by contributing my skill set to Whitefish and becoming part of the solution. I want to help.

I live at 234 Hidden Hills Lane, Whitefish (physical and mailing address), and can be contacted by phone at (480) 296-6559. Please contact me if there is additional information needed to assess my qualifications. Thank you for your consideration.

Roxann Gallagher
Attorney
P: 480.425.2673   C: 480.296.6559

Sacks Tierney P.A.
4250 N. Drinkwater Blvd., Fourth Floor
Scottsdale, AZ 85251
www.sackstierney.com

NOTICE: This e-mail may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete and destroy all copies. To ensure IRS compliance, any tax advice included in this e-mail may not be used by any recipient to avoid penalties imposed under the Internal Revenue Code, state or local tax law.
Best Lawyers’ honoree Roxann S. Gallagher is an attorney in the Public and Commercial Finance, Indian Law and Tribal Relations, and Business and Corporate Law practice groups.

Roxann Gallagher’s practice primarily focuses on commercial and public finance and federal Indian law with an emphasis on economic development. She represents a broad range of clients, including many institutional lenders, in transactions involving taxable commercial loans, tax-exempt bonds, certificates of participation, tax credits, leases, and other financing mechanisms. Sacks Tierney is listed in The Bond Buyer’s Municipal Marketplace® (the “Red Book”).

She is also routinely engaged to navigate the complex legal regimes present when business or development projects occur within the jurisdictional boundaries of tribal communities or are conducted directly by tribal entities. She understands the intricacies of real estate title and security issues, regulatory authority, development and construction concerns, and unique timing considerations that impact each venture’s ultimate success.

Roxann earned her law degree from the Arizona State University College of Law, where she served as an articles editor for the Arizona State Law Journal. Roxann also received a Certificate in Indian Law from the school’s preeminent Indian Legal Program.

She currently serves on the board of directors of Meritas, a global alliance of independent law firms; is the chair of the board of directors of Native American Connections, Inc., which owns and operates 18 sites offering a continuum of affordable housing, behavioral health, and community development services; is the chair of the board of directors of Christ Church School; and is a trustee at Prescott College.


Education

- Arizona State University, J.D. 2002: Articles Editor, Arizona State Law Journal; Certificate in Indian Law
  University of Colorado, B.A. 1995

Community Leadership

- Native American Connections: Chair, Board of Directors 2014-2016 and present; Vice-Chair 2016-2018
- Prescott College: Board of Trustees, Executive Committee, Finance Committee
- Christ Church School; Chair (Current); Treasurer (2015-2016)
- Fresh Start Women’s Foundation: Member, Legal Committee 2006-2010

Bar & Court Admissions

- Arizona 2003
- Navajo Nation 2007
Honors & Awards

The Best Lawyers in America®: Banking and Finance Law, Commercial Finance Law, Project Finance Law (2022-present); Corporate Law, Native American Law (2023)


North Valley Magazine 2012 Top Attorneys in the Valley (Commercial Finance)


2017 Ragnar Trail Zion Best Team Name

Recipient, ASU 2009 President’s Medal for Social Embeddedness for Arizona Native Vote – Election Protection Project

2008 ATHENA Young Professional Nominee

2007 Arizona’s Finest Couples Honoree, Cystic Fibrosis Foundation

Professional & Industry Memberships

Meritas: Board of Directors 2019-2022, Member Engagement Committee 2019-2020, Finance Committee 2018-2019, Young Lawyer Program Representative 2010-2019

National Association of Bond Lawyers

State Bar of Arizona: Indian Law Section, Executive Council Secretary 2014-2016

Federal Bar Association: Indian Law Section 2003-2018

Native American Bar Association of Arizona 2004-2013

Volunteer Lawyers Program 2004-2010

Homeless Legal Assistance Program 2004-2010

Wills for Heroes 2007-2010

State Bar of Arizona: Member, Committee on Minorities and Women in the Law 2006-2013, Chair 2010; Co-Chair, Minority Bar Convention 2008

Fort McDowell Yavapai Nation Legal Department: Law Clerk 2001-2002


Presentations

“Financing Transactions on the Navajo Nation,” Navajo Nation Law CLE, Sandra O’Connor College of Law Indian Legal Program, Tempe, Arizona October 2016

“Risky Business: New Challenges in Real Estate Transactions” (panelist), State Bar of Arizona Convention June 2015


“Establishing a Business on Native American Lands,” National Business Institute Teleconference November 2012


“Indian Law 101,” National Business Institute, National Teleconference June 2011

“UCC and Secured Transactions,” Navajo Nation CLE, Sandra Day O’Connor College of Law Indian Legal Program, Tempe, Arizona September 2010


“UCC and Secured Transactions,” Navajo Nation Bar Association CLE, St. Michaels, Arizona August 2009


“Doing Business in Indian Country,” City of Tucson March 2005


Related Articles
January 26, 2023

To: City of Whitefish

RE: Letter of Interest for Whitefish Community Housing Committee

I have been a student of and involved with real estate for most all of my life. Following five years working in real estate appraisal and commercial lending, I earned a MS in Real Estate Development from the Massachusetts Institute of Technology. Course work included planning, development, construction and finance. Following MIT, I worked in the finance industry in Los Angeles with a focus on real estate and structured finance. This included founding a real estate lending company.

Since moving to Whitefish in 2000, my focus has been in the non-profit arena, serving as Executive Director and growing both North Valley Music School and Glacier Nordic Club to their current sizes. While working for these organizations and while serving on numerous non-profit boards. (North Valley Music School, Glacier Nordic Club, Children’s House Montessori, Crown of the Content Guitar Foundation, Kalispell Montessori School, and Glacier Skate Academy) I have personally raised more than $500,000 in funding through private donations and grants. I have continued my interest in real estate and finance on the non-profit side, managing conditional use permit applications, managing and serving on building expansion committees, and arranging financing. I am currently serving as co-chair of the North Valley Music School New Building Capital Campaign where we have raised $4.2 million of $6.5 needed.

I am very knowledgeable about the local housing market as my husband I have owned and managed three rental units in the City of Whitefish for the past 15 plus years.

This past October, I attended the Draft Whitefish Community Housing Roadmap Open House and presentation and am familiar with the plans and opportunities presented.

I would be excited for and welcome the opportunity to put my skills to use on the Whitefish Community Housing Committee.

Sincerely,

Cameron Blake
she/her
406.253.0361
MEMORANDUM

To: Mayor Muhlfeld and City Council

From: David Taylor, AICP

Date: February 6, 2023

RE: Marijuana Facilities Work Session

Mayor Muhlfeld and Councilors,

The City Council directed staff to schedule a work session on marijuana facilities to discuss possibly amending buffering requirements. Some councilors raised concerns that too many marijuana dispensaries have been approved in the downtown core or that a dispensary is not a welcome use on Central Avenue. Note that under our current regulations and buffering requirements, no additional dispensaries could be located with a Central Avenue address, and we have no current applications for any new dispensaries on Central Avenue or the vicinity.

There are currently eleven active permits within city limits, with only five now operating. Each conditionally permitted location has eighteen months from the date their permit was approved to open or show they are making progress or their permit expires. During the adoption of the text amendment allowing retail marijuana sales there was much discussion about marijuana dispensaries being limited to just the WB-3 zone because that is our primary retail zone. In the end, the Council voted to also allow dispensaries in the WB-1 and WB-2 zones but added a 500’ buffering requirement. In the WB-3 zone downtown they must be 150’ apart when addressed on the same street.

With regard to buffers from schools and churches, the current regulations defer to the State regulations, with the exception that our code prohibits dispensaries on Spokane Avenue between Railway Street and East Second Street. When we adopted our regulations, the State required a 500’ distance from the nearest entrance of a school or church to the nearest entrance of the dispensary, which only applied if both the school or church and the dispensary were addressed on the same street. This mirrored their liquor license setbacks. Since our code was adopted, the State amended their regulations to allow marijuana facilities within 500’ of a church or school if the main entrances to both facilities were on different streets even though they might be addressed on the same street.

It should be noted that there is a draft bill before the legislature (HB 265) that would expand the distance from the closest building corner of churches and schools to 1000’ from the closest building corner of a dispensary and eliminate the
exemptions for different streets or door locations. If it is adopted, we will need to revise our regulations as we cannot be less restrictive than state law. A 1000’ setback would also eliminate most of the WB-3 and WB-1 from future dispensaries and put the existing ones in a legal non-conforming status. See attached map.

Staff is looking for direction. Note that any changes to our code would take three or four months to get adopted and any business that applied before that would be reviewed under the existing regulations.

The Council has several options.

1. Leave the city regulations as they are. There are very few locations left that would not be restricted by our existing buffering requirements.

2. Leave our regulations as they are for now and wait to see if the State Legislature changes their regulations and distancing requirements.

3. Add more restrictive distancing requirements. State law allows cities to be more restrictive with regard to where marijuana facilities can operate, but they cannot be less restrictive. One option to make it more restrictive would be to eliminate exceptions between different facilities if they are addressed on different streets. That might impact the WB-1 and WB-2 zones more since the separation distance is 500 feet, especially if the Council would rather see dispensaries in those zones than the WB-3. As far as the distance between schools and churches, the exceptions for being addressed on a different street and front doors being located on different streets could be removed. As mentioned, the State could change the distancing requirements from schools and churches to 1000 feet, which would require us to change our regulations again so we aren’t less restrictive. Staff has provided a map that shows how this would impact potential locations.

4. Alternately, since State laws may fluctuate, we could make all further applications for a marijuana facilities license a full conditional use permit rather than an administrative conditional use permit, and one of the conditions could remain that the business meet all state laws and distancing requirements. That would add more oversight on a case-by-case basis without our code being beholden to fluctuating State laws.
Church and School Marijuana Buffer Example

January, 2023
HOUSE BILL NO. 265


A BILL FOR AN ACT ENTITLED: “AN ACT GENERALLY REVISING LAWS RELATED TO MARIJUANA LICENSES; REVISING THE DISTANCE REQUIREMENT BETWEEN A MARIJUANA-LICENSED PREMISES AND A CHURCH OR SCHOOL; PROHIBITING A DISPENSARY LICENSE IN CERTAIN PRECINCTS THAT VOTED AGAINST INITIATIVE MEASURE NO. 190; AND AMENDING SECTION 16-12-207, MCA.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-12-207, MCA, is amended to read:

"16-12-207. Licensing as privilege -- criteria. (1) A cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, combined-use marijuana license, marijuana transporter license, or any other license authorized under this chapter is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:

(a) the qualifications of the applicant; and

(b) the suitability of the proposed licensed premises, including but not limited to cultivation centers, dispensaries, and manufacturing facilities.

(2) The department may deny or revoke a license based on proof that the applicant made a false statement in any part of the original application or renewal application.

(3) (a) The department shall deny a cultivator license, manufacturer license, adult-use dispensary license, or medical marijuana license if the applicant's proposed licensed premises:

(i) is situated within a zone of a locality where an activity related to the use of marijuana conflicts
with an ordinance, a certified copy of which has been filed with the department;

(ii) is not approved by local building, health, or fire officials as provided for in this chapter; or

(iii) is within 500-1,000 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school, unless the locality requires a greater distance. This distance must be measured in a straight line from the center of the nearest entrance closest building corner of the place of worship or school to the closest building corner of the licensee's premises. This subsection (3)(a)(iii) does not apply if the application is for license renewal and the licensed premises was established before the church, synagogue, or other place of worship or school or postsecondary school existed on the same street.

(b) For the purposes of this subsection (3), "school" and "postsecondary school" have the meanings provided in 20-5-402.

(4) (a) In addition to the provisions of subsection (3), the department shall deny an adult-use dispensary license or medical marijuana dispensary license if the applicant's proposed licensed premises is located in a precinct as it existed on November 3, 2020, where a majority of voters voted against the approval of Initiative Measure No. 190.

(b) The provisions of subsection (4)(a) apply to new license applications submitted on or after October 1, 2023, and existing licensees on revocation or suspension.

(4)(5) A licensee may not sell or otherwise transfer marijuana or marijuana products through a drive-up window, except that a dispensary may hand-deliver marijuana or marijuana products to a registered cardholder in a vehicle that is parked immediately outside the subject dispensary.

(5)(6) A marijuana business may not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises.

(6)(7) A marijuana business may not utilize the United States postal service or an alternative carrier other than a licensed marijuana transporter to transport, distribute, ship, or otherwise deliver marijuana or marijuana products.

(7)(8) A marijuana business may not provide free marijuana or marijuana products or offer samples of marijuana or marijuana products.

(8)(9) Marijuana or a marijuana product may not be given as a prize, premium, or consideration for a
lottery, contest, game of chance, game of skill, or competition of any kind.

(a) Except as provided in subsection (9)(10)(c), an adult-use dispensary or medical marijuana dispensary must have a single, secured entrance for patrons and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance in accordance with department rule.

(b) Except as provided in subsection (9)(10)(c), a marijuana business that is not an adult-use dispensary or medical marijuana dispensary must implement security measures in accordance with department rule to deter and prevent the theft of marijuana and unauthorized entrance.

(c) The provisions of this subsection-(9)(10) do not supersede any state or local requirements relating to minimum numbers of points of entry or exit or any state or local requirements relating to fire safety.

Each marijuana business shall install a video monitoring system that must, at a minimum:

(a) allow for the transmission and storage, by digital means, of a video feed that displays the interior and exterior of the cannabis establishment; and

(b) be capable of being recorded as prescribed by the department.

An adult-use dispensary or medical marijuana dispensary may not operate between the hours of 8 p.m. and 9 a.m. daily.

A person under 21 years of age is not permitted inside a marijuana business unless the person is a registered cardholder."

NEW SECTION. Section 2. Transition. A licensed premises must comply with the provisions of 16-12-207(3)(a)(iii) on or before January 1, 2024.
Hi Michelle,

Giuseppe is copied on this email.

Please include this in the public comments for the marijuana work session referenced in Giuseppe’s op-ed.

Giuseppe Caltabiano’s op-ed in today’s Daily Interlake (below) is 100% spot-on. And, his comments reflect the views of many, many Whitefish residents.

With all of the new marijuana dispensaries, Whitefish has become a bit of an embarrassment. Liquor has been legal for 90 years, and Whitefish has exactly 1 full service liquor store (with limited hours). Marijuana has been legal for a year in Montana, and there is a dispensary on every corner….not to mention all the dispensaries that are located just outside city limits. According to a January article in the Daily Interlake, several of the dispensaries located in the county have plans to open a downtown Whitefish location.

Some say the City Council chose a broad interpretation of the rules, to allow a dispensary across Baker from Whitefish Credit Union (near two churches). And, when City Council passed the dispensary rules, wasn’t 333 Baker included in the original map of areas which could not have a dispensary?

Soon, The Village Shop, a Whitefish institution, will be (you guessed it) a dispensary.

The City Council needs to take a close look at this, and come up with a reasonable solution. Perhaps it should pass a moratorium on new dispensaries until this can be studied and fixed.

Thank you,

Mike Rossi
WF Resident, Downtown Business & Property Owner

LETTERS TO THE EDITOR
Marijuana zoning loophole exposed
I am writing to acknowledge and address all the emails, text messages and telephone calls from citizens (both my supporters and non) concerned by the number, proximity and location of marijuana dispensaries in downtown Whitefish.
In 2020, the citizens of Montana passed I-190 legalizing recreational marijuana for adult use and the Legislature subsequently passed HB 701 further refining the program.
In 2021, the Whitefish City Council worked with city staff on an ordinance regulating the rules and standard to allow dispensaries within city limits (as well as manufacturing, cultivating, and testing facilities).

Ordinance 21-17 was approved and confirmed in second reading on Nov. 15, 2021.
The core of the ordinance regarding “proximity” states: “No marijuana facility is permitted from locales within 500’ of and addressed on the same street as a building used exclusively as a church or public school” “Additionally, no marijuana facility shall be located on Spokane Avenue between Railway Street and East Second Street.”

“No marijuana dispensary may be located within 150’ of and addressed on the same street as another marijuana dispensary, with the exception that in the WB-1 and WB-2 zones, no marijuana dispensary may be located within 500’ of and addressed on the same street as another marijuana dispensary.”

At that meeting I made a public comment (I had been elected on that same Council but not yet sworn in) asking the Council to amend the ordinance by striking the wording “of and addressed on the same street as” out.

That would have prevented a loophole which would allow a dispensary and a church for example to be closer than 500 feet as long as their addresses are on different streets, in other words one around the corner from the other. My comment, which is on record in the meeting’s minutes, was ignored.

Now the public is realizing that we are having dispensaries located closer to a church or to each other than the 500 feet they thought, because their street addresses are different, and is raising concern and pressure to the city’s leadership.

My understanding is that the Council will work on this matter, with the aim of eventually amending the ordinance, at a work session on Feb. 6.

All public comments should be addressed to the city of Whitefish and can be emailed or presented in person during our meetings.

— Giuseppe Caltabiano is a Whitefish City Councilor.
From: Meggen Wilson <manager@cawdreygallery.com>
Sent: Thursday, January 5, 2023 3:42 PM
To: Giuseppe Caltabiano <gcaltabiano@cityofwhitefish.org>; Andy Feury <afeury@cityofwhitefish.org>; Ben Davis <bdavis@cityofwhitefish.org>; Rebecca Norton <rnorton@cityofwhitefish.org>; Steve Qunell <squnell@cityofwhitefish.org>; Frank Sweeney <fsweeney@cityofwhitefish.org>
Subject: Former Village Shop building rumors

ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

Dear City Council Members,

I am the manager of a small art gallery on Lupfer Avenue. I have lived in Whitefish for 18 years. We recently heard that the new owner of the Village Shop building is planning on adding short term vacation rentals and a marijuana dispensary to the building- not even a few hundred yards from the Middle School.

As a member of the business community in the downtown core, I have to express my deep concern and objection to this proposal.

A dispensary, of which we seem to have close to a dozen in Whitefish alone, I know brings in a large amount of tax revenue- close to $30,000,000 by the last numbers. But this comes at a terrible cost to the residents and visitors to our area. I want Whitefish to remain a family friendly, recreational playground with a rich cultural scene, not a town full of pot smoking folks and tattoo parlors.

The drug epidemic is already a monumental problem in Montana. My fear is marijuana is a gateway drug to more abuse. I do not like the message a dispensary sends to our kids while they walk home from school each day.

We need family restaurants, affordable housing and protected green spaces- not another dispensary. We have already lost the Pescado Blanco space to a marijuana dispensary and Hwy 93 seems to be littered with them. I hope you will seriously take a look at this issue and say- "not in Whitefish's downtown core."

Our families and children deserve better.

Thank you for your time.

--

Meggen Arthur Wilson
Gallery Manager
Cawdrey Gallery
PO Box 395
CITY COUNCIL REGULAR MEETING AGENDA

The Following is a summary of the items to come before the City Council at its regular session to be held on Monday, February 6, 2023 at 7:10 p.m., at City Hall 418 East Second Street, 2nd Floor
Hybrid (In-person and/or Remotely via Teams)

To attend the meeting via Microsoft Teams, and provide live comment on your computer, tablet or smartphone, attendees should go to the web link below.

Meeting Link: Microsoft Teams Link  Meeting Number: 240 443 936 414  Password: Ax6QVs
For the Audio Conference Call option: call the number below and enter the access code.
  • United States Toll Free: 833-563-1751  Access code: 921 869 215#
  • View live streaming (not to provide comment) on the City of Whitefish YouTube Channel
  • We encourage individuals to provide written public comment; to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org or deliver by 4:00 p.m. Monday, February 6, 2023, to City Hall. Written comments should include name, address, should be short and concise, courteous, and polite. All written comments received by 4:00 p.m. will be provided to the City Council and appended to the packet following the meeting.
  • Public comment by those attending the meeting "live" via Microsoft Teams or in-person will be limited to three minutes per individual.

Ordinance numbers start with 23-01. Resolution numbers start with 23-04.

1) CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

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

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

5) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council’s action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC)
   a) Minutes from January 17, 2023 Special Session (p.45)
   b) Minutes from January 17, 2023 Regular Meeting (p.46)
   c) Resolution No. 23-__; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 9.99 acres of land known as 625 Lund Lane in Section 1, Township 30 North, Range 22 West, in Whitefish, Montana, for which the owner has petitioned for and consented to annexation (p.49)
   d) Consideration of a request from Seven Hills Construction LLC for a Final Plat for Orchard Lane 4 Subdivision, a 5-Lot subdivision located at 415 ½ Colorado Avenue (WFP 23-01) (p.60)
   e) Consideration of a request from the members of the Whitefish Lake Lodge Homeowners Association to amend Article VIII, Section 2, Insurance and Fidelity Bonds of the Declaration of Unit Ownership (p.89)

6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))
   a) Ordinance No. 23-__; An Ordinance amending the Whitefish City Code to add Article Y, Chapter 2, Title 11, to establish the WB-T zoning district (Business Transitional District), as an implementation
of the Highway 93 South Corridor Plan (First Reading) **(POSTPONED FROM 11/07/2022 AND 11/21/2022, PUBLIC HEARING CLOSED)** (P.106)

7) **COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR**
   a) Consideration of approval of the Community Solar Agreement with Flathead Electric Cooperative, Inc. to construct a community solar facility on the wastewater treatment plant property and authorize the City Manager to execute the contract (p.205)

8) **COMMUNICATIONS FROM CITY MANAGER**
   a) Written report enclosed with the packet. Questions from Mayor and Council? (p.223)
   b) Other items arising between February 1st through February 6th
   c) Consideration of fundraising sign request by North Valley Music School (p.227)

9) **COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**
   a) Consideration of appointment to the Whitefish Community Housing Committee – Mayoral Appointment(p.)
      i) One representative from the Whitefish Housing Authority – Dwarne Hawkins (p.236)
      ii) One representative from Housing Whitefish – Daniel Sidder (p.237)
      iii) One representative from the Whitefish Convention and Visitors Bureau – Rhonda Fitzgerald (p.238)
      iv) One representative from the Whitefish Chamber of Commerce – Jeff Raper (p.239)
   b) Consideration of appointment to volunteer boards and committees not made during the Special Session preceding tonight’s meeting

10) **ADJOURNMENT** (Resolution 08-10 establishes 11:00 p.m. as end of meeting unless extended to 11:30 by majority)
The following Principles for Civil Dialogue are adopted on 2/20/2007 for use by the City Council and by all boards, committees and personnel of the City of Whitefish:

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

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

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

- We encourage and value broad community participation.

- We encourage creative approaches to engage public participation.

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

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

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

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

Adopted by Resolution 07-09
February 20, 2007
(This page left blank intentionally to separate printed sections)
February 1, 2023

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

Deputy Mayor Sweeney and City Councilors:

Monday, February 6, 2023 City Council Agenda Report

There will be a special session beginning at 5:15pm to interview applicants interested in serving on the Whitefish Community Housing Committee. The work session will begin at 6:15pm to review the marijuana facility regulations. Food will be provided.

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

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

a) Minutes from January 17, 2023 Special Session (p.45)
b) Minutes from January 17, 2023 Regular Meeting (p.46)
c) Resolution No. 23-__; A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 9.99 acres of land known as 625 Lund Lane in Section 1, Township 30 North, Range 22 West, in Whitefish, Montana, for which the owner has petitioned for and consented to annexation (p.49)
d) Consideration of a request from Seven Hills Construction LLC for a Final Plat for Orchard Lane 4 Subdivision, a 5-Lot subdivision located at 415 ½ Colorado Avenue (WFP 23-01) (p.60)
e) Consideration of a request from the members of the Whitefish Lake Lodge Homeowners Association to amend Article VIII, Section 2, Insurance and Fidelity Bonds of the Declaration of Unit Ownership (p.89)

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

Items “a, b, and e” are administrative matters; Items “c and d” are quasi-judicial matters.

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

a) Ordinance No. 23-__; An Ordinance amending the Whitefish City Code to add Article Y, Chapter 2, Title 11, to establish the WB-T zoning district (Business Transitional District), as an implementation of the Highway 93 South Corridor Plan (First Reading) (POSTPONED FROM 11/07/2022 AND 11/21/2022, PUBLIC HEARING CLOSED) (P.106)

From Planning and Building Director David Taylor transmittal report.

Summary of Requested Action: This is a request by the City of Whitefish to add the WB-T zoning district to Title 11, Chapter 2 (Zoning Regulations) of the Whitefish City Code. The recently adopted
Highway 93 South Corridor Plan calls for the creation of a highway transitional zoning district for newly annexed properties in the area south of Highway 40. The plan states that “to ensure properties at the entrance to Whitefish that annex into the City in the future are developed in a manner consistent with the community’s vision for Segment C, and to better buffer adjacent residential properties from negative impacts, a new transitional zoning district should be created to apply to annexations in areas currently zoned by the County as Secondary Business. Traffic intensive uses should be moved from permitted to conditional uses.”

**Planning & Building Department Recommendation:** Staff recommended approval of the proposed text amendment. After five previous City Council public hearings and several work sessions, staff recommends approval of the revised ordinance.

**Public Hearing:** At the Planning Board public hearing, no members of the public spoke on the amendment. There was no written comment submitted up until the City Council public hearing. Additional comments received prior to or during the previous City Council public hearings were added to the packet. The draft minutes for the Planning Board hearing are attached as part of this packet.

**Planning Board Action:** The Whitefish Planning Board met on January 20, 2022 and considered the request. Following the hearing, the Planning Board the Board moved to approve the text amendment to add the WB-T (Business Transitional District) to the Whitefish Zoning Regulations. In making their decision, the Planning Board offered the zoning text amendment in Exhibit C and the Findings of Fact in Exhibit D for the Council's consideration. The attached ordinance and the language in the attached Revised Staff Report is the latest iteration of the text as directed by the City Council.

**City Council Action:** The Whitefish City Council held a public hearing February 22, 2022, on the adoption of the WB-T Business Transitional District. The public hearing was closed, and the item postponed to an additional discussion on March 7, 2022. During that discussion, the ordinance was postponed to the April 4, 2022 City Council meeting, and the City Council asked for a work session on March 21 to discuss the proposed uses and development requirements in greater detail. After the March 21 work session, the Council again voted to have an additional work session on April 4 wherein the Council gave staff additional direction, and the ordinance was postponed to May 2. On May 2, after an additional public hearing and discussion, the City Council tabled the item indefinitely. On September 19, the City Council voted to bring the item back up as a work session, and the work session occurred on October 17. After the work session the City Council voted to bring the item back as a public hearing in November. The Council held additional public hearings on November 7 and November 21, giving further direction and postponing the public hearing to February 6th.

Based on Council input from the multitude of hearings, staff made various modifications to the proposed Business Transitional zoning district in the attached ordinance from the version seen and recommended for approval by the Planning Board. The Intent and Purpose was modified to make it clear it is intended to be a mixed-use zoning with some residential uses allowed and that the majority of uses are only conditionally permitted. At Council’s direction, many uses were removed from the allowed permitted uses including building supply outlets, building and contractor related uses, and wholesale and warehousing. The following uses were removed from the conditional uses: Automotive, boat, and RV sales, rentals, repair and service; service stations and convenience stores; bars and lounges; entertainment facilities; hotels and motels; and machinery and small equipment sales, rentals, and repair. Anything over single family is now a conditional use. The bulk and scale standard for a CUP was reduced from 10,000 square feet to 7,500 square feet. A provision was added to set a limit on the maximum building footprint of 15,000 square feet maximum.
RECOMMENDATION: Staff respectfully recommends that the City Council, after considering testimony at the Public Hearing and the recommendations from the Planning Staff and the Planning Board, adopt Ordinance No. 23__; An Ordinance amending the Whitefish City Code to add Article Y, Chapter 2, Title 11, to establish the WB-T zoning district (Business Transitional District), as an implementation of the Highway 93 South Corridor Plan (First Reading), WZTA 22-01, the Findings of Fact in Exhibit B and the language in Exhibit A.

This item is a legislative matter

COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

a) Consideration of approval of the Community Solar Agreement with Flathead Electric Cooperative, Inc. to construct a community solar facility on the wastewater treatment plant property and authorize the City Manager to execute the contract (p.205)

From Public Works Director Craig Workman’s staff report.

Introduction/History: Installation of a solar photovoltaic (PV) facility on the property of the wastewater treatment plant was identified in the City’s Climate Action Plan as one of the four priority energy-saving actions to meet the 2025 emissions reduction target. The public works department had two feasibility studies done for a potential solar PV facility to help power the new wastewater treatment plant. The latest feasibility study considered a 500 kW (DC) facility that would provide approximately 32% of the energy needs of the wastewater plant. The estimated cost was about $882,000 with a payback period of about 28 years.

Subsequently, Council Goal PB# 19-05 directed staff to create a master plan for the 88-acre City-owned property on Monegan Road, the location of the wastewater treatment plant (WWTP) and Parks maintenance shop. Using the currently available site plan for the new WWTP, City staff laid out a potential site plan for the property which addresses future needs of the City and incorporates the sustainable features described in the Climate Action Plan. Council approved the plan in July 2019. The plan, which is attached to the report, dedicated 8 acres to solar energy production.

On November 1, 2021 a modified site plan was presented to Council. The change was promulgated by a request from the Whitefish Housing Authority for immediately available land for a potential affordable housing development. The updated plan, which is also attached, dedicated 32 Acres to wastewater treatment, which included area for solar energy production.

Over the past year the public works department has had discussions with Flathead Electric Cooperative about a potential community solar project at the wastewater treatment plant. At their November 17th 2021 meeting, the Climate Action Plan Standing Committee passed a motion requesting that a city council work session be scheduled to discuss the potential project. At the January 18, 2022 Council work session information was presented on the proposed 200 KW Flathead Electric Cooperative (FEC) community solar project. Additional information was presented at a July 18, 2022 work session. The council directed the public works department to continue working with FEC on the project and to return at a future meeting with additional information.

Current Report: The new wastewater treatment plant started operating in August 2021. With data from the new plant FEC was able to compare monthly energy usage to the predicted solar generation. The chart below shows that comparison. While the panel owners will ultimately be the ones who can claim the rights to “offsetting” their usage, land provided at the WWTP will include a community solar project capable of generating approximately 1/3 of the annual power requirement at the wastewater treatment facility.
Flathead Electric Cooperative (FEC) has constructed two community solar facilities over the past several years. The community solar PV facilities are managed and maintained by FEC and the solar panels were sold to FEC members. With the purchase of a panel the energy produced is deducted as an energy credit from the member’s utility bill over time. FEC currently has a waiting list of members interested in purchasing a solar PV panel.

The PV community solar facility would produce about 200 KW (DC). It would include 456 PV panels producing 440 watts each. It would likely be a fixed panel system, but FEC would look at design options. The facility would take up about one acre of space.

Attached is a final copy of the community solar agreement approved by FEC and supported by City staff. An opt out clause has been added concerning third party funding. This clause, No.7, allows either party to opt out if adequate third-party funding is not available. The draft agreement states that “it is the intent of the parties that one or more third persons or entities will contribute financially to the cost of the system, thereby lowering the cost to FEC members.” If the city agrees to proceed, FEC will apply for a USDA REAP (Rural Energy for America Program) grant for about 30% of the project cost (approximately $140,000). The grant application is due March 31, 2023. In order to apply the project must have been designed, bid and a contractor selected. FEC has met with USDA staff and believes the project will qualify for a REAP grant.

Under the IRA (Inflation Reduction Act) FEC may also qualify for the federal government’s 30% tax credit for solar projects. FEC would receive this federal credit as a direct payment. If FEC qualifies for the 30% tax credit, then the credit would not be available for individual cooperative members. With these federal programs, the panel cost per member would be significantly reduced from the originally estimated $1000. The cost per PV panel is estimated to be between $400 and $700, depending on third party funding. Due to the requirements of the federal grant program FEC would sell the panel’s energy output, rather than the physical panel.

As part of the agreement FEC would lease about 1 acre of wastewater treatment plant property. The approximate location of the solar facility along Monegan Road is shown on the attached wastewater treatment property map. Of the 32 acres set aside for the wastewater treatment facility, about 4.5 acres is shown on the map as potential solar area. The draft agreement proposes that FEC provide the energy
output from one PV panel. The output will show as a credit on the city’s electricity bill and will offset energy usage at the wastewater treatment plant. The panels would be installed this summer or fall.

The Bonneville Environmental Foundation has expressed interest in purchasing several panels and donating them to offset energy use of local low-income residents. FEC would coordinate this program with the LIEAP (Low Income Energy Assistance Program) run by the Community Action Partnership of Northwest Montana. Also, a Whitefish resident has committed to purchasing and donating $5,000 worth of solar panels to offset the energy use of low-income area residents. FEC has asked that the city assist in spreading the word about the opportunity to purchase the panel energy output. Explore Whitefish has offered to help with this effort.

**RECOMMENDATION:** Staff respectfully recommends the City Council approve the agreement with Flathead Electric Cooperative, Inc. to construct a community solar facility on the wastewater treatment plant property.

**COMMUNICATIONS FROM CITY MANAGER**

a) Written report enclosed with the packet. Questions from Mayor and Council? (p.223)
b) Other items arising between February 1st through February 6th
c) Consideration of fundraising sign request by North Valley Music School (p.227)

From City Manager Dana Smith’s staff report.

**Background:** The North Valley Music School, a sublessee of City owned land at Smith Fields, has requested the placement of three temporary A-frame (sandwich board) fundraising signs on private property adjacent to the City’s sidewalks for its fundraising campaign at the following locations: 1) Glacier Bank on the corner of Baker Ave. and 2nd St., 2) First Interstate Bank on Spokane Avenue, and 3) Whitefish Credit Union on Baker Ave. The fundraising campaign, which is expected to be completed by November 1, 2024, will raise money to build a new facility that will be owned by the City and subleased to the North Valley Music School.

In determining this request, it is important to revisit the changes that have occurred to our sign regulations. In 2018, the City updated its sign regulations to eliminate content-based elements with regard to temporary signs as well as other minor housekeeping changes. The update included the removal of an exemption for “signs for events of a general nature, citywide, civic, or public benefit as authorized by the city council or the city manager, which must be removed within two (2) days after the conclusion of the event.” This section was replaced with an exemption for non-illuminated “temporary signs placed on public property no more than two (2) weeks prior to an event and removed no more than two (2) days after the conclusion of the event as authorized by the city council or city manager.” Thus, the content-based element of a “general nature, citywide, civic or public benefit” was eliminated which was the basis for the approval of fundraising signs for the Central School Auditorium (4’x8’ sign required to be on school property) and the Alpine Theatre Project (up to three signs on property with approval).

**Current Report:** Given the extended duration (21 months) of the temporary sign request, which is not associated with a specific special event, the recent changes to the sign code described above, and the unique situation in which the fundraising campaign is for a publicly owned facility, the decision to approve or deny the request was determined to be best made by the City Council.

Should the City Council want to approve the request for temporary signage that supports the development of a City owned property and facility, staff suggests moving forward with the option provided by the North Valley Music School that would include the approval of the three (3) temporary signs on public right-of-way, or immediately adjacent to public right-of-way with property owner
approval, as identified on the map/pictures, for display only on Fridays through the end of the fundraising campaign. “Fundraising Fridays” may be considered the event for which the temporary signs would be approved. Keep in mind that the approval of a 21-month weekly event may result in similar requests in the future.

The City Code detailing the exemptions for temporary signs is also attached to this report for your review and consideration.

**Financial Requirements:** There is no financial requirement.

**RECOMMENDATION:** Staff respectfully recommends the City Council determine the appropriate location and duration of the temporary fundraising A-frame (sandwich board) signs requested by the North Valley Music School.

**COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

a) Consideration of appointment to the Whitefish Community Housing Committee – Mayoral Appointment
   i) One representative from the Whitefish Housing Authority – Dwarne Hawkins (p.236)
   ii) One representative from Housing Whitefish – Daniel Sidder (p.237)
   iii) One representative from the Whitefish Convention and Visitors Bureau – Rhonda Fitzgerald (p.238)
   iv) One representative from the Whitefish Chamber of Commerce – Jeff Raper (p.239)
   v) The Mayor or one member of the City Council

b) Consideration of appointment to volunteer boards and committees not made during the Special Session preceding tonight’s meeting

**ADJOURNMENT**

Sincerely,

Dana Smith, C.P.A
City Manager
The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

### PRIVILEGED MOTIONS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjourn</td>
<td>I move to <strong>adjourn</strong></td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Take a break</td>
<td>I move to <strong>recess for</strong></td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
<td>No</td>
</tr>
<tr>
<td>Register complaint</td>
<td>I rise to a question of privilege</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Orders of the day</td>
<td>I call for the orders of the day</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
</tbody>
</table>

### SUBSIDIARY MOTIONS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lay aside temporarily</td>
<td>I move to <strong>lay the question on the table</strong></td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>Negative vote only</td>
</tr>
<tr>
<td>Close debate</td>
<td>I move the previous question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>Yes</td>
</tr>
<tr>
<td>Limit / extend debate</td>
<td>I move that <strong>debate be limited to...</strong></td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>2/3</td>
<td>Yes</td>
</tr>
<tr>
<td>Postpone to a certain time</td>
<td>I move to <strong>postpone the motion to...</strong></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Refer to a committee</td>
<td>I move to <strong>refer the motion to...</strong></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Amend a motion</td>
<td>I move to <strong>amend the motion by...</strong></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Kill main motion</td>
<td>I move that the motion be <strong>postponed indefinitely</strong></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
<td>Affirmative vote only</td>
</tr>
</tbody>
</table>
### MAIN MOTIONS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bring business to motion</td>
<td>I move that (or “to”)...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
<td>Yes</td>
</tr>
</tbody>
</table>

No order of precedence. Arise incidentally and decided immediately.

### INCIDENTAL MOTIONS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforce rules</td>
<td>Point of order</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Submit matter to assembly</td>
<td>I appeal from the decision of the chair</td>
<td>Yes</td>
<td>Yes</td>
<td>Varies</td>
<td>No</td>
<td>Majority</td>
<td>Yes</td>
</tr>
<tr>
<td>Suspend rules</td>
<td>I move to suspend the rules which...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>No</td>
</tr>
<tr>
<td>Avoid main motion altogether</td>
<td>I object to the consideration of the question</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
<td>Negative vote only</td>
</tr>
<tr>
<td>Divide motion / question</td>
<td>I move to divide the question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
<td>No</td>
</tr>
<tr>
<td>Demand rising vote</td>
<td>I call for a division</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Parliamentary law question</td>
<td>Parliamentary inquiry</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
<tr>
<td>Request information</td>
<td>A point of information, please.</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
</tr>
</tbody>
</table>

No order of precedence. Introduce only when nothing else pending.

### RENEWAL MOTIONS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Take matter from table</td>
<td>I move to take from the table...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
</tr>
<tr>
<td>Cancel or change previous action</td>
<td>I move to rescind / amend the motion...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>2/3 or majority w/notice</td>
<td>Negative vote only</td>
</tr>
<tr>
<td>Reconsider motion</td>
<td>I move to reconsider the vote on...</td>
<td>No</td>
<td>Yes</td>
<td>Varies</td>
<td>No</td>
<td>Majority</td>
<td>No</td>
</tr>
</tbody>
</table>
(This page left blank intentionally to separate printed sections)
1) **Call to Order**

Deputy Mayor Sweeney called the meeting to order. Councilors present were Qunell, Caltabiano, Davis, and Norton. Mayor Muhfeld and Councilor Feury were absent. City Staff present were, City Clerk Howke, City Manager Smith.

2) **Interview**

City Council interviewed Jen Asebrook and Kim Wortman (virtually) to serve on the Whitefish Convention and Visitors Bureau (WCVB).

3) **Public Comment**

Rhonda Fitzgerald is a member of the WCVB. She suggested holding a joint meeting with the City Council to discuss and communicate what the WCVB has been working on and to better understand the collaboration between the City and the WCVB.

4) **Appointment**

Mariah Joos, WCVB Chair, emailed a letter to the Council requesting the Council to hold off on making appointments. The Board is expecting more letters from interested members of the community to apply. The appointments will be pushed to February 21st, in anticipation the February 6th meeting will be focused on interviewing applicants to serve on the Whitefish Community Housing Committee.

5) **Adjourn**

Deputy Mayor Sweeney adjourned the Special Session at 5:45 pm and called the Work Session to order.

__________________________
Deputy Mayor Sweeney

Attest:

__________________________
Michelle Howke, Whitefish City Clerk
1) CALL TO ORDER

Deputy Mayor Sweeney called the meeting to order. Councilors present were Qunell, Caltabiano, Davis, and Norton. Mayor Muhlfeld and Councilor Feury were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Finance Director Gospodarek, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, and Police Chief Kelch. Approximately 2 people were in the audience and zero attended virtually.

2) PLEDGE OF ALLEGIANCE

Deputy Mayor Sweeney asked Public Works Director Workman 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)

Mayre Flowers, Citizens for a Better Flathead, encouraged the Council to consider another work session for more public participation pertaining to the proposed annexation policy. She also asked for an update on where the City is in the process of the recycling site.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

None

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

a) Minutes from January 3, 2023 Closed Executive Session — Pursuant to §2-3-212 (4) M.C.A., the minutes may not be made available for inspection except pursuant to a court order
b) Minutes from January 3, 2023 Special Session (p.43)
c) Minutes from January 3, 2023 Regular Meeting (p.44)

Councilor Qunell made a motion, seconded by Councilor Davis to approve the Consent Agenda. Councilor Sweeney made corrections to the Executive Session and Special Session minutes to reflect that he was in attendance. The Consent Agenda was approved as corrected.

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) None

7) COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor and Council? (p.48)

None
b) Other items arising between January 11th through January 17th

City Manager Smith provided an update on the Legislative Session. She spoke on behalf of the city at Senate Bill 142 regarding impact fees, in opposition of the bill. She will be speaking in support for Senate Bill 145, which would take an allocation of the state’s lodging and facility use tax that is retained by the state to reallocate to cities for property tax relief. Staff has also submitted comments opposing Senate Bill 159, that would exclude trails, paths, and other ways for walking, hiking and bicycle path connections and open space for Parks for eminent domain. We typically don’t use eminent domain, but it is an important tool for cities as we grow and ensuring we have multimodal means of transportation. Robin Turner will be speaking on behalf of the City for Senate Bill 206 that would limit voted levies to five years. We have a permanent voted levy for our Fire Department for 24 mills that was approved by our voters to fund us going to a 24/7 service. This bill will limit all levies to five years. It would also require a 50% voter turnout. The City is in opposition of that bill.

Manager Smith addressed Mayre Flowers question regarding recycling. The central recycling site has been put on hold until the animal resistant containers are fully rolled out. We will revisit the idea of a central site at the Wastewater Treatment Plant when that process is complete.

Councilor Norton asked, and Director Workman stated the animal resistant containers are permitted to remain in the alley as long as they are not obstructing ingress and egress through the alley but need to be pulled away from the right-of-way. The right-of-way line and property line might look like it is still the alley. The intent of the animal resistant container was to no longer have to secure the container in a garage or secured location.

8) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

Council Comments

Discussion followed regarding the work session prior to the meeting pertaining to the proposed annexation policy. Council agreed to move forward without another work session but take into consideration to articulate in the purpose more about why we annex and why it benefits our citizens; there is a conflict with the county zoning and our own growth planning; and Councilor Davis thinks annexations should go to the Planning Board.

Councilor Qunell stated the “Go Gallatin” project is a platform where you can go and find a ride if you become a member. He would like us to start getting down that path of trying to figure out some alternatives to make it easier for people to ride share in our community.

Councilor Norton brought forward a letter from DPHHS clarifying the Montana Clean Indoor Air Act (CIAA) stating e-cigarettes and vaping are not considered smoking in enclosed public places. Manager Smith stated the CIAA does not include vaping or e-cigarettes, but it does include the smoking of marijuana or tobacco. Businesses can make the choice to prohibit e-cigarettes and vaping and use the signage that is provided by DPHHS. There is a draft bill in this legislative session that would allow private businesses to make the decision to allow smoking inside again as long as there are no individuals under the age of 18 present. Council discussed to wait until the legislative session is over.

Councilor Norton stated she appreciates the work City Manager Smith and City Attorney Jacobs have done on behalf of SB 142. She attended the hearing virtually on Monday. It was really hard not to get angry because of what was said about our town and our City Manager and the misrepresentation that occurred. She asked the citizens to submit public comment to vote against SB 142.
9) 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 4:45 p.m.

_____________________________
Deputy Mayor Sweeney

Attest:

_____________________________
Michelle Howke, Whitefish City Clerk
RESOLUTION NO. 23-___

A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 9.99 acres of land known as 625 Lund Lane in Section 1, Township 30 North, Range 22 West, in Whitefish, Montana, for which the owner has petitioned for and consented to annexation.

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

WHEREAS, services to the annexed area will be provided according to the City of Whitefish Extension of Services Plan, amended by the City Council by Resolution No. 18-16 on April 16, 2018, 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, pursuant to § 7-2-4211(2), MCA, the City shall include the full width of any public streets or roads, including the rights-of-way, that are adjacent to the property being annexed; 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 City Council Packet, February 6, 2023 Page 49 of 239
County, Montana, legally described as:

PARCEL B OF CERTIFICATE OF SURVEY NO. 1419, LYING AND BEING IN GOVERNMENT LOT 4 OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M., M., FLATHEAD COUNTY, MONTANA.

Including the full width of any public streets or roads, including the rights-of-way, that are adjacent to the said property being annexed.

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 February 6, 2023 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.


______________________________
Francis J. Sweeney, Deputy Mayor

ATTEST:

______________________________
Michelle Howke, City Clerk
CERTIFICATE AS TO RESOLUTION
AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Whitefish, Montana (the "City"), hereby certify that the attached resolution is a true copy of a resolution entitled: "A Resolution extending the corporate limits of the City of Whitefish, Montana, to annex within the boundaries of the City approximately 9.99 acres of land known as 625 Lund Lane in Section 1, Township 30 North, Range 22 West, in Whitefish, Montana, for which the owner has petitioned for and consented to annexation (the "Resolution")," on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on February 6, 2023, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, Councilors voted unanimously in favor thereof.

WITNESS my hand and seal officially this 6th day of February 2023.

Michelle Howke, City Clerk
625 Lund Lane, Whitefish, MT
Accessor No. 0919800
PETITION
BEFORE THE CITY COUNCIL
OF THE
CITY OF WHITEFISH

PETITION FOR ANNEXATION TO CITY

Dated this 17th day of January, 2023.

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

This petition is pursuant to the Contract Agreement for Annexation and City Water and/or Sanitary Sewer Service dated the 1st day of January, 2023.

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

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED:

PARCEL 6 OF CERTIFICATE OF SURVEY NO 1419, LYING AND BEING IN GOVERNMENT LOT 4 OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA

PROPERTY ADDRESS:
625 LUND LANE, WHITEFISH, MT 59937

ZONED AS:
R3

LISA SZADY
[Printed Name]

STATE OF MONTANA
County of FLATHEAD

On this 17 day of January, 2023 before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared LISA SZADY and X , known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

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

JAMIE SIMPSON
NOTARY PUBLIC FOR THE STATE OF MONTANA
Residing at Whitefish, MT
My Commission Expires September 21, 2028

[Notary Seal]
CONTRACT AGREEMENT FOR ANNEXATION AND CITY WATER AND/OR SANITARY SEWER SERVICE

THIS AGREEMENT is entered into as of 17th day of January, 2023, by and between the City of Whitefish, a municipal corporation ("CITY") as grantor of City water and/or sanitary sewer services, and LISA SZABO ("OWNER"), as grantee recipient(s) of City water and/or sanitary sewer services, whose mailing address is 2230 Houston Point Drive, Whitefish, MT 59937.

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

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

LEGAL DESCRIPTION

PARCEL B OF CERTIFICATE OF SURVEY NO 1419, LYING AND BEING IN GOVERNMENT LOT 4, OF SECTION 1, TOWNSHIP 30 NORTH, RANGE 22 WEST, AM. FLATHEAD, COUNTY, MONTANA

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

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

E. The parties desire to enter into an Agreement pursuant to MCA §§7-13-4312 and 7-13-4314, for the CITY to furnish municipal water and/or sanitary sewer service at rates adopted in accordance with Montana State Law in return for OWNER'S agreement that OWNER'S REAL PROPERTY may be annexed to the corporate limits of the CITY at any time.
In consideration of the performance of the terms and conditions of this Agreement on the part of each party, and pursuant to MCA §§7-13-4312 and 7-13-4314, it is hereby agreed as follows:

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

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

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

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

OWNER agrees that the municipal water and/or sanitary sewer line extension to the property shall be constructed in a public right-of-way or on land either owned by OWNER or subject to an appropriate easement approved by CITY, granting OWNER, CITY, and their successors and assigns the right to construct, repair, and maintain the sanitary sewer extension lines. If any portion of the lateral extension is constructed on land owned by OWNER at the time OWNER transfers their interest in the sanitary sewer extension line to the CITY, they shall also grant the CITY an appropriate easement for construction, repair, and maintenance of the municipal water and/or sanitary sewer extension lines. The CITY shall not be required to accept any previously constructed Agreement for Annexation and City Water and/or Sanitary Sewer Service
water or sewer lines unless they are properly located in the right-of-way or a valid easement.

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

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

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

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

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

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

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

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

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

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

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

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

(7) **Recording; Binding Effect:** OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors, administrators, personal representatives and any and all subsequent holders or owners of OWNER'S REAL PROPERTY.

(8) **Future Deeds:** Subsequent to this Agreement all deeds to parcels of land within the property subject to this Agreement granted by OWNER shall contain the following consent to annexation and waiver:
The Owner hereby covenants and agrees that acceptance of this deed does constitute a waiver of the statutory right of protest against any annexation procedure initiated by the City of Whitefish with respect to the property described herein. Owner also agrees that acceptance of a deed constitutes an obligation on the part of Owner to initiate annexation procedures per the Petition to Annex on file at the City Clerk’s Office.

This consent to annexation and waiver shall run with the land and shall forever be binding upon the Owner, transferees, successors and assigns.

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

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

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

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

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

---

**OWNER(S)**

[Signature]

[Printed Name]

---

**CITY OF WHITEFISH**

By: [Signature]

Dana Smith, City Manager

---

**ATTEST:**

[Signature]

Michelle Howke, City Clerk

---

**STATE OF  ss.**

Agreement for Annexation and City Water and/or Sanitary Sewer Service
County of Flathead

On this 23rd day of January, 2023, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared Lisa Szody and ________, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

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

MICHAELE HAUDE
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
February 4, 2024

STATE OF MONTANA )
) ss.
County of Flathead )

On this 26th day of January, 2023 before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared DANA SMITH, and MICHELLE HOWKE, to me known to be the City Manager and City Clerk respectively of the City of Whitefish, that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the City of Whitefish for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of the City of Whitefish.

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

DABNEY LANGELLIER
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
May 05, 2026

Agreement for Annexation and
City Water and/or Sanitary Sewer Service
February 6th, 2022

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

Re: Final Plat for Orchard Lane; WFP 23-01

Honorable Mayor and Councilors:

This office is in receipt of a final plat application from Seven Hills Construction LLC for a five (5) lot subdivision located at 415 ½ Colorado Ave. The property is zoned WR-2 (Two-Family Residential District). The preliminary plat was approved by the Whitefish City Council on May 6, 2019 subject to twenty-five (25) conditions of approval. On May 16, 2022, the Whitefish City Council granted a 2-year extension until May 6, 2024.

Following is a list of the conditions of approval and a discussion of how they have been met.

**COMPLIANCE WITH PRELIMINARY PLAT CONDITIONS OF APPROVAL:**

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

- Condition met. The final plat conforms to applicable City Codes and the approval granted.

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

- Condition met. Condition 18 has been met through the amended plat.

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


**Condition 4.** Approval of the preliminary plat is subject to approval of detailed design of all on and off-site improvements, including drainage. Through review of detailed road and drainage plans, the applicant is advised that the number, density and/or location of building lots, as well as the; location and width of the road right-of-way, and widths of rights-of-way, on-site retention needs, drainage easements, or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion.


**Condition 5.** Prior to ground disturbing activities, a plan shall be submitted for review and approval by the Public Works and Planning/Building Department. The plan shall include but may not necessarily be limited to the following:

- Dust abatement and control of fugitive dust.
- Hours of construction activity.
- Noise abatement.
- Control of erosion and siltation.
- Routing for heavy equipment, hauling, and employees.
- Construction office siting, staging areas, for material and vehicles, and employee parking.
- Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
- Detours of vehicular, pedestrian, and bicycle traffic as necessary.
- Notation of any street closures or need to work in the public right-of-way.


**Condition 6.** Improvements along the private road are required to be installed prior to an application for final plat. This includes street lighting and an installed sidewalk on one side of the road. Improvements must be reviewed and approved the Public Works Department. Street lighting shall be 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 §11-4-23; City Engineering Standards, 2009).
Condition 7. Separate water and sewer services must be provided to each lot in accordance with the City of Whitefish’s policies and design standards. (Whitefish Engineering Standards, Section 4)

Condition 8. An engineered stormwater plan must be submitted to the Public Works Department for review and approval as the impervious area exceeds 5,000 square feet. (Whitefish Engineering Standards, Section 5)

Condition 9. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving any storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)

Condition 10. All areas disturbed because of road and utility construction must be reseeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners’ association. (Subdivision Regulations §12-4-30)

Condition 11. Cash-in-lieu of parkland dedication must be provided in the amount of 11% of the net acreage of the subdivision for lots less than ½ acre. This amount must be provided at the time of final plat. (Finding 4; Subdivision Regulations §12-4-11)

Condition 12. The private access road must be located within a 50-foot wide easement, with a minimum 20-feet in width paved and the remaining 2-foot shoulders a suitable drivable surface and a hammerhead turn-around installed compliant with current fire codes. The private road must be maintained in all seasons to allow for emergency access. (Finding 1)
Condition 13. The Fire Marshal must approve the placement and design of any new fire hydrants prior to their installation and fire access. (IFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)

- Condition met. See Fire Marshal approval.

Condition 14. Any residential home more than 150-feet away from a fire hydrant must be sprinkled. (IFC; Finding 1)

- Condition met. Orchard Lane 4 covenants, conditions, and restrictions stipulate this in article 4 section 11. This is also noted on the face of the plat.

Condition 15. The private road must be named to facilitate emergency services, in accordance with the City’s Road Naming requirements. (Finding 4)

- Condition met. See face of plat.

Condition 16. The City Clerk must assign addresses to the subdivision prior to final plat. Such addresses must be shown on the face of the plat. Written confirmation from the City Clerk shall be submitted with the final plat application. (Flathead County Addressing Standards)

- Condition met. See face of plat for addresses.

Condition 17. Each lot must only be developed with a single-family dwelling and associated accessory buildings. No duplexes or other multi-family dwellings are permitted within the subdivision. (Finding 7)

- Condition met. See CC&R article 4 section 7 of Orchard Lane 4 CC&Rs. This is also noted on the face of the plat.

Condition 18. Lot 5 or Lot 6 must be eliminated so that only one flag lot exists within the proposed subdivision. (Finding 7; Zoning Regulations §11-3-14(A)(e))

- Condition met. See face of plat; only one flag lot remains. This is also noted on the face of the plat.

Condition 19. A tree retention plan must be submitted to the Planning Department for review and approval. Appropriate trees greater than 6-inches in diameter outside building envelopes, driveways and road must be preserved. (Subdivision Regulations §12-4-5)

- Condition met. See tree retention plan.

Condition 20. The following notes must be placed on the face of the plat:

- House numbers must be located in a clearly visible location and shall conform to the current Fire Code, as adopted by the City Council.
• All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development by the recorded property owner.

• Garbage must be stored in a secure location until the day of pick up or in a bear resistant container pursuant to Whitefish City Code §4-2-4A.

• The entire City of Whitefish falls within the Wildland Urban Interface. The City of Whitefish has adopted the 2012 International Wildland-Urban Interface code.

• The internal road shown on the final plat are intended to be privately owned and maintained and open to the public. It is understood and agreed that this internal roadway does not conform to City requirements for public roadways. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadways by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadway will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadway. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any government agency or public authority.

• Residential homes more than 150-feet away from an existing fire hydrant must be sprinkled.

• Only single-family dwellings and their associated accessory buildings are permitted on each lot.

(Staff Report Finding 4; Finding 1; Finding 7; Subdivision Regulations Appendix D)

• Condition met. See face of plat.

Condition 21. The location of mail facilities must be provided by the local post office prior to final plat submittal. (Subdivision Regulations §12-4-24)

• Condition met. See letter from City Clerk dated 7/25/2022.

Condition 22. Refuse and recycling locations must be reviewed and approved by the Public Works Department and Republic Services prior to final plat submittal. (Subdivision Regulations §12-4-21)

• Condition met. See correspondence from Republic Services dated 12/14/2022.

Condition 23. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) providing for:

• Long-term maintenance of all open spaces;
• Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
• Long-term maintenance plan for drainage and storm water management facilities.
• Long-term maintenance of the private access road, including maintenance in all seasons to allow for emergency access and snow removal.

(Finding 3; Finding 4; Subdivision Regulations §12-4-30; City Engineering Standards, 2009)
• Condition met. See attached stormwater management and maintenance plan, article 3 section 8, and article 4 section 16 of the CC&Rs.

**Condition 24.** The preliminary plat is valid for a period of three years from the date from Council Action.

• Condition met. City Council granted a 2 year extension on May 16th, 2022. Orchard Lane 4 preliminary plat’s expiration is now May 6th, 2024.

**Condition 25.** The private road must be signed ‘No Parking’ on either side for fire purposes. (Planning Board, 4-18-19)

• This condition has been met. The signage is installed on the private road.

Sincerely,

Nelson Loring
Planner I

Attachments:
- 2 reproducible mylars of final plat
- Final plat application, received 1-6-23
- Letter, applicant, 1-5-23
- Approval Letter, Whitefish Planning Department, 5-9-19
- Approval of Extension 5-17-2022
- Treasurer’s Certification, 10-24-22
- Letter, DEQ, EQ# 20-2162, 5-8-20
- Fidelity National Title # FT1585-224178 12-14-2022
- Fire Marshal Approval, 5-7-20
- Email, Republic Services 12-14-2022
- Public Works Approval 3-25-2020
- CC&R 1-27-2023
- Cash-In-Lieu Invoice 1-30-2023
- Stormwater facility Operation and Maintenance

C/w/att: Michelle Howke, Whitefish City Clerk

C/wo/att: Seven Hills Construction LLC, 830 Edgewood Place, Whitefish, MT 59937
Eric Mulcahy, Sands Surveying, Inc, 2 Village Loop, Kalispell, MT 59901
FINAL PLAT APPLICATION

FEES ATTACHED $3,574.00
(see current fee schedule)

INSTRUCTIONS:

☑ Submit the application fee, a complete application, with appropriate attachments, to the Whitefish Planning & Building Department no less than ninety (90) days prior to expiration date of the preliminary plat.

☐ When all application materials are submitted to the Planning & Building Department, and the staff finds the application is complete, the staff will submit a report to the City Council. Incomplete submittals will not be accepted and will not be forwarded to the Council for approval. Changes to the approved preliminary plat may necessitate reconsideration by the Planning Board.

☐ The regularly scheduled meetings of the City Council are the first and third Mondays of each month at 7:10PM in the Council Chambers at 418 E 2nd Street.

A. PROJECT INFORMATION:

Project/Subdivision Name: Orchard Lane 4

Legal Description of the Property: With the filing of the final plat the legal description will be Orchard Lane 4

Date of Preliminary Plat Approval: 5/9/19

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**

Date

Ben Davis

Applicant's Signature

Date

Ben Davis

Representative's Signature

Date

Ben Davis

Print Name

Print Name

Print Name

Print Name

Print Name

**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 12-18-19

Page 1 of 3
B. APPLICATION CONTENTS:
All applicable items required by Appendix C: Final Plat Contents of the Whitefish Subdivision Regulations must be submitted with the application for final plat including the following. Check items attached or not applicable.

<table>
<thead>
<tr>
<th>Not Applicable</th>
<th>Attached</th>
</tr>
</thead>
<tbody>
<tr>
<td>(MUST CHECK ONE)</td>
<td></td>
</tr>
</tbody>
</table>

Required  
Electronic version of the entire application and supplemental information (i.e. pdf)

Required  
Cover letter listing each condition of approval and individually state how each condition is specifically met. In cases where documentation is required, such as an engineer's certification, State Department of Health certification, etc., original letters shall be submitted. Blanket statements stating, for example, "all improvements are in place" are not acceptable.

Required  
Montana DEQ Health Department Certification (Original)

Required  
Title Report, not more than 90 days old

Required  
Tax Certification (Property taxes must be paid)

Required  
Consent(s) to Plat (Originals and notarized)

Required  
Engineer's Certification (Original)

Subdivision Improvements Agreement (Attach collateral)

Engineering Improvements (sidewalks, walkways, street lights, street signs, solid waste facilities, utilities)

Landscaping Improvements (landscaping, street trees, parkland improvements - trails, park facilities, )

Parkland Cash-in-Lieu (Check attached payable to City of Whitefish)

Maintenance Agreement (as applicable: stormwater facility, private roads, parks, etc)

Articles of Incorporation and Conditions, Covenants & Restrictions

Original Legacy Home deed(s) ready for City Manager signature

Approach Permit (when applicable)

Required  
Plat: One (1) 24x36 paper copy and two (2) mylars signed by all owners of record, the surveyor, and the examining land surveyor.

**NOTE: Please be advised that the County Clerk & Recorder and the City of Whitefish request that all subdivision final plat applications be accompanied with digital copies.

**A digital copy of the final plat in an AutoCAD file format (.dwg), consisting of the following layers:
1. Exterior boundary of subdivision
2. Lot or park boundaries
3. Easements
4. Roads or rights-of-way
5. A tie to either an existing subdivision corner or a corner of the public land survey system
C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:
Name: Seven Hills Construction LLC, Attn: Ben Davis Phone: (406) 552-0737-9444
Mailing Address: 830 Edgewood Place
City, State, Zip: Whitefish, MT 59937
Email: ben@sevenhillsmt.com

APPLICANT (if different than above):
Name: Same Phone:
Mailing Address: ____________________________
City, State, Zip: _____________________________
Email: _________________________________

OTHER TECHNICAL/PROFESSIONAL:
Name: Sands Surveying, Inc Phone: (406) 755-6481
Mailing Address: 2 Village Loop
City, State, Zip: Kalispell, MT 59901
Email: eric@sandssurveying.com

D. GENERAL DESCRIPTION OF SUBDIVISION

PROJECT DESCRIPTION:
Type of Subdivision: [✓] Residential [□] Industrial [□] Commercial [□] PUD [□] Other ____________
Total Number of Lots in Subdivision: 28
Land in Project (acres): 1.743 ac Parkland (acres): n/a
Cash-in-Lieu: $20,911.00 [□] Exempt
Legacy Homes # of units: _______ rent _______ own [□] Alternative Option [✓] Exempt

NUMBER OF LOTS BY TYPE:
Single Family: _______ Lots Townhouse: _______ Mobile Home Park: _______
Duplex: _______ Apartment: _______ Recreational Vehicle Park: _______
Commercial: _______ Industrial: _______ Planned Unit Development: _______
Condominium: _______ Multi-Family: _______ Other: _______
January 5, 2023

City of Whitefish Planning and Building Department
P.O. Box 158
Whitefish, MT 59937

RE: Final Plat submittal for Orchard Lane 4.

Dear Planning Office:

This cover letter is intended to give an overview of the conditions of approval and the supporting documentation for meeting the conditions of the Orchard Lane 4 Subdivision. The Whitefish City Council granted preliminary plat approval subdivision on May 6, 2019. On May 16, 2022 the City Council granted a two-year extension to the subdivision so that the subdivision now expires on May 6, 2024. The conditions of approval and the supporting documentation showing how the conditions are met are stated below and attached to the letter.

**Preliminary Plat Conditions**

**Condition #1:** The subdivision must comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code as amended by these conditions.

This condition is met. The Subdivision complies with Title 12 and Title 11.

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

This condition is met. The plat was amended to meet condition #18.

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

This condition is met. The applicant’s Engineer, Foley Engineering, has secured approval from the Whitefish Public Works Department. (See approval Letters from Whitefish Public Works Department dated 3/25/20).

Condition #4: Approval of the preliminary plat is subject to approval of detailed design of all on and off site improvements, including drainage. Through review of detailed road and drainage plans, the applicant is advised that the number, density and/or location of building lots shown on the preliminary plat may change depending upon constructability of on-site retention needs, drainage easements or other drainage facilities or appurtenances needed to serve the subject property and/or upstream properties as applicable. This plan shall include a strategy for long-term maintenance. Fill on-site shall be the minimum needed to achieve positive drainage, and the detailed drainage plan will be reviewed by the City using that criterion.

This condition is met. The applicant has secured approval from the Whitefish Public Works Department. (See approval Letters from Whitefish Public Works Department dated 3/25/20. See CC&R’s for long term maintenance strategy Section 4.7.

Condition #5: Prior to any ground disturbing activities, a plan shall be submitted for review and approval by the Public Works and Planning/Building Departments. The plan shall include, but not necessarily be limited to, the following:

• Dust abatement and control of fugitive dust.
• Hours of construction activity.
• Noise abatement.
• Control of erosion and siltation.
• Routing for heavy equipment, hauling, and employees.
• Construction office siting, staging areas for material and vehicles, and employee parking.
• Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
• Detours of vehicular, pedestrian, and bicycle traffic as necessary.
• Notation of any street closures or need to work in public right-of-way.

This condition is met. (See approval Letters from Whitefish Public Works Department dated 3/25/20).

Condition #6: Improvements along the private road are required to be installed prior to an application for final plat. This includes street lighting and an installed sidewalk on one side of the road. Improvements must be reviewed and approved by the Public Works Department. Street lighting shall be in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting must be dark sky compliant and meet the requirements of the City’s Outdoor Lighting ordinance.
This condition is met. See approval letters from the Whitefish Public Works Department dated 3/25/20. Street lights are the City approved standard lights and see Section 4.14 of the Orchard Lane 4 CC&R’s for on-site lighting

Condition #7: Separate water and sewer services must be provided to each lot in accordance with the City of Whitefish’s policies and design standards.

This condition is met. (See approval Letters from Whitefish Public Works Department dated 3/25/20).

Condition #8: San engineered stormwater plan must be submitted to the Public Works Department for review and approval as the impervious area exceeds 5,000 square feet.

This condition is met. (See approval Letters from Whitefish Public Works Department dated 3/25/20).

Condition #9: That a Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the stormwater drainage, water and sewerage treatment facilities for the subdivision.

This condition is met. (See MDEQ letters EQ# 20-2162, dated 5/8/20.)

Condition #10: All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or Homeowners association.

This condition is met. Weed management is addressed in Section 4.16 of the CC&R’s.

Condition #11: Cash-in-lieu of parkland dedication must be provided in the amount of 11% of the net acreage of the subdivision lots less than ½ acre. This amount must be provided at the time of final plat.

This condition is met. There is 1.016 net acres in lots. 11% of 1.016 acres is 0.11 acres. CAMA gives the property a value of $330,775.00 for 1.74 acres or $190,100.00 per acre. The value of 0.11 acres is $20,911.00. The applicant has provided a check to the city for the parkland cash-in-lieu amount.

Condition #12: The private access road must be located within a 50-foot wide easement, with a minimum 20-feet in width paved and the remaining 2-foot shoulders a suitable drivable surface and a hammerhead turnaround installed compliant with current fire codes. The private road must be maintained in all seasons to allow for emergency access.
This condition is met. See approval Letters from Whitefish Public Works Department dated 3/25/20. See section 3.8 of the Orchard Lane 4 CC&R’s for the road maintenance.

Condition #13: The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation and fire access.

This condition is met. The Fire Marshall signed the construction plans which showed the hydrant location and placement.

Condition #14: Any residential home more than 150-feet away from a fire hydrant must be sprinkled.

This condition is met. See section 4.11 of the Orchard Lane 4 CC&R’s for the lots and sprinkling requirements.

Condition #15: The private road must be named to facilitate emergency services in accordance with the City’s road naming requirements.

This condition is met.

Condition #16: The City Clerk must assign addresses to the subdivision prior to final plat. Such addresses must be shown on the face of the final plat. Written confirmation from the City Clerk shall be submitted with the final plat application.

This condition is met. The City clerk assigned the addresses for the subdivision and the appear on the face of the plat. See attached email.

Condition #17: Each lot must only be developed with a single family dwelling and associated accessory buildings. No duplexes or other multi-family dwellings are permitted within the subdivision.

This condition is met. See section 4.7 of the Orchard Lane 4 CC&R’s for the single family residence restriction.

Condition #18: Lot 5 and 6 must be eliminated so that only one flag lot exists within the proposed subdivision.

This condition is met. Lots 5 and 6 were combined so that there is only one flag lot within the subdivision.

Condition #19: A tree retention plan must be submitted to the Planning Department for review and approval. Appropriate trees outside building envelopes, driveways and roads must be preserved.

This condition is met. See page 3 of the Engineering Plans approved by Public Works.

Condition #20: The following notes shall be placed on the face of the final plat:
• House numbers shall be located in a clearly visible location and shall conform to the current Fire Code as adopted by the City Council.
• All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development by the recorded property owner.
• Garbage must be stored in a secure location until the day of pick up or in a bear resistant container pursuant to Whitefish City Code.
• The entire City of Whitefish falls within the Wildland Urban Interface. The City of Whitefish has adopted the 2012 International Wildland Urban Interface Code.
• The internal roads shall be shown on the final plat are intended to be privately owned and maintained and open to the public. It is understood and agreed that these internal roadways do not conform to the City requirements for public roadways. Because of the road configuration, grades and rights-of-way widths, these roads are not suitable for all-season maintenance by the public authority. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadways by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadways will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadways. Thus, the area encompassed by said private roadways will not be separately taxed or assessed by any government agency or public authority.
• Residential homes more than 150-feet away from an existing fire hydrant must be sprinkled.
• Only single family dwellings and their associated accessory buildings are permitted on each lot.

This condition is met. The notes appear on the face of the final plat.

Condition #21: The location of the mail facilities must be provided by the local post office prior to final plat submittal.

This condition is met. See letter from the City Clerk regarding addressing and mailbox placement.

Condition #22: Refuse and recycling locations must be reviewed and approved by the Public Works Department and Republic Services prior to final plat submittal.

This condition is met. See email from Republic Services.

Condition #23: Prior to approval of the final plat, the applicant shall produce a copy of the proposed CC&R’s for:

- Long-term maintenance of the open spaces;
- Long-term weed management plan. Weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
- Long-term maintenance plan for drainage and stormwater management facilities
• Long-term maintenance of the private access road, including maintenance in all seasons to allow for emergency access and snow removal.

This condition is met. Maintenance is addressed in Section 3.8 and 4.16 of the CC&R’s. The operation and Maintenance Manual for the Stormwater System will be filed with the subdivision paperwork.

Condition #24: This preliminary plat and planned unit development is valid for three years from Council action.

This condition is understood. The Whitefish City Council granted preliminary plat approval subdivision on May 6, 2019. On May 16, 2022 the City Council granted a two-year extension to the subdivision so that the subdivision now expires on May 6, 2024.

Condition #25: The private road must be signed ‘No Parking’ on either side for fire purpose.

This condition is met. Signage is in place.

A title report is included with this application. Taxes are paid in full. Should you have any questions regarding this final plat application, please contact me at 755-6481.

Sincerely,

Eric H. Mulcahy, AICP
Sands Surveying Inc.

Attachments: Final Plat Application
- $3,574.00 Application Fee
- Letter – Brent Foley, PE (10/11/22)
- MPE sign off by Whitefish Public Works Department, dated 4/15/20
- Trees Preservation Plan – Page 3 of Engineering Plan
- City Clerk Approval of Addresses and mailbox
- CC&R Orchard Lane 4
- MDEQ letters EQ#20-2162, dated 5/8/20
- Plan signature – Fire Marshal, Travis Tviedt (5/7/2020)
- Email – Republic Services
- Parkland Cash-in-Lieu $20,911.00
- Title Report – FT1585-2241178 dated 12/14/22
- Tax Certification
May 9, 2019

Sage Partners LLC
814 Columbia Avenue
Whitefish, MT 59937

Re: Orchard Lane 4 Subdivision; (WPP 19-06)

Dear Mr. Simonson:

On May 6, 2019, the Whitefish City Council approved your request for a preliminary plat subject to twenty-five (25) conditions of approval, enclosed herein. The preliminary plat approved was shown on a set of plans submitted February 28, 2019.

The preliminary plat is valid for a period of three years from the date of approval or until May 6, 2022.

Sincerely,

Bailey Minnich, AICP, CFM
Planner II

C: Public Works Department
Fire Department
Building Department
Sands Surveying, Inc.
The Whitefish City Council approved the project subject to the following conditions of approval:

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

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

3. Prior to any pre-construction meeting, construction, excavation, grading or other terrain disturbance, plans for all on and off-site infrastructure must be submitted to and approved by the Whitefish Public Works Department. The improvements within the development must 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 must approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements must be submitted as a package and reviewed concurrently. No individual improvement designs must be accepted by Public Works. (City Engineering Standards, 2009)

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

5. Prior to any ground disturbing activities, a plan must be submitted for review and approval by the Public Works and Planning/Building Department. The plan must include, but may not necessarily be limited to, the following:
   - Dust abatement and control of fugitive dust.
   - Hours of construction activity.
   - Noise abatement.
   - Control of erosion and siltation.
• Routing for heavy equipment, hauling, and employees.
• Construction office siting, staging areas for material and vehicles, and employee parking.
• Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
• Detours of vehicular, pedestrian, and bicycle traffic as necessary.
• Notation of any street closures or need to work in public right-of-way. (City Engineering Standards, 2009)

6. Improvements along the private road are required to be installed prior to an application for final plat. This includes street lighting and an installed sidewalk on one side of the road. Improvements must be reviewed and approved the Public Works Department. Street lighting shall be 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 §11-4-23; City Engineering Standards, 2009).

7. Separate water and sewer services must be provided to each lot in accordance with the City of Whitefish’s policies and design standards. (Whitefish Engineering Standards, Section 4)

8. An engineered stormwater plan must be submitted to the Public Works Department for review and approval as the impervious area exceeds 5,000 square feet. (Whitefish Engineering Standards, Section 5)

9. A Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving any storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)

10. All areas disturbed because of road and utility construction must be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds. All noxious weeds, as described by Whitefish City Code, shall be removed throughout the life of the development by the recorded property owner or homeowners’ association. (Subdivision Regulations §12-4-30)

11. Cash-in-lieu of parkland dedication must be provided in the amount of 11% of the net acreage of the subdivision for lots less than ½ acre. This amount must be provided at the time of final plat. (Finding 4; Subdivision Regulations §12-4-11)

12. The private access road must be located within a 50-foot wide easement, with a minimum 20-feet in width paved and the remaining 2-foot shoulders a suitable drivable surface and a hammerhead turn-around installed compliant with current fire codes. The private road must be maintained in all seasons to allow for emergency access. (Finding 1)
13. The Fire Marshal must approve the placement and design of any new fire hydrants prior to their installation and fire access. (IFC; Subdivision Regulations §12-4-18; Engineering Standards, 2009)

14. Any residential home more than 150-feet away from a fire hydrant must be sprinkled. (IFC; Finding 1)

15. The private road must be named to facilitate emergency services, in accordance with the City’s Road Naming requirements. (Finding 4)

16. The City Clerk must assign addresses to the subdivision prior to final plat. Such addresses must be shown on the face of the plat. Written confirmation from the City Clerk shall be submitted with the final plat application. (Flathead County Addressing Standards)

17. Each lot must only be developed with a single-family dwelling and associated accessory buildings. No duplexes or other multi-family dwellings are permitted within the subdivision. (Finding 7)

18. Lot 5 or Lot 6 must be eliminated so that only one flag lot exists within the proposed subdivision. (Finding 7; Zoning Regulations §11-3-14(A)(e))

19. A tree retention plan must be submitted to the Planning Department for review and approval. Appropriate trees greater than 6-inches in diameter outside building envelopes, driveways and road must be preserved. (Subdivision Regulations §12-4-5)

20. The following notes must be placed on the face of the plat:
   - House numbers must be located in a clearly visible location and shall conform to the current Fire Code, as adopted by the City Council.
   - All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development by the recorded property owner.
   - Garbage must be stored in a secure location until the day of pick up or in a bear resistant container pursuant to Whitefish City Code §4-2-4A.
   - The entire City of Whitefish falls within the Wildland Urban Interface. The City of Whitefish has adopted the 2012 International Wildland-Urban Interface code.
   - The internal road shown on the final plat are intended to be privately owned and maintained and open to the public. It is understood and agreed that this internal roadway does not conform to City requirements for public roadways. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roads by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadway will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of
said roadway. Thus, the area encompassed by said private roadway will not be separately taxed or assessed by any government agency or public authority.

- Residential homes more than 150-feet away from an existing fire hydrant must be sprinkled.
- Only single-family dwellings and their associated accessory buildings are permitted on each lot.

(Staff Report Finding 4; Finding 1; Finding 7; Subdivision Regulations Appendix D)

21. The location of mail facilities must be provided by the local post office prior to final plat submittal. (Subdivision Regulations §12-4-24)

22. Refuse and recycling locations must be reviewed and approved by the Public Works Department and Republic Services prior to final plat submittal. (Subdivision Regulations §12-4-21)

23. Prior to approval of the final plat, the applicant shall produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) providing for:
   - Long-term maintenance of all open spaces;
   - Long-term weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat; and
   - Long-term maintenance plan for drainage and storm water management facilities.
   - Long-term maintenance of the private access road, including maintenance in all seasons to allow for emergency access and snow removal.

   (Finding 3; Finding 4; Subdivision Regulations §12-4-30; City Engineering Standards, 2009)

24. The Orchard Lane 4 preliminary plat is approved for three years from Council action. (Subdivision Regulations, §12-3-8)

25. The private road must be signed ‘No Parking’ on either side for fire purposes. (Planning Board, 4-18-19)
May 17, 2022

Ben Davis  
Seven Hills Construction  

RE: Extension of Preliminary Plat for Orchard Lane 4 Subdivision (WPP 19-06)  

Dear Mr. Davis:  

On May 16, 2022, the Whitefish City Council granted your request for a two-year extension, as provided for in §12-3-8B of the Whitefish Subdivision regulations. The expiration of the Orchard Lane 4 preliminary plat is now May 6, 2024.  

Sincerely,  

/s/ Wendy Compton-Ring  

Wendy Compton-Ring, AICP  
Senior Planner
This Form is for Subdivisions Only

BY: Sands
FOR: Seven Hills Construction LLC
DESCP: Orchard Lane 4 Subdivision 25-31-22

YEARS
2019 thru 2021
2022

ASSESSOR #
0010483
same (updated 11/18/2022 sa)

I hereby certify that there are no outstanding taxes on the property assigned the assessor numbers listed above, for the years indicated for each assessor number.

NOV 18 2022

Deputy Treasurer
May 8, 2020

Brent Foley
Foley Engineering
26 Village Loop
Kalispell MT 59901

RE: Orchard Lane 4 Subdivision
Municipal Facilities Exclusion
EQ# 20-2162
City of Whitefish
Flathead County

Dear Mr. Foley;

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA. Under 76-4-125(1)(d), MCA, this subdivision is not subject to review, and the Declaration can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed 76-4-131. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section's approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

Orchard Lane 4 Subdivision Municipal Facilities Exclusion will consist of 5 Single Family Lots.

Sincerely,

Rachel Clark
Department of Environmental Quality
Engineering Bureau
Public Water & Subdivision Review
(406) 444-6722
email rclark@mt.gov

cc: City Engineer
    County Sanitarian
    Owner
    file
Subdivision Name: Orchard Lane 4  
Number of lots/parcels/units: 5 / /

Geocode: 07-4292-25-4-03-41-0000 (this can be found at http://svc.mt.gov/msl/mtcadastral)

Are main extensions necessary to serve the subdivision? _Yes _No  
If yes, have plans for the mains been submitted for review? _Yes _No

How will construction of the facilities be financed? N/A

Owner Information:
Owner(s) Name: Sage Partners, LLC - Attn: Jules Simonson

Print name of owner(s)  
Signature of all owners of record

Address: P.O. Box 4713, Whitefish, MT 59937

Email: djsimonson@gmail.com  
Phone: (406) 212-6470

Consultant Information:
Company and Address: Foley Engineering, 26 Village Loop, Kalispell, MT 59901

Email: brent@foleyeng.com  
Phone: (406) 314-6490

Eligibility Requirements: All of the following criteria must be met:

- The project must be provided with adequate municipal WSD water and sewer, solid waste disposal and the municipality must review storm water plans.
- All the mains necessary to serve the subdivision must be municipality owned, operated and maintained. Privately owned mains or lift stations make the project ineligible for this exemption.
- The County WSD must be incorporated under Title 7, Chapter 13, MCA.
- The municipality must be a 1st or 2nd class municipality as described in MCA 7-4-111 or covered under a growth policy pursuant to Title 76, chapter 1.

The project must be one of the following (check applicable box):

- A new division subject to review under the Montana Subdivision and Platting Act, or
- Previously divided parcels recorded with Sanitary Restrictions prior to July 1, 1973 or
- Divisions or parcels of land that are exempt from Montana Subdivision and Platting Act review under 76-3-203 or 76-3-207 (1) (a), (b), (d), (e), or (f)

Form continues on next page
Submittal Requirements: All of the following items must be submitted:

- This form, signed by the property owner, and the municipalities' representative.
- Copy of Preliminary Plat, COS, Amended Plat or Unit Declaration. The Plat, COS, Am Plat or Unit Declaration must contain the exemption 76-4-125 (1)(d)(i), (ii) or (iii). If using item (iii), the Plat, COS, Am Plat or Unit Declaration must also contain the appropriate Platting Act exemption.
- Vicinity map showing project location.
- Applicable zoning ordinances in effect ___ on file
- Copy of growth policy, if applicable ___ on file
- $120 processing fee

Certification:

I hereby certify that I am licensed to practice engineering in the State of Montana, I am employed directly or retained by the municipality providing service and am authorized to sign on behalf of the municipality. In addition, I hereby certify that:

1. The existing water and wastewater systems are in compliance with the provisions of Title 75, chapters 5 and 6, and
2. The water and wastewater systems have adequate capacity to meet the needs of the project, and
3. The municipality has or will review plans to ensure adequate storm water drainage and adequate solid waste disposal.

(Signature of Professional Engineer)

Montana P.E. Number PE-L-PE-LIC 12649

April 15, 2020

(Date Signed)

Send to: MTDEQ Subdivisions
PO Box 200901
Helen MT 59620-0901

PE Stamp
ORCHARD LANE 4
SUBDIVISION
WHITEFISH, MONTANA

PREPARED FOR:
SAGE PARTNERS, LLC

BY:

FOLEY ENGINEERING

SHEET INDEX

SHEET #  TITLE
1  COVER SHEET
2  NOTES AND LEGEND
3  EXISTING CONDITIONS
4  SITE PLAN
5  GRADING AND EROSION CONTROL
6  MAIN ACCESS ROAD
7  LOT-5 ACCESS
8  WATER AND SEWER SERVICES
9  STORM MAIN
10  RAIN GARDENS
11  STORMWATER DETENTION FACILITY
12  TYPICAL UTILITY DETAILS
13  TYPICAL SITE DETAILS
14  PROPOSED SITE EASEMENTS

CONTACT INFORMATION

ENGINEER:
FOLEY ENGINEERING, INC.
PROJECT CONTACT: BRENT FOLEY, P.E.
26 VILLAGE LOOP
KALISPELL, MONTANA 59901
PHONE: (406) 291-3331

OWNER/DEVELOPER:
SAGE PARTNERS, LLC
PROJECT CONTACT: JULES SIMONSON
814 COLUMBIA AVE.
WHITEFISH, MT 59937
PHONE: (403) 930-4601

City Council Packet, February 6, 2023 Page 85 of 239
Eric Mulcahy

From: ben sevenhillsmt.com <ben@sevenhillsmt.com>
Sent: Wednesday, December 14, 2022 10:10 AM
To: Eric Mulcahy
Subject: FW: Trash pickup location confirmation - Orchard Lane 4

From: Persinger, Jake <JPersinger@republicservices.com>
Sent: Wednesday, December 14, 2022 7:17 AM
To: ben sevenhillsmt.com <ben@sevenhillsmt.com>
Subject: RE: Trash pickup location confirmation - Orchard Lane 4

Ben, will access to lot 4 and 5 be via driveway or is that all part of Orchard Lane? You are correct about the trash collection, it will be via single family carts located in garages and serviced at the curb of Orchard lane.

Jake Persinger
Operations Supervisor

5445 Hwy 93 South
Whitefish MT 59937
e: jpersinger@republicservices.com
o: 406 303-3739
c: 406 250-5442
w: RepublicServices.com

Sustainability in Action

From: ben sevenhillsmt.com <ben@sevenhillsmt.com>
Sent: Tuesday, December 13, 2022 2:26 PM
To: Persinger, Jake <JPersinger@republicservices.com>
Subject: Trash pickup location confirmation - Orchard Lane 4

Hi Jake,

We are finalizing the subdivision called Orchard Lane 4 which is located at the property formerly known as 415 ½ Colorado Ave in Whitefish. It is a 5 lot single family subdivision located on the east side of Colorado Ave. I would like to request confirmation of the trash pickup plan per city regulation. We are expecting that it will be serviced by single family carts located in the garages. I have attached the site plan. If you have any questions please let me know.
Thanks,
Ben

Ben Davis
Owner
Seven Hills Construction

SevenHillsMT.com
Facebook.com/SevenHillsMT
Ph: 406-471-5618 cell, 406-552-0737 office
Email: ben@sevenhillsmt.com
March 25, 2020

Ms. Nicole Costello, P.E.
Foley Engineering, Inc
26 Village Loop
Kalispell, MT 59901

Re: Orchard Lane 4 Approval

Dear Nicole:

This letter is regarding the Orchard Lane 4 Plans and Specifications. The revised plans, received on February 24th, have been reviewed and approved by the Public Works Department. The City’s water and sewer system have adequate capacity to serve this project. Approval is subject to the following conditions:

- Inspection must be provided for the water, sewer, street and stormwater construction.
- The utility easement sheet has been provided.
- The private road must be signed ‘No Parking’ on either side for fire purposes.
- A tree retention plan must be submitted to the Planning Department for review and approval. Appropriate trees greater than 6-inches in diameter outside building envelopes, driveways and road must be preserved.
- Erosion and sediment control measures must be installed prior to the start of construction.
- It is the responsibility of the developer to obtain applicable permits required by other agencies.
- Maintenance of the project’s stormwater facilities is the responsibility of the Orchard Lane 4 Homeowners Association.

Upon project completion, the Professional Engineer shall submit record drawings in accordance with the December 2019 Whitefish Engineering Standards. Any contractor working in the City right-of-way must fill out a right-of-way permit with the associated insurance and bonding requirement. Please call to schedule a pre-construction meeting prior to the start of the project. If you have any questions, please call me at 890-3709 (cell).

Sincerely,

Karin Hilding, P.E.
Senior Project Engineer
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR ORCHARD LANE SUBDIVISION

The undersigned, Seven Hills Construction, LLC, developer of all real property described herein, hereby affirmatively imposes upon and subjects the Flathead County, Montana real property described as follows:

A TRACT OF LAND, SITUATED LYING AND BEING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.M., FLATHEAD COUNTY, MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT: LOT 3 OF 407 BLA SUBDIVISION
together with any other real property (herein sometimes the “Subdivision”), to the covenants, conditions, restrictions and easements set forth herein. These restrictive covenants, conditions, restrictions and easements shall run with the land and shall be binding upon all parties and all persons claiming under it, and for the benefit of, and limitation upon, all future owners of all lots in the Subdivision.

ARTICLE I: DEFINITIONS

1. **Association.** “Association” shall mean and refer to the Association created by Developer or to be created by Developer for purposes of administering these Covenants, Conditions, and Restrictions, including but not limited to imposing and collecting assessments.

2. **Subdivision.** “Subdivision” shall mean all real property collectively described herein.

3. **Common Area.** “Common Area” shall mean all that area that is labeled as Homeowner Park Area on the plat of the Subdivision and any Private Roads or Right of Ways within the Subdivision, as well as all utilities and the stormwater retention system servicing the Subdivision. Title of the Common Areas is to be held by the Association.

4. **Developer.** “Developer” shall mean and refer to Seven Hills Construction, LLC and its successors and assigns if such successors or assigns should expressly acquire rights as Developer.

5. **Governing Body.** “Governing Body” shall refer to the City of Whitefish.

6. **Lot.** “Lot” shall mean and refer to any parcel of land shown upon the recorded plat map of the Real Property subject to this Declaration with the exception of the Common Area and all roads, dedicated or private.
7. **Member.** "Member" shall mean and refer to every person or entity who is a Member of the Association as described in Article II.

8. **Owner.** "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of any Lot which is a part of the Real Property, including buyers under a contract for deed, but excluding those having such interest merely as security for the performance of an obligation.

9. **Private Roads.** "Private roads" shall mean the interior subdivision road as shown on the preliminary plat of the Subdivision. Title of the Private Roads is to be held by the Association. Private Roads shall be a Common Area.

10. **Real Property.** "Real Property" shall mean and refer to that certain real property described hereinabove.

11. **Single Family Residence.** "Single Family Residence" shall mean a building containing a dwelling unit, including facilities for cooking, sanitation, and sleeping, and designed for occupancy by one family.

12. **Accessory Dwelling Units.** "Accessory Dwelling Unit" ("ADU") shall mean any detached building containing, within the ADU, one dwelling unit or mother in-law suite, which includes facilities for cooking, sanitation, and sleeping. ADUs shall only be allowed if authorized and approved by all applicable governing bodies.

13. **Period of Declarant Control.** "Period of Declarant Control" shall mean the period beginning on the date this Declaration is first recorded in the office of the Clerk and Recorder of Flathead County, Montana and ending on the earlier of: (a) the date which is 20 years later, or (b) the date on which the Declarant has sold 100% of the lots within Orchard Lane Subdivision.

**ARTICLE II: MEMBERSHIP & VOTING RIGHTS**

1. **Membership.** Every person or entity who is an Owner of any Lot, including buyers under a contract for deed, shall be a Member of the Association described in Article III. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation. Acceptance of title to any Lot whether by deed or other form of conveyance, shall be deemed consent to membership in the Association, which membership shall be automatic, and which an Owner of a Lot cannot elect not to be a Member. Membership shall be appurtenant to, and may not be separated from ownership of the Lot. Ownership of such Lot shall be the sole qualification for membership, except the Developer shall be considered as an Owner for the purposes of Association membership, and shall therefore be a Member of the Association, so long as the Developer owns one (1) or more Lots. The Association if it acquires an interest in a Lot, which would otherwise qualify it for membership, shall not be considered a Member either for voting or assessment purposes.

2. **Voting Rights.** As to this Declaration, the Owners of Lots shall be entitled to one vote for each Lot in which they have controlling ownership interest, except for so long as the Developer is the Owner of at least one Lot, in which case the Developer shall control all voting rights. When more than one person or entity owns an interest in any Lot, the vote for such Lot shall be exercised as such persons or entities determine, but in no event may more than one vote per Lot be cast, except as previously stated.

3. **Rules and Regulations.** The Association may promulgate such rules and regulations, as it deems necessary and appropriate for the use of the Common Areas and Private Roads as identified on the plat of the Real Property.
Property. Rules and regulations promulgated by the Association shall only be effective with 60% of votes of the Board of Directors.

ARTICLE III: HOMEOWNERS’ ASSOCIATION

1. Homeowners’ Association. The Developer has created or will create a Montana non-profit corporation to act as the Homeowners’ Association (“Association”) in conjunction with the administration of the Declaration. The Association shall administer the terms and provisions of this Declaration and take such action as may be reasonable or necessary to carry out the functions of a Homeowners’ Association. The Association shall be governed by Bylaws adopted by the Members of the Association.

2. Duties of the Association. The Association shall be responsible for the care and maintenance of the Common Areas and each Lot Owner’s use of the Common Areas shall be governed by such rules as adopted by the Association. Common Areas as used herein shall include utilities, stormwater systems, parks, pathways, entryways into the Subdivision, and all non-city or county roads which are for the benefit of the Subdivision, whether located within or without the Subdivision. Any adjacent properties developed by Developer, the owners of which become or are Members of the Association, shall be entitled to utilize the Common Areas. For the purpose of maintaining and caring for these Common Areas, and in connection with operation of the Association, the Board of Directors may make reasonable annual assessments to the Lot Owners and such assessment may be collected in a suit subject to the provisions stated below for enforcement of covenants, and may become a lien upon a Lot by filing by the Board of Directors of a lien which shall describe the Lot, state the amount of the unpaid assessment and the date of such assessment. A Lot Owner whose Lot is subject to such lien must pay the assessment, interest at ten percent (10%) per annum until paid, costs for preparation of the lien and lien release, and all recording fees before the lien is released. The Association is empowered to initiate any legal action to enforce payment of any past-due assessments or dues, including an action to foreclose any lien on a Subdivision Lot. This lien may also be foreclosed in the manner of foreclosure for mortgages. In the event of litigation, the prevailing party shall be entitled to attorney’s fees and costs.

3. Dues and Assessments. Association dues and assessments shall be determined from time to time by the Board of Directors. Notwithstanding anything contained herein to the contrary, no amount shall be assessed or otherwise charged to Developer with respect to any Lots owned by the Developer, nor shall Developer’s Lots be assessed, encumbered, liened, or otherwise charged for any such dues or assessments. The foregoing shall include Association dues and assessments, and any other amounts charged, levied, or assessed any Subdivision Lot Owner with respect to ownership of property within the Subdivision, with the exception of real property taxes and assessments on Subdivision Common Areas. Real property taxes and assessments shall be allocated among the Lots, including Developer’s Lots, in accordance with Article V of this Declaration.

4. Architectural Control Committee. An Architectural Control Committee is hereby formed and shall initially consist of one (1) Member, who shall be the Declarant, until such time as the Period of Declarant Control has elapsed. At such time as the Association is formed, the Architectural Control Committee shall consist of three (3) or more persons as determined by the Association, and the Members of such committee shall be elected by the Members of the Association. All Lot Owners intending to construct a dwelling or build any structure or remove any trees or vegetation upon the any Lot shall first submit their plans and specifications in writing to the Architectural Control Committee. Plans must include proposed exterior colors and materials and landscaping plans, and such other information and detail required or requested by the Committee. Any proposed plan and other related or required information shall be submitted with the applicable fee, if any, that is required by the Architectural Control Committee. Notwithstanding the foregoing, any structure(s)
constructed by Developer during the period of Declarant Control will not be subject to the Architectural Review Committee or its governance, this specifically includes but is not limited to the review and approval of structures, fences and landscaping.

5. **Enforcement.** The Association or any Lot Owner shall have the option and right to enforce by any proceeding at law or in equity all restrictions, conditions, covenants, reservations and charges now or hereafter imposed by the provisions of this Declaration. Each Owner may submit to the Association any complaint regarding alleged violation of this Declaration by any other Owner. Upon receipt of such complaint to Association shall conduct a reasonable investigation of the alleged violation. If the Association, in its sole discretion, deems that the complaint has merit it may elect to seek enforcement of this Declaration pursuant to this section. In any event the decision of the Association as to the merit of the complaint or its decision to pursue or not pursue enforcement of this Declaration shall not limit or restrict in any way any individual Owner’s pursuit of enforcement of this Declaration. The method of enforcement may include legal action seeking an injunction or prohibit any violation to recover damages or both. Failure by any Owner or by the Developer to enforce any such provisions shall in no event be deemed a waiver of the right to do so thereafter. Should any law suit or other legal proceeding be instituted against an Owner who is alleged to have violated one or more of the provisions of this Declaration, the prevailing party in such proceeding shall be entitled to reimbursement for the costs of such proceeding, including reasonable attorney’s fees.

6. **Incorporated Conditions.** Any Covenants, Conditions and Restrictions imposed at the time of Subdivision approval shall be and are hereby incorporated herein as part of these Covenants, Conditions and Restrictions to the extent they control or restrict use of the Property.

7. **Common Areas.** The Association shall maintain the Common Areas as is reasonably necessary and maintained in a manner so as to not impact the natural scenery of the area. The Association shall maintain the stormwater retention system(s) in accordance with the systems operation manual, and shall maintain all other utility and service lines in accordance with industry standard.

8. **Private Road Maintenance.** The Association shall be responsible for the maintenance of the Private Roads. Such maintenance shall include storm water retention areas associated with the roads, snow removal, road signs, and other road fixtures.

9. **Additional Services.** The Association may provide additional services as it deems necessary. The Association may provide such services for all or a portion of the Real Property within the Subdivision or with which it may contract and levy assessments on such portion of its Members or others as derive benefits from the services provided.

10. **Management During Period of Declarant Control.** During the Period of Declarant Control, Declarant may appoint, remove and replace from time to time any or all of the Directors and Officers of the Homeowner’s Association.
ARTICLE IV: LIMITATIONS AND RESTRICTIONS ON PROPERTY RIGHTS

1. **Members’ Easement of Enjoyment Roadway.** Every Member shall have a right and easement of enjoyment in and to the Common Areas and Private Roads within the Subdivision and such easement shall be appurtenant to, and shall pass with, the title to every Lot, subject to the following provisions:

   i. The right of the Association to provide reasonable restrictions on use of the Common Areas and Private Roads for the overall benefit of its Members;

   ii. The right of the Association to charge reasonable fees for maintenance and snow removal and other fees for the use of the Common Areas and Private Roads;

   iii. To the extent permitted or authorized by the Governing Body, the right of the Association or Developer to dedicate or transfer all or any part of the Common Areas or Private Roads to a public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon by the Association;

   iv. The right of the Developer to grant easements for the use of the Private Roadway and within the Subdivision for the benefit of owners of real property located adjacent to the Subdivision whether or not said real property(ies) is/are annexed by Developer. Any such grant of easement shall be reduced to writing and filed with the Flathead County Clerk and Recorder.

   v. The right of the Developer to grant easements under any Common Areas and Private Roads to any public agency, authority, or utility; and

   vi. The right of the Developer to run utility service lines or connections, including a water or sewer system that serves any portion of the Real Property under or through any Common Areas and Private Roads.

2. **Members’ Easement of Enjoyment Roadway Utility, Service and Stormwater.** Utility lines, service lines and a stormwater system are developed or are being developed and be developed which utility lines, service lines and stormwater system shall service and be for the benefit of all Lots within the Subdivision. In connection with the Association’s ownership of the utilities, services lines and stormwater system, the Association and its Members shall have and enjoy an easement for access to the utility lines, service lines and a stormwater system for purposes of maintenance, repair and replacement of same, all in accordance with industry standard and in accordance with the stormwater system manual.

3. **No Further Subdivision.** No lot shall be further subdivided.

4. **Assignment of Use.** Any Member may assign, in accordance with this Declaration, his right of enjoyment to the Common Areas and Private Roads and facilities to the members of his family or others who reside on the Real Property.

5. **Rentals.** Rental of any Lot shall be governed by the governing body’s zoning rules and regulations.

6. **Residential Character.** No Lot shall be used except as a residence and no building shall be erected, altered, placed or permitted to remain except for residential purposes, except with the prior approval of the Architectural Control Committee. Residential purposes include renting a residence or ADU as a long-term...
or short-term rental, if allowed by the Governing Body. Outbuildings or ADUs (which may include guest quarters and mother-in-law suites) shall conform in appearance with the single-family residence and must be approved by the Architectural Control Committee, which shall have the right, in its discretion, to not allow any outbuildings or ADUs which, in the opinion of the Architectural Control Committee impede an adjoining property owner's use or enjoyment of his/her property (including the view from such property), do not fit with the character of the surrounding residences, or are otherwise objectionable. Notwithstanding the foregoing, any structure(s) constructed by Developer during the period of Declarant Control will not be subject the Architectural Review Committee or its governance, this specifically includes but is not limited to the review and approval of structures, fences and landscaping.

7. **Commercial Activity Prohibited.** Except as set forth in this Article, all Lots shall be used for single family residential use. No profession, business, manufacture, trade, or commercial activity may be conducted on the premises (except home occupations that do not increase traffic within the Subdivision). Notwithstanding anything contained herein to the contrary, no property Owner shall use his/her property to operate a daycare, pre-school, or other care facility, dog kennel, community residential facility or recreational facility. Single family residential use includes renting a residence or ADU as a long-term or short-term rental, if allowed by the Governing Body.

8. **Construction Approval.** No dwelling house or other structure or fence shall be erected, placed or altered on any Lot until the construction plans and specifications have been approved in writing by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and location of the structure with respect to topography and finish grade elevation. Approval or disapproval by the Architectural Control Committee must be in writing. In the event the Architectural Control Committee fails to act within forty-five (45) days after the complete plans and specifications of any structure, together with any required fee, have been submitted in writing, or in any event, if no suit to enjoin the construction has commenced prior to the completion of an entire dwelling, no specific approval shall be required for such structure and the pertinent provisions of this Declaration shall be deemed to have been fully complied with. Notwithstanding the foregoing, any structure(s) constructed by Developer during the period of Declarant Control will not be subject the Architectural Review Committee or its governance, this specifically includes but is not limited to the review and approval of structures, fences and landscaping.

9. **Construction Limits.** No temporary building, house trailer, mobile home, or other temporary structure shall be erected or placed upon this property during construction. All construction, including landscaping, shall be complete within one (1) year from the date construction begins. No residence shall have more than two levels. A basement area shall **not** count as one level of the two allowable levels. A residence with a daylight basement shall have at least one outside access, and the ground level immediately outside of the basement access shall be at least six inches (6") below the floor level of the walkout basement, and there shall be proper drainage away from the residence.

10. **Construction Boundaries.** All lots shall follow boundaries defined by applicable city zoning. Further, no driveways, sidewalks, landscaping, hardscaping or other objects shall be placed in or interfere with the stormwater system.

11. **Fire Safety Measures.** Only Class A and Class B fire-rated roofing materials, as rated by the National Fire Protection Association, are allowed for use in construction or repair. Use of wood shakes is discouraged, due to their flammability. Any lot that is not within 150' of a fire hydrant must have fire sprinklers.
12. **House Numbers.** All house numbers shall be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches (4") in height per number.

13. **Fence Limitations.** No fence erected in the backyard, i.e. fences backward from the rear of a house shall be over six feet (6') in height. No fence erected in the front yard, i.e. fences forward from the rear of the house, shall be over three feet (3') in height. No chain link fencing shall be allowed. All fence designs/plans, including the materials the Owner plans to use, must be submitted to the Architectural Control Committee for approval. All wood fences or fencing shall be maintained by painting, staining, or as otherwise necessary.

14. **Lighting.** All lighting within the Subdivision, and on each individual Lot, shall follow City mandates for dark sky lighting. Lot 1 shall connect and power the single streetlight in the Subdivision once a house is built.

15. **Exterior Utilities.** All utility lines shall be underground. There shall be no exterior antennas except for small satellite dishes, which shall be unobtrusive.

16. **Signs.** No advertising signs, billboards, or unsightly objects shall be erected, placed, or permitted to remain on any Lot with the following exceptions:
   
i. One sign up to ten square feet in size identifying the contractor of a building under construction;
   
ii. One sign up to ten square feet in size identifying the architect of a building under construction;
   
iii. Signs erected within the subdivisions by the Developer promoting the development of the Real Property and subdivisions;
   
iv. A sign not to exceed two square feet in surface area identifying the owner or occupant of the residential structure located on a Lot so long as the sign is permanently affixed to the structure;
   
v. A standard “For Sale” sign up to six (6) square feet in size; and
   
vi. Political signs are allowed thirty (30) days prior to election and one (1) week after.

17. **Lot Maintenance.** Landscaping of the entire Lot shall occur simultaneously with the construction of other improvements on the Lot. All yards and landscaping shall be maintained and shall not be allowed to become unsightly. Lawns and native grasses shall be mowed on a regular basis. All weeds, including any noxious weeds, shall be eradicated or controlled and all property Owners shall comply fully with Montana law regarding the control or eradication of noxious weeds.

Basic landscaping, including finish grading, seeding or sodding, must be completed prior of within 90 days after date of occupancy (weather permitting). Each Owner shall be responsible for planting and maintaining the rain garden in front of their lot according to the specifications in the Stormwater O&M Manual and approved engineering plans.

Each Owner shall have the responsibility to maintain the grounds of his/her/its Lot, including the mowing of grass, removal of weeds, and proper trimming of bushes and trees. Each Owner is responsible for revegetation of disturbed areas on that Owner’s Lot and for the control and eradication of noxious weeds on that Owner’s Lot in accordance with the requirements of the State laws and Flathead County Weed and Parks Department or successor agency.
18. **Structure Maintenance.** All structures and improvements placed upon the property shall be kept in good repair and appearance, including all fencing and outbuildings. All structures shall be preserved and of pleasant appearance by maintaining paint, stain, or sealer as needed. If any structure is damaged in any way, the Owner shall with due diligence rebuild, repair, and restore the structure to its appearance and condition prior to the casualty.

19. **Damaged Property.** Any dwelling damaged by fire or other casualty must be removed from the premises and repairs commenced within one hundred and twenty (120) days. Reconstruction or repair of any structure (including any landscaping) shall be completed within nine (9) months of any casualty that damaged or destroyed any improvements or landscaping, unless an extension of time is granted by the Association.

20. **Government and Agency Laws.** All Lot Owners must comply with the laws and regulations of the State of Montana, Flathead County and the City of Whitefish as to fire protections, building construction, sanitation, sewage disposal, air pollution, and public health and safety, and Building Notification Permits.

21. **Building Notification.** All construction will require building notification permits from the City of Whitefish prior to new construction.

22. **Animals.** No poultry, birds (except inside pet birds which must be kept inside a home), hogs or other livestock or animals shall be kept or raised. Notwithstanding the foregoing, cats, dogs or other small household pets, not to exceed three (3) in total number, may be kept by each Owner.

23. **Pets.** All pets are to be leashed, fenced or otherwise confined to the premises and not allowed loose at any time outside the property owner's own premises. If a breach occurs, the owner of the pet is responsible for any liability and must clean up after the pet.

24. **Offensive Activity.** No obnoxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which is or which may become an annoyance or nuisance to the neighborhood or any adjoining property owner, including excessive dog barking. Hunting of any kind shall be strictly prohibited.

---

**ARTICLE V: ASSESSMENTS**

1. **Assessments.** The general assessments levied by the Association shall be used for such purposes as are deemed desirable by the Association including, but not limited to, maintenance, repair and upkeep of drainage facilities; maintenance, upkeep, real property taxes, hazard and liability insurance, and related expenses in regard to any Common Area, Private Roads, administrative costs of the Association incurred in its day-to-day activities, and any costs or expenses, including attorney's fees, incurred in enforcing the conditions, restrictions or charges set forth in this Declaration. All Lots shall be subject to assessments by the Association as herein provided except those Lots acquired by the Association.

2. **Rate of Assessments.** The total amount assessed for any particular assessment shall be systematically assessed by dividing the total assessment by the number of Lots assessable. The amount determined shall be payable by each Owner.

3. **Special Assessments.** Upon determination by the Board of Directors of the Association, assessments may be levied for special or particular purposes. Such assessments may include related administration costs and such other costs or charges as are reasonably required. The assessments shall be fixed, established, and collected...
in the amount and manner as the Association determines, but in any event, they shall be separately treated from other assessments provided for in this Declaration. Funds utilized for special assessments shall be accounted for separately.

4. **Commencement of Assessments.** The Association is authorized to commence initial assessments when it determines appropriate. Written notice of assessments shall be sent to every Owner. The due dates shall be established by the Association. If Assessments are not paid by the due date, then interest shall accrue at a reasonable rate as determined by the Association.

5. **Nonpayment of Assessments.** Any assessments or installment payments on assessments which are not paid when due shall be delinquent. The Association may bring an action at law to collect the amount of the delinquent assessment together with all interest, costs, and reasonable attorney’s fees incurred in such action or may take action to perfect and foreclose the lien for assessments.

6. **Obligation of Payment.** All Lots are subject to the assessments set forth in this Declaration. Each Owner hereby covenants and agrees to pay to the Association the amount of all assessments as such assessments are fixed, established, and billed. The Association shall bill the Owner for the amount of any assessment and that Owner shall be responsible for any accruing assessments until and unless such Owner has provided to the Association’s secretary a true and correct copy of a recorded deed or other document of conveyance transferring title of a Lot to another Owner.

7. **Creation of Liens.** All assessments, both current and delinquent, together with interest and cost of collection as herein provided for, shall be charged upon the land and shall constitute a lien upon the Lot against which assessments are made. Such lien shall be deemed perfected upon filing with the Clerk and Recorder of Flathead County an account of the assessments due together with a correct description of the Lot to be charged with such lien and shall continue until all unpaid assessments, interest, and costs of collections (including attorneys’ fees) have been fully paid. The priority of such lien shall be determined as of the time of filing with the Clerk and Recorder and shall be deemed subordinate to all previously recorded or filed interests. Conveyance of title to any Lot shall not be effective to avoid the obligation for payment of any sums then due and owing whether or not reduced to the status of lien. The Association may establish such procedures for collection of obligations and perfecting of liens for payment of assessments as it deems necessary and appropriate.

### ARTICLE VI: GENERAL PROVISIONS

1. **Duration.** The covenants, conditions, charges and restrictions of this Declaration shall run with the land and shall inure to the benefit of, and be enforceable by, the Association, or the Developer, or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors, or assigns in perpetuity.

2. **Severability.** Invalidation of any of the terms, covenants, conditions or restrictions as established by this Declaration or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

3. **Amendment.** The Developer reserves the sole right to amend, modify, make additions to or deletions from this Declaration it alone deems appropriate during the period of Declarant Control. Otherwise, this Declaration of Covenants, Conditions and Restrictions may be amended by a concurrence of seventy percent (70%) of the Lot Owners.
4. **Liability of Developer.** The Developer shall have no liability for any of its actions or failures to act or for any actions or failure to act of any Owner of any Lot.

IN WITNESS WHEREOF, the Developer has executed the foregoing Declaration on the day and year first above written.

SEVEN HILLS CONSTRUCTION, LLC

By: 

Benjamin Davis, Managing Member

STATE OF MONTANA )

County of Flathead )

This instrument was acknowledged before me on the 27th day of December, 2022, by Benjamin Davis as Managing Member of SEVEN HILLS CONSTRUCTION, LLC.

LISA MIHELIC
Notary Public for the State of Montana

Page 10 of 10
# Cash-in-Lieu Invoice

<table>
<thead>
<tr>
<th>Subdivision:</th>
<th>Orchard Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>District:</td>
<td></td>
</tr>
<tr>
<td>File #:</td>
<td>WFP 23-01</td>
</tr>
<tr>
<td>Date:</td>
<td>JAN 30 2023</td>
</tr>
</tbody>
</table>

## Parkland Dedication

- **Total Due:** $21,209.00
- **Check #:** 3790 + 3824
- **Dept:** Parks + Rec

## Sidewalk Dedication

- **Not Applicable**

## Street Trees Dedication

- **Not Applicable**

---

Revised January 2023
Stormwater management facilities are structures that are used to remove pollutants from stormwater, prevent stream damage and erosion, prevent flooding, and protect public health. These structures can be located on the surface (bioswales, channels, stormwater retention and detention basins, catch basins, etc.), underground (stormwater conveyance piping, flow spreaders, infiltration trenches, underground storage structures, etc.) These facilities require periodic maintenance to operate effectively.

Underground utilities sometimes do not receive the attention that they deserve until they fail. This includes the facilities that collect and transfer stormwater from impervious surfaces to local distribution areas, streams and waterways. Stormwater management facilities must receive periodic maintenance to ensure their continued operation. Stormwater management facilities that are not properly maintained or upgraded can result in flooding, erosion, and damage to property. (See attached plan set for facility overview)

ONSITE STORMWATER MANAGEMENT FACILITIES:
This site utilizes three (3) rain gardens, a French drain, and catch basin with a bee-hive grate to convey stormwater to an underground CMP stormwater detention facility, which is located in the south end of the proposed access road. The Stormwater outlet control structure is located just west of the CMP facility. This facility provides detention and a controlled release rate for the 2, 10 and 100-year storm events. The outlet control structure releases the water via a 12” pvc storm drain pipe that connects to an existing storm pipe that is connected to the storm main located along Colorado Ave.

1.) STORMWATER QUANTITY CONTROL
(CMP Detention Facility)
The intent of stormwater quantity control facilities is to slow down stormwater flow discharged to the environment from developed sites. Impervious surfaces, such as roads, roofs, and sidewalks increase the rate of stormwater runoff into drainageways which can create flooding. Stormwater quantity control facilities mitigate the increased runoff by providing temporary storage and controlling the release rate from the site to prevent flooding and erosion. There are two types of stormwater quantity control facilities located on site, a series of rain gardens and a CMP detention system. Operation and maintenance for these detention systems should follow the CMP detention manufacturer’s recommendations as stated in the attached Contech Inspection and Maintenance Guide, and the rain garden maintenance schedule.

2.) STORMWATER CONVEYANCE SYSTEMS
Conveyance systems intercept and transport stormwater and typically consist of inlets that collect water and pipes and/or open channels (ditches). Stormwater conveyance systems are designed to provide capacity for a specific maximum flow rate.

A. CONVEYANCE STORMWATER PIPE & MAINTENANCE:
Inlet and outlet stormwater pipes convey stormwater in, through, and out of stormwater facilities. Storm sewer pipes convey stormwater. Stormwater pipes should be cleaned to remove sediment or blockages when problems are identified and must be clear of obstructions and breaks to prevent localized flooding. All stormwater pipes should be in proper working order and free of defects. Plugging commonly occurs due to sediment and large debris washed from adjacent surfaces.
Reduced conveyance system capacity results in localized flooding and possible property damage. Remove trash, yard debris, and excess vegetation; also remove sediment if it impedes water flow. Inspect for vegetation overgrowth and remove vegetation if it reduces the free movement of water. Inspection frequency should be quarterly and after storms.

3.) STORMWATER QUALITY CONTROL (PRETREATMENT)
There are several Best Management Practices (BMPs) utilized for stormwater quality control. These systems provide stormwater treatment through a combination of filtration, sediment settling, plant nutrient uptake, and physical separation. This site utilizes a series of rain gardens to remove oils, chemicals, metals, and sediment from stormwater runoff prior to being discharged to the underground stormwater detention system. Operation and maintenance for these bio-retention facilities are presented under the Rain Garden Maintenance Schedule, below.

All stormwater facilities should be maintained at a minimum as follows:

I. Quarterly or after every rainfall producing runoff, whichever comes first:
   a. Remove debris from grates and detention device.
   b. Check and clear orifice of detention device of any obstructions.
   c. Inspect the discharge outlets for erosion, debris, etc.

II. Semi-Annually:
   a. Inspect the collection system (i.e., detention basin, conveyance systems, catch basins) for proper function. Clear accumulated trash from catch basins, outlet control structures and basin bottoms, and check conveyance systems for obstructions.
   b. Repair any broken pipes or defective joints.

Rain Garden Maintenance Schedule

I. Following construction and as needed
   a. Water vegetation to promote plant growth and survival (especially in the first two years)
   b. Inspect rain gardens following rainfall events for erosion. Add vegetation to correct erosion locations.

II. Monthly
   a. Weed and prune vegetation for aesthetics
   b. Remove all trash and debris
   c. Replace mulch as needed

III. Annually (Semi-annually during first year)
   a. Inspect inflow area and remove any sediment accumulation
   b. Inspect area for erosion, sediment accumulation, and mulch movement. Replace or add vegetation in eroded areas.
   c. Inspect for dead or dying vegetation and replace as needed*.
d. Test plant bed for pH balance. If pH is below 5.2, add limestone. If pH is above 8.0, apply Sulphur and iron sulfate.

IV. Every 2 to 3 years
   a. Remove and replace mulch

*Refer to the most current City of Whitefish Engineering Standards for the planting guide prior to replacement of any vegetation.

**Underground CMP Detention Facility Maintenance Schedule**

I. Inspection
   Inspection is the key to effective maintenance of CMP detention systems and is easily performed. Contech recommends ongoing, quarterly inspections. The rate at which the system collects pollutants will depend more on-site specific activities rather than the size or configuration of the system.

   A 12-inch inspection port is located at the south end of the detention facility, for the quarterly inspections. A record of each inspection is to be maintained for the life of the system.

II. Maintenance
   CMP detention systems should be cleaned when an inspection reveals accumulated sediment or trash is clogging the discharge orifice.

   Accumulated sediment and trash can be evacuated through the manholes over the inlet and outlet orifices. If maintenance is not performed as recommended, sediment and trash may accumulate in front of the outlet orifice. Manhole covers should be securely seated following cleaning activities. Should it be necessary to get inside the system to perform maintenance activities, all appropriate precautions regarding confined space entry and OSHA regulations should be followed.

   Maintaining an underground detention system is easiest when there is no flow entering the system. For this reason, it is a good idea to schedule the cleanout during dry weather.

III. Weir Structure
   Quarterly inspections should be conducted to check for sediment accumulation and orifice obstruction. Remove any accumulation of sediment or debris and ensure that lid is securely replaced.

IV. Manholes and Catch Basins
   Inspections of manholes and catch basins should be conducted annually to look for sediment accumulation and debris. Inspect the inlet and outlet pipes and verify that they are free from obstructions that would prevent free flow of stormwater. Remove any sediment accumulation and debris. Should it be necessary to get inside the structure to perform maintenance activities, all appropriate precautions regarding confined space entry and OSHA regulations should be followed.
Staff Report

To: Mayor John Muhlfeld and City Councilors

From: Angela Jacobs, City Attorney

Date: January 23, 2023

Re: Amendment to the Declaration of Condominium of the Whitefish Lake Lodge Condominiums

Introduction/History

Pursuant to § 12-2-6 of the Whitefish City Code, land use restrictions within a subdivision may be proposed by the sub-divider or required by the City Council. These restrictions may have furthered the City's zoning or furthered conditions imposed on the subdivision. These restrictions may be shown as plat approval covenants and/or covenants, conditions and restrictions (CC&Rs), which require City Council approval prior to their amendment or repeal.

Current Report

Article XII of the Amendment to the Amended Declaration of Unit Ownership and Declaration of Covenants, Conditions and Restrictions Establishing and Governing the Lodge at Whitefish Lake requires City approval of any amendment except for the conditions set forth in subparagraph 4 of Section 11.19. The owners of the units desire to amend Article VIII, Section 2, Insurance and Fidelity Bonds as set forth in Exhibit A.

Financial Requirements/Impacts

There are no financial requirements or impacts to the City associated with granting this approval.

Recommendation

I reviewed the Declaration and the proposed amendments, and, in my opinion, the amendments are not substantive to any issue of concern to the City and would have no effect on any identified City interest. As a result, I recommend the City Council approve the proposed amendments.
Vote Regarding Proposed Declaration Change

The "Manager" (Declarant) of the Whitefish Lake Lodge COA, with the agreement of the Homeowners Association (HOA) Board of Directors of the Whitefish Lake Lodge COA, propose the following amendments to the Declaration of the Whitefish Lake Lodge COA.

The Declaration for the Whitefish Lake Lodge COA provides that amendments may be made with the Declarant’s written consent and with the affirmative vote of members holding 75% of the voting rights and that voting on any issue may be done by mail.

The amendments proposed are:

By amending Article VIII, Section 2. Insurance and Fidelity Bonds to read as follows:

"Section 2: The Association shall obtain from an insurance carrier acceptable to the Federal National mortgage Association of the Federal Home Loan mortgage corporation, all-risk insurance on the property in the form of a "masters" or "blanket" policy insurance. The loss payable clause of said property insurance shall provide those losses under the policy shall be adjusted with and be payable to the Association for the use and benefit of all individual condominium unit owners and mortgagees as their interests may appear."
(This page left blank intentionally to separate printed sections)
ORDINANCE NO. 23-

An Ordinance of the City Council of the City of Whitefish, Montana, amending the Whitefish City Code to add Article Y, Chapter 2, Title 11, to establish the WB-T zoning district (Business Transitional District), as an implementation of the Highway 93 South Corridor Plan.

WHEREAS, on December 6, 2021, the City Council adopted the Highway 93 South Corridor Plan as an amendment to the 2007 City-County Growth Policy; and

WHEREAS, the Highway 93 South Corridor Plan called for the creation of a highway transitional zoning district for the area south of the intersection of Highway 93 South and Highway 40 to "ensure properties at the entrance to Whitefish that annex into the City are developed in a manner consistent with community's vision for Segment C, and to better buffer adjacent residential properties from negative impacts…."; and

WHEREAS, in response to the direction to amend Title 11, Chapter 2 in the Whitefish City Code to create a new zoning district, Business Transitional District, the Planning & Building Department prepared Staff Report WZTA 22-01, dated January 12, 2022; and

WHEREAS, at a lawfully noticed public hearing on January 20, 2022, the Whitefish Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA 22-01, held a public hearing, invited public comment, and thereafter voted unanimously to recommend approval of the proposed text amendments to the City Council; and

WHEREAS, at a lawfully noticed public hearing on February 7, 2022, the Whitefish City Council postponed the matter to a meeting to be held February 22, 2022; and

WHEREAS, at a lawfully noticed public hearing on February 22, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed Staff Report WZTA 22-01, and letter of transmittal dated February 1, 2022, invited public input, closed public comment, and thereafter voted to postpone action on the proposed text amendments to a meeting to be held March 7, 2022; and

WHEREAS, at a lawfully noticed public hearing on March 7, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed a staff memo and revised draft, postponed action to the April 4 meeting, and established a work session on the item for March 21, 2022; and

WHEREAS, at a lawfully noticed work session on March 21, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed a revised draft of the ordinance, offered comment, and directed staff to schedule an additional work session on April 4, 2022; and

WHEREAS, at a lawfully noticed work session on April 4, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed a revised draft of the ordinance, and offered comment; and
WHEREAS, at a lawfully noticed public hearing on May 2, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed Staff Report WZTA 22-01, and revised letter of transmittal dated May 2, 2022, and thereafter voted to table the proposed text amendments; and

WHEREAS, at the regular meeting held September 19, 2022, the Whitefish City Council directed staff to bring back the proposed text amendments to Council in a work session; and

WHEREAS, at a lawfully noticed work session on October 17, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed a revised draft of the ordinance, and offered comment; and

WHEREAS, at a lawfully noticed public hearing on November 7, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed Staff Report WZTA 22-01, and revised letter of transmittal dated November 7, 2022, and thereafter voted to close the public hearing and postpone the item to November 21, 2022; and

WHEREAS, at a lawfully noticed public hearing on November 21, 2022, the Whitefish City Council received an oral and written report from Planning staff, reviewed Staff Report WZTA 22-01, and revised letter of transmittal dated November 7, 2022, closed the public hearing and thereafter directed staff to amend the proposed text amendments and bring them back on February 6, 2023; and

WHEREAS, at a lawfully noticed meeting on February 6, 2023, the Whitefish City Council received an oral and written report from Planning staff, reviewed Staff Report WZTA 22-01, and revised letter of transmittal dated February 6, 2023, and thereafter voted to approve the proposed text amendments; and

WHEREAS, it will be in the best interests of the City of Whitefish and its inhabitants to adopt the proposed text amendments.

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

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

Section 2: Staff Report WZTA 22-01 dated January 12, 2022, together with the May 2, 2022 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: Amendments to Whitefish City Code adding Article Y, Chapter 2, Title 11 to establish the WB-T zoning district (Business Transitional District), as set forth in the attached Exhibit A, are hereby adopted.

Section 4: In the event any word, phrase, clause, sentence, paragraph, section, or other part of the Ordinance set forth herein is held invalid by a court of competent jurisdiction, such
judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 5:  This Ordinance 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.


__________________________
John M. Muhlfeld, Mayor

ATTEST:

__________________________
Michelle Howke, City Clerk
EXHIBIT "A"

WHITEFISH CITY CODE TITLE 11 – ZONING REGULATIONS
CHAPTER 2 – ZONING DISTRICTS
ARTICLE Y. WB-T BUSINESS TRANSITIONAL DISTRICT

11-2Y-1: **INTENT AND PURPOSE:** The WB-T District is intended for transitional highway frontage areas between existing county Business Service areas and the city's Secondary Business District. While the majority of development would be tightly controlled by the conditional use permit process, the district is appropriate for light commercial and ancillary services fronting the highway with single-family to high density residential uses typically located behind to provide a performance based mixed-use environment in a highway community gateway setting. Due to high vehicle speeds and limited access points, high traffic uses are discouraged, and frontage or backage roads will be developed to consolidate highway accesses. This zoning classification is intended for areas annexing into the city with current county B-4 zoning, and not intended for general application throughout the Whitefish area, nor is it to be extended south of Emerald Drive/Russell Road on Highway 93 South.

11-2Y-2: **PERMITTED USES:**

- Accessory apartments.
- Daycares and daycare centers.
- Home occupations (see special provisions in section 11-3-13 of this title).
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet (5') of landscaped area shall surround such a building or structure.
- Publicly owned or operated buildings and uses.
- Residential:
  - Class A manufactured homes.
  - Single-family dwellings.

11-2Y-3: **CONDITIONAL USES:**

- Churches.
- Hospitals, nursing, retirement homes, or personal care facilities.
- Kennels and animal training centers.
- Light assembly, manufacturing, fabricating, processing, including light food manufacturing and processing, repairing, packing, or storage facilities in enclosed buildings, provided that such uses do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke) which extend beyond lot lines, and do not involve materials that are explosive, hazardous or toxic.
- Marijuana facilities.
- Medical clinics and associated therapeutic health services.
- Micro-breweries or micro-distilleries.
- Nurseries and landscape materials.
• Professional offices.
• Recreational facilities, private and commercial.
• Recreational guides and outfitters.
• Research laboratories and institutions.
• RV parks and campgrounds.
• Residential:
  • Accessory apartments.
  • Boarding houses.
  • Caretaker units.
  • Two-family (duplex) through multi-family dwellings.
• Restaurants (non-formula).
• Veterinary offices and hospitals.

11-2Y-4: PROPERTY DEVELOPMENT STANDARDS: The following property development standards shall apply to land and buildings within this district:

**Bulk and scale**
All new structures with a building footprint of 7,500 square feet or greater, existing structures where an addition causes the total footprint to be 7,500 square feet or greater, and additions to structures where the footprint is already 7,500 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.

Maximum building footprint is 15,000 square feet.

**Minimum district size**
n/a

**Minimum lot area**
n/a

**Minimum lot width**
50 feet

**Minimum yard spaces:**

- **Front**: 30 feet, 50 feet landscaped buffer when abutting Highway 93 and Highway 40.
- **Side**: 10 feet, 30 feet landscaped buffer when abutting residential or agricultural zoned properties, 50 feet landscaped buffer when abutting Highway 93 and Highway 40.
- **Rear**: 20 feet, 30 feet landscaped buffer when abutting residential or agricultural zoned properties.

**Maximum height**
35 feet
<table>
<thead>
<tr>
<th>Permitted lot coverage</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off street parking</td>
<td>See chapter 6 of this title.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>See chapter 4 of this title (single-family uses exempted).</td>
</tr>
<tr>
<td><strong>General requirements:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Shared driveway access or frontage roads (whether public or private) are required to provide a cohesive internal circulation pattern and to consolidate access onto arterials and collectors.</td>
<td></td>
</tr>
<tr>
<td>2. Where access can be achieved via an adjacent or internal street or easement, the lot shall take its access from that location instead of direct access onto the highway.</td>
<td></td>
</tr>
<tr>
<td>3. Where no adjacent street network is available, site design of individual lots shall provide for shared access with neighboring parcels and easements shall be provided for future road locations.</td>
<td></td>
</tr>
<tr>
<td>4. Site design should incorporate shared parking and landscaped buffers to protect surrounding properties from adverse impacts to the greatest extent possible.</td>
<td></td>
</tr>
<tr>
<td>5. Exposed utilities, storage areas, machinery, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements and fully screened with fencing and/or landscaping to minimize the loss of views, privacy and the general aesthetic value of surroundings.</td>
<td></td>
</tr>
</tbody>
</table>
February 6, 2023

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

RE:  WB-T (Business Transitional District) Addition to the Whitefish Zoning Regulations

Honorable Mayor and Council:

**Summary of Requested Action:** This is a request by the City of Whitefish to add the WB-T zoning district to Title 11, Chapter 2 (Zoning Regulations) of the Whitefish City Code. The recently adopted Highway 93 South Corridor Plan calls for the creation of a highway transitional zoning district for newly annexed properties in the area south of Highway 40. The plan states that “to ensure properties at the entrance to Whitefish that annex into the City in the future are developed in a manner consistent with the community’s vision for Segment C, and to better buffer adjacent residential properties from negative impacts, a new transitional zoning district should be created to apply to annexations in areas currently zoned by the County as Secondary Business. Traffic intensive uses should be moved from permitted to conditional uses.”

**Planning & Building Department Recommendation:** Staff recommended approval of the proposed text amendment. After five previous City Council public hearings and several work sessions, staff recommends approval of the revised ordinance.

**Public Hearing:** At the Planning Board public hearing, no members of the public spoke on the amendment. There was no written comment submitted up until the City Council public hearing. Additional comments received prior to or during the previous City Council public hearings were addended to the packet. The draft minutes for the Planning Board hearing are attached as part of this packet.

**Planning Board Action:** The Whitefish Planning Board met on January 20, 2022 and considered the request. Following the hearing, the Planning Board the Board moved to approve the text amendment to add the WB-T (Business Transitional District) to the Whitefish Zoning Regulations. In making their decision, the Planning Board offered the zoning text amendment in Exhibit C and the Findings of Fact in Exhibit D for the Council's consideration. The attached ordinance and the language in the attached Revised Staff Report is the latest iteration of the text as directed by the City Council.
**City Council Action:** The Whitefish City Council held a public hearing February 22, 2022, on the adoption of the WB-T Business Transitional District. The public hearing was closed, and the item postponed to an additional discussion on March 7, 2022. During that discussion, the ordinance was postponed to the April 4, 2022 City Council meeting, and the City Council asked for a work session on March 21 to discuss the proposed uses and development requirements in greater detail. After the March 21 work session, the Council again voted to have an additional work session on April 4 wherein the Council gave staff additional direction, and the ordinance was postponed to May 2. On May 2, after an additional public hearing and discussion, the City Council tabled the item indefinitely. On September 19, the City Council voted to bring the item back up as a work session, and the work session occurred on October 17. After the work session the City Council voted to bring the item back as a public hearing in November. The Council held additional public hearings on November 7 and November 21, giving further direction and postponing the public hearing to February 6th.

Based on Council input from the multitude of hearings, staff made various modifications to the proposed Business Transitional zoning district in the attached ordinance from the version seen and recommended for approval by the Planning Board. The Intent and Purpose was modified to make it clear it is intended to be a mixed-use zoning with some residential uses allowed and that the majority of uses are only conditionally permitted. At Council’s direction, many uses were removed from the allowed permitted uses including building supply outlets, building and contractor related uses, and wholesale and warehousing. The following uses were removed from the conditional uses: Automotive, boat, and RV sales, rentals, repair and service; service stations and convenience stores; bars and lounges; entertainment facilities; hotels and motels; and machinery and small equipment sales, rentals, and repair. Anything over single family is now a conditional use. The bulk and scale standard for a CUP was reduced from 10,000 square feet to 7,500 square feet. A provision was added to set a limit on the maximum building footprint of 15,000 square feet maximum.

**Proposed Motion:**

- I move to approve WZTA 22-01, the Findings of Fact in Exhibit B and the language in Exhibit A, as recommended by the Whitefish Planning Board on January 20, 2022 and further amended and refined by the City Council.

This item has been placed on the agenda for your regularly scheduled meeting on February 6, 2023. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,

David Taylor, AICP
Director
Att: Exhibit A: Recommended Revised Ordinance Staff/City Council Draft
   Exhibit B: Recommended Revised Findings of Fact
   Exhibit C: Planning Board Recommendation
   Exhibit D: Planning Board Findings of Fact to Support Recommendation
   Draft Minutes, Planning Board Meeting, 1-20-22
   Comparison Charts
   Public Comments

   **Exhibits from 1-20-22 Staff Packet**
   1. Staff Report – WZTA 22-01
   2. Advisory Agency Notice

   c: w/att Michelle Howke, City Clerk
ARTICLE Y. WB-T BUSINESS TRANSITIONAL DISTRICT

11-2Y-1: INTENT AND PURPOSE:
The WB-T District is intended for transitional highway frontage areas between existing county Business Service areas and the city’s Secondary Business District. While the majority of development would be tightly controlled by the conditional use permit process, the district is appropriate for light commercial and ancillary services fronting the highway with single-family to high density residential uses typically located behind to provide a performance based mixed-use environment in a highway community gateway setting. Due to high vehicle speeds and limited access points, high traffic uses are discouraged, and frontage or backage roads will be developed to consolidate highway accesses. This zoning classification is intended for areas annexing into the city with current county B-4 zoning, and not intended for general application throughout the Whitefish area, nor is it to be extended south of Emerald Drive/Russell Road on Highway 93 South.

11-2Y-2: PERMITTED USES:
- Accessory apartments.
- Daycares and daycare centers.
- Home occupations (see special provisions in section 11-3-13 of this title).
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet (5’) of landscaped area shall surround such a building or structure.
- Residential:
  - Class A manufactured homes.
  - Single-family dwellings.

11-2Y-3: CONDITIONAL USES:
- Churches.
- Daycare centers.
- Hospitals, nursing, retirement homes or personal care facilities.
- Kennels and animal training centers.
- Light assembly, manufacturing, fabricating, processing, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke) which extend beyond lot lines, and do not involve materials that are explosive, hazardous or toxic.
- Marijuana facilities.
- Medical clinics and associated therapeutic health services.
- Micro-breweries, or micro-distilleries.
- Nurseries and landscape materials.
- Publicly owned or operated buildings and uses.
- Professional offices.
- Recreational guides and outfitters.
- Recreational facilities, private and commercial.
- Research laboratories and institutions.
- RV parks, campgrounds.
- Residential:
  - Boarding houses.
  - Caretaker units.
  - Duplex through multi-family dwellings.
- Restaurants (non-formula).
- Veterinary offices and hospitals.

### 11-2Y-4: PROPERTY DEVELOPMENT STANDARDS:
The following property development standards shall apply to land and buildings within this district:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bulk and scale</strong></td>
<td>All new structures with a building footprint of 7,500 square feet or greater, existing structures where an addition causes the total footprint to be 7,500 square feet or greater, and additions to structures where the footprint is already 7,500 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.</td>
</tr>
<tr>
<td><strong>Maximum building footprint</strong></td>
<td>15,000 square feet.</td>
</tr>
<tr>
<td><strong>Minimum district size</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum lot area</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum lot width</strong></td>
<td>50 feet</td>
</tr>
<tr>
<td><strong>Minimum yard spaces:</strong></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30 feet, 50 feet landscaped buffer when abutting Highway 93 and Highway 40</td>
</tr>
<tr>
<td>Side</td>
<td>10 feet, 30 feet landscaped buffer when abutting residential or agricultural zoned properties, 50 feet landscaped buffer when abutting Highway 93 and Highway 40</td>
</tr>
<tr>
<td>Rear</td>
<td>20 feet, 30 feet landscaped buffer when abutting residential or agricultural zoned properties</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>35 feet.</td>
</tr>
<tr>
<td><strong>Permitted lot coverage</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Off street parking</strong></td>
<td>See chapter 6 of this title</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>See chapter 4 of this title (single-family)</td>
</tr>
</tbody>
</table>
General requirements:

1. Shared driveway access or frontage roads (whether public or private) are required to provide a cohesive internal circulation pattern and to consolidate access onto arterials and collectors.

2. Where highway access can be achieved via an adjacent or internal street or easement, the lot shall take its access from that location instead of direct access onto the highway.

3. Where no adjacent street network is available, site design of individual lots shall provide for shared access with neighboring parcels and easements shall be provided for future road locations.

4. Site design should incorporate shared parking and landscaped buffers to protect surrounding properties from adverse impacts to the greatest extent possible.

5. Exposed utilities, storage areas, machinery, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements and fully screened with fencing and/or landscaping to minimize the loss of views, privacy and the general aesthetic value of surroundings.
Finding 1: The creation of the WB-T (Business Transitional District) has been developed in accordance with the Growth Policy since it will help to preserve the character of the community gateway area of Whitefish, protect views of Big Mountain, and ensure that rural residential and agricultural land surrounding the community is buffered. It also implements the Highway 93 South Corridor Plan and its Goals and Objectives to create a transitional zoning district that applies to property with a Future Land Use designation of Highway Transitional. Requiring the oversight of the Planning Board and City Council for the approval of the majority of uses will ensure any properties annexed into the City in the future are developed in a manner consistent with the community’s vision for the gateway segment of the corridor. Additionally, the creation of the WB-T will help to improve and limit access to Highway 93 to and from adjacent businesses.

Finding 2: The proposed code amendment does consider adequate light and air because it implements highway setback requirements and residential buffering. Additionally, specific evaluation of provision of adequate light and air will be reviewed at the time of development through zoning setbacks and the building code.

Finding 3: There is opportunity for the proposed code amendment to have a positive impact on motorized and nonmotorized transportation systems, as shared driveway/frontage access is required wherever possible. Additionally, the resulting low-intensity development patterns will limit the amount of traffic accessing Highway 93 South compared to the current County B-4 commercial zoning.

Finding 4: The proposed code amendment would have a positive effect on compatible urban growth because it will promote more low-intensity uses that will serve as a buffer between Business Service district county zoning on Highway 93 in Flathead County and commercial Secondary Business zoned areas of Highway 93 inside city limits.

Finding 5: The character of the district and its particular suitability of the property for the particular uses provides a solution to annexing County B-4 properties into the City in areas designated by the Growth Policy as ‘Highway Transitional’. Such an addition will allow for a smooth transition into the current City Limits while limiting high traffic uses and access points onto a busy highway intersection.

Finding 6: The establishment of the WB-T district should not have any impact on the value of current buildings, and it will encourage and enforce the most appropriate use of land south of Highway 40 when County properties annex into the City.
Finding 7: The language set forth in the code amendment considers historical/established use patterns as well as recent changes in use trends. It aims to blend existing and established uses with planned future land uses to create a buffer district between light commercial and commercial areas, while limiting high traffic commercial uses.

Finding 8: Staff finds the considerations in Section 11-7-12(E) are either met or are not applicable with the text amendment.

Finding 9: Whereas, legal public notice according to the Whitefish City Code was published in the *Whitefish Pilot* on January 5, 2022 and on October 26, 2022.
Exhibit C
WB-T Text Amendment
WZTA 22-01
Whitefish Planning Board
Recommendation
January 20, 2022

ARTICLE Y. WB-T BUSINESS TRANSITIONAL DISTRICT

11-2Y-1: INTENT AND PURPOSE:

The WB-T District is intended for transitional business development including professional offices, medical facilities, destination light commercial, light manufacturing, light assembly, as well as residential uses and ancillary services to provide a performance based mixed-use environment in a community gateway transitioning from traditional agricultural, residential, and/or existing light commercial uses on lots that primarily border Highway 93 South of Whitefish just south of Highway 40. Due to high vehicle speeds and limited access points, high traffic uses should be discouraged, and frontage or back roads should be developed to consolidated highway accesses. This zoning classification is intended for areas with current county B-4 zoning at or south of Highway 40 on Highway 93, and not intended for general application throughout the Whitefish area.

11-2Y-2: PERMITTED USES:

• Building and contractor related companies and storage yards
• Churches
• Daycare centers
• Home occupations (see special provisions in section 11-3-13 of this title).
• Light assembly, manufacturing, fabricating, processing, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke) which extend beyond lot lines, and do not involve materials that are explosive, hazardous or toxic.
• Medical clinics and associated therapeutic health services.
• Nurseries and landscape materials.
• Professional offices
• Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet (5') of landscaped area shall surround such a building or structure.
• Publicly owned or operated buildings and uses
• Recreational facilities, private and commercial
• Recreational guides and outfitters
• Residential:
  • Daycare (registered home, 5 to 12 children).
  • Single-family through multi-family dwelling units above ground floor commercial
  • Veterinary offices and hospitals
  • Wholesale and warehousing

11-2Y-3: CONDITIONAL USES:
• Automotive, boat, and RV sales, rentals, parts, repair, or service
• Automotive service stations, including convenience stores
• Bars, lounges, micro-breweries, or micro-distilleries
• Entertainment facilities
• Hospitals, nursing, retirement homes or personal care facilities
• Hotels and motels
• Kennels and animal training centers
• Marijuana facilities (administrative CUP)
• Machinery and small equipment sales, rental, or repair
• Ministorage, including boat and RV storage
• Research laboratories and institutions
• RV parks or campgrounds
• Residential:
  • Accessory apartments.
  • Sublots (see special provisions in subsection 11-3-14C of this title).
  • Boarding houses.
  • Caretaker units.
  • Multi-family dwellings
  • Restaurants (non-formula)

11-2Y-4: PROPERTY DEVELOPMENT STANDARDS:
The following property development standards shall apply to land and buildings within this district:
<table>
<thead>
<tr>
<th><strong>Bulk and scale</strong></th>
<th>All new structures with a building footprint of 10,000 square feet or greater, existing structures where an addition causes the total footprint to be 10,000 square feet or greater, and additions to structures where the footprint is already 10,000 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum district size</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum lot area:</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum lot width</strong></td>
<td>50 feet</td>
</tr>
<tr>
<td><strong>Minimum yard spaces:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Front</strong></td>
<td>30 feet, 50-foot landscaped buffer when abutting Highway 93</td>
</tr>
<tr>
<td><strong>Side</strong></td>
<td>10 feet, 20-foot landscaped buffer when abutting residential or agricultural properties</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>20 feet</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>35 feet.</td>
</tr>
<tr>
<td><strong>Permitted lot coverage</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Off street parking</strong></td>
<td>See chapter 6 of this title</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>See chapter 4 of this title (single-family uses exempted)</td>
</tr>
</tbody>
</table>

### A. Site Plan Requirements:

1. A site plan and vicinity map must be submitted to and approved by the zoning administrator to erect any new buildings or structures, make additions exceeding ten percent (10%) of the floor area of existing buildings or structures, or to grade or develop a lot for a permitted use prior to the issuance of a building permit.

A comprehensive site plan is required for multiple-tenant projects. Site plans shall include all buildings, structures, parking, driveways, sidewalks, utilities, drainage, hydrants, landscaping and signage. The vicinity map shall include surrounding parcels, buildings, structures, circulation systems and major physical features. The site plan shall demonstrate conformance with the zoning regulations and other applicable city regulations. All projects constructed in accordance with an approved site plan shall be permanently maintained only as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy, the site shall be inspected for compliance with the site plan and all improvements shall be installed and functioning before occupancy is allowed.
B. General Requirements:

1. Shared driveway access or frontage roads (whether public or private) are required where possible to provide a cohesive internal circulation pattern and to limit access onto arterials and collectors.

2. Wherever possible, site design should incorporate shared parking and landscaped buffers to protect surrounding properties from adverse impacts to the greatest extent possible.

3. Exposed utilities, storage areas, machinery, installations, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements or screened to minimize the loss of views, privacy and the general aesthetic value of surroundings.
Finding 1: The creation of the WB-T (Business Transitional District) has been developed in accordance with the Growth Policy since it will help to preserve the character of the community gateway area of Whitefish, improve the surroundings of early views of Big Mountain, and ensure that rural residential and agricultural land surrounding the community is buffered. It also implements the Highway 93 South Corridor Plan and its Goals and Objectives to create a zoning district that applies to property with a Future Land Use designation of Highway Transitional. Additionally, the creation of the WB-T will help to improve and limit access to Highway 93 to and from adjacent businesses.

Finding 2: The proposed code amendment does consider adequate light and air because it implements highway setback requirements and residential buffering. Additionally, specific evaluation of provision of adequate light and air will be reviewed at the time of development through zoning setbacks and the building code.

Finding 3: There is opportunity for the proposed code amendment to have a positive impact on motorized and nonmotorized transportation systems, as shared driveway/frontage access is required wherever possible. Additionally, the resulting low-intensity development patterns will limit the amount of traffic accessing Highway 93 South compared to the current County zoning.

Finding 4: The proposed code amendment should have a positive effect on compatible urban growth because it will promote more low-intensity uses that will serve as a buffer between low-density, rural areas of Highway 93 and higher-density, more commercial areas of Highway 93.

Finding 5: The character of the district and its particular suitability of the property for the particular uses provides a solution to annexing County B-4 properties into the City in areas designated by the Growth Policy as 'Highway Transitional'. Such an addition will allow for a smooth transition into the current City Limits.

Finding 6: The establishment of the WB-T district should not have any impact on the value of current buildings, and it will encourage and enforce the most appropriate use of land south of Highway 40 when County properties annex into the City.

Finding 7: The language set forth in the code amendment considers historical/established use patterns as well as recent changes in use trends. It aims to
blend existing and established uses with planned future land uses to create a buffer
district between dominantly rural and commercial areas.

**Finding 8:** Staff finds the considerations in Section 11-7-12(E) are either met or are not
applicable with the text amendment.

**Finding 9:** Whereas, legal public notice according to the Whitefish City Code was
published in the *Whitefish Pilot* on January 5, 2022.
A report to the Whitefish City Council regarding an amendment to the City’s Zoning Regulations to add the WB-T zoning district (Business Transitional District). A public hearing occurred at the Whitefish Planning Board on January 20, 2022, wherein they recommended approval of the zoning text amendment. A subsequent hearing occurred before the City Council on February 7, 2022, March 7, 2022, and May 2, 2022. Additionally, three Council work sessions were held on the item, March 21, April 4, and October 17, 2022. On October 17, 2022 Council directed this item to come back as a public hearing on November 7, 2022. The Council did not take action and postponed the hearing again to November 21. At the November 21 hearing, the Council again postponed action to February 6, 2023, directing staff to move the majority of permitted uses to the conditional use category, make frontage or backage roads mandatory, and increase buffers between WB-T zoning and residential zoning.

**PROJECT SCOPE**
The recently adopted Highway 93 South Corridor Plan calls for the creation of a highway transitional zoning district for the area south of Highway 40. The plan states that “to ensure properties at the entrance to Whitefish that annex into the City in the future are developed in a manner consistent with the community’s vision for Segment C, and to better buffer adjacent residential properties from negative impacts, a new transitional zoning district should be created to apply to annexations in areas currently zoned by the County as Secondary Business. Traffic intensive uses should be moved from permitted to conditional uses.”

**BACKGROUND**
The recently adopted Highway 93 South Corridor Plan outlines states that one of its goals is to “ensure any properties annexed into the City in the future are developed in a manner consistent with the community’s vision for the gateway segment of the corridor”. To do so, the first objective of that section discusses the need to establish a Highway Transitional District (WB-T) that will help buffer adjacent residential properties from
highway traffic and nearby business districts. The Plan calls for the WB-T to be a low-intensity mixed-use zone where offices, destination-oriented uses, and residential would be allowed, with high-traffic uses discouraged.

Currently, the area of Highway 93 south of Highway 40 is zoned B-4 (Secondary Business District) under the County. The County Zoning Regulations state that the B-4 zone is intended to provide for retail sales and service operations that are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. There are 39 total permitted uses in the B-4 that include, but are not limited to auto repair shops, churches, grocery/convenience stores, microbreweries, hotels, professional offices, restaurants, single-family housing, and hospitals/clinics.

Historically agricultural and low-density residential, the portion of Highway 93 south of Highway 40 is changing to higher intensity commercial uses. Rather than rural and residential uses being immediately adjacent to busier commercial areas, the purpose of the new transitional zone is to create a buffer of low traffic uses between the County Business Service District and the City Secondary Business District zones as land is eventually annexed into Whitefish to utilize municipal water and sewer.

The Growth Policy, as amended by the Highway 93 South Corridor Plan, designates the Future Land Use for the County B-4 parcels as Highway Transitional. The addition of the WB-T zone, applied to any annexing parcels, would help blend the other more rural parts of Highway 93 to the south with the more dense and highly commercial area of Highway 93 north of Highway 40, allowing a more natural and gradual entrance to the gateway into Whitefish. Additionally, the large 50’ landscaped front setbacks required along Highway 93 in the WB-T district will encourage a less commercial feel and will require sufficient landscaping. The proposed zone will also help limit high intensity uses that would have high traffic counts where we have a busy highway with limited controlled access points.

Based on the direction of the most recent Council discussion on this matter in November of 2022, all uses but single family residential, daycares, accessory apartments, home occupations, and public facilities were moved to conditional uses based on Council direction. Three of those uses are standard permitted accessory uses to residential for every zone and staff recommends keeping them in permitted uses. Public facilities would be any kind of utility, lift station, or other facility installed by the City, State, or County on public land, and are permitted by right in all other zones. Conditional uses would include offices, light manufacturing, and multi-family residential, as the intent of the zone states that it is “appropriate for light commercial and ancillary services fronting the highway with single-family to high density residential uses typically located behind to provide a performance based mixed-use environment in a highway community gateway setting.” While there is some concern making the majority of uses conditional will be an impediment to getting properties south of Highway 40 to annex into the city, the intent language helps keeps the zone consistent with what is called for in the Growth Policy and the Highway 93 South Corridor Plan.
Additionally, side and rear buffers adjacent to residential or agriculturally zoned properties were increased to 30’ based on Council direction. That will provide an additional buffer for Emerald Heights and other residential areas that could be adjacent to this future zoning district if annexation is proposed.

Prior to the November meeting, the Council wished the bulk and scale review to require a conditional use permit when a building footprint exceeded 7,500 square feet. Additionally, they wished to limit the maximum size of a building to a certain square footage. Based on the size of buildings in the WB-2, staff recommended the footprint limit be 15,000 square feet maximum. Here is a sample of building footprints in the area according to the State of Montana CAMA data:

<table>
<thead>
<tr>
<th>Building</th>
<th>Footprint Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Parks Reality:</td>
<td>6,347</td>
</tr>
<tr>
<td>Apres Whitefish (former Stumptown Inn):</td>
<td>5,340</td>
</tr>
<tr>
<td>Pine Lodge Hotel:</td>
<td>12,160</td>
</tr>
<tr>
<td>Walgreens:</td>
<td>13,552</td>
</tr>
<tr>
<td>Glacier Medical:</td>
<td>14,005</td>
</tr>
<tr>
<td>Best Bet Casino (demolished):</td>
<td>7,752</td>
</tr>
<tr>
<td>The Wave (includes mezzanine):</td>
<td>43,482</td>
</tr>
<tr>
<td>Safeway:</td>
<td>52,578</td>
</tr>
<tr>
<td>Pin and Cue:</td>
<td>20,924</td>
</tr>
<tr>
<td>Nelson’s Hardware:</td>
<td>12,428</td>
</tr>
<tr>
<td>Hampton Inn:</td>
<td>15,880</td>
</tr>
<tr>
<td>Marriot Hotel:</td>
<td>16,565</td>
</tr>
<tr>
<td>Chalet Motel:</td>
<td>7,104</td>
</tr>
<tr>
<td>Inn at Whitefish (formerly Cheap Sleep):</td>
<td>10,431</td>
</tr>
<tr>
<td>Big Mountain Lodge:</td>
<td>17,995</td>
</tr>
<tr>
<td>Army Navy:</td>
<td>8,100</td>
</tr>
<tr>
<td>Holiday Plaza:</td>
<td>12,600</td>
</tr>
<tr>
<td>Glacier Bank:</td>
<td>4,802</td>
</tr>
<tr>
<td>Western Building Supply:</td>
<td>19,840</td>
</tr>
<tr>
<td>Wrights Furniture:</td>
<td>20,020</td>
</tr>
</tbody>
</table>

Staff supports the adoption the WB-T Business Transitional District for the following reasons:

- The Growth Policy, as amended by the Highway 93 South Corridor Plan, calls for the WB-T zone to be adopted into city code

- Adopting the WB-T zone will inhibit the spread of WB-2 zoning south of Highway 40, which was deemed inappropriate by the Highway 93 South Corridor Plan due to the potential for high traffic uses and commercial creep. Without the WB-T, WB-2 is the closest equivalent to the County B-4 zoning.
• The existing list of permitted uses in the County B-4 is long and contains many uses that could be unattractive or cause significant traffic issues at that intersection
• While the uses by right are severely limited, the WB-T zone as drafted may have enough attractive potential conditional uses to still entice county property owners to annex
• Annexation offers the ability to connect to city sewer in an area where high groundwater could cause environmental issues with septic systems
• Those properties will eventually develop under County zoning if not annexed, likely with undesirable uses such as storage units or further vehicles sales lots
• The WB-T provides additional buffers and protections to neighborhoods and increases landscaped buffers along Highways 93 and 40 to 50’
• The WB-T if applied gives the City Council oversight over the majority of potential development options
• Annexed commercial property will develop to City standards such as architectural review, dark skies, our sign code, subdivision, and water quality protection standards, as well as more robust code enforcement.

PUBLIC COMMENT
The Planning Board draft was placed on the City’s webpage for public review on January 13, 2022. A notice was published in the Whitefish Pilot on January 5, 2022, and October 19th, 2022. As of the writing of this updated report two comments were received from Citizens for a Better Flathead opposing the change or calling for it to be fully residential, and eleven comments from various citizens referencing or repeating CBF’s comments, and one letter from attorneys representing the Southwest Whitefish Neighborhood Association stating that the Highway 93 Corridor Plan is invalid and thus its recommendations to adopt a WB-T zone are illegal. An additional petition was submitted by Citizens for a Better Flathead that contained over 300 signatures from various people (with 69 listing a 59937 address) opposing zoning that would not address congestion and strip mall development.

PROPOSED AMENDMENT
11-2Y-1: INTENT AND PURPOSE:
The WB-T District is intended for transitional highway frontage areas between existing county Business Service areas and the city’s Secondary Business District. While the majority of development would be tightly controlled by the conditional use permit process, the district is appropriate for light commercial and ancillary services fronting the highway with single-family to high density residential uses typically located behind to provide a performance based mixed-use environment in a highway community gateway setting. Due to high vehicle speeds and limited access points, high traffic uses are discouraged, and frontage or backage roads will be developed to consolidate highway accesses. This zoning classification is intended for areas
annexing into the city with current county B-4 zoning, and not intended for general application throughout the Whitefish area, nor is it to be extended south of Emerald Drive/Russell Road on Highway 93 South.

11-2Y-2: PERMITTED USES:

- Accessory apartments.
- Daycares and daycare centers.
- Home occupations (see special provisions in section 11-3-13 of this title).
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet (5') of landscaped area shall surround such a building or structure.

**Residential:**
- Class A manufactured homes.
- Single-family dwellings.

11-2Y-3: CONDITIONAL USES:

- Churches.
- Daycare centers.
- Hospitals, nursing, retirement homes or personal care facilities.
- Kennels and animal training centers.
- Light assembly, manufacturing, fabricating, processing, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke) which extend beyond lot lines, and do not involve materials that are explosive, hazardous or toxic.
- Marijuana facilities.
- Medical clinics and associated therapeutic health services.
- Micro-breweries, or micro-distilleries.
- Nurseries and landscape materials.
- Publicly owned or operated buildings and uses.
- Professional offices.
- Recreational guides and outfitters.
- Recreational facilities, private and commercial.
- Research laboratories and institutions.
- RV parks, campgrounds.

**Residential:**
- Boarding houses.
- Caretaker units.
- Duplex through multi-family dwellings.
- Restaurants (non-formula).
- Veterinary offices and hospitals.
**11-2Y-4: PROPERTY DEVELOPMENT STANDARDS:**
The following property development standards shall apply to land and buildings within this district:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bulk and scale</strong></td>
<td>All new structures with a building footprint of 7,500 square feet or greater, existing structures where an addition causes the total footprint to be 7,500 square feet or greater, and additions to structures where the footprint is already 7,500 square feet or greater, are subject to a conditional use permit pursuant to section 11-7-8 of this title.</td>
</tr>
<tr>
<td><strong>Minimum district size</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum lot area:</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum lot width</strong></td>
<td>50 feet</td>
</tr>
<tr>
<td><strong>Minimum yard spaces:</strong></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30 feet, 50 feet landscaped buffer when abutting Highway 93 and Highway 40</td>
</tr>
<tr>
<td>Side</td>
<td>10 feet, 30 feet landscaped buffer when abutting residential or agricultural zoned properties, 50 feet landscaped buffer when abutting Highway 93 and Highway 40</td>
</tr>
<tr>
<td>Rear</td>
<td>20 feet, 30 feet landscaped buffer when abutting residential or agricultural zoned properties</td>
</tr>
<tr>
<td><strong>Maximum height</strong></td>
<td>35 feet</td>
</tr>
<tr>
<td><strong>Permitted lot coverage</strong></td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Off street parking</strong></td>
<td>See chapter 6 of this title</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>See chapter 4 of this title (single-family uses exempted)</td>
</tr>
</tbody>
</table>

**General requirements:**

1. **Shared driveway access or frontage roads** (whether public or private) are required to provide a cohesive internal circulation pattern and to consolidate access onto arterials and collectors.
2. **Where highway access can be achieved via an adjacent or internal street or easement,** the lot shall take its access from that location instead of direct access onto the highway.
3. **Where no adjacent street network is available,** site design of individual lots shall provide for shared
access with neighboring parcels and easements shall be provided for future road locations.

4. Site design should incorporate shared parking and landscaped buffers to protect surrounding properties from adverse impacts to the greatest extent possible.

5. Exposed utilities, storage areas, machinery, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements and fully screened with fencing and/or landscaping to minimize the loss of views, privacy and the general aesthetic value of surroundings.

REVIEW AND FINDINGS OF FACT

The proposed changes shall be evaluated based on the criteria for consideration for amendments to the provisions of the Zoning Regulations per §11-7-12E, WCC.

1. Zoning Regulations Must Be:
   a. Made in Accordance with a Growth Policy

2007 Growth Policy: The following goals support the creation of the WB-T district:

Future Land Use Goal 1. Preserve and enhance the character, qualities, and small town feel and ambience of the Whitefish community through an innovative and comprehensive growth management system.

Future Land Use Goal 4. Preserve and protect scenic vistas and view sheds.

Future Land Use Goal 6. Preserve important rural lands and agricultural land uses that surround the community. Plan for healthy, efficient, and visually attractive corridors along major transportation routes through the community.

Highway 93 South Corridor Plan: The Highway 93 South Corridor Plan adopted in 2021 establishes the area of Highway 93 at and south of Highway 40 that is currently zoned County B-4 as a Highway Transitional Future Land Use. The intent of the Highway Transitional District is as follows:

This designation is for commercial areas south of Highway 40 along the Highway 93 South Corridor that have recently applied Flathead County Secondary Business zoning. Historically agricultural and low-density residential, the area is transitioning to higher intensity commercial uses with the new commercial zoning. Key characteristics are unobstructed mountain views and high traffic associated with a major intersection of two highways. Development should be sensitive, well designed, and well-landscaped low intensity uses that respect the area as the gateway to Whitefish from the south. Due to highway speeds and traffic, commercial development should be destination centered rather than auto
oriented and uses generating relatively high daily traffic should be discouraged. Necessary frontage roads should be developed, and accesses consolidated to minimize congestion and maximize traffic safety. A wide and well landscaped buffer along the highway and robust landscaping on commercial developments will ensure a gradual transition to the more intensive highway commercial uses further north in the General/Highway Commercial areas. In addition to commercial uses such as offices, medical facilities, and light industrial/manufacturing/warehousing, single family detached and attached homes are acceptable. Apartments above commercial uses are also encouraged. More intense commercial uses will require the additional public scrutiny of conditional use permits. The applicable zoning district is WB-T, Transitional Business.

While this draft has the majority of uses either removed or moved to conditional uses at the direction of the City council, it still conditionally permits offices, light industrial, multi-family and other uses as part of a transitional zone. Creating the WB-T Business Transitional District is one of the Implementation Items of the Highway 93 South Corridor Plan, which is the Growth Policy document that applies where this zoning will be implemented.

Additionally, the Highway 93 South Corridor Plan has the following Goals and Objectives that the implementation of this zoning district will help fulfill:

**Segment C Land Use Goal C.2:** Discourage land uses in Segment C outside of Whitefish City limits inconsistent with the community's vision for the segment or with the goals, policies, and statements in the 2012 Flathead County Growth Policy. Support consistent land uses.

**Segment C Land Use Goal C.3:** Limit future commercial and light industrial development to properties currently zoned Secondary Business and Business Service District.

**Goal C.2 Objective 2:** Strongly discourage commercial or light industrial uses with large volumes of daily vehicle trip generation.

**Goal C.2 Objective 4:** Maintain and protect the rural character and agricultural use of lands zoned suburban agricultural.

**Segment C Land Use Goal C.5:** Ensure any properties annexed into the City in the future are developed in a manner consistent with the community’s vision for the gateway segment of the corridor.

**Goal C.5 Objective 1:** Create a new highway commercial transition zone to be applied to annexations in areas currently zoned Secondary Business, with traffic intensive uses moved from permitted to conditional uses to be
consistent with the community’s vision for Segment C and to better buffer adjacent residential properties from negative impacts.

**Segment C Transportation Goal C.8:** Improve traffic safety through Segment C including potentially reducing speed and improving intersection safety.

**Goal C.8 Objective 6:** Require new development and encourage existing uses to connect adjacent parking lots so moving from one to another does not involve re-entering the highway.

**Segment C Environment and Open Space Goal C.11:** Protect water quality.

**Goal C. 11 Objective 1:** Provide connection to City sewer to properties within the urban growth boundary, when requested.

**Finding 1:** The creation of the WB-T (Business Transitional District) has been developed in accordance with the Growth Policy since it will help to preserve the character of the community gateway area of Whitefish, protect views of Big Mountain, and ensure that rural residential and agricultural land surrounding the community is buffered. It also implements the Highway 93 South Corridor Plan and its Goals and Objectives to create a transitional zoning district that applies to property with a Future Land Use designation of Highway Transitional. Requiring the oversight of the Planning Board and City Council for the approval of the majority of uses will ensure any properties annexed into the City in the future are developed in a manner consistent with the community’s vision for the gateway segment of the corridor. Additionally, the creation of the WB-T will help to improve and limit access to Highway 93 to and from adjacent businesses.

2. **In the adoption of zoning regulations, the City shall consider:**
   a. Reasonable provision of adequate light and air

**Finding 2:** The proposed code amendment does consider adequate light and air because it implements highway setback requirements and residential buffering. Additionally, specific evaluation of provision of adequate light and air will be reviewed at the time of development through zoning setbacks and the building code.

   b. The effect on motorized and nonmotorized transportation systems

**Finding 3:** There is opportunity for the proposed code amendment to have a positive impact on motorized and nonmotorized transportation systems, as shared driveway/frontage access is required wherever possible. Additionally, the resulting low-intensity development patterns will limit the amount of traffic accessing Highway 93 South compared to the current County B-4 commercial zoning.
Finding 4: The proposed code amendment would have a positive effect on compatible urban growth because it will promote more low-intensity uses that will serve as a buffer between Business Service district county zoning on Highway 93 in Flathead County and commercial Secondary Business zoned areas of Highway 93 inside city limits.

d. The character of the district and its particular suitability of the property for the particular uses

Finding 5: The character of the district and its particular suitability of the property for the particular uses provides a solution to annexing County B-4 properties into the City in areas designated by the Growth Policy as ‘Highway Transitional’. Such an addition will allow for a smooth transition into the current City Limits while limiting high traffic uses and access points onto a busy highway intersection.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area; and

Finding 6: The establishment of the WB-T district should not have any impact on the value of current buildings, and it will encourage the most appropriate use of land south of Highway 40 when County properties annex into the City.

f. That historical uses and established uses patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other.
Historical use of these properties had been residential or vacant lands until the County changed the zoning from SAG-5 to B-4 Secondary Business several years back. Since then, the Town Pump property annexed into Whitefish and developed, and a boat sales facility was developed on one parcel in accordance with County zoning.

**Finding 7:** The language set forth in the code amendment considers historical/established use patterns as well as recent changes in use trends. It aims to blend existing and established uses with planned future land uses to create a buffer district between light commercial and commercial areas, while limiting high traffic commercial uses.

**ADDITIONAL FINDINGS**

**Finding 8:** Staff finds the considerations in Section 11-7-12(E) are either met or are not applicable with the text amendment.

**Finding 9:** Whereas, legal public notice according to the Whitefish City Code was published in the *Whitefish Pilot* on January 5, 2022 as well as October 26, 2022.

**RECOMMENDATION**
Staff recommends the City Council follow the Whitefish Planning Board’s recommendation and approve the proposed text amendment for the creation of the WB-T zoning district as set forth in staff report WZTA 22-01 and adopt the findings of fact.
<table>
<thead>
<tr>
<th>Use</th>
<th>WB-T</th>
<th>WB-2</th>
<th>B-4/HO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory apartments</td>
<td>P</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Amusement park or zoo</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Antique Stores/Auction Barns</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Automobile, boat, and recreational vehicle parts</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Automobile, boat, and recreational vehicle sales, rentals, repair, and service</td>
<td></td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Automotive service stations and convenience stores within</td>
<td></td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Bars/lounges</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Beauty Salon</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast establishments</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Boarding houses</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boat and recreational vehicle storage</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bowling establishments</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Building supplies outlets</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bus depot</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Caretaker’s units</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Casinos</td>
<td>C*</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Churches or similar places of worship</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Colleges, business and trade schools</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Convenience Stores</td>
<td>C*</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Crematories</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Daycare centers</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Entertainment uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm and garden supply stores</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Financial institutions and professional services</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Frozen food stores, not including slaughtering</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Furniture and floor coverings stores</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Grocery stores</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Heavy Equipment sales, rental and service</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hospitals, and associated related nursing homes, congregate housing and personal care facilities in a campus setting</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Hotels, motels, and other hospitality uses</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Household appliance and electronics stores</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Kennels and animal training centers</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Laundry and dry cleaning</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Light assembly and light manufacturing</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Machinery and equipment sales, rental and repair</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Manufactured homes subdivisions</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Marijuana dispensary</td>
<td>C</td>
<td>C*</td>
<td>P</td>
</tr>
<tr>
<td>Medical clinics and associated therapeutic health services</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Microbreweries and microdistilleries</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Military surplus stores</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Ministorage</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Mortuaries</td>
<td></td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Category</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td>Multi-family dwellings above ground floor commercial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Multi-family dwellings, 100% deed restricted for long-term affordability</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Nurseries and landscape materials</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Personal care facilities when not in association with a hospital in a campus setting</td>
<td>C</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Private postal services and shipping services</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Professional offices</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public buildings</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreational facilities, private and commercial</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreational guides and outfitters</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Research laboratories and institutions</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Restaurants, formula</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurants, non-formula</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>RV parks and campgrounds</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Service station/Gas Station</td>
<td>C</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Short-term rental housing</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Sublots</td>
<td>C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theaters</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Truck Stop</td>
<td></td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Vendors</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary hospital</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Veterinary office, small animal</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wholesale and warehousing</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
6.2 Segment C Goals & Objectives

**Land Use**

**Goal C.1:** Encourage Flathead County to enforce zoning, Highway Overlay design, and sign standards for commercial development in Segment C.

**Objective 1:** Petition and encourage Flathead County to develop a zoning compliance permit for development in the Highway Overlay zone (and/or County-wide) as a tool to ensure new development adheres to County zoning standards.

**Objective 2:** Work with Flathead County to ensure development south of Highway 40 meets City and County objectives.

**Goal C.2:** Discourage land uses in Segment C outside of Whitefish City limits inconsistent with the community’s vision for the segment or with the goals, policies, and statements in the 2012 Flathead County Growth Policy (see page 17 for a list of the relevant goals, policies, and statements). Support consistent land uses.

**Goal C.3:** Limit future commercial and light industrial development to properties currently zoned Secondary Business and Business Service District.

**Objective 1:** Oppose any expansion or parcel-by-parcel creep of either Secondary Business or Business Service zoning districts beyond current limits.

**Objective 2:** Strongly discourage commercial or light industrial uses with large volumes of daily vehicle trip generation.

**Objective 3:** Encourage, support, and ensure the County maintains the intent of the Business Service district to be developed as an island rather than a strip; retain suburban agricultural zoning further south on Highway 93.

**Objective 4:** Maintain and protect the rural character and agricultural use of lands zoned suburban agricultural.

**Goal C.4** Foster joint planning between the City and Flathead County.

**Objective 1:** Start a dialogue with Flathead County and the cities of Kalispell and Columbia Falls to facilitate tri-city land use and transportation planning with the County.

**Goal C.5:** Ensure any properties annexed into the City in the future are developed in a manner consistent with the community’s vision for the gateway segment of the corridor.

**Objective 1:** Create a new highway commercial transition zone to be applied to annexations in areas currently zoned Secondary Business, with traffic intensive uses moved from permitted to conditional uses to be consistent with the community’s vision for Segment C and to better buffer adjacent residential properties from negative impacts.

**Objective 2:** Amend the annexation policy to encourage developers petitioning for annexation of commercial properties to use the Planned Unit Development process or propose conditional zoning for the property consistent with the community’s vision for the Whitefish gateway.

**Goal C.6:** Prioritize infill within City over commercial development in the County.

**Objective 1:** Provide City water and sewer services only to properties within City limits. For properties outside City limits, annexation is a condition of receiving City services.
Goal C.7: Bring non-conforming signs, off-premises, and billboards into compliance with sign regulations.

Transportation

Goal C.8: Improve traffic safety through Segment C including potentially reducing speed and improving intersection safety.

Objective 1: Consider speed limit reductions north of Blanchard Lake Road and west of Whitefish Stage Road and petition Flathead County to request a speed study from Montana Department of Transportation

Objective 2: Follow up Montana Department of Transportation’s Level of Service of Safety analyses to resolve any safety issues identified at intersections of Blanchard Lake Road with Highway 93 and Hospital Way and Emerald Drive with Highway 40.

Objective 3: Consider alternatives to signalized control of traffic, such as a roundabout, at the intersection of Highway 93 and Highway 40 to improve future level of service.

Objective 4: Encourage Montana Department of Transportation to consider addition of right turning/deceleration or acceleration lanes at intersections identified as needing such improvements.

Objective 5: Support Flathead County’s efforts or work directly with Montana Department of Transportation to consolidate highway accesses where feasible and require new development to share access with adjacent uses.

Objective 6: Require new development and encourage existing uses to connect adjacent parking lots so moving from one to another does not involve re-entering the highway.

Goal C.9: Improve opportunities and experiences for bicyclists, pedestrians, carpoolers, and transit users in Segment C.

Objective 1: Work with Flathead County and MDT to develop a separated shared-use path within the Highway 93 right of way as far from the road shoulder as is fiscally and physically practical (identify funding source, develop a joint City/County operations and maintenance agreement with Montana Department of Transportation).

Objective 2: Work with County, transit providers, and Montana Department of Transportation to develop facilities (for example: park & ride lot, bus pull-outs, shelters and stops) and more frequent transit service.

Environment and Open Space

Goal C.10: Preserve forested and open spaces to help maintain the rural feel of the segment.

Potential Future Transitional Business District

A potential transitional business zoning district could be applied to properties currently zoned B-4 County Secondary Business, if and when those properties are annexed into the City. The district would move high traffic uses currently permitted in B-4 to conditional uses, while encouraging commercial uses generating lower vehicle trips and destination centered to minimize congestion and maximize traffic safety. Such a transition zone might allow the following types of uses as uses by right:

- Building and contractor related companies and storage yards
- Churches
- Daycares
- Light assembly and light manufacturing
- Medical clinics
- Nurseries and landscape materials
- Professional offices
- Recreational facilities, private and commercial
- Recreational guides and outfitters
- Multi-family over ground floor commercial
- Veterinary hospitals
- Wholesale and warehousing

The following types of currently permitted uses could be conditional uses:

- Automotive, boat, and RV sales, rentals, parts, repair or service
- Automotive service stations, including convenience stores
- Bars/Lounges
- Boat and RV storage
- Hospitals, nursing, retirement homes or personal care facilities
- Hotels or motels
- Animal kennels
- Machinery and small equipment sales, rental, or repair
- Microbreweries or micro-distilleries
- Ministorage
- RV parks, campgrounds, or amusement parks
- Residential accessory apartments or caretaker units
- Restaurants

In addition, it is suggested buildings over 10,000 square feet require conditional use permits. A 50 -100 foot landscaped buffer should be required along Highway 93 frontage, with 20 foot setbacks required on property fronts, sides, and rears abutting residential or agricultural properties.
Objective 1: Consider acquisition of open space to preserve or use as public park space and identify potential funding sources; consider regulations for properties annexed into the City that require tree retention and more open space in new projects.

Objective 2: Encourage preservation of environmentally sensitive areas such as stormwater conveyances, wetlands, and steep slopes that contribute to the character of the segment.

Objective 3: Support the County in its efforts to enforce its landscaping, signage, and buffering requirements.

Objective 4: Maintain existing suburban residential zoning in corridor.

Goal C.11: Protect water quality.

Objective 1: Provide connection to City sewer to properties within the urban growth boundary, when requested.

Objective 2: Ensure County enforces state stormwater management standards; apply City stormwater management standards in future annexations.

Goal C.12: Minimize need for irrigation in corridor landscaping.

Objective 1: Encourage a mix of primarily native species, especially those with reduced watering needs.

Future Land Use Designations
Changes to the future land use designations are consistent with and acknowledge existing zoning. The changes also reaffirm areas zoned for residential uses should remain residential, and emphasize those areas are not appropriate for commercial or business zoning. Where already zoned for Secondary Business, the land use designation changes from Rural Residential to a new Highway Transitional designation. Where zoned for Business Service the land use designation changes from Rural Residential to Business Service Center. Where zoned residential (Suburban Agriculture- Five Acre Lots), the land use designation is changed from Rural to Rural Residential to be consistent with current zoning. All other future land use designations remain unchanged from the Growth Policy.

The new Highway Transitional land use designation would be created and the existing Business Service Center land use designation modified to indicate the applicable zoning district is WBSD - Business Service District as...
part of this plan. A description of the two land use designations follows.

**Highway Transitional**
This designation is for commercial areas south of Highway 40 along the Highway 93 South Corridor that have recently applied Flathead County Secondary Business zoning. Historically agricultural and low-density residential, the area is transitioning to higher intensity commercial uses with the new commercial zoning. Key characteristics are unobstructed mountain views and high traffic associated with a major intersection of two highways. Development should be sensitive, well-designed, and well-landscaped low intensity uses that respect the area as the gateway to Whitefish from the south. Due to highway speeds and traffic, commercial development should be destination centered rather than auto oriented, and uses generating relatively high daily traffic should be discouraged. Necessary frontage roads should be developed, and accesses consolidated to minimize congestion and maximize traffic safety. A wide and well landscaped buffer along the highway and robust landscaping on commercial developments will ensure a gradual transition to the more intensive highway commercial uses further north in the General/Highway Commercial areas. In addition to commercial uses such as offices, medical facilities, and light industrial/manufacturing/warehousing, single family detached and attached homes are acceptable. Apartments above commercial uses are also encouraged. More intense commercial uses will require the additional public scrutiny of conditional use permits. The applicable zoning district is WB-T, Transitional Business.

**Business Service Center**
This is a non-retail service commercial and light industrial designation. Major uses would be distribution, light manufacturing and component assembly, office-warehouse-showroom types of operations, contractors, building and material suppliers, wholesale trades, mini-storage, and other commercial services of a destination nature. Suitable locations would be adjacent to arterial or collector streets or a highway. Structures would be of moderatie to high architectural quality, and clearly not “industrial” in appearance. Landscaping will be extensive with good quality and effective screening and buffering. Applicable zoning district is WBSD, Business Service District.
City Implementation Activities

1. Oppose any expansion of commercial zoning in Segment C.
2. Petition and encourage Flathead County to develop a zoning compliance permit as a tool to ensure new development adheres to County zoning standards.
3. Discourage any proposed projects in Segment C that are inconsistent with the City’s vision for this segment of the corridor; support those that are consistent.
4. Acquire land or obtain permanent easements for open space near Highway 40 intersection.
5. Start a dialogue with Flathead County and the cities of Kalispell and Columbia Falls to facilitate tri-city land use and transportation planning with the County.
6. Request Flathead County ask Montana Department of Transportation to conduct speed study on Highway 93 between Blanchard Lake Road and Highway 40, and on Highway 40 between Whitefish Stage Road and Highway 93.
7. Work with Flathead County to develop a separated shared-use path along the highway (identify funding source, develop a joint City/County operations and maintenance agreement with Montana Department of Transportation), develop bus pull-outs, shelters and car-pooling facilities, and expand transit service.
8. Create a highway transition zone with development standards for future annexations. In the interim, encourage developers petitioning for annexation of commercial properties to propose conditional zoning for the property consistent with the community’s vision for the gateway to Whitefish.
9. Amend annexation policy to encourage owners or developers of County zoned commercial property who petition for annexation to propose conditional zoning for the property that is consistent with the community’s vision for the gateway entrance to Whitefish.
10. Bring non-conforming signs and billboards into compliance.
TO:  Whitefish City Council  
RE:  WB-T (Business Transitional District) Addition to the Whitefish Zoning Regulations  
Additional oral/written comment  
2-7-2022

We have submitted prior comments for this hearing that clarifies that we do not feel that the city has the legal basis to move forward with this zoning given errors in the adoption of the Hwy 93 Corridor Plan. If, however, you choose to move forward this evening we offer the following additional written and oral comments for your hearing record.

This proposed Transitional zoning fails to provide definitions for the following term which is unacceptable and will only lead to future conflicts over what is permitted and what is not.

1. destination light commercial within the Intent and Purpose Statement
2. residential uses and ancillary services within the Intent and Purpose Statement
3. existing light commercial uses within the Intent and Purpose Statement
4. storage facilities in enclosed within Light Assembly
5. Medical clinics and associated therapeutic health services.
6. The city should take time to clarify the scale and scope of Recreational facilities prive of commercial permitted. Currently WF Zoning defines RECREATIONAL USES: Those uses normally associated with recreational activities. Lakeside recently came to see that recreational uses could mean clearing a whole hillside to install a roller coaster---Is this what WF wants?
7. Wholesale and Warehousing---what is this, a Costco or other similar facility. Whitefish regulations currently only define-- WHOLESALE: The business of selling goods or merchandise to retailers or jobbers for resale to the ultimate user.
8. Light assembly, manufacturing should be consistent with the current definition in the Whitefish zoning regulations.

Transitional zoning definition:  
Light assembly, manufacturing, fabricating, processing, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke) which extend beyond lot lines, and do not involve materials that are explosive, hazardous or toxic.

Current Whitefish Zoning definition:
LIGHT ASSEMBLY: The fitting together of already manufactured parts into a complete or semicomplete unit. This would not limit the casting or forming of some components on site where the processes would typically not generate noise, vibration, smoke or odor detectable at the property line for freestanding buildings, or beyond the walls of the particular business for attached buildings. Typically all manufactured and premanufactured parts and the final product would be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines. Furthermore, all activity usually occurs indoors.

LIGHT MANUFACTURING: The manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All processing must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property boundary line for freestanding buildings, or beyond the exterior walls of the particular business for attached buildings. Furthermore, all new materials and final components should be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines.

- Why has recreational guides and outfitters been added as a permitted use when it is not in the County B-4? Why shouldn’t this remain a use in the city only. Current definition in the WF zoning: RECREATIONAL GUIDES AND OUTFITTERS: Business offering state licensed guides or outfitters as well as equipment and supplies for sale and/or rent for specialized outdoor activities such as fishing or hunting. Retail sales of supplies and equipment related to the primary activity are allowed up to thirty percent (30%) of the gross floor area.

- It seems that the city should perhaps consider special criterial for conditional uses in a transitional zone to establish that a proposed use could not be better met within the city’s existing commercial areas.

- All uses should be only annexed with a PUD

- Housing should be given a more prominent focus in this zone with emphasis on affordable single-family housing and incentives for annexation of such housing.

- Wording should be added to address the location of bike paths which are under county regulations right next to the highway without adequate buffer.
To Whitefish City Council,

As a resident of Whitefish for the past 7 years, the Flathead Valley for over 23 years and a business owner in the area for 20, I realize growth is inevitable. Growth is also necessary for us to continue to develop as a community and find our identity. Let’s face it, we have been discovered and we are not putting the Genie back in the bottle.

However, we are at a critical crossroad that many mountain communities failed to realize they were at. You as the council have a unique opportunity to help create a sustainable mountain community growth strategy that could encourage a primary focus on the community aspect of Whitefish. I have visited mountain communities all over the United States and abroad and I must say, the desire to limit the growth in the downtown core to only those businesses who call Whitefish home has been phenomenal. We don’t have the Lululemons, the Ralph Laurens, the California Pizza Kitchens, the Louis Vuttons. Instead we have the Toggery, local restaurants, Crystal Winters, Imagination Station, locally owned hotels, etc... And I would argue we are better off for it.

My business brings in clients from around the world and they always remark at how unique it is to see a mountain town like ours that is not overrun by corporations. This exudes a sense of community that locals take pride in and visitors notice.

As mentioned, growth will happen, it is simply a matter of how that growth is managed. As a resident of Whitefish are you more interested in the short term gain of annexing the portion south of Whitefish and letting commercial development that contradicts the City of Whitefish's current commercial strategy start to erode the character of the town. Or would you rather provide a counter strategy to all mountain towns that I know of and challenge locals (or new to the area locals) with the task of continuing to build this great community?

I am not saying don’t annex the area south of Whitefish, in fact, I am saying do it. However, what I am advocating for is a very determined, long play in making sure these developments are cultural adds to the City of Whitefish.

I would just simply ask that the City abide by the Master Plan for Segment B and C which were thoughtfully laid out and not allow for development that is inconsistent with the community's vision.

Also as a side note, I know the resort tax is now in place until 2025. I would highly encourage the City to potentially revisit this with an increase from 3% to 7% or 8% or even 10%. However, the change I would propose is that if a vendor is presented with a Montana driver's license then that individual would pay the 3% as is currently expected. I realize this creates all sorts of logistical issues, but our City is being visited by people from outside the area who are utilizing city services at a higher level than they are being held responsible for. This increase would continue to allow Whitefish to build the community services and affordable housing that is necessary to maintain the integrity of the Master Plan. Be bold and take steps that play the long game.

Thanks,
Clay Binford
Dear City Council,

Thank you so much for looking further into the possibilities for zoning for highway 93 south of highway 40!

Please deny the Business Transitional District. We want our business development near downtown where it is handy for people to access, not sprawled out all along the highway.

That area is better used for affordable housing in neighborhoods that encourage stability and neighbors connecting with each other, with mixed prices. Sustainable workforce housing would be a big asset to our town.

Landscaped raised berms along the highway would help.

Please create transitional zoning for housing, excluding un-needed commercial uses, and please require site plans for all annexations and rezoning proposals.

--D. L. Blank
PO Box
Whitefish, MT 59937
How happy I am that you are working toward Not having the entrance to Whitefish look like any town USA. It seems like such a good place for some nice neighborhoods of affordable housing.

Anne Collins, Whitefish’s

Sent from my iPhone
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

Thank You voting to reconsider how to use the transition zone south of Hiway 40. Please vote to use the land for the people of the Flathead valley and NOT the development of Urban Sprawl.

Thank You.

Gil Conrad

Kalispell, Mt.
Not a transitional business zone. Please be careful to limit commercial uses per CFBF suggestions. Jon
Michelle Howke

From: gussulli@aim.com
Sent: Saturday, March 19, 2022 2:20 PM
To: Michelle Howke
Subject: Zoning change

ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

Thank you for considering a change of zoning on hwy 93 by Hwy 40. Such an important decision for the future for the city of Whitefish. I’ve lived here 44 years and am always impressed on how whitefish has planned for a vibrant future with a great downtown and lots of trails and parks! Wonderful Dog Park also! Thanks! Gail Sullivan.

Sent from the all new AOL app for iOS
TO: Whitefish City Council  
RE: WB-T (Business Transitional District) Addition to the Whitefish Zoning Regulations  
2-7-2022

Citizens for a Better Flathead agrees with the comments submitted by Weinberg & Hromadka, PLLC represents the South Whitefish Neighborhood Association ("Association") at your December 6, 2021 in connection with the Highway 93 South Corridor Plan ("Corridor Plan") and ask that this letter be made part of your hearing record this evening.

We share their concerns and perspective that "the Corridor Plan’s attempt to change the future land use designation creates an express inconsistency between the Corridor Plan and the Growth Policy. Such changes are unlawful under Mont. Code Ann. 76-1-601(4)(a) which requires neighborhood plans to be consistent with the growth policy and the Montana Supreme Court case of Ash Grove Cement Co. v. Jefferson Cnty., 283 Mont. 486 (1997) and its progeny. See N. 93 Neighbors, Inc. v. Bd. of Cnty. Comm’rs, 2006 MT 132, 62 ("We remain mindful of the concerns regarding the pitfalls of piecemeal amendments to comprehensive planning documents expressed by Justice Leaphart and Justice Nelson in Ash Grove Cement")."

More specific to the zoning before you in this hearing the Association asserts and we agree that "the Corridor Plan also attempts to change the future land use designations of certain properties in Segment C from Suburban Residential or Rural Residential to Highway Transitional or Business Service Center, using Flathead County’s flawed zoning decisions as justification. Again, these changes would create express inconsistencies between the Corridor Plan and the Growth Policy for the same reasons previously discussed in addition to the fact that the Growth Policy does not include a land use designation of “Highway Transitional.” See Growth Policy at 65-68.”

Given the issues raised in this December 6, 2021 letter from the Association and our comments at that hearing which concur with the Association’s letter, we assert that the legal basis for the proposed zoning district before you this evening is without merit because the changes to the growth policy map and the growth policy though the adoption of the corridor plan were not legal.

We plan to provide additional oral public comment at your hearing this evening.
Whitefish should annex for housing — not more commercial

Why is the Whitefish City Council being asked, by their planning staff, at their Feb. 21 City Council meeting, to approve the zoning and annexing of property just south of the intersection of Highway 40 and Highway 93 for more commercial development? This is an area much larger than downtown Whitefish. The commercial development proposed includes everything from Whitefish downtown-killers like more commercial retail, bars, hotels, and even more automotive, boat, and RV sales, as well as those lovely storage units that are starting to line the highway between Kalispell and Whitefish. Is this your vision of how Whitefish should grow? Sounds like classic sprawl to us.

In 2015 Kalispell had a different view for its highway corridor north of the City. They saw the need and potential for residential neighborhoods at their highway corridor entrance. So, they annexed the 325-acres of farmland just north of the city limits, right along Highway 93, and approved Silverbrook Estates as a residential subdivision.

Today, Silverbrook includes a mixed price range of 285 single-family homes in its first phase that is getting close to being built out and a second phase to include 200 additional single-family homes and 90 townhomes. This housing development includes landscaped raised berms all along Highway 93 that shield the housing from the highway and its noise. It includes numerous park areas including tennis courts, basketball courts and walking paths winding throughout the neighborhood. It also has a central clubhouse with an outdoor pool and fitness center.

Further north of the single-family housing this area recently added the Hutton Ranch Apartments Subdivision, which will include four buildings with 96 apartment units, a parking lot with some covered parking, a clubhouse, pool, basketball court, barbecue area, gazebos and playground equipment.

One important take-away message from the denial of the Mountain Gateway’s proposed 318 units of housing and commercial development on 32.7 acres is that the Whitefish residents want housing that creates and respects neighborhoods. Neighborhoods with housing for a variety of price ranges including housing for the locals who work in Whitefish. A single 275-unit, four-story massive apartment complex surrounded by a sea of 500 parking spaces next to a long-established large-lot neighborhood should be a dead-on-arrival proposal going forward.

A second important take-away message from the largest ever outpouring of public comment in Whitefish over the proposed Mountain Gateway development is that sustainable workforce housing needs to be developed within well-designed neighborhoods with mixed price points. It’s time to plan for housing developments in Whitefish that recognize that workers don’t just need a room, they need and want neighborhoods too.

Silverbrook Estates is a success story for a neighborhood designed to fit along the Highway 93 corridor with a range of housing from single-family to multi-family. While the county, after the “donut” area lawsuit battle between the City of Whitefish and the county, chose to zone for commercial uses along Highway 93 just outside of Whitefish, it’s now time for both the city and the county to reach out and address the current need for housing in this location — NOT MORE COMMERCIAL.

The Whitefish City Council should send the proposed new commercial zoning, for the annexation of property along Hwy 93 into the city, back to the planning staff and ask that this area be reviewed with a fresh perspective focused on new neighborhoods and housing that can and will better sustain Whitefish into the future.

Mayre Flowers, Citizens for a Better Flathead

Copyright (c) 2022 Whitefish Pilot, Edition 2/16/2022
Powered by TECNAVIA
Please Deny the proposed "WB-T zoning district (Business Transitional District)." that permits major commercial development to sprawl along Hwy 93 south of its intersection with Hwy 40.

I Ask the City Council to please:

- **Prioritize Housing** with an emphasis on affordability when a developer asks the city to annex their property into the city. Annexation is the primary means by which cities expand their boundaries. While annexation can facilitate orderly growth and development, it can also be a controversial and negative when the uses proposed represent a developer’s vision and not the vision or needs of the city/community. The city gains very little if any benefit by adopting this new zoning. Without adopting this zoning the city has the legal right to say no to more commercial development.

- **Prioritize Real Neighborhoods.** Click here to read our recent op ed in the WF Pilot about this. An important take-away message, from the largest ever outpouring of public comment in Whitefish over the proposed Mountain Gateway development, is that sustainable workforce housing needs to be developed within well designed neighborhoods with mixed price points and with amenities. It’s time to plan for housing developments in Whitefish that recognize that workers don’t just need a room, they need and want neighborhoods too.

- **Ask that the city use your tax dollars for Housing not commercial sprawl** and to prioritize the extension of city taxpayer purchased infrastructure, like water and sewer, for housing over commercial uses. As a city tax payer you paid for the sewer and water treatment plants and the extra capacity that allows for and makes it possible for new development to be annexed into the city though fees. Time to speak up for how city infrastructure is used. We say to sustain Whitefish for the long term use the city’s costly and limited infrastructure to expand real neighborhoods—not the largest single multifamily building possible or highway commercial sprawl.

- **Reach out to the County Commissioners and build support for joint planning for Housing.** While the county, after the “donut” area lawsuit battle between the City of Whitefish and the county, chose to zone for commercial uses along Hwy 93 just outside of Whitefish, it’s now time for both the city and the county to reach out and address the current need for housing in this location—NOT MORE COMMERCIAL.

- **Encourage infill within the city for new commercial, but only where appropriate and needed.** Transportation infrastructure is limited and stressed in many areas. The Whitefish Growth Policy calls for adequate infrastructure to be in place before growth is approved.

---

Thank you!
Amanda Niles
Graduate Student
The entire Whitefish City Council is on track to ruin, destroy, and completely transform the City of Whitefish into a completely UNinhabitable city!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
The proposed WTB zoning is obscene and perpetrated by forces of self-serving greed.
NO MORE COMMERCIAL DEVELOPMENT. Whitefish and the entire Flathead County needs
AFFORDABLE HOUSING!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
Are you paying attention????????????????????????????? You need to be paying attention.
I personally think that the entire City Council needs to be recalled, and caring, intelligent, clear thinking new members elected!!!

What a shame tarring and feathering is no longer acceptable behavior.

Christina Granrud
As a resident of the Whitefish area, we are particularly concerned about there proposal to degrade the south corridor into Whitefish by commercial zoning. Don’t let Whitefish become another Kalispell or Evergreen. Whitefish can do better. Whitefish needs residential housing, not more commerce.

**Deny the proposed "WB-T zoning district (Business Transitional District)"**

**Prioritize Housing** with an emphasis on affordability when a developers asks the city to annex their property into the city.

**Reach out to the County Commissioners and build support for joint planning for Housing.**

**Encourage infill within the city for new commercial, but only where appropriate and needed.**

Alan and Sallie Gratch
Residents, off Logan Creek Road, Star Meadow
Michelle Howke

From: Robert Hager <hgr_rbrt@yahoo.com>
Sent: Saturday, February 19, 2022 2:25 PM
To: Michelle Howke
Subject: WB-T zoning

ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk<mailto:help@cityofwhitefish.org> if in doubt.

I am writing to urge the counsel to deny this zoning proposal. We do not need the make more of our valley into a commercial eye sore. What we DO NEED is more affordable housing. Focus on what we need please.
Robert Hager, D.C.
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

Whitefish City Council members

I have been a resident of the Flathead valley for close to 50 years and have watched with dismay at poor decisions in land use over the years. It seems like issues change and now it’s the shortage of affordable housing for our working families that is sorely needed. There is a golden opportunity to do just that in this land use junction south of Whitefish. Please be aware of this and deny that area of W.B.T. zoning. What an eyesore that would be and it would contradict the long held planning vision of keeping commercial development away from the hwy 93 corridor.

Please consider a land use designation that would give incentive for development of affordable housing (with emphasis on ownership) so that young people that want to work and live here can do so. The city of Kalispell annexed boundaries to reserve and opened up city services to housing land use; it’s time for Whitefish to do the same.

Respectfully, John de Neeve
670 Concord lane
Kalispell, Mt.
To Whom it May Concern:

Lately I have been driving the section of Hwy 93 south of Kalispell, and I find it so depressing! The last thing I want for the southern entrance into Whitefish is for it to look like that!! Please take whatever steps necessary to prevent that kind of ugly, unnecessary sprawl south of our beautiful town.

We need affordable housing, not more commercial development, much of which could compete with the existing businesses downtown. **PLEASE DENY** the WB-T Zoning that is proposed for the area south of Hwy 40. It would change our town in a terrible way. This area should be used for affordable housing that is in keeping with our existing neighborhoods. Stop this sprawl before it is too late and before we lose the character of our town for good!

Thank you,

Susan Prilliman
211 4th Street W
Whitefish, MT 59937
406 862-2207
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

Dear Council members,

Please consider the need for some relief from the sprawl as it spreads between our respective communities; Whitefish, Kalispell and Columbia Falls. What advantages will this annexation offer to Whitefish and the Flathead Valley? This could be an opportunity to provide some relief to the brutal development occurring along our highways. Parks, pedestrian trails crossing over or under the highways. Providing land bridges between natural areas for humans and wildlife to cross over the highway. A great location for a park or open amphitheater in conjunction with pedestrian crossings and attractive commercial development? The valley is being adversely impacted by development and light pollution.

This exceptional property could set a precedent for low impact development such as subsidized housing in conjunction with attractive landscape.

Thanks for your service to our community and the Flathead Valley.

Doug Rhodes
Commercial Zoning on Highway 93 South

As a long-time downtown Whitefish business and commercial property owner, I respectfully ask that the Whitefish City Council table for now further consideration of the proposed WB-T zoning district (Business Transitional District). The WB-T is currently scheduled for a final decision on your March 7th City Council agenda, but the business community and the public need to have a better understanding of just what is being proposed.

Many of the proposed commercial uses in the WB-T zone are not even defined in the city zoning code. For example, what is light commercial or wholesale and warehousing? And why does the WB-T zone, unlike WB-3 zone which covers commercial uses in downtown Whitefish, allow for the planning director to simply approve their site plan, when as I understand it, downtown businesses are held to a much more thorough review and higher standards that then goes before the city council for approval?

It has taken years to build a healthy downtown Whitefish through careful and thoughtful planning. What’s the rush? I know there is endless pressure put on staff to approve zoning changes, but again where’s the pressure coming from to approve this? There’s so many unanswered questions and huge changes being proposed to benefit commercial interests. Please put this new zoning on a city council work session so unanswered questions can be raised and answered.

Susan Schnee
239 Central Avenue
Whitefish, Montana 59937
February 4, 2022

Sent via E-Mail

City of Whitefish
Whitefish City Council
418 E 2nd Street
Whitefish, MT 59937
E-Mail: mhowke@cityofwhitefish.org

Re:   WB-T Business Transitional District: WZTA 22-01

Dear Council,

This firm represents the South Whitefish Neighborhood Association. As you know, The Whitefish Growth Policy (“Growth Policy”) was adopted in 2007 and includes community vision statements, goals, policies, recommended actions with respect to air quality, water quality, critical areas, economic development, and land use and a future land use map to guide growth and development in the City. The Growth Policy’s Future Land Use Map is a graphic and general representation of the type, density, and spatial extent of future growth in the City. The Growth Policy’s residential land use designations for the properties located to the south of Highway 40 in the Highway 93 South Corridor are designated either Suburban Residential, Rural Residential, or Rural.

Once a growth policy has been adopted, the governing body must substantially comply with the policy in subsequent decision-making, including zoning decisions. Ash Grove Cement Co. v. Jefferson Cnty., 283 Mont. 486, 943 P.2d 85 (1997). Subsequent planning documents which purport to stand alone or amend or partially repeal a growth policy but which are expressly inconsistent with a growth policy, either in part or in whole, are invalid as are any zoning decisions based on inconsistent planning documents.

The City Council’s purported map amendment of the Growth Policy via Resolution 21-50, which attempts to reclassify land designated in the Growth Policy to Urban, Highway Transitional, and Business Service Center, does not meet the requirement that neighborhood plans and other junior planning documents be consistent with the Growth Policy. Nor does it meet the requirement that existing land uses be reflected in the Growth Policy as it is not based on the existing condition and use of the land pursuant to Mont. Code Ann. § 76-1-601.
The City Council’s attempt to change the future land use map and create a new land use designation through the Corridor Plan is a piecemeal and inconsistent amendment to the Growth Policy for a small portion of the jurisdictional area covered by the Growth Policy and is unlawful under Montana law. With respect to the land use designation of “Highway Transitional,” purportedly created out of thin air in the Highway 93 S Corridor Plan, this designation is plainly inconsistent with the 2007 Growth Policy because such a designation does not exist in the 2007 Growth Policy. Growth Policy, page 66-68. Corridor Plans are contemplated by the Growth Policy as a type of neighborhood plan to refine one or more of the elements of the Growth Policy in more detail for the five specific transportation corridors in the City. The Growth Policy does not authorize the revision of the Growth Policy through a Corridor Plan.

Therefore, because the Corridor Plan’s “Highway Transitional” land use designation is expressly inconsistent revision of the Growth Policy and is thus invalid, the City’s attempt to implement the “Business Transitional District” zoning based on the Corridor Plan is likewise illegal and invalid.

Furthermore, the on the ground implementation of the new zoning district will only lead to more inappropriate and damaging development proposals for things like RV and boat sales, hotels and motels, RV parks and campgrounds, and ministorage facilities. Such uses would be damaging to the nearby wetland complex and are not consistent with the community’s vision for Whitefish – as embodied by the 2007 Growth Policy. The inevitable bad development proposals that will follow approval of this new zoning district will only lead to more acrimony and discontent in our small community.

For these reasons, the Association urges the Council to not adopt the “Business Transitional District” zone. It is unlawful as plainly inconsistent with the 2007 Growth Policy and will not serve the health, safety, and general welfare of the community. Thank you for your time and consideration.

Sincerely,

/s/ Michelle T. Weinberg

WEINBERG & HROMADKA, PLLC
Attorney for South Whitefish Community Association

cc: Lindsey W. Hromadka, co-counsel; Angela Jacobs, City Attorney
• Please **Deny the proposed "WB-T zoning district (Business Transitional District)."** that permits major commercial development to sprawl along Hwy 93 south of its intersection with Hwy 40.

    **I Ask the City Council to please:**

    • **Prioritize Housing** with an emphasis on affordability when a developer asks the city to annex their property into the city. Annexation is the primary means by which cities expand their boundaries. While annexation can facilitate orderly growth and development, it can also be a controversial and negative when the uses proposed represent a developer's vision and not the vision or needs of the city/community. The city gains very little if any benefit by adopting this new zoning. Without adopting this zoning the city has the legal right to say no to more commercial development.

    • **Prioritize Real Neighborhoods.** [Click here](#) to read our recent op ed in the WF Pilot about this. An important take-away message, from the largest ever outpouring of public comment in Whitefish over the proposed Mountain Gateway development, is that sustainable workforce housing needs to be developed within well designed neighborhoods with mixed price points and with amenities. It's time to plan for housing developments in Whitefish that recognize that workers don't just need a room, they need and want neighborhoods too.

    • **Ask that the city use your tax dollars for Housing not commercial sprawl** and to prioritize the extension of city taxpayer purchased infrastructure, like water and sewer, for housing over commercial uses. As a city tax payer you paid for the sewer and water treatment plants and the extra capacity that allows for and makes it possible for new development to be annexed into the city though fees. Time to speak up for how city infrastructure is used. We say to sustain Whitefish for the long term use the city’s costly and limited infrastructure to expand real neighborhoods--not the largest single multifamily building possible or highway commercial sprawl.

    • **Reach out to the County Commissioners and build support for joint planning for Housing.** While the county, after the "donut" area lawsuit battle between the City of Whitefish and the county, chose to zone for commercial uses along Hwy 93 just outside of Whitefish, it’s now time for both the city and the county to reach out and address the current need for housing in this location---NOT MORE COMMERCIAL.

    • **Encourage infill within the city for new commercial, but only where appropriate and needed.** Transportation infrastructure is limited and stressed in many areas. The Whitefish Growth Policy calls for adequate infrastructure to be in place before growth is approved.
The entire Whitefish City Council is on track to ruin, destroy, and completely transform the City of Whitefish into a completely UNinhabitable city!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
The proposed WTB zoning is obscene and perpetrated by forces of self-serving greed.
NO MORE COMMERCIAL DEVELOPMENT. Whitefish and the entire Flathead County needs AFFORDABLE HOUSING!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
Are you paying attention??????????????????????????????? You need to be paying attention.
I personally think that the entire City Council needs to be recalled, and caring, intelligent, clear thinking new members elected!!!

What a shame tarring and feathering is no longer acceptable behavior.

Christina Granrud
Michelle Howke

From: Alan Gratch <alangratch@gmail.com>
Sent: Tuesday, February 22, 2022 11:58 AM
To: Michelle Howke
Subject: Zoning at intersection of hwys 40 and 93

As a resident of the Whitefish area, we are particularly concerned about the proposal to degrade the south corridor into Whitefish by commercial zoning. Don’t let Whitefish become another Kalispell or Evergreen. Whitefish can do better. Whitefish needs residential housing, not more commerce.

Deny the proposed "WB-T zoning district (Business Transitional District)"

Prioritize Housing with an emphasis on affordability when a developer asks the city to annex their property into the city.

Reach out to the County Commissioners and build support for joint planning for Housing.

Encourage infill within the city for new commercial, but only where appropriate and needed.

Alan and Sallie Gratch
Residents, off Logan Creek Road, Star Meadow
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk<mailto:help@cityofwhitefish.org> if in doubt.

I am writing to urge the counsel to deny this zoning proposal. We do not need the make more of our valley into a commercial eye sore. What we DO NEED is more affordable housing. Focus on what we need please.

Robert Hager, D.C.
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

To whom it may Concern,

I’m writing this out of concern for the proposed zoning allowing the possibility for more commercial development along 93 south of Whitefish. This valley is in need of housing that is affordable and neighborhood friendly. Is there a way to collaborate with city planners for housing as well as “build to suit” commercial expansion? Who is the commercial developer waiting for this annexation to happen so they can move in to create yet more commercial businesses. At this juncture having some foresight into what and how we want to create the future of this area is critical. Please work together with all who care about our city/county and how it is growing. Not just the few who will financially benefit but the many who make this their home and the generations to come. Having seen how this area has changed over the past 50 plus years it is alarming that affordable housing has been neglected.

Out of great concern, I appreciate your consideration, Julie Howard
14337 Community Ln
Bigfork

Sent from my iPhone
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

Whitefish City Council members

I have been a resident of the Flathead valley for close to 50 years and have watched with dismay at poor decisions in land use over the years. It seems like issues change and now it’s the shortage of affordable housing for our working families that is sorely needed. There is a golden opportunity to do just that in this land use junction south of Whitefish. Please be aware of this and deny that area of W.B.T. zoning. What an eyesore that would be and it would contradict the long held planning vision of keeping commercial development away from the hwy 93 corridor. Please consider a land use designation that would give incentive for development of affordable housing (with emphasis on ownership) so that young people that want to work and live here can do so. The city of Kalispell annexed boundaries to reserve and opened up city services to housing land use; it’s time for Whitefish to do the same.

Respectfully, John de Neeve
670 Concord lane
Kalispell, Mt.

Sent from my iPad
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

To Whom it May Concern:

Lately I have been driving the section of Hwy 93 south of Kalispell, and I find it so depressing! The last thing I want for the southern entrance into Whitefish is for it to look like that!! Please take whatever steps necessary to prevent that kind of ugly, unnecessary sprawl south of our beautiful town.

We need affordable housing, not more commercial development, much of which could compete with the existing businesses downtown. PLEASE DENY the WB-T Zoning that is proposed for the area south of Hwy 40. It would change our town in a terrible way. This area should be used for affordable housing that is in keeping with our existing neighborhoods. Stop this sprawl before it is too late and before we lose the character of our town for good!

Thank you,

Susan Prilliman
211 4th Street W
Whitefish, MT 59937
406 862-2207
Dear Council members,

Please consider the need for some relief from the sprawl as it spreads between our respective communities; Whitefish, Kalispell and Columbia Falls. What advantages will this annexation offer to Whitefish and the Flathead Valley? This could be an opportunity to provide some relief to the brutal development occurring along our highways. Parks, pedestrian trails crossing over or under the highways. Providing land bridges between natural areas for humans and wildlife to cross over the highway. A great location for a park or open amphitheater in conjunction with pedestrian crossings and attractive commercial development? The valley is being adversely impacted by development and light pollution.

This exceptional property could set a precedent for low impact development such as subsidized housing in conjunction with attractive landscape.

Thanks for your service to our community and the Flathead Valley.

Doug Rhodes
Don Burgard <burgie-sub@hughes.net>

Monday, November 7, 2022 8:04 AM

Michelle Howke

Proposed WB-T Zone

I only have time to comment that I have followed the proposals for property development near the Hwy 93 and Hwy 40 intersection and support all of the recommendations presented by the Citizens For A Better Flathead organization.

Don J. Burgard
burgie-sub@hughes.net
Dear Ms. Howke,

I writing to urge the City Council to say NO to degrading Whitefish’s integration with its unique setting. A hard NO on abetting the juggernaut of sprawl that has made towns across the country less desirable — indistinguishable from a thousand other towns across the country with generic strip development. An emphatic NO on announcing to anyone arriving that this city, like so many others, has bowed to developers rather than the will of its citizenry. NO, again, on expanding the structure of an automobile-centered culture rather than strengthening the fabric of its human-community within a special mountain environment. If you’re going to make a decision about the type of strip development at the southern entrance to Whitefish, it should be an absolute model of how to permit strip development that doesn’t look or sound or feel like strip development — a solution that towns and cities all over the Mountain West might want to emulate.

I don’t want to know what sort of fix-it compromise you think will accommodate the latest pulse of unprecedented growth. That’s not a solution; it’s just another make-do patch on a chronic problem. I want to know what your vision of the best quality of life for Whitefish’s residents over the long term looks like. As things stand, the most realistic picture for the future is a super-congested valley holding the continuous generic-looking Flathead metropolis of KaFish Falls in which we have accommodated every request aligned with unchecked growth and lost the quality of daily life that used to distinguish Whitefish. How to we keep this from becoming our inevitable future?

The minimum I hope you will consider includes the following points outlined by Citizens for a Better Flathead.

- **Adopt a Housing Transitional Zoning District (WH-T)** which excludes commercial uses and prioritizes Housing with an emphasis on affordability when a developer asks the city to annex their property into the City. Annexation is the primary means by which cities expand their boundaries. While annexation can facilitate orderly growth and development, it can also be a controversial and negative when the uses proposed represent a developer's vision, and not the vision or needs of the city/community. The city gains very little if any benefit by adopting this new Business Transitional zoning. By not adopting this proposed Business Transitional zoning the city has the legal right to say no to more commercial sprawl development and yes to housing.

- **Use your tax dollars for Housing not commercial sprawl**, and to prioritize the extension of city taxpayer purchased infrastructure, like water and sewer, for housing over commercial uses. As a city tax payer you paid for the sewer and water treatment plants and the extra capacity that allows for and makes it possible for new development to be annexed into the city though fees. Time to speak up for how city infrastructure is used. We say to sustain Whitefish for the long term use the city’s costly and limited infrastructure to expand real neighborhoods—not the largest single multifamily building possible or highway commercial sprawl.
• **Lead with new ideas and strategies** like incentivizing collaboration with the [Northwest Montana Community Land Trust (CLT)](#) and property owners/developers wanting to annex for sewer and water from the city, to secure truly affordable housing. CLTs can hold donated land underlying housing in trust allowing ownership costs to be significantly reduced while the developer donating the land gets a valuable tax break.

• **Retain a site plan requirement for all proposed annexations and rezoning proposals under this transitional zoning.** The City Planning staff are now recommending dropping this requirement from the zone requirements. Dropping it, however, asks the public and the City Council to blindly approve development in the highway corridor without being able see the quality of development being proposed or how access will impact traffic.

• **Prioritize Real Neighborhoods.** [Click here](#) to read our recent op ed in the WF Pilot about this. An important take-away message, from the largest ever outpouring of public comment in Whitefish over the proposed Mountain Gateway development, is that sustainable workforce housing needs to be developed within well designed neighborhoods with mixed price points and with amenities. It's time to plan for housing developments in Whitefish that recognize that workers don't just need a room, they need and want neighborhoods too.

• **Investigate and establish standards for landscaped raised berms along the Hwy entrance to the city.** Doing so will enhance the gateway corridor to the city and provide sound buffering to housing in the corridor.

• **Reach out to the County Commissioners and build support for joint planning for Affordable Housing.** While the county, after the “donut” area lawsuit battle between the City of Whitefish and the county, chose to zone for commercial uses along Hwy 93 just outside of Whitefish, it’s now time for both the city and the county to reach out and address the current need for housing in this location—NOT MORE COMMERCIAL.

• **Encourage infill within the city for new commercial, but only where appropriate and needed.** Transportation infrastructure is limited and stressed in many areas. The Whitefish Growth Policy calls for adequate infrastructure to be in place before growth is approved.

• **Take the time they need to get this right and to seek additional input.**

Thank you for looking this over. I urge you to keep in mind not only to do right now but also what would be best for Whitefish 50 years from now, and that would include thinking about whether or not there will even be such a thing as a distinct — and charming — city called Whitefish within the Flathead urban complex five decades hence.

Sincerely,

Douglas Chadwick

Douglas H. Chadwick
[chadwick@cyberport.net](mailto:chadwick@cyberport.net)
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

I adopt and fully support the CFBF position. If whitefish can do a really good job with this, everyone will benefit. If Whitefish continues to bow to the developers, we will have ugly sprawl like Los Angeles or any other big city in America. It is possible to resist. Look at England. I suggest a moratorium on further approvals, until affordable housing can be built. If there is a moratorium, Then affordable housing proposals will magically appear. Funny how that works. Good luck, Jon Heberling

Sent from my iPhone
please:

- Deny the "revised" proposed "WB-T zoning district (Business Transitional District)" that still permits a long list of un-needed commercial development to sprawl along Hwy 93 south of its intersection with Hwy 40.

Instead please:

- Adopt a Housing Transitional Zoning District (WH-T) which excludes commercial uses and prioritizes Housing with an emphasis on affordability when a developer asks the city to annex their property into the city. Annexation is the primary means by which cities expand their boundaries. While annexation can facilitate orderly growth and development, it can also be a controversial and negative when the uses proposed represent a developer's vision, and not the vision or needs of the city/community. The city gains very little if any benefit by adopting this new Business Transitional zoning. By not adopting this proposed Business Transitional zoning the city has the legal right to say no to more commercial sprawl development and yes to housing.

- Use my tax dollars for Housing not commercial sprawl, and to prioritize the extension of city taxpayer purchased infrastructure, like water and sewer, for housing over commercial uses. As a city tax payer I paid for the sewer and water treatment plants and the extra capacity that allows for and makes it possible for new development to be annexed into the city though fees. Time to speak up for how city infrastructure is used. We say to sustain Whitefish for the long term use the city's costly and limited infrastructure to expand real neighborhoods--not the largest single multifamily building possible or highway commercial sprawl.

- Lead with new ideas and strategies like incentivizing collaboration with the Northwest Montana Community Land Trust (CLT) and property owners/developers wanting to annex for sewer and water from the city, to secure truly affordable housing. CLTs can hold donated land underlying housing in trust allowing ownership costs to be significantly reduced while the developer donating the land gets a valuable tax break.

- Retain a site plan requirement for all proposed annexations and rezoning proposals under this transitional zoning. The City Planning staff are now recommending dropping this requirement from the zone requirements. Dropping it, however, asks the public and the City Council to blindly approve development in the highway corridor without being able see the quality of development being proposed or how access will impact traffic.

- Prioritize Real Neighborhoods.
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

I am writing to ask you to table any action on the new WB-T zoning until the zoning can be revised after thoughtful consideration about such things as:

1. traffic congestion
2. transportation infrastructure
3. housing and neighborhood quality
4. compliance with the Whitefish Zoning Code and Growth Policy
5. a site plan and PUD that insures development will be consistent with the city's and public's vision and goals as a visual and welcoming gateway to the city.

I encourage you to remove most commercial uses from this new zone and title the new zone Transitional Housing and NOT transitional Business.

Let developers and property owners know that we CARE about our city and that we welcome partnering with them in thoughtful development that takes into account the city's beauty as it grows and to provide the necessary housing such growth demands.

Thank You.

Susan Cahill
Kalispell
TO: Whitefish City Council
RE: WB-T (Business Transitional District) Addition to the Whitefish Zoning Regulations
Additional oral/written comment
11-7-2022

“The world we have created today as a result of our thinking thus far has problems which cannot be solved by thinking the way we thought when we created them.”
- Albert Einstein, scientist (1879-1955)

We are here again today to ask that you once again table the proposed WB-T zoning district before you tonight for a number of specific reasons. The over-arching reason for this is tied directly to the Einstein quote. There are sadly little to no new strategies or solutions to guide the proposed WB-T zoning before you this evening or for annexation process that will implement this zoning.

To put it bluntly, what is being proposed is more of the same way of thinking about zoning as a mere list of uses, be they residential or commercial or others. Such use-based zoning has not been able to keep pace with the rapid growth Whitefish continues to face. Single reliance on use-based zoning is in large part a result of the failures the city faces in growing traffic congestion and the perceived and real loss of community character.

Congestion is created in large part by the demands of a long list of potential uses that the Whitefish Zoning code currently allows as the driving factor for how the city is growing, as opposed to the use of form-based zoning to define the character of development city residents desire— to some extent no matter what the use— and the capacity of the infrastructure to serve a proposed site. Use based zoning we would suggest results in growth dictated more by the what the developer envisions that what the city residents envision. Form-based or character or infrastructure capacity based zoning will ideally provide, we think, more predictable development criteria and a better shared vision of how Whitefish will grow in the future and provide the infrastructure needed to sustain such growth.

You have the ripe opportunity to rethink how Whitefish does zoning and annexation. We believe this can best be accomplished by contracting for some fresh input from planners who have expertise working in numerous communities around the northwest to help Whitefish adopt a new model zoning code for the proposed WB-T zoning district.

When we reference new model zoning codes we are referring specifically to adapting what is known as more commonly today as form-based zoning codes and or multiple layers of zoning where the most important layer of zoning becomes the base layer form determined by starting with identifying the infrastructure and site capacity for roads and active pedestrian and transit as well as the desired visual impact that landscaping and setbacks can provide. An overlay zone on top of this can then identify the viability and capacity of a given site for specific uses be they
residential or commercial or others and be best addressed we would suggest by requiring a PUD (Planned Unit Development) developed specifically with additional criteria for this proposed WB-T highway corridor district.

Form-based code is an alternative to current use-focused zoning strategies that instead “fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law.”¹ A form based-code as underlying zoning for soon-to-annex areas would allow the City to have much more predictable control over development scale, landscape design, rural character, and transportation safety / concurrency.

The 2007 Whitefish Growth Policy Implementation section and subsequent updates like in 2009 have called for and prioritized the adoption of what at that time was called “character based standards for neighborhood conservation districts.” As we understand this character based zoning concept, in consultation with some professional planners, form based zoning codes are the more sophisticated current evolution of this zoning type. Using the relatively small acreage included in the proposed WB-T zoning district the city has a real opportunity to relatively easily use this district as a test case to see if form-based zoning is a tool that could be implemented more broadly as the city moves forward with a comprehensive update of the Whitefish Growth Policy.

Neighboring Missoula opted to write form-based code for its Sx̂t̓p̓oyn – pronounced S-wh-tip-KAYN – Neighborhood Plan. This form-based code opens up the possibility for well-integrated, mixed-use zoning that allows for limited neighborhood commercial amidst residential uses while still preserving the image and character of a space. It also delineates requirements like parks, playgrounds, and open space for the four quadrants of the neighborhood. In addition to these open space requirements, the plan incentivizes agricultural preservation, a goal intimately tied to the rural character sought after in the Highway 93 Corridor. The Sx̂t̓p̓oyn Plan has also brought in some $13 million of federal BUILD funding to develop key active transportation infrastructure based in no little part on the innovative form based zoning they put in place for this neighborhood. As a result of this targeted focus, a whopping 90% of planned active infrastructure for this neighborhood was completed as of 2021.²

If we haven’t yet enticed you to take time to rethink the out of the box strategies for the proposed WB-T zoning district before you, we ask that you also consider our prior comments that stress needed changes to the zone as proposed. We have also submitted prior comments for this hearing that clarifies that we do not feel that the city has the legal basis to move forward with this zoning given errors in the adoption of the Hwy 93 Corridor Plan. If, however, you choose to move forward this evening we offer the following additional written and oral comments for your hearing record.

The recent site plan for the property at the intersection of Hwy 93 and 40 across from the town pump, attached to our comments, provides yet another reason why the proposed WB-T

¹ https://formbasedcodes.org/definition/
zoning is inadequate. This site plan below was emailed to you each as when it was sent to me in response to my request for public information. This plan includes; "The applicant is proposing a mixed use development at the corner of Highway 93 and 40. The project will have approximately 22,000 sf of retail and 11,600 sf of restaurant. There will be 148 apartment units in three story walkup buildings. Access to the project is and approach on Highway 40, and approach on Highway 93, and an approach on Emerald Dr."

While this site plan suggests it has resolved any transportation issues for the site—it clearly has not. In visiting with the MDOT representative about this site they confirmed that none of these access points were confirmed as even possible given the complexity of this high traffic intersection and that Emerald Drive is a private road for which there was no indication provided at the site review meeting that an easement was obtained for its use. No right away needs had yet been developed by MDOT for the future Hwy 93 and 40 intersection or for future expansion for the building of a roundabout at this intersection. To approve a site plan like this for annexation or to adopt the proposed WB-T zoning that would allow for these uses in this site plan proposes, represents a form of development that would be legal under the WB-T zoning before you but the “form” of this zoning certainly is not in keeping with the public’s desire for development patterns that do not facilitate more commercial strip type development crammed next to the highway with very limited setbacks, landscaping or berms to soften the impact and, not to forget, the proliferation of multiple retail uses like restaurants which violate the intent of the Whitefish Downtown Plan, the Whitefish Growth Policy. The Growth Policy and Downtown Master Plan articulate a clear city goal to channel commercial development to existing commercial nodes, with a heavy emphasis on the downtown region. The Downtown Master Plan includes a capacity diagram depicting, “a possible 140,000 square feet of new retail floor space and over 330 housing units” (pg. 55). Rather than pushing sprawling growth out to the
Hwy 93 corridor, we propose working with developers and landowners to make mixed-use infill development attractive and feasible. The WB-T rezone, coupled with annexation, makes developing along the Hwy 93 corridor an attractive option, which runs counter to the community vision defined in the 2007 Growth Policy. The proposed WB-T should be tabled and reexamined. Form-based zoning should be considered as a more appropriate tool to establish the capacity of a given site given infrastructure limitations that should guide the type and number of uses appropriate for a site.

This proposed Transitional zoning even with the changes you have made fails to provide definitions for the following term which is unacceptable and will only lead to future conflicts over what is permitted and what is not.

1. destination light commercial and ancillary services within the Intent and Purpose Statement
2. repairing, packing, or storage facilities in enclosed buildings within Light Assembly
3. Medical clinics and associated therapeutic health services.
4. The city should take time to clarify the scale and scope of Recreational facilities private or commercial permitted. Currently WF Zoning defines RECREATIONAL USES: Those uses normally associated with recreational activities. Lakeside recently came to see that recreational uses could mean clearing a whole hillside to install a roller coaster---Is this what WF wants?
5. Light food manufacturing and
6. Light assembly, manufacturing should be consistent with the current definition in the Whitefish zoning regulations.

Transitional zoning definition:
Light assembly, manufacturing, fabricating, processing, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke) which extend beyond lot lines, and do not involve materials that are explosive, hazardous or toxic.

Current Whitefish Zoning definition:
LIGHT ASSEMBLY: The fitting together of already manufactured parts into a complete or semi-complete unit. This would not limit the casting or forming of some components on site where the processes would typically not generate noise, vibration, smoke or odor detectable at the property line for freestanding buildings, or beyond the walls of the particular business for attached buildings. Typically, all manufactured and premanufactured parts and the final product would be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines. Furthermore, all activity usually occurs indoors.

LIGHT MANUFACTURING: The manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All processing must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property boundary line for freestanding buildings, or beyond the exterior walls of the particular business for attached buildings. Furthermore, all new materials and final components should be limited in size, bulk
and weight so that it could be handled by one worker without the aid of machines. Furthermore, all new materials and final components should be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines.

- Why has recreational guides and outfitters been added as a permitted use when it is not in the County B-4? Why shouldn't this remain a use in the city only. Current definition in the WF zoning: RECREATIONAL GUIDES AND OUTFITTERS: Business offering state licensed guides or outfitters as well as equipment and supplies for sale and/or rent for specialized outdoor activities such as fishing or hunting. Retail sales of supplies and equipment related to the primary activity are allowed up to thirty percent (30%) of the gross floor area.

- It seems that the city should perhaps consider special criteria for all uses in a transitional zone to establish that a proposed use could not be better met within the city's existing commercial areas in accordance with the infill goals of the Whitefish Growth Policy.

Additional concerns that are not addressed in the proposed WB-T zoning district.

- All uses should be only annexed with a PUD to more clearly secure the mix of uses appropriate for a given site and its limitations both physical and infrastructure related. (This again is where formed based zoning may be more desirable than the city's current use-based zoning)

- Housing should be given a more prominent focus in this zone with emphasis on affordable single-family housing for purchase as the new housing plan calls for and incentives for annexation of such housing should be identified.

- Wording should be added to address the location of bike paths which are under county regulations and as appears also under the proposed WB-T zoning right next to the highway without adequate buffer. Additionally, it should be established what uses can occur in a buffer. It appears that in the site plan for the 148 apartments at Hwy 93 and 40 that their parking is part of the required buffer setback from residential uses.

- WB-T zoning as proposed does not adequately incentivize and prioritize housing and neighborhood quality over commercial uses in this corridor.

- WB-T zoning as proposed does not require adequate setbacks and landscaped berms to support housing and create attractive neighborhoods. It does not include necessary standards to prevent highway-oriented strip commercial sprawl.

- WB-T zoning as proposed includes too many uses in the new WB-T zoning that are not defined in the Whitefish Zoning Code. This invites conflict as to what is and what clearly isn't really allowed in the corridor.
• WB-T zoning as proposed fails to support and incentivize infill development for commercial and other uses consistent with the Whitefish Growth Policy.

• WB-T zoning as proposed has arbitrary, one size fits all building setbacks, which undermine efforts to limit the scale of buildings and the overall visual appeal of a development with generous landscaping and other features particular to the site.

• WB-T zoning as proposed should be coupled with revised annexation standards that require a site plan and annexation as a PUD (planned unit development) that provides better insurance that development in this visual gateway to the city is consistent with the city's and public's vision and goals.

Finally, we would ask that you not close the public hearing tonight as the public should be provided additional time to weigh in on a proposal of such significance to the city and its character and future. There have been significant changes to the proposal over the last few weeks and the public should be given additional time to consider these without the limitations created by the recent winter storm and the pending mid-term elections.
Please find attached a petition representing the concerns of 327 Whitefish residents and others and their support for the Whitefish City Council to take the opportunity before them to invest in new ideas, outside consulting, and new zoning tools for the Highway 93 entrance corridor to Whitefish. Those signing this petition feel it is time for the council to require new solutions to traffic gridlock, new designs that create diverse neighborhoods with affordable options, and for the Whitefish City Council to say no to commercial strips lining Highway 93 with only token housing behind it.

Mayre Flowers
Mayre@Flatheadcitizens.org, 406-755-4521
Ask the City Council of Whitefish to deny proposed strip commercial WB-T zoning for Hwy 93

Join us in asking the City of Whitefish, at their Nov. 21st city council meeting, to deny new, ill-conceived, WB-T zoning proposed along Hwy 93 and Hwy 45, the southern entrance to Whitefish. Tell the City Council that the city needs to:

- Deny the proposed WB-T zoning and instead get outside professional advice and new ideas from planners who work around the northwest to prevent sprawl, limit more traffic and congestion, and design neighborhoods with quality affordable housing for locals—It’s time to rethink what is right for Whitefish. (Read Citizens for a Better Flathead’s Nov. 7th comments)

- Adopt new zoning that first addresses traffic issues and infrastructure needs, as well as rewarded housing, and generous landscaping and landscaped berms along the highway, setbacks, and building forms—its time to stop approving the same old zoning for growth that does little to nothing to address traffic and infrastructure or keep Whitefish a special place.

- Be guided by what’s right for Whitefish now and not by current developers who want the city to grant them annexation into the city to use city water and sewer, to build more commercial sprawl and and traffic nightmares as currently proposed. (see some of the recent proposal here.) (Note that the proposed WB-T zoning appears to make this all possible.)

- Revise the city’s annexation policy to require transportation issues and solutions to be addressed first, and a PUD (planned unit development) and or new zoning, are in place to secure quality growth before approving new requests for annexation into the city.

Background: The Whitefish Planning office began proposing in January 2022 new zoning (WB-T) for this area at the intersection of Hwy 40 and along Hwy 93. The Whitefish City Council tabled adoption of this zone on May 2nd and again on Nov. 7th. The council has been asking hard and vital questions on if this proposed zone is right for Whitefish. They have removed some of the sprawling commercial uses (but not enough), and many uses are not even defined, so who knows what they will allow. They also confirmed at the Nov 7th hearing, with input from the city attorney, that adopting this proposed WB-T would give the council little to no ability to address congestion and traffic in this corridor and that the City’s annexation policy is also not currently adequate to require solutions for traffic issues either. While the city does have separate standards for topics like landscaping, setbacks and multifamily housing, their one size fits all application is not and will not result in the quality growth Whitefish desires along its highway corridor entrance.
<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
<th>State</th>
<th>Postal Code</th>
<th>Country</th>
<th>Signed On</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citizens for a Better Flathead</td>
<td>Kalispell</td>
<td>MT</td>
<td></td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Gail Sullivan</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Christian Bitterauf</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>John L. Wachsmuth</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Donald Burgard</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Douglas Chadwick</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Jivan Zeisse</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Y. Jacobs</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Diane Carter</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Jo Schumacher</td>
<td>Columbia falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Martha Bisharat</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>susan cahill</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Stacey Bengtson</td>
<td>West Glacier</td>
<td>MT</td>
<td>59936</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Kaela Frantz</td>
<td>New albany</td>
<td></td>
<td>47150</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>joy nestor</td>
<td>Miami Beach</td>
<td></td>
<td>33141</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Nouel Garcia</td>
<td>Newark</td>
<td>NJ</td>
<td>7108</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Kelli Schade</td>
<td>Neosho</td>
<td></td>
<td>64850-6912</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Hilda Urena</td>
<td>El Paso</td>
<td></td>
<td>79924</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Emerson Hardin</td>
<td>Elizabethtown</td>
<td></td>
<td>42701</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Teresa Archuletta</td>
<td>San Leandro</td>
<td>CA</td>
<td>94578</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>shamim azad</td>
<td></td>
<td></td>
<td></td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>DEMETRICE HAMILTON</td>
<td>Dillon</td>
<td></td>
<td>29536</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Joni Christensen</td>
<td>South Jordan</td>
<td>UT</td>
<td>84009</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Gil Conrad</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Keith Blaylock</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Jessica Jacobson</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Julie Tobey</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Stuart Halpern</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Country</td>
<td>Date</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------</td>
<td>-------</td>
<td>-------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>Gil Jordan</td>
<td>Coram</td>
<td>MT</td>
<td>59913</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Nancy Chalmers</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>j scott</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Robert Wagner</td>
<td>West Glacier</td>
<td>MT</td>
<td>59936</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Mary Jo Gardner</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Terry Divoky</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Adam Aliyallah</td>
<td>Conyers</td>
<td></td>
<td>30094</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Olivia Voyles</td>
<td>Springfield</td>
<td></td>
<td>62703</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>KaiLyn Hoffman</td>
<td>Newark</td>
<td></td>
<td>19711</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Mary Mcgrath</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Jill Stroud</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Stace Bastiaanse</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Susan Prilliman</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Marty Reza</td>
<td>Las Vegas,</td>
<td></td>
<td>89030</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Clay Erslev</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Laura Strong</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Lamont Goggins</td>
<td>Memphis</td>
<td></td>
<td>38135</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Timothy Schofield</td>
<td>Bronx</td>
<td></td>
<td>10400</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Crystal Guerero</td>
<td>Rio</td>
<td></td>
<td></td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Kaya Hunt</td>
<td>Santa Cruz</td>
<td></td>
<td>95061</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Allison Siems</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Jack Venrick</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Kyrah Kirchner</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Donald Stolte</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Tallulah Wall</td>
<td>Decatur</td>
<td></td>
<td>30030</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Nikki Caldwell</td>
<td>Chicago</td>
<td></td>
<td>60657</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Qurri Crockett</td>
<td>Alexandria</td>
<td></td>
<td>71302</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Gloria Aman</td>
<td>Asheville</td>
<td></td>
<td>28801</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Trish Novello</td>
<td></td>
<td></td>
<td>75245</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Leslie Blair</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Reza Heidari</td>
<td>Miami</td>
<td></td>
<td>33197</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Sandi Slosson</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Country</td>
<td>Date</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------</td>
<td>-------</td>
<td>-------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Laura White</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Tom Nixon</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Rhonda Fitzgerald</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Mary Mitchell</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Paul Schauf</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Douglas Rhodes</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-18</td>
</tr>
<tr>
<td>Cheryl Watkins</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Dale Rhodes</td>
<td>Amherst</td>
<td>MA</td>
<td>1002</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Bridgette Gamroth</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Mark Gamroth</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Maureen Louden</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Leslie Dillon</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Ron Hauf</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Bob Gates</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Alan Gratch</td>
<td>Evanston</td>
<td>IL</td>
<td>60202</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Candi Naylor</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Francesca Droll</td>
<td>Oceanside</td>
<td>CA</td>
<td>92056</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Marion Gerrish</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Anne Lent</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Julie Stetter</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Gina Carpenter</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Nancy Rose</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Whitney Watters</td>
<td>Ormond Beach</td>
<td></td>
<td>32174</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Robert Cobb</td>
<td>Ormond Beach</td>
<td></td>
<td>32174</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Eric McFee</td>
<td>Anchorage</td>
<td></td>
<td>99502</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Joshua Curphey</td>
<td>Peterborough</td>
<td>PE7</td>
<td></td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Esther Sandoval</td>
<td>Phoenix</td>
<td></td>
<td>85014</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Steve Moore</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Alyce Streich</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Kyle Tody</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Larry &amp; Barb Magone</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
</tr>
<tr>
<td>Name</td>
<td>City, State</td>
<td>Zip Code</td>
<td>Country</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------</td>
<td>----------</td>
<td>---------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>John Kramer</td>
<td>La Quinta, CA</td>
<td>92253</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Ava Holman</td>
<td>Grovetown, MT</td>
<td>30813</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Kathleen Ohair</td>
<td>Columbia Falls, MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Gwen Williams</td>
<td>Hartford, MT</td>
<td>6106</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Janine McClurg</td>
<td>Billings, MT</td>
<td>59117</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Sam Janami</td>
<td>Carlsbad, MT</td>
<td>92011</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Mandy Hickey</td>
<td>Anderson, MT</td>
<td>46013</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>serenity mendez</td>
<td>Guymon, OK</td>
<td>73942</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Carol Treadwell</td>
<td>Kalispell, MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>gg Ianius</td>
<td>Kalispell, MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Cameron Blake</td>
<td>Whitefish, MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Harry Brown</td>
<td>Flathead County, MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Carolyn Pitman</td>
<td>Whitefish, MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Adam Pitman</td>
<td>Kalispell, MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Carol Triesweiler</td>
<td>Kalispell, MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Alice Cabell</td>
<td>Kalispell, MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Carol Atkinson</td>
<td>Whitefish, MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Marie Louise Morandi Long Zwicker</td>
<td>Sullivan</td>
<td>4664</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Gavin Ernsberger</td>
<td>Elkhart, IN</td>
<td>46517</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Erin Brown</td>
<td>Tampa, MT</td>
<td>33604</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Amanda Sturgill</td>
<td>Gloucester City, MT</td>
<td>8030</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Donald Wleklinski</td>
<td>Terre Haute, IN</td>
<td>47803</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Anali Vasquez</td>
<td>Garden Grove, IN</td>
<td>92804</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Jan Metzmaker</td>
<td>Whitefish, MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Michele Rule</td>
<td>Concord, MT</td>
<td>3301</td>
<td>US</td>
<td>2022-11-19</td>
<td></td>
</tr>
<tr>
<td>Sarah Resseguie</td>
<td>Anchorage, MT</td>
<td>99604</td>
<td>US</td>
<td>2022-11-20</td>
<td></td>
</tr>
<tr>
<td>Alan Penaloza</td>
<td>Katy, MT</td>
<td>77449</td>
<td>US</td>
<td>2022-11-20</td>
<td></td>
</tr>
<tr>
<td>Barbara Lewis</td>
<td>Whitefish, MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
<td></td>
</tr>
<tr>
<td>Juan Carlos Raudales Montoya</td>
<td>Inman, MT</td>
<td>29349</td>
<td>US</td>
<td>2022-11-20</td>
<td></td>
</tr>
<tr>
<td>Chris Hogan</td>
<td>Talladega, MT</td>
<td>35160</td>
<td>US</td>
<td>2022-11-20</td>
<td></td>
</tr>
<tr>
<td>Hailee Jefferson</td>
<td>Saginaw, MT</td>
<td>48601</td>
<td>US</td>
<td>2022-11-20</td>
<td></td>
</tr>
<tr>
<td>Audri Gutierrez</td>
<td>San Antonio, MT</td>
<td>78229</td>
<td>US</td>
<td>2022-11-20</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Country</td>
<td>Date</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------</td>
<td>-------</td>
<td>------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>Karen Lenard</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Barbara Price</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Marilyn Nelson</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Teresa Quinn</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Adele Zimmerman</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Michael Fraser</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>D. L. Blank</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Celena Clarke</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Linda and John Winnie</td>
<td>Kalispell</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Nancy Persons</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Vanessa Arana</td>
<td>Los Angeles</td>
<td></td>
<td>90006</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Cody Call</td>
<td>Lewis Center</td>
<td></td>
<td>43035</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Hamid Reza Davoudian</td>
<td>Studio City</td>
<td></td>
<td>91604</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Britany Lahmon</td>
<td>Chicago</td>
<td></td>
<td>60621</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Adam Kaluba</td>
<td>Burleson</td>
<td></td>
<td>76028</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Josslyn Sobrisky</td>
<td>Beaver Dam</td>
<td></td>
<td>53916</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Erika Henry</td>
<td>Livingston</td>
<td></td>
<td>70754</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Gisselle P</td>
<td>Morganville</td>
<td></td>
<td>7751</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Elizabeth Dubij</td>
<td>Mahwah</td>
<td>NJ</td>
<td>7430</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Heather Nelson</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Sarah Hash</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Corey Meyers</td>
<td>Lakeland</td>
<td></td>
<td>33809</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jennifer Sargent</td>
<td>Moody</td>
<td></td>
<td>35004</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Gordens Thani</td>
<td>Queens</td>
<td></td>
<td>11413</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Lori Yslas</td>
<td>Minneapolis</td>
<td></td>
<td>55408</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>david taggart</td>
<td>Woodbridge</td>
<td>VA</td>
<td>22193</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>James Lekander</td>
<td>San Antonio</td>
<td>TX</td>
<td>78257</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Pamela Hughes</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Arnold Larsen</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Country</td>
<td>Date</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------</td>
<td>-------</td>
<td>--------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>Anne Biby</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>William Wezeman</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Roger and Susan Sherman</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Amy Boring</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Barb Brant</td>
<td>South Windsor</td>
<td>CT</td>
<td>6074</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Crystal Reese</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Gayle MacLaren</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Erica Gerber</td>
<td>Denver</td>
<td>CO</td>
<td>80218</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Richard Haberkern</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Tiffani Blandon</td>
<td>Chicago</td>
<td>IL</td>
<td>60641</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Lillian Negroni</td>
<td>San Juan</td>
<td></td>
<td>918</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Rob Herring</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>CHLOE CHA</td>
<td>Ellicott City</td>
<td></td>
<td>21043</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Loretta Byrd</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>John Nieves</td>
<td>Bronx</td>
<td></td>
<td>10455</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Tyler Elliotto</td>
<td>Massapequa</td>
<td></td>
<td>11762</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>chance johnson</td>
<td>Salt Lake City</td>
<td></td>
<td>84103</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Kim Collier</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Karen Nichols</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>jon heberling</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Karen Voermans</td>
<td>Las Vegas</td>
<td>NV</td>
<td>89178</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Judy Lalley</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Hayli Delaney</td>
<td>Post falls</td>
<td></td>
<td>83854</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Nadya Ramirez</td>
<td>Park Forest</td>
<td></td>
<td>60466</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Prenta Burleson</td>
<td>Victorville</td>
<td></td>
<td>92393</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>zoey bailey</td>
<td>Pekin</td>
<td></td>
<td>61554</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Thomas Manning</td>
<td>Rabun Gap</td>
<td></td>
<td>30568</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Aldo Sosa</td>
<td>Chicago</td>
<td></td>
<td></td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Christine Joo</td>
<td>Palisades park</td>
<td></td>
<td>7650</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Lawrence Siska</td>
<td>Schaumburg</td>
<td>IL</td>
<td>60193</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jacklyn Villagomez</td>
<td>Chicago</td>
<td></td>
<td>60639</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Tiffany Wood</td>
<td>Richland</td>
<td></td>
<td>99352</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Country</td>
<td>Date</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
<td>-------</td>
<td>------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>george bourlotos</td>
<td>Belleville</td>
<td>NJ</td>
<td>7109</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Shelley Love</td>
<td>Denver</td>
<td>CO</td>
<td>80202</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Dalton Camp</td>
<td>Valley</td>
<td></td>
<td>36854</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Pouya Khedri</td>
<td>Dallas</td>
<td></td>
<td>75270</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Erika Rikhiram</td>
<td>Clermont</td>
<td></td>
<td>34711</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Taylor Schnellinger</td>
<td>Oakley</td>
<td></td>
<td>67748</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Wendy Faganel</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jean Helps</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Clare R</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Patrice Manget</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Ron Gerson</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Betsy Kohnstamm</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Kaitlyn Farrar</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Bette Fraser</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Darrick Nielsen</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Risa Sibbitt</td>
<td>Bigfork</td>
<td>MT</td>
<td>59911</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Ronald Brunk</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Ann Fagre</td>
<td>West Glacier</td>
<td>MT</td>
<td>59936</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Karen Cunningham</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Steve Cawdrey</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Elenore Pfirman</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Laura Reynolds</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Marlene Carter</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Charles Hanson</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Aaron Pitman</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Carol Yerden</td>
<td>North Fork</td>
<td>ID</td>
<td>83466</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Dirk Gillette</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Sheila Shapiro</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Avis Cawdrey</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Andres Dominguez</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Donna McKiernan</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>pamela hamilton</td>
<td>Palo Cedro</td>
<td>CA</td>
<td>96073</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Zip</td>
<td>Country</td>
<td>Date</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------</td>
<td>-------</td>
<td>-------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Sandra Koness</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>MARGARET L NOTLEY</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Deborah Davis</td>
<td>Lakeside</td>
<td>MT</td>
<td>59922</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Susan Schnee</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Michael Mormino</td>
<td>El Cajon</td>
<td>CA</td>
<td>92021</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jen Carpenedo</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Sally Glutting</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Patrick Malone</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Christina Stigliano</td>
<td>Seattle</td>
<td>WA</td>
<td>98101</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Elizabeth Pitman</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Ayla Douglass-Blasius</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>John Lembo</td>
<td>Corpus Christi</td>
<td>TX</td>
<td>78418</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Brenda Talbert</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Wm Frost</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>M Lang</td>
<td>Victoria</td>
<td>V8Z</td>
<td></td>
<td>Canada</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Kathy Garretson</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Connie Malone</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Gabriel Kruzich</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Ryan Feiel</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Janice Love</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Lisa Jones</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Lauren Langmead</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Tessa Pitman</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>cary collier</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Sean Daniels</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Mark Cahill</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Martin Stadler</td>
<td>Lakeside</td>
<td>MT</td>
<td>59922</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jeri Williams</td>
<td>Easley</td>
<td>SC</td>
<td>29640</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Cliff Palmer</td>
<td>Bigfork</td>
<td>MT</td>
<td>59911</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Zac Weinberg</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Janis Walburn</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Marshall Friedman</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Zip Code</td>
<td>Country</td>
<td>Date</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>----------</td>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>Woody Nedom</td>
<td>Los Gatos</td>
<td>CA</td>
<td>95032</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Nancy Fielden</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Martin Fulsaas</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Harvey Henry</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Marian ELLISON</td>
<td>Columbia Falls</td>
<td>MT</td>
<td>59912</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jenae Schmautz</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Annie Byrne</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Sullivan Sean</td>
<td>Whitefish</td>
<td>NV</td>
<td>98160</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Chris Crumal</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Keith Long</td>
<td>Denver</td>
<td>CO</td>
<td>80218</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Cade Herman</td>
<td>Oak Ridge</td>
<td>NJ</td>
<td>7438</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Kristyn Schrader</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Michelle Johnson</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Cheri LeBleu</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Mary Webb</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jonathan Smith</td>
<td>Newberry</td>
<td></td>
<td>32669</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Pipee Hutchinson</td>
<td>Wilmer</td>
<td></td>
<td>36587</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Marcine McBride</td>
<td>West Babylon</td>
<td>NY</td>
<td>11704</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Isabella Flores</td>
<td>Garden City</td>
<td></td>
<td>67846</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Nicole Longaray Oropeza</td>
<td>Queens</td>
<td></td>
<td>11368</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>A honesty Green</td>
<td>St. Louis</td>
<td></td>
<td>63146</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Steven Schrock</td>
<td>Seattle</td>
<td></td>
<td>98146</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Melody Villanueva</td>
<td>Milwaukee</td>
<td></td>
<td>53233</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Norma Linsky</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Connie Kennedy</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Josh Schuler</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Linda Katsuda</td>
<td>Whitefish</td>
<td>MT</td>
<td>59837</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Elaine Snyder</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Tom GILFILLAN</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Brendan O’Callaghan</td>
<td>Brooklyn</td>
<td></td>
<td>11218</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Marissa Masciola</td>
<td>New York</td>
<td></td>
<td>10528</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Jonathan Gibson</td>
<td>San Antonio</td>
<td></td>
<td>78223</td>
<td>US</td>
<td>2022-11-20</td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>Zip</td>
<td>State</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>-------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Jorge Luis Estrada Silva</td>
<td></td>
<td></td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>William Jeter</td>
<td>Columbus</td>
<td>31904</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Jacob Waggoner</td>
<td>Hearne</td>
<td>77859</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Katherine Allen</td>
<td>Orlando</td>
<td>FL</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Danielle Mamer</td>
<td>Saint Paul</td>
<td>MN</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>kura ric</td>
<td>charlotte</td>
<td></td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Kemonie Ford</td>
<td>Charlotte</td>
<td>28214</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Jessica Steele</td>
<td>Jonesboro</td>
<td>72401</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Joan Catlin</td>
<td>Arvada</td>
<td>80005</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Donald Hall</td>
<td>Burbank</td>
<td>60459</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Whitney Dean</td>
<td>Newton</td>
<td>39337</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Mark Mcphillips</td>
<td>Trenton</td>
<td>8629</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Tanisha Mayfield</td>
<td>bklyn</td>
<td>11212</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Karen and Jeff Blazek</td>
<td>Avon</td>
<td>OH</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Alya Stoffer-Koloszyc</td>
<td>Northampton</td>
<td>1060</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>rachael Glogovsky</td>
<td>Lake Geneva</td>
<td>53147</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Alicia Bennett</td>
<td>Columbia</td>
<td>29206</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Ashley Hernandez</td>
<td>Washington</td>
<td>20010</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Felicia Smith</td>
<td>Ossining</td>
<td>NY</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Annegret Pfeifer</td>
<td>Kalispell</td>
<td>59901</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Sarah McFeely</td>
<td>Whitefish</td>
<td>59937</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Wes Hart</td>
<td>Whitefish</td>
<td>59937</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Paul Rana</td>
<td>Kalispell</td>
<td>59901</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Morgan Cawdrey</td>
<td>Whitefish</td>
<td>59937</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Lisa Bloom</td>
<td>Kalispell</td>
<td>59901</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Melissa Sladek</td>
<td>Columbia Falls</td>
<td>59912</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Lydia Fahrenkrug</td>
<td>Whitefish</td>
<td>59937</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Jean Rabe</td>
<td>Kalispell</td>
<td>59901</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Jennifer Stevens</td>
<td>Kalispell</td>
<td>59901</td>
<td>MT</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Sonja Hartmann</td>
<td>West Glacier</td>
<td>59936</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Peggy Brewer</td>
<td>Bigfork</td>
<td>59911</td>
<td>US</td>
<td>2022-11-21</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>City</td>
<td>State</td>
<td>Postal Code</td>
<td>Country</td>
<td>Commented Date</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------</td>
<td>-------</td>
<td>-------------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>Diane Carter</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>11/18/22</td>
</tr>
<tr>
<td>susan cahill</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>11/18/22</td>
</tr>
<tr>
<td>Stacey Bengtson</td>
<td>West Glacier MT</td>
<td>MT</td>
<td>59936</td>
<td>US</td>
<td>11/18/22</td>
</tr>
<tr>
<td>Gil Jordan</td>
<td>Coram</td>
<td>MT</td>
<td>59913</td>
<td>US</td>
<td>11/18/22</td>
</tr>
<tr>
<td>Kyrah Kirchner</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>11/18/22</td>
</tr>
<tr>
<td>Donald Stolte</td>
<td>Kalispell</td>
<td></td>
<td>59901</td>
<td>US</td>
<td>11/18/22</td>
</tr>
<tr>
<td>Douglas Rhodes</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>11/18/22</td>
</tr>
<tr>
<td>Donald wleklinski</td>
<td>Terre Haute</td>
<td>IN</td>
<td>47803</td>
<td>US</td>
<td>11/19/22</td>
</tr>
<tr>
<td>Rissa Cloud</td>
<td></td>
<td>MT</td>
<td>US</td>
<td></td>
<td>11/20/22</td>
</tr>
<tr>
<td>Richard Haberkern</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>11/20/22</td>
</tr>
<tr>
<td>Andres Dominguez</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>11/20/22</td>
</tr>
<tr>
<td>Sally Glutting</td>
<td>Kalispell</td>
<td>MT</td>
<td>59901</td>
<td>US</td>
<td>11/20/22</td>
</tr>
<tr>
<td>Lisa Jones</td>
<td>Whitefish</td>
<td>MT</td>
<td>59937</td>
<td>US</td>
<td>11/20/22</td>
</tr>
<tr>
<td>Name</td>
<td>City, State</td>
<td>Zip Code</td>
<td>Country</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>--------------</td>
<td>----------</td>
<td>---------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Marcene McBride</td>
<td>West Babylon NY</td>
<td>11704 US</td>
<td></td>
<td>11/21/22</td>
<td></td>
</tr>
<tr>
<td>Josh Schuler</td>
<td>Whitefish MT</td>
<td>59937 US</td>
<td></td>
<td>11/21/22</td>
<td></td>
</tr>
<tr>
<td>Peggy Brewer</td>
<td>Bigfork MT</td>
<td>59911 US</td>
<td></td>
<td>11/21/22</td>
<td></td>
</tr>
</tbody>
</table>
Comment
"Whitefish does not need to be commercialized. WE are the last best place because we are unique, small and simple."

"Growth in the Flathead Valley is evitable. But the nature of how we grow has to do with Attention and care to the area and beauty of our cities as well as to the people who live and work here. that is what Hass to be considered first and foremost before any new development happens." "We do not need WB-T zoning proposed along Hwy 93 and Hwy 40!Please deny it!"
"Clearly this requires a complete review before being allowed to move any further."
"This will just contribute to congestion and strain the already dismal infrastructure of whitefish. It will lower the value of whitefish as a small ski town and in the long run, contribute to loss of the towns culture that is a huge draw for locals and visitors alike."
"The City Of Whitefish continues to reach to the South of Hiway 40 on their mission of destroying what should be left alone ; they continually fall back on their long range plans from 20 years ago; so outdated; please stop this madness"
"The natural environment is being lost here in the Valley. Devoid of landscape, natural corridors for animals and people, horses, etc...impossible to cross hwy. 40 or 93 without risking your life...creative solutions to development are critical to the quality of life for the citizens of the Valley,"
"Needs attention."
"With the Planet reeling from disasters of all types, we need less, learn to live with less, respect less, respect each other and the future realizing more is killing us mind~body~spirit~enviro. Sustainable fair economy please."
"I live in Kalispell after 8 years in Whitefish and I care deeply about rational development as the area grows. This development is out of perspective and not in character with what we love."
"Growth is inevitable but it has to be done right."
"I think it is important to look at more options."
"The entrance to our town deserves better than sprawl and strip mall crap. Please deny the WBT zoning. Thank you for your consideration! LJ"
"Too much development is destroying the ambiance of people's neighborhoods, destroying the environment, and driving wildlife to extinction. It's creating more air pollution, light and noise pollution, soil and wastewater pollution, traffic congestion, heat, and garbage. Leave it the way it is for a happier and healthier future for people, wildlife, and the environment."

"While moderate progress is good, this level of progress that we are seeing currently is absurd and very bad for the area. This is not what Whitefish was about. If growth is not slowed down, at this rate we will not be able to recognize it in 20 years."

"This will ruin Whitefish. There is too much development going on all over the valley. Please deny!"
January 31, 2023

Mayor Muhlfeld and City Councilors
City of Whitefish
Whitefish, Montana

Community Solar Project at Wastewater Treatment Plant

Introduction/History

Installation of a solar photovoltaic (PV) facility on the property of the wastewater treatment plant was identified in the City’s Climate Action Plan as one of the four priority energy-saving actions to meet the 2025 emissions reduction target. The public works department had two feasibility studies done for a potential solar PV facility to help power the new wastewater treatment plant. The latest feasibility study considered a 500 kW (DC) facility that would provide approximately 32% of the energy needs of the wastewater plant. The estimated cost was about $882,000 with a payback period of about 28 years.

Subsequently, Council Goal PB# 19-05 directed staff to create a master plan for the 88-acre City-owned property on Monegan Road, the location of the wastewater treatment plant (WWTP) and Parks maintenance shop. Using the currently available site plan for the new WWTP, City staff laid out a potential site plan for the property which addresses future needs of the City and incorporates the sustainable features described in the Climate Action Plan. Council approved the plan in July 2019. The plan, which is attached to the report, dedicated 8 acres to solar energy production.

On November 1, 2021 a modified site plan was presented to Council. The change was promulgated by a request from the Whitefish Housing Authority for immediately available land for a potential affordable housing development. The updated plan, which is also attached, dedicated 32 Acres to wastewater treatment, which included area for solar energy production.
Over the past year the public works department has had discussions with Flathead Electric Cooperative about a potential community solar project at the wastewater treatment plant. At their November 17th 2021 meeting, the Climate Action Plan Standing Committee passed a motion requesting that a city council work session be scheduled to discuss the potential project. At the January 18, 2022 Council work session information was presented on the proposed 200 KW Flathead Electric Cooperative (FEC) community solar project. Additional information was presented at a July 18, 2022 work session. The council directed the public works department to continue working with FEC on the project and to return at a future meeting with additional information.

**Current Report**

The new wastewater treatment plant started operating in August 2021. With data from the new plant FEC was able to compare monthly energy usage to the predicted solar generation. The chart below shows that comparison. While the panel owners will ultimately be the ones who can claim the rights to “offsetting” their usage, land provided at the WWTP will include a community solar project capable of generating approximately 1/3 of the annual power requirement at the wastewater treatment facility.

![Community Solar Generation vs Waste Water Treatment Usage](image)

<table>
<thead>
<tr>
<th>Month</th>
<th>WWT Usage</th>
<th>Solar Generation</th>
<th>Percent Offset</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan</td>
<td>67,202</td>
<td>10,357</td>
<td>15%</td>
</tr>
<tr>
<td>Feb</td>
<td>57,960</td>
<td>14,801</td>
<td>26%</td>
</tr>
<tr>
<td>Mar</td>
<td>56,427</td>
<td>19,754</td>
<td>35%</td>
</tr>
<tr>
<td>Apr</td>
<td>53,580</td>
<td>25,968</td>
<td>48%</td>
</tr>
<tr>
<td>May</td>
<td>47,136</td>
<td>25,512</td>
<td>54%</td>
</tr>
<tr>
<td>Jun</td>
<td>49,265</td>
<td>28,876</td>
<td>48%</td>
</tr>
<tr>
<td>Jul</td>
<td>72,739</td>
<td>28,238</td>
<td>39%</td>
</tr>
<tr>
<td>Aug</td>
<td>74,303</td>
<td>28,649</td>
<td>38%</td>
</tr>
<tr>
<td>Sep</td>
<td>63,725</td>
<td>23,639</td>
<td>37%</td>
</tr>
<tr>
<td>Oct</td>
<td>64,398</td>
<td>16,767</td>
<td>26%</td>
</tr>
<tr>
<td>Nov</td>
<td>56,621</td>
<td>11,002</td>
<td>19%</td>
</tr>
<tr>
<td>Dec</td>
<td>67,196</td>
<td>9,734</td>
<td>14%</td>
</tr>
<tr>
<td>Annual</td>
<td>741,502</td>
<td>238,658</td>
<td>33%</td>
</tr>
</tbody>
</table>

Flathead Electric Cooperative (FEC) has constructed two community solar facilities over the past several years. The community solar PV facilities are managed and maintained by FEC and the solar panels were sold to FEC members. With the purchase of a panel the energy produced is
deducted as an energy credit from the member’s utility bill over time. FEC currently has a
waiting list of members interested in purchasing a solar PV panel.

The PV community solar facility would produce about 200 KW (DC). It would include 456 PV
panels producing 440 watts each. It would likely be a fixed panel system, but FEC would look at
design options. The facility would take up about one acre of space.

Attached is a final copy of the community solar agreement approved by FEC and supported by
City staff. An opt out clause has been added concerning third party funding. This clause, No.7,
allows either party to opt out if adequate third party funding is not available. The draft
agreement states that “it is the intent of the parties that one or more third persons or entities
will contribute financially to the cost of the system, thereby lowering the cost to FEC
members.” If the city agrees to proceed, FEC will apply for a USDA REAP (Rural Energy for
America Program) grant for about 30% of the project cost (approximately $140,000). The grant
application is due March 31, 2023. In order to apply the project must have been designed, bid
and a contractor selected. FEC has met with USDA staff and believes the project will qualify for
a REAP grant.

Under the IRA (Inflation Reduction Act) FEC may also qualify for the federal government’s 30%
tax credit for solar projects. FEC would receive this federal credit as a direct payment. If FEC
qualifies for the 30% tax credit, then the credit would not be available for individual
cooperative members. With these federal programs, the panel cost per member would be
significantly reduced from the originally estimated $1000. The cost per PV panel is estimated to
be between $400 and $700, depending on third party funding. Due to the requirements of the
federal grant program FEC would sell the panel’s energy output, rather than the physical panel.

As part of the agreement FEC would lease about 1 acre of wastewater treatment plant
property. The approximate location of the solar facility along Monegan Road is shown on the
attached wastewater treatment property map. Of the 32 acres set aside for the wastewater
treatment facility, about 4.5 acres is shown on the map as potential solar area. The draft
agreement proposes that FEC provide the energy output from one PV panel. The output will
show as a credit on the city’s electricity bill and will offset energy usage at the wastewater
treatment plant. The panels would be installed this summer or fall.

The Bonneville Environmental Foundation has expressed interest in purchasing several panels
and donating them to offset energy use of local low-income residents. FEC would coordinate
this program with the LIEAP (Low Income Energy Assistance Program) run by the Community
Action Partnership of Northwest Montana. Also, a Whitefish resident has committed to
purchasing and donating $5,000 worth of solar panels to offset the energy use of low income
area residents. FEC has asked that the city assist in spreading the word about the opportunity
to purchase the panel energy output. Explore Whitefish has offered to help with this effort.
Recommendation

It is the recommendation of staff that council approve this agreement with FEC to construct a community solar facility on the wastewater treatment plant property.

Sincerely,

Craig C. Workman, P.E.
Public Works Director
Community Solar Phase III Agreement

THIS AGREEMENT is made and entered into this ___ day of ______, 202__ ("Effective Date"), by and between Flathead Electric Cooperative, Inc., a Montana cooperative corporation ("FEC"), and the City of Whitefish, ("Landowner"). These parties are hereinafter sometimes referred to individually as "Party" or collectively as "Parties". This Agreement will refer to the Whitefish Wastewater Treatment Plant, and the Landowner’s physical address of 825 Monegan Rd, Whitefish Montana, as "Facility." The collective photovoltaic (PV) package installed at the Landowner’s Facility is referred to as the “System”.

Landowner hereby represents and warrants that it is the owner of the Facility and as such is authorized to enter into this agreement without the approval or consent of any other person or entity.

The term of this Agreement ("Contract Term") shall commence on the Effective Date and shall continue for the warrantied lifetime of the solar panels, not to extend beyond September 1st, 2053. After the Contract Term, the continuation of the Agreement may be negotiated by the parties taking into consideration whether the Project can continue to operate, using commercially reasonable efforts but without the necessity of significant additional capital expenditures, based upon projected costs, and economics and other factors relevant at that time.

1. Components to be Installed at Landowner’s Facility

FEC will install the System in and upon the Facility. The System will be a solar photovoltaic (PV) array with a nameplate capacity under 200 kW AC and will consist of multiple component parts including but not limited to the following: solar panels and associated mounting structures, inverter(s), optimizers, consumption meter, disconnect switch, transformer, vault, conduits, and wiring.

2. System Ownership

The System will be owned by FEC as part of FEC’s Community Solar program. Subject to Landowner’s exercise of the rights granted to it in \(3(B)(6)\) and \(3(B)(7)\) below, the generation from the panels will be made available for purchase by participating FEC Members or, if unsold, by FEC.

3. Obligations

A. System, Facility and Property Maintenance

Landowner agrees to:

(1) Keep trees, bushes and hedges trimmed so that the solar PV array associated with the System receives as much sunlight as it did when first installed.

(2) Not modify Facility in a way that shades the System’s photovoltaic panels.

(3) Be responsible for any conditions at Facility that affect the System (e.g., blocking access or removing a tree that is in the way).

(4) Not remove any markings or identification tags on all the equipment in the System.

(5) Not permit or allow to exist any condition or circumstance that would cause the System not to operate as intended at the Facility.

(6) Notify FEC if the System is not working, damaged or appears unsafe, or if the System is stolen.

(7) Work with installers and FEC to schedule the following activities:

   a. Help facilitate installation of the System. Facility owners should expect multiple visits to
complete installations.
b. Help facilitate installation of trench, conduit, vault, transformer, and meter by FEC and FEC contractors.

B. FEC’s Obligations for System Construction, Repair, and Maintenance

FEC agrees to:

(1) Schedule the installation of the System at a mutually convenient date and time.
(2) Construct the System according to written plans.
(3) Notify Landowner if the System design must be materially changed.
(4) Respect Landowner’s property and maintain a clean and safe environment during the construction of the System.
(5) Monitor the System performance and make repairs if needed.
(6) Assign to the Landowner the kWh output associated with one of the photovoltaic panels in the project. The kWh output of the panels will show as a credit on the Landowner’s electricity bill and be used only to offset kWh usage at the Facility.
(7) Make available to purchase by the Landowner, the amount of generation up to the 50 kW Net Metering limit, at the same cost as all other generation will be sold and to be determined by FEC at the end of construction.

C. Insurance

FEC will insure the System. FEC reserves the right to self-insure any portion of its insurance program.

Landowner shall maintain property and casualty insurance on the Facility in amounts no less than it has in place for the Facility as of the date hereof and provide proof of coverage to FEC. FEC shall be added as an additional insured on such policies during the period of time that the System remains installed at the Facility.

D. No Alterations

Landowner agrees to not make any modifications, improvements, repairs, revisions or additions to the System, cause harm to the System, or take any other action that could void the Limited Warranty on the System without FEC’s prior written consent.

E. Access to the System

(1) Landowner agrees to grant FEC and its employees, agents, and installers the right to reasonably access all the Facility with a minimum of 24 hours’ notice as necessary for the purposes of:
   a. installing, constructing, operating, owning, repairing, removing, and replacing the System or making any additions or alterations to the System;
   b. enforcing FEC’s rights as to this Agreement and the System;
   c. installing, using, and maintaining electric lines, inverters, and meters, necessary to interconnect the System to the electric system at the Facility and/or to FEC’s electric distribution system; or
   d. taking any other action reasonably necessary in connection with the construction,
installation, operation, maintenance, removal, or repair of the System.

(2) For educational and informational purposes, FEC may access the Facility during normal business hours to take photos and/or videos of the Facility and provide tours of the System installation. FEC will provide Landowner a minimum of 48 hours’ notice.

(3) Landowner shall ensure that FEC’s access rights are preserved and shall not interfere with or permit any third party to interfere with such rights or access.

(4) Landowner understands that FEC will be selling to its members the right to participate in the System as a community solar project, such that Landowner understands and agrees that FEC shall be entitled to all legal and equitable remedies available to it to enforce its rights under this Agreement and the rights of its member-participants.

4. Renewable Energy Credits
For each kWh generated by the System that FEC installs in Landowner’s Facility, there is an associated environmental credit. For the term of this agreement, title to and ownership of any and all environmental credits belongs to FEC. FEC shall maintain title to and ownership of all such environmental credits, benefits, emissions reductions, offsets, and allowances, howsoever entitled, attributable to the generation of energy from the System. The calculation, use and retirement of any and all environmental credits shall be at the sole and exclusive discretion of FEC.

5. Promotion and Publication
For educational and informational purposes, FEC may use Landowner’s name, Facility address, photos and/or videos of the Facility. Landowner representatives and FEC will partner to develop and distribute all communication and marketing activities and both parties will approve all content associated with the Project, including but not limited to public relations activities, advertisements, web content, and project promotional materials. In recognition that FEC receives the majority of its power from carbon free resources, references to “carbon offsets” or “emission reductions” achieved by the Project will not be used in communication efforts.

6. Liability and Indemnification
Landowner hereby releases, and shall defend, indemnify and hold harmless FEC, its successors and assigns, and the trustees, officers, employees and agents of FEC and its successors and assigns from any and all claims, losses, costs, liabilities, damages and expenses of any kind or character (including, but not limited to, reasonable attorneys’ fees) arising out of or in connection with the System and the Facility to the extent that they arise or result from Landowner’s negligence or other wrongful conduct.

FEC hereby releases, and shall defend, indemnify and hold harmless Landowner, its successors and assigns, and the trustees, officers, employees and agents of Landowner and its successors and assigns from any and all claims, losses, costs, liabilities, damages and expenses of any kind or character (including, but not limited to, reasonable attorneys’ fees) arising out of or in connection with the System and the Facility to the extent they arise or result from FEC’s negligence or other wrongful conduct.

7. Third Party Funding
It is the intent of the Parties that one or more third persons or entities will contribute financially to the cost of the System, thereby lowering the cost to FEC members. Up until FEC commits to procure materials from a vendor, either FEC or Landowner may terminate this agreement without cost or penalty if it determines
in its sole discretion that such third-party funding is insufficient to achieve the desired solar panel cost. Once FEC commits to purchasing materials for the System, neither Party may terminate this agreement based on the inadequacy third party funding.

Landowner:
City of Whitefish, Flathead County, Montana

By ______________________________
Dana Smith
City Manager

FEC:
Flathead Electric Cooperative, Inc.

By ______________________________
Mark Johnson
General Manager
October 2021 Plan (With Solar)

- Immediate Housing ~ 8 Acres
- Parks & Rec ~ 8 Acres
- Wastewater Treatment (Includes Sludge Drying, Solar, Composting, & Tree Nursery) ~ 32 Acres
- Possible Solar Area ~ 4.5 Acres

Legend:
- City Owned Parcels
- Trails and Paths
- Proposed Bridge
- Site Roads

City Council Packet, February 6, 2023
Design 1  Whitefish WWTP, 350 Monegan Rd, Whitefish, MT 59937

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Whitefish WWTP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address</td>
<td>350 Monegan Rd, Whitefish, MT 59937</td>
</tr>
<tr>
<td>Prepared By</td>
<td>Evan Ramsey <a href="mailto:eramsey@b-e-f.org">eramsey@b-e-f.org</a></td>
</tr>
</tbody>
</table>

**System Metrics**

<table>
<thead>
<tr>
<th>Description</th>
<th>Design 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Module DC Nameplate</td>
<td>231.8 kW</td>
</tr>
<tr>
<td>Inverter AC Nameplate</td>
<td>200.0 kW</td>
</tr>
<tr>
<td>Annual Production</td>
<td>307.1 MWh</td>
</tr>
<tr>
<td>Performance Ratio</td>
<td>82.9%</td>
</tr>
<tr>
<td>kWh/kWp</td>
<td>1,324.5</td>
</tr>
<tr>
<td>Weather Dataset</td>
<td>TMY, 10km Grid (48.35, -114.35), NREL (prospector)</td>
</tr>
<tr>
<td>Simulator Version</td>
<td>63ee6c5b8f-982f797a583-9e3d921d1f6-1eb25fe50</td>
</tr>
</tbody>
</table>

**Monthly Production**

![Monthly Production Chart]

**Annual Production**

<table>
<thead>
<tr>
<th>Description</th>
<th>Output</th>
<th>% Delta</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Global Horizontal Irradiance</td>
<td>1,340.9</td>
<td></td>
</tr>
<tr>
<td>POA Irradiance</td>
<td>1,597.6</td>
<td>19.1%</td>
</tr>
<tr>
<td>Shaded Irradiance</td>
<td>1,545.7</td>
<td>-3.3%</td>
</tr>
<tr>
<td>Irradiance after Reflection</td>
<td>1,498.8</td>
<td>-3.0%</td>
</tr>
<tr>
<td>Irradiance after Soiling</td>
<td>1,468.8</td>
<td>-2.0%</td>
</tr>
<tr>
<td><strong>Total Collector Irradiance</strong></td>
<td>1,468.9</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Nameplate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Output at Irradiance Levels</td>
<td>337,867.0</td>
<td>-0.8%</td>
</tr>
<tr>
<td>Output at Cell Temperature Derate</td>
<td>336,749.3</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Output After Mismatch</td>
<td>325,481.6</td>
<td>-3.3%</td>
</tr>
<tr>
<td>Optimal DC Output</td>
<td>324,546.9</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Constrained DC Output</td>
<td>323,525.6</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Inverter Output</td>
<td>308,607.6</td>
<td>-4.6%</td>
</tr>
<tr>
<td><strong>Energy to Grid</strong></td>
<td>307,064.6</td>
<td>-0.5%</td>
</tr>
</tbody>
</table>

**Temperature Metrics**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avg. Operating Ambient Temp</td>
<td>7.3 °C</td>
</tr>
<tr>
<td>Avg. Operating Cell Temp</td>
<td>15.3 °C</td>
</tr>
</tbody>
</table>

**Simulation Metrics**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Hours</td>
<td>4679</td>
</tr>
<tr>
<td>Solved Hours</td>
<td>4679</td>
</tr>
</tbody>
</table>
### Condition Set

<table>
<thead>
<tr>
<th>Description</th>
<th>Condition Set 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weather Dataset</td>
<td>TMY, 10km Grid (48.35,-114.35), NREL (prospector)</td>
</tr>
<tr>
<td>Solar Angle Location</td>
<td>Meteo Lat/Lng</td>
</tr>
<tr>
<td>Transposition Model</td>
<td>Perez Model</td>
</tr>
<tr>
<td>Temperature Model</td>
<td>Sandia Model</td>
</tr>
</tbody>
</table>

#### Temperature Model Parameters

<table>
<thead>
<tr>
<th>Rack Type</th>
<th>a</th>
<th>b</th>
<th>Temperature Delta</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixed Tilt</td>
<td>-3.56</td>
<td>-0.075</td>
<td>3°C</td>
</tr>
<tr>
<td>Flush Mount</td>
<td>-2.81</td>
<td>-0.0455</td>
<td>0°C</td>
</tr>
</tbody>
</table>

#### Soiling (%)

<table>
<thead>
<tr>
<th>J</th>
<th>F</th>
<th>M</th>
<th>A</th>
<th>M</th>
<th>J</th>
<th>A</th>
<th>S</th>
<th>O</th>
<th>N</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

#### Irradiation Variance

5%

#### Cell Temperature Spread

4°C

#### Module Binning Range

-2.5% to 2.5%

#### AC System Derate

0.5%

#### Module Characterizations

<table>
<thead>
<tr>
<th>Module Characterizations</th>
<th>Uploaded By</th>
<th>Characterization</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS6U 345M (Canadian Solar)</td>
<td>Folsom Labs</td>
<td>Spec Sheet Characterization, PAN</td>
</tr>
</tbody>
</table>

#### Component Characterizations

<table>
<thead>
<tr>
<th>Component Characterizations</th>
<th>Uploaded By</th>
<th>Characterization</th>
</tr>
</thead>
<tbody>
<tr>
<td>PV50KW-480 (Solectria Renewables)</td>
<td>Folsom Labs</td>
<td>CEC 2014-08-16</td>
</tr>
</tbody>
</table>

#### Components

<table>
<thead>
<tr>
<th>Component Name</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inverters PV50KW-480 (Solectria Renewables)</td>
<td>4 (200.0 kW)</td>
</tr>
<tr>
<td>Strings 10 AWG (Copper)</td>
<td>64 (6,386.4 ft)</td>
</tr>
<tr>
<td>Module Canadian Solar, CS6U 345M (345W)</td>
<td>672 (231.8 kW)</td>
</tr>
</tbody>
</table>

#### Wiring Zones

<table>
<thead>
<tr>
<th>Description</th>
<th>Combiner Poles</th>
<th>String Size</th>
<th>Stringing Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wiring Zone</td>
<td>-</td>
<td>9-11</td>
<td>Along Racking</td>
</tr>
</tbody>
</table>

#### Field Segments

<table>
<thead>
<tr>
<th>Field Segment</th>
<th>Racking</th>
<th>Orientation</th>
<th>Tilt</th>
<th>Azimuth</th>
<th>Intragray Spacing</th>
<th>Frame Size</th>
<th>Frames</th>
<th>Modules</th>
<th>Power</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field Segment 1</td>
<td>Fixed Tilt</td>
<td>Landscape (Horizontal)</td>
<td>30°</td>
<td>180°</td>
<td>18.0 ft</td>
<td>4x1</td>
<td>168</td>
<td>672</td>
<td>231.8 kW</td>
</tr>
</tbody>
</table>
(This page left blank intentionally to separate printed sections)
CITY MANAGER’S REPORT
January 31, 2023

GRANT AWARD
The City was awarded a $160,000 Safe Streets for All planning grant that will be used to develop a safety plan that looks more closely at recommendations in the 2022 Transportation Plan concerning safety. The plan will also address missing shared use path connections, crosswalks, transit stops, and ADA improvements. Visibility around crosswalks and transit stops, traffic calming, and carpooling or transit incentives will also be addressed. The safety plan will also include recommendations to utilize low-cost materials to pilot test quick-build street designs such as narrowing intersections, daylighting intersections, parklets, and buffered bike lanes. Thanks to Public Works Director, Craig Workman, and Engineering & Sustainability Project Manager, Karin Hilding, for their successful grant application!

MEETINGS
The Whitefish Housing Authority (WHA) met on January 25th. I had the pleasure of meeting WHA Interim Executive Director, Dwarne Hawkins. The WHA continues to make progress on the Depot Park Townhomes project and is working on a strategic plan for tasks identified in the Whitefish Community Housing Roadmap and capital needs for the Manor.

CITY HALL CLOSED ON FEBRUARY 20th
City Hall will be closed Monday, February 20th, for President’s Day.

2023 MONTANA LEGISLATIVE SESSION
The 2023 Montana Legislative Session is moving full steam ahead with hundreds of bills introduced and thousands of drafts requested (4,597 to date). Below is a list of bills that could significantly impact the City that we are supporting or opposing. There are hundreds more that are being monitored at this time. To look up specific bills visit: http://laws.leg.mt.gov/legprd/law0203w$.startup?P_SESS=20231.

SB 105 – Prohibit Rent Control of Private Property. This bill prohibits a local government from enacting, maintaining, or enforcing an ordinance or resolution that would have the effect of controlling the amount of rent charged for private residential or commercial property. Even though rent control is already preempted by the State, the City opposes this bill based on principle. The bill was amended and passed through the Senate Business, Labor, and Economic Affairs Committee and Senate. Transmittal to the House is expected soon.

SB 125 – Limit Certain Property Tax Levies to 5 Years without Reapproval. The original draft would limit voted mill levies to 5 years. The City currently has a perpetual 24-mill voted levy for 24/7 fire protection. Amendments have been proposed that would except voted mill levies for law enforcement, fire protection, search and rescue, water, wastewater, storm water, and solid waste.
If passed, the effective date is set for January 1, 2024, and applies only to mill levy elections held on or after that date. While the amendments are in the right direction, voted levies for parks, open space (excluding bonding), and libraries would now be limited. The City opposes SB 125. A hearing was held January 31st in the Senate Taxation Committee. Executive action is pending.

SB 142 – Provide Oversight of Local Impact Fee Laws. Sponsored by Senator Regier, this bill was the product of the City’s ongoing class action lawsuit with many of the items directly related to the specific complaints. Senator Mandeville provided amendments to SB 142, which were approved in the Senate Local Government Committee and subsequently by a majority of the Senate. The amendment eliminated most of the proposed changes, especially those changes that would make impact fees simply ineffective as a funding source for projects driven solely by new development. SB 142 has been transmitted to the House. The City will continuing monitoring this bill moving forward.

SB 145 – Property Tax Relief from State Lodging and Facilities Use Tax. SB 145 is sponsored by Senator Regier. This bill would provide 50% percent of the sales tax on lodging and the lodging facilities use tax currently retained for marketing by the State to local governments to reduce property taxes. Thus, the City would be allocated 30.15% of the State lodging and facilities use tax collected in Whitefish City Limits for property tax relief. The impacts of these new funds would be accounted for in the City’s property tax levy limitations, including the potential reductions of future collections. Furthermore, it retains the amount allocated to the Whitefish Convention & Visitors Bureau. Whitefish taxpayers would directly benefit from the passing of this bill. The City supports SB 145 and provided testimony at the hearing. Currently it is waiting executive action by the Senate Taxation Committee.

SB 159 – Restrict use of Eminent Domain. This bill would prohibit the use of eminent domain for trails and paths for walking, hiking, bicycling or equestrian use. The City provided testimony in opposition to SB 159. However, the House Judiciary Committee passed the bill which will now be considered by the House before potential transmittal to the Senate.

SB 215 – Revise DEQ rule ARM 17.36.328 to Require Connection from Proposed Subdivision. SB 215 would change the connection requirement of a subdivision from 500 feet to 1000 feet of a public water or wastewater system and require that the system accepts the connection. The City is currently monitoring this bill.

HB 76 – Generally Revise Transportation Laws. This bill reduces the State and local administrative burden of the State’s fuel tax and the local government allocations, including the Bridge and Road Safety and Accountability Act that was established in 2017. The City supports this bill which recently passed the House Transportation Committee and the House. It is scheduled for a hearing in the Senate Highways and Transportation Committee on February 2nd.

HB 206 – Generally Revise Mill Levy Election Laws. Similar to SB 125 above, this bill aims to limit voted mill levies to 5 years. Amendments were made to exclude law enforcement, fire protection, search and rescue, water, wastewater, storm water, and solid waste. This bill does go further, though, by proposing requirements for a percentage of voter turnout and the percentage that would represent a majority vote for passage. The City’s lobbyist attended the hearing on
January 18th and opposed the bill on behalf of the City. This bill was tabled in the House State Administration Committee on January 26th.

HB 226 – Generally Revise Pension Laws. HB 226 would increase the employer (city) contributions to the Public Employees Retirement System (PERS) to ensure it is fully funded. While we are not opposed to an actuarially determined sound retirement program, this bill does not allow for the necessary financial planning for cities as rates could significantly be adjusted in any given year. A hearing was held on January 23rd in the House State Administration Committee. The City opposes HB 226. However, the City does support SB 29 that continues the 0.10% increase each year for another 10 years to work toward a sound retirement system. SB 29 passed the Senate Finance and Claims Committee, as well as the Senate.

HB 244 – Revise Laws Governing the Housing Montana Fund. This bill, sponsored by Representative Fern, removes restrictions and income requirements for loans from the Housing Montana Fund. The City supports this bill, which passed out of the House Appropriations Committee on a 22-0 vote on January 23rd. We will continue to support and monitor this bill.

HB 324 – Local Government Expenditure Limitation. HB 324 would limit local government expenditure growth to the total amount expended by the local government entity in the prior fiscal year or the sum of the average inflation rate of the prior 3 years plus the average population growth rate of the local government entity for the prior 3 years multiplied by the amount of money expended in the prior fiscal year. To exceed these limitations a local government would have to pass a resolution and submit to the electors the question to approve the amount above the expenditure limit. The City strongly opposes this bill that was introduced on January 26th and was referred to the House Local Government Committee. A hearing has not been scheduled, but the City will submit written and brief in-person testimony.

HB 337 – Revise Municipal Zoning Laws to Prohibit Certain Minimum Lot Sizes. The City strongly opposes HB 337 which would decrease the minimum lot sizes across the entire city to 4,000 sq. ft. (or 2,500 sq. ft. with setbacks and lot coverage applied). Currently our minimum lot size for single family is 6,000 sq. ft. and 3,600 sq. ft. for an attached zero lot line townhome. The proposed changes in HB 337 are contrary to the State of Montana’s requirements for local Growth Policies, where growth is planned and prepared for in an orderly and sustainable manner. It also raises compatibility issues with existing neighborhoods and is not consistent with our concurrency policies that require adequate infrastructure for areas of urban growth. The City submitted written testimony and our lobbyist attend to provide brief testimony at the hearing on January 31, 2023, in the House Local Government Committee.

HB 369 – Require Referendum to Adopt Growth Policy. HB 369 would require a special election to adopt or revise a growth policy. The City opposes HB 369. There is already ample opportunity for the public to provide input on the adoption of a growth policy or amendment. Furthermore, to hold a special election there would be an added cost of upwards of $10,000. The law already provides a petition for initiative or referendum with signatures from 15% of qualified electors of the area covered by the growth policy should there be concerns with the growth policy of a community. This bill was introduced on January 31st and referred to the House Local Government Committee. No hearing is scheduled as of today.
HB 370 – Revise Resort Tax Eligibility and Allow Use for Workforce Housing. This bill, sponsored by Representative Fern, does not change the City’s Resort Tax. However, it would provide an opportunity for Whitefish to add an additional 1% in the future specifically for infrastructure or workforce rental housing (defined as a development providing 20% or more of the units with rent restricted to 60% to 120% AMI). It also increases the population of a resort community to a city of the second or third class or less than 5,500. It’s important to note that the additional 1% for infrastructure that passed during the last legislative session excluded Whitefish due to our population. HB 370 proposes to eliminate that requirement. The City supports HB 370 which was referred to the House Taxation Committee. A hearing has not been scheduled as of today.

LC 0300 – Short-term Rentals. While not introduced as of today, this bill is likely to be introduced by Senator Hertz this session. As currently drafted, short-term rentals would be deemed a residential use and would have to be expressly prohibited in zoning. However, zoning could not prohibit the short-term rental of a property owner’s primary residence or a property adjacent to the property owner’s primary residence. Amendments to the bill are being proposed to Senator Hertz to clarify that the adjacent properties must be on separate lots and therefore would not include accessory dwelling units or guest houses on the same parcel as the owner’s primary residence. The definition of primary residence is still unknown, but clarification has been requested. The City opposes the bill as drafted.

There are various bills that also look to reduce property taxes and income taxes using the State’s surplus in the General Fund. SB 194, sponsored by Senator Dunwell, proposes to provide an income tax credit for landlords who rent for below market rate (less than 110% of fair market rent in the county for which the property is located). Since it does not impact the City directly, we are letting our community housing partner, Shelter Whitefish, support this bill as called out in the Whitefish Community Housing Roadmap.

NEXT CITY COUNCIL MEETING
The next City Council meeting is scheduled for Tuesday, February 21st in the City Council Chambers with remote participation available to the public. A special session is tentatively scheduled to hold committee interviews. A work session will immediately follow to discuss the growth policy update. Additional topics may be considered should time allow.

Respectfully submitted,

Dana M. Smith, CPA
City Manager
Staff Report

To: Mayor Muhlfeld and City Council
From: Dana Smith, City Manager
Date: January 31, 2023
Re: Consideration of fundraising sign request by North Valley Music School

Background
The North Valley Music School, a sublessee of City owned land at Smith Fields, has requested the placement of three temporary A-frame (sandwich board) fundraising signs on private property adjacent to the City’s sidewalks for its fundraising campaign at the following locations: 1) Glacier Bank on the corner of Baker Ave. and 2nd St., 2) First Interstate Bank on Spokane Avenue, and 3) Whitefish Credit Union on Baker Ave. The fundraising campaign, which is expected to be completed by November 1, 2024, will raise money to build a new facility that will be owned by the City and subleased to the North Valley Music School.

In determining this request, it is important to revisit the changes that have occurred to our sign regulations. In 2018, the City updated its sign regulations to eliminate content-based elements with regard to temporary signs as well as other minor housekeeping changes. The update included the removal of an exemption for “signs for events of a general nature, citywide, civic, or public benefit as authorized by the city council or the city manager, which must be removed within two (2) days after the conclusion of the event.” This section was replaced with an exemption for non-illuminated “temporary signs placed on public property no more than two (2) weeks prior to an event and removed no more than two (2) days after the conclusion of the event as authorized by the city council or city manager.” Thus, the content-based element of a “general nature, citywide, civic or public benefit” was eliminated which was the basis for the approval of fundraising signs for the Central School Auditorium (4’x8’ sign required to be on school property) and the Alpine Theatre Project (up to three signs on property with approval).

Current Report
Given the extended duration (21 months) of the temporary sign request which is not associated with a specific special event, the recent changes to the sign code described above, and the unique situation in which the fundraising campaign is for a publicly owned facility, the decision to approve or deny the request was determined to be best made by the City Council.

Should the City Council want to approve the request for temporary signage that supports the development of a City owned property and facility, staff suggests moving forward with the option provided by the North Valley Music School that would include the approval of the three (3) temporary signs on public right-of-way, or immediately adjacent to public right-of-way with property owner approval, as identified on the map/pictures, for display only on Fridays through the end of the fundraising campaign. “Fundraising Fridays” may be considered the event for which the temporary signs would be approved. Keep in mind that the approval of a 21-month weekly event may result in similar requests in the future.
The City Code detailing the exemptions for temporary signs is also attached to this report for your review and consideration.

Financial Requirements
There is no financial requirement.

Recommendation
Staff respectfully recommends the City Council determine the appropriate location and duration of the temporary fundraising A-frame (sandwich board) signs requested by the North Valley Music School.
January 17, 2023

Dear City Council,

North Valley Music School is requesting a temporary special use sign permit to post (2'x3') sandwich boards with fundraising info (see below) from the present (1/17/2023) until the end of our fundraising campaign (approximately 11/1/2024) on the following public properties near (not on) the sidewalks.

Glacier Bank on the corner of Baker and 2nd St.
First Interstate Bank on Spokane Ave.
Whitefish Credit Union on Baker Ave.

We would like to request these signs be placed on the grass/ right of way in front of these businesses so that passersby can see the progress of our capital campaign. They are currently located inside the buildings.

NVMS realizes there isn't a specific sign ordinance for fundraising, only events so this would need a special use permit.

If every day isn't permitted, perhaps the City Council would consider Fundraising Fridays and we put them out only on Fridays until the end of the campaign.

Thank you for your consideration,

Deidre Corson
Executive Director
(she/her)
North Valley Music School
(406) 862-8074
northvalleymusicschool.org
11-5-4: EXEMPT, PROHIBITED AND SPECIAL STANDARDS:

A. Exempt Signs: The following signs are exempt from the overall sign allowance and do not require permits but must comply with all other requirements of the district, such as size, height, location, materials, etc.:

1. Signs erected and maintained by the Federal, State, or local government; public utility, public service or railroad signs that aid in safety; off premises hospital signs.

2. Signs that cannot be read from a public right-of-way, including signs located entirely inside a building and not readily visible from outside the building, as well as signs intended to be readable from within a parking area but not readable beyond the boundary of the lot where they are located.

3. Nonilluminated window displays, window signs and painted window lettering, with the exception that, in the Old Town District, such signs are allowed a limited area (see subsection 11-5-6-2A10 of this chapter).

4. A ground or wall sign not exceeding four (4) square feet located at a housing or apartment complex.

5. One subdivision sign per entrance to a subdivision on streets with different names not exceeding twenty four (24) square feet per face nor exceeding four feet (4') in height.

6. On-premises incidental signs that do not exceed two (2) square feet.

7. Non-illuminated non-commercial signs not exceeding six (6) square feet on residential and resort residential zoned properties, and not exceeding thirty two (32) square feet in Commercial and Industrial Zones.

8. Barber poles and religious symbols.

9. The following non-illuminated temporary signs located on private property, provided they are removed at the completion of the activity (in real estate, completion means closing) identified in the sign:
   a. Notices posted by public agencies (i.e., notices of proposed land use actions, etc.).
   b. Temporary signs placed on public property no more than two (2) weeks prior to an event and removed no more than two (2) days after the conclusion of the event as authorized by the City Council or the City Manager.
   c. Temporary signs located on an active construction site not exceeding sixteen (16) square feet per face which are removed either at time of substantial completion or occupancy. Multiple contractors on a single development site are entitled to display signage, provided it is consolidated on a single sign and does not exceed thirty two (32) square feet per face.
   d. Temporary signs displayed prior to, during and after elections, not exceeding six (6) square feet per face in Residential Districts, and not exceeding thirty two (32) square feet in other districts, to be removed no later than seven (7) days after the final election.
   e. Temporary signs on properties for sale or rent, one per dwelling unit or property listed, six (6) square feet per sign face for detached dwelling units, thirty two (32) square feet per face for other uses, with one additional temporary sign allowed up to six (6) square feet per face on days the property is open for public viewing.
   f. Temporary signs on or near residential properties having temporary yard or garage sales, up to six (6) square feet and no more than four feet (4') in height.
   g. Temporary seasonal displays including flashing or blinking lights, objects and materials displayed on traditionally accepted civic, patriotic and religious days, provided that such decorations are maintained in safe condition and do not constitute a fire hazard. Temporary seasonal displays are allowed ten (10) days before Thanksgiving through the weekend after Winter Carnival in February.

10. Display boxes up to six (6) square feet are allowed for each restaurant, bar and lounge for the purpose of displaying menus. The area exceeding six (6) square feet shall be counted against the total allowable sign area. This does not apply to menu display boxes that are not intended to be seen from a public right-of-way.

11. Works of art including wall graphics, carvings and sculptures with no advertising matter, which are not used in connection with a commercial promotion or as an advertising device.

12. The flag, pennant or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization or educational institution, providing the flag, pennant or insignia conform to the following limitations:
   a. Flags and pennants shall not exceed the proportions which have been established by presidential declaration: three feet by five feet (3' x 5') when hung from a building or five feet by seven feet (5' x 7') when hung from a freestanding flagpole.
   b. Flags shall have a minimum clearance of eight feet (8') when they project over public sidewalks and fifteen feet (15') when projecting over streets or roads.
   c. Flags, pennants and insignia shall be maintained in a clean and undamaged condition at all times.
   d. The display of national flags, pennants and insignia shall be governed by the standard rules of international protocol.
e. No more than three (3) flags, either mounted on a single flagpole or three (3) separate flagpoles installed as a group.

f. No new flagpole permit shall be granted for flags displayed over thirty five feet (35') in height measured from the ground.

13. Signs on motor vehicles or trailers which are being operated or stored in the normal course of business such as signs indicating the name of the owner or business on delivery trucks, trailers and the like; provided that the primary purpose of such vehicles is not for use as signs and provided that such vehicles are parked or stored in areas appropriate to their use as vehicles.

14. A single changeable copy sign associated with a public park facility (see subsection 11-5-5K of this chapter).

15. A shared service club sign erected in cooperation with the City that can be used to advertise established organizations within the City. One may be located on Highway 93 South and one may be located on Highway 93 North.

B. Prohibited Signs: The following types of signs or attractive devices are prohibited in all districts:

1. Abandoned signs or any sign which identifies or advertises an activity, business, product, service or special event which is no longer produced, conducted, performed or sold on the premises where the sign is located.

2. Animated, rotating, flashing or blinking signs, strobe lights and searchlights except electronic message signs displaying time and temperature as provided elsewhere in these regulations. Barbers' poles are not regulated under this section.

3. Signs that have been unlawfully or illegally erected and/or maintained.

4. Signs that constitute a traffic hazard or a nuisance that are detrimental to the health, safety and welfare of the public.

5. Permanent display of banners, pennants, festoons, balloons, tethered objects, strings of flags, streamers, inflated objects or any device intended as an attractant that is affected by the movement of the air.

6. Roof signs higher than the apex of the roof. Religious symbols may extend up to thirty five feet (35'). Religious symbols may extend above thirty five feet (35') with a conditional use permit. Existing religious symbols are exempt from these provisions.

7. Signs imitating or resembling official traffic or government signs or signals.

8. Advertising matter or sign painted, mounted or attached on a vehicle, trailer or boat, outdoor storage containers and/or waste receptacles or their enclosures which are stored, parked or displayed in a conspicuous manner intended to attract the attention for advertising purposes.

9. Internally illuminated vending machines located outside a building and viewable from a public right-of-way.

10. Commercial billboards and off premises signs (except off premises alley signs as otherwise permitted herein).

11. Any portable reader board.

12. Permanent reader board (changeable copy) signs incorporated into a sign or as a stand-alone sign except for those associated with a religious assembly, school, fuel prices, theater, public park facilities, convention center or accommodation vacancy/no vacancy signs.

13. Any temporary sign attached to public property, including, but not limited to, a utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench or other location on public property except as otherwise provided for in these regulations.

14. Any sign with exposed incandescent, metal halide or fluorescent light bulbs.

15. Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights or other visible matter, including any device that employs any stereopticon, motion picture or audio projection.

16. Any sign placed in any public right-of-way except for signs erected by the City, County, State or other authorized government agency; or as authorized by the City Council issuance of a right-of-way encroachment permit. Private signs permitted in the City right-of-way shall be included in the overall sign allowance for the property.

17. Internally illuminated individual letters and internally illuminated signs.

18. Electronically automated changeable copy signs, except that such signs displaying the time and temperature shall be permitted up to six (6) square feet in size, which square footage shall be in addition to the square footage otherwise allowed in this chapter.

19. A-frame signs except as provided for in the Old Town District.

20. Human signs that are considered commercial signs.

21. Signs not expressly allowed by the regulations of this chapter.

C. Special Standards: The following sign types and land uses have special sign standards that do not neatly fit within the sign regulations. These signs or uses are subject to the following sign standards and not the sign district regulations within section
11-5-6 of this chapter:

1. Temporary Commercial Event Signs:
   a. Temporary commercial signs of a duration not to exceed thirty (30) consecutive days twice per calendar year, but no two (2) periods shall be closer than four (4) months apart. Any community wide sales event, whether sponsored by the local chamber, community service group or promoted by the City, shall not count toward the allowable days in this subsection. A single temporary sign is allowed per business. No more than two (2) temporary signs shall be displayed for multi-tenant locations. Display of banner signs up to twenty four (24) square feet, pennants, festoons, balloons, tethered objects, strings of flags, streamers, inflated objects or any other device intended as an attractant which is affected by the natural movement of the air may be temporarily allowed under this section. A business must apply for a special temporary event sign permit from the City Zoning Administrator to qualify under this subsection. Only the specific items approved on the special temporary sign permit may be used by the applicant. Items not approved on the special temporary sign permit remain prohibited.

   Balloons would specifically be allowed under these temporary sign regulations for a duration not to exceed thirty (30) days in a six (6) month period.

   b. Any business, organization, or community group whose access, visibility, or patronage is detrimentally affected by a government street, excavation, or infrastructure project, as determined by the Zoning Administrator, may obtain up to two (2) temporary signs totaling not more than twenty four (24) square feet combined, for the duration of the project without regard to the limit of thirty (30) consecutive days in a six (6) month period in the previous paragraph. There shall be no fees assessed for such temporary signs during a government project.

2. Performing Art Centers:
   a. A single changeable copy sign (see subsection 11-5-5K of this chapter).
   b. One wall sign no more than twenty four (24) square feet. Such sign may be integrated into the event promotion sign or may be a separate sign. This wall sign is separate and distinct from the permitted changeable copy sign.
   c. Freestanding signs shall conform to the standards within the applicable sign district.
   d. An area of a building wall or fascia may be designated for event promotion signage. The purpose of this area is to allow multiple changing signs to promote current and upcoming events. Event promotion sign panels shall be mounted rigidly and shall only be affixed within a structural frame within the designated sign area. The sign location shall be established through an overall sign plan submitted by the operator/owner of the building to the Planning Department for review and approval. Once the overall sign plan is approved, no additional permit is required to change individual event promotion sign panels. In no case shall the individual area of each event promotion sign panel exceed twenty four (24) square feet nor the total number of event promotion sign panels exceed three (3). In addition, a small sign not to exceed two (2) square feet per sign shall be permitted above or below each individual event promotion sign panel stating, "Now Playing", "Coming Soon" or something similar.

3. Schools:
   a. Public and private schools (K - 12) are allowed one externally illuminated ground mounted sign a maximum of eighteen (18) square feet per side, set back five feet (5') from property lines, landscaped around the base, no more than six feet (6') in height, and preferably made of wood. Additionally, one non-internally illuminated building mounted school identification sign of up to sixteen (16) square feet is allowed per school, as well as one building mounted "slogan" sign, such as "Home Of The Bulldogs", not to exceed twelve (12) square feet.

   b. A single changeable copy sign (see subsection 11-5-5K of this chapter).

4. Religious Assemblies Or Convention Centers:
   a. In addition to other signs allowed per these regulations in the applicable sign district, a single changeable copy sign (see subsection 11-5-5K of this chapter). (Ord. 19-03, 2-4-2019)

Notes

1. See also subsection C1 of this section for temporary use.
(This page left blank intentionally to separate printed sections)
1/30/2023

Michelle Howke
City of Whitefish
418 E. 2nd Street
Whitefish, MT 59937

Dear Ms. Howke,

The board of the Whitefish Housing Authority met on January 25th to discuss appointment of a representative to the Whitefish Community Housing Committee. Dwarne Hawkins, the interim executive director of the Whitefish Housing Authority was nominated to represent our organization in this committee. He can be reached at director@whitefishhousing.org.

Regards,

Ben Johnson
Board Chair
Whitefish Housing Authority
Hi Michelle!

Thank you for reaching out, our board has decided to recommend Daniel Sidder the Housing Whitefish Executive Director for the WCHC position.

I assume you will need a letter of recommendation from the board address to the Mayor name Daniel. Are we passed the cut-off time to make this board packet?

Also, I will forward on the attached items to my FIB co-workers.

Thank you, I hope you are well!

Katie

Get Outlook for iOS

Katie and Ben,

I am working on the Council packet for Tuesday, January 17th meeting. Do you have a recommendation from your Committees (WHA and WFH) that we can include on the agenda and in the packet? If not we will include them on the February 6th agenda.

Also, Katie, can you send the attached Public Notice and Resolution around to your co-workers at FIB who might be interested in serving on the WCHC?

Thank you,

Michelle Howke
Administrative Services Director/City Clerk
PO Box 158/418 E. 2nd Street
Whitefish, MT 59937
mhowke@cityofwhitefish.org
406-863-2402

STAY CLEAN, CAREFUL AND CONNECTED
Michelle Howke  
Administrative Services Director/City Clerk  
PO Box 158/418 E. 2nd Street  
Whitefish, MT 59937  

Dear Michelle  

The Board of Directors of the Whitefish Convention and Visitors Bureau (WCVB) has recommended Rhonda Fitzgerald, Board Member and Secretary/Treasurer, to serve as the WCVB representative on the Whitefish Community Housing Committee. Rhonda has been committed to the affordable housing cause for many years and has served countless hours as a volunteer in this capacity in the past. The Board believes she is the best choice to represent the WCVB on the Whitefish Community Housing Committee.  

Should you have any questions, please do not hesitate to contact me.  

Sincerely,  

Dylan Deane-Boyle  
Dylan Deane-Boyle, Executive Director  
Whitefish Convention and Visitors Bureau
January 30, 2023

Whitefish City Council
Attn: Mayor Muhlfeld
418 E. Second Street
Whitefish, MT 59937

Re: Appointment to the Whitefish Community Housing Committee

Dear Mayor Muhlfeld and Council:

We appreciate the City’s ongoing efforts to address our community’s housing crisis, and welcome the opportunity to be represented on the newly created Whitefish Community Housing Committee.

At its meeting on January 18, 2023 our Board of Directors voted unanimously to nominate Jeff Raper, our current Board chairman, to serve on the WCHC.

Jeff has lived in Whitefish for nearly 50 years, is managing broker at National Parks Realty, and has a thorough, first-hand knowledge of the Whitefish real estate market. We believe he’ll bring a unique perspective to the committee, and will represent the interests of our business community well.

With best regards,

Kevin O. Gartland
Executive Director
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.
Hello, Michelle and City of Whitefish representatives,

I would like to encourage you to appoint Leanette Kearns to the Whitefish Community Housing Committee. As a renter, she adds a much needed voice to the conversation and I hope to see her represent the perspectives of folks who would benefit most from community housing.

Thank you for your time,

Kate Berry
Whitefish

Sent from my iPhone
I support Leanette Naavo Galaz for selection to the WF Community Housing Committee. I believe, as a renter and a single parent of young children in our community, she offers a perspective that’s needed when discussing housing issues. Inviting diverse voices into the conversation will help move our community toward positive solutions to difficult problems. Leanette is a great choice for this committee! Michelle Saurey WF.
Hello Michelle and City Council Members,

I'm writing to voice my overwhelming support for the selection of Leanette Galaz for the Whitefish Housing Committee. We have worked with her through our support of Shelter Whitefish and she has been extremely supportive of our efforts in building Supportive Housing in the Flathead Valley.

As an advisory committee for the city council with regards to housing in our community it is important that the makeup of this committee is diverse in experiences, perspectives, and skills. Leanette is the only renter applying for a position on this committee and even though that alone should qualify her, she also has many other qualities to offer to this group to support and speak to all in need.

Leanette has experience as a facilitative mediator, which makes her comfortable with conflict and skilled in listening, clarifying interests, and identifying points of agreement. She has a BA in Sociology from Stanford University, and her passion for social issues continues well beyond her undergrad education. She is a community organizer currently and an active board member for Shelter WF. She is a dedicated community member with the interests of maintaining a healthy and economically diverse community.

We hope you will give her your support!

Victoria

With Gratitude

Victoria Gabaldon
Hope Advocate at New Now LLC
Dear Michelle and City Council Members,

I'm writing to voice my support for the selection of Leanette Galaz for the Whitefish Housing Committee. We have worked with her through our support of Shelter Whitefish and she has been extremely supportive of our efforts in building Supportive Housing in the Flathead Valley.

As an advisory committee for the city council with regards to housing in our community it is important that the makeup of this committee is diverse in experiences, perspectives, and skills. Leanette is the only renter applying for a position on this committee and even though that alone should qualify her, she also has many other qualities to offer to this group to support and speak to all in need.

Leanette has experience as a facilitative mediator, which makes her comfortable with conflict and skilled in listening, clarifying interests, and identifying points of agreement. She has a BA in Sociology from Stanford University, and her passion for social issues continues well beyond her undergrad education. She is a community organizer currently and an active board member for Shelter WF. She is a dedicated community member with the interests of maintaining a healthy and economically diverse community.

She is a shining example of a caring CommUNITY member focused on serving the greater good.

We hope you will give her your support!
Respectfully,
Nino Gabaldón
--

Nino Gabaldon
Hope Advocate at New Now LLC

Phone 406-201-9456
Mobile 213-458-0701
Email Nino@NewNowCreative.Agency

Businesses Supporting the New Now Brand:
NewNowLife.com NewNowVillage.com
SoberDirectory.com NewNowCreative.Agency
I am writing in support of Lanette Naavo Galaz being appointed to the Whitefish Community Housing committee.

Thank you,

Tracey Gridley
Whitefish
Thank you! Just noticed a grammar mistake, oops!

**Fixed:** I support appointing Leanette Galaz for the open position on the Whitefish Community Housing Committee. Our housing committee needs more diversity, and having someone who actually RENTS their home on the committee is imperative in providing a more realistic perspective on things in our community currently and moving forward. Thanks again for your time and I hope you have a good day too!

On Fri, Feb 3, 2023 at 10:03 AM Michelle Howke <mhowke@cityofwhitefish.org> wrote:

Kathryn,

Thank you for your comment. Your letter will be distributed to the Council for their consideration.

Have a great day!

---

**Michelle Howke**

Administrative Services Director/City Clerk

PO Box 158/418 E. 2nd Street

Whitefish, MT 59937

mhowke@cityofwhitefish.org

406-863-2402

STAY CLEAN, CAREFUL AND CONNECTED
Hi,

I support appointing Leanette Galaz for the open position on the Whitefish Community Housing Committee. Our housing committee needs more diversity and having someone who actually RENTS their home on the committee is imperative in providing a more realistic perspective on things on our community currently and moving forward.

Thanks for your time - Kathryn

--

Kathryn Hayes
Hello

My name is Miranda Hernandez and I am a resident of Whitefish.

I am writing to you today to select Leanette Naavo Galaz on the Whitefish Community Housing Committee. She is very well qualified academically and experientially. She is the right candidate because she represents the long-term renters and workers of Whitefish. She brings diversity and a refreshing perspective to our community. She possesses the right tenacity, understanding, and relevant insight needed on the Whitefish Community Housing Committee. She has been a hard working single woman in our community. Whitefish is changing and we need someone adaptable and resilient such as Leanette. As a renter, and a conservation worker swinging from paycheck to paycheck, I encourage you to select Leanette.

Thank you for hearing me out
I hope you choose the right candidate, Leanette Naavo Galaz.

Miranda Hernandez
Apt E
Hello Michelle and City Council members,

I am writing in support of Leanette Galanz as a new selection in the Whitefish Housing Committee. Leanette’s professional skills and experiences, as well as perspective as a renter in Whitefish would be a huge asset to the committee.

I had the privilege of working with Leanette this past fall as Fellows with Forward Montana. In 4 months working on voter education and mobilization efforts together, I was inspired and motivated by her passion for addressing the issues facing our community. With experience as a mediator, she is able to make even hard conversations productive, with mutual understanding and common ground found by all. Her dedication to ensuring Whitefish continues to be a healthy, economically diverse, and thriving community is apparent in everything she does.

Thank you for your work, and for taking community members’ voices into consideration for this important committee.

Best,
Jeanne Langan
she/her
Clay Studio Manager - Whitefish
President/skater - Flathead Valley Roller Derby
My name is Alex Maetzold. I live at e 4th street and I have been a resident of Whitefish permanently since 2008 after moving back to my hometown post college. I am writing today in support of Leanette Navi Galazo for the open position in the Whitefish Community Housing Committee. I feel her voice as a community member who is in the rental market and service industry will provide a needed balance and perspective to the committee. Leanette has a passion for housing and I feel she will be a solid member.

Thank you
-Alex Maetzold
--
Alex J. Maetzold
Buffalo Cafe
514 3rd St. E
(406)-249-5776
www.buffalocafewhitefish.com
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk<mailto:help@cityofwhitefish.org> if in doubt.

Hello Michelle!

We are writing in support of Leanette Naavo Galaz for Whitefish Community Housing Committee. We do not live within Whitefish city limits but own 2 properties that are in the city limits so we pay city taxes.

We feel that this is an important issue and a wide range of people needs to be on the committee.

Thank you,
Michelle and Brian McDowell

Sent from my iPhone
Hi,
I am writing in support of Leanette Galaz being selected to the City’s housing committee.

She brings a much needed perspective.

Best,
Darcy Schellinger
Whitefish, MT
Hello,

My name is Meagan Schmoll I have lived in Whitefish for 7 years, have two small businesses and am a homeowner. As things continue to shift and change the importance of having different perspectives on housing within the Whitefish Community Housing Committee is a must. That person for me is Leanette Galaz. I support her and trust she would be looking out for my interests and the interests of others that might now own a house and be living paycheck to paycheck. She speaks for the people that the increased cost of living affects most and those are some of the most creative vibrant folks in the community of Whitefish, the ones that have cultivated an environment that draws tourism and people wanting to move here.

Sincerely,
Meagan

Meagan Schmoll
Raskol Ink. LLC - Wearable Art
www.raskolinkllc.com

307-690-0950
@raskol_ink

Join the Raskol Ink. Hidden Art Collective
Hello, Michelle and Council Members!

I am writing to express my enthusiastic support for Leanette on the Community Housing Committee.

Leanette and I used to be coworkers – I have seen her strong work ethic first hand. She knows how to collaborate and work as a team.

The Housing Committee would benefit from having a voice like Leanette’s. She’s a working mom, a beloved Whitefish local, an artist, a renter, and possesses all the amazing leadership qualities one would require for a role like this.

Do not sleep on Leanette Galaz.

Thank you for your time!

Michell Wang

--

Miche
Wednesday, January 25th, 2023

Whitefish City Council and Mayor
418 E 2nd ST
Whitefish, MT 59937
mhowke@cityofwhitefish.org

Dear Honorable Mayor and Whitefish City Council,

The Housing Whitefish Board voted unanimously on Wednesday, January 25th, 2023 to recommend Daniel Sidder, our Executive Director, as the appointed member for the newly established Whitefish Community Housing Committee. Per Resolution 23-02 which created the new committee, a member of Housing Whitefish is to serve on the committee and we believe Daniel Sidder is best suited for the position.

We appreciate the efforts and commitment the City of Whitefish has spent toward helping solve our community’s housing needs and we look forward to participating in a productive and collaborative committee.

Thank you for considering our recommendation and please let me know if you have any questions.

With kind regards,

Katie Williams
Housing Whitefish Board Chair
ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk<mailto:help@cityofwhitefish.org> if in doubt.

Dear Michelle,
Please elect Leanette to the Whitefish Community Housing Committee. Leanette is a prime candidate for this position as a local with years of experience providing mediation. She is an excellent choice to be a voice and advocate for all people of the Whitefish Community.

Thank you,
Erika Wilcox

Sent from my iPhone
To the Members of the Whitefish City Council:

I am writing to you today regarding the marijuana dispensary “rumored” to be opening at 201 Central Avenue. I am gravely concerned that, if true, the owner of this venture will be able to locate a weed shop within walking distance of Muldown Elementary and Whitefish Middle School thanks to a loophole that currently exists in Whitefish City Code.

My name is Donna Lies and I reside at Spencer Ridge Drive. I have been a Whitefish property owner since 2004, and have spent many summers and winters here raising my now adult boys. (My youngest and most recent college graduate is now, in fact, a resident of Whitefish.) When not in Montana half the year, I spend much of my time in Colorado and can speak first hand to the issues surrounding the sale and use of weed throughout my resident state. Frankly, it's a nightmare. I will address that later in this communication.

The fact that a drug operation—and let's all be honest here, weed is a drug—could be so prevalent, apparent (and arguably accessible) to our future generation is appalling. I recognize it is the law of the state, voted upon by its citizens, but the message being sent by the community simply because the address will be different than the address used by the schools makes no sense. Please do not patronize the community with “no entrance unless 21 years of age” as a defense. Location of a dispensary so closely situated to those schools is a clear indication that Whitefish will do more to appeal to a tax-paying business than protect exposure to a social ill from our future leaders—leaders we are trying to educate in wholesome and effective ways.

I am fully aware that other dispensaries exist within close proximity to the schools based on current code. I am not happy about that, but I argue the following: the dispensary at the Remington is not visible to a young student. While close by and in theory within walking distance, it would be difficult for a youngster or teenager to wind their way to the back of the establishment and be exposed to marijuana operations. The business run by Tamarack is a bit further away and also “difficult” to enter (thanks to the stairs) by a student without being noticed and stopped. Any operation at 201 Central is much more out in open, signaling to all who walk by that marijuana is alive and well and welcome within downtown Whitefish.

So, I ask the Council... what type of community do you want Whitefish to be? A family-friendly collection of full-time residents and dedicated part-time residents who can raise their children in a safe and wholesome environment? A transient community appealing to the likes and dislikes of the ever growing population of tourists looking to “escape” the ills of where they came from? A vacation destination competing with Aspen or Vail where the term “Rocky Mountain High” has new dimension? (Take it from one who knows how that worked out—not a path I personally would trod.)
As a data point, Denver is dealing with significant issues regarding the use of marijuana. Crime is up, traffic accidents are up, ER visits are up, and the downtown area best known for its pedestrian mall is growing ever more vacant by businesses and tourists due to the presence of weed. I would not be so patrician to say that it is only marijuana causing these effects, but ask anyone who has been a resident of the state since 2012 (when the law was passed to legalize the possession and use of marijuana) how drastically and differently—and not for the better—Denver has evolved. The pervasive smell of weed alone is overwhelming and driving people away. An irony here? A dedicated amount of tax revenue generated by weed sales shortly after the initiative passed went into PSAs targeted at children. Specifically, the ads focused on how weed use prevented brain growth and development and should not be pursued until adulthood. And City Council is going to let a dispensary pop up so close to its schools due to an address incongruity? Seriously?

Montana, as a state, is in its infancy handling the side effects of weed availability and use. With a plethora of dispensaries dotting 93 South to handle the demand, does Whitefish really need another location, particularly another one in the center of town? Please, be forward thinking here... for the sake of your residents, tax paying businesses not in the cannabis industry, and most especially your children. Recognize the risks, modify the code, and let the dispensary find another location other than 201 Central to set up shop.

Respectfully,

Donna C Lies

Sent from Outlook
Michelle Howke

From: James Brothers <jamesbrothersiii@gmail.com>
Sent: Monday, February 6, 2023 1:27 PM
To: Michelle Howke
Cc: Tee Baur; Joe Reger; Eric Mulcahy
Subject: Letter to City Council re: WB-T zoning
Attachments: Letter to WF Council Re WBT_Signed 2.6.23.pdf

ATTENTION: External Email - This email originated from outside of the City of Whitefish. Use caution when clicking links or opening attachments unless you recognize the sender and are expecting the contents. Contact the IT Helpdesk if in doubt.

Michelle,
Please find attached a letter to City Council expressing support for adoption of the contemplated WB-T zoning.

If you could kindly confirm receipt, we would appreciate it.

Thank you,
James Brothers
February 3, 2023

Dear Council Members

We represent Ownership of ~10 acres on the SE corner of US 93 and Rt. 40, and support adoption of the proposed WB-T zoning. While land use decisions are important, the City has dedicated substantial time and resources via the 93 Corridor Study (the “Study”), and the lack of affordable and ‘missing middle’ housing options locally are threats to the economic health of Whitefish. A Change.org petition asks the Council “to deny new, ill-conceived, WB-T zoning proposed along Hwy 93 and Hwy 40, the southern entrance to Whitefish.” It suggests to “deny the zoning and instead get outside professional advice and new ideas from planners who work around the northwest to prevent sprawl, limit more traffic and congestion, and design neighborhoods with quality affordable housing for locals.”

Denial is not the solution. Work began on the Study in Feb. 2018, and it was adopted in Dec. 2021. This included an extensive process to inventory conditions, incorporate public input, and establish a vision, with a final phase of implementation. Reviewing the 111 page Study leaves no doubt as to the resources, thought and hard work accredited planners put into preparing these future development guidelines.

Per the 2022 Whitefish Area Community Housing Needs Assessment Update, a primary factor contributing to our affordability challenges is the loss of community housing. This includes conversions (to market rate or short term rentals), redevelopment, and project denials. Per the Update, “every project...denied is a message to developer to not ‘risk’ using incentives, discourages public support, and hurts the ability to raise financing for housing.”

As Winston Churchill said, “Perfection is the enemy of progress.” The property has by-right development rights per County zoning. Many of these uses, while economically viable and more financeable, are the antithesis of community goals. Having another storage facility, or a use such as Whitefish Marine and RV, would not be the best use for this highly visible City gateway.

We have initiated planning for a multifamily rental residential community which could deliver a meaningful increase in housing options. Our goal is to advance a thoughtful application offering an affordable component consistent with material elements of the proposed WB-T zoning. This will require a big investment, but is a worthy undertaking given the potential for a new community the City can be proud while addressing a critical need.

We are aligned in a desire to make Whitefish special. However, the consequences of inaction are greater economic inequality and inferior developments misaligned with the City’s well thought out controls for architecture, landscaping as well as other environmental and water quality advantages. We appreciate your consideration, and urge you to vote yes to adopt WB-T.

Sincerely,

Tee Baur / Joseph Reger / James Brothers

CC: Eric H. Mulcahy, AICP
TO: Whitefish City Council
RE: WB-T (Business Transitional District) Addition to the Whitefish Zoning Regulations
2-4-2023

Let me begin by saying we appreciate important changes you have suggested and supported to the original the proposed WB-T zone. However, in reviewing these recent changes we believe additional changes are warranted. Additionally, given significant changes since the last version of this was reviewed in a publicly noticed hearing on November 21, 2022, at which time the public hearing was closed, we ask that you reopen the public hearing before final adoption on this new zone. Our comments in this memo identify areas that need additional review and provide reason for allowing additional public comment. This is a legislative decision and deserves additional opportunity for public comment.

1. Page 109 of packet. Section 11-2Y-1 Intent and Purpose should be revised to remove any intent to allow a strip of commercial uses to front the Hwy 93 or 40 corridor with housing behind them. This is a recipe for classic strip development which the public has strongly said they wish to avoid. Instead consider the following wording for the Intent and Purpose. Additionally, the intent and purpose should provide criteria for approval or denial of a proposed conditional use. Here is suggested new text for the Intent and purpose of WB-T zoning.

INTENT AND PURPOSE: The purpose of this WB-T District is to establish a desired pattern of development along the southern gateway entrance to Whitefish. As such, this highway corridor should be developed in such a way that it creates an inviting and positive first impression of the community. Compatibility of proposed uses should be addressed through development of a planned unit development (PUD) overlay zoning district. The PUD, and a required traffic study to support it, should clearly demonstrate compatibility with the infill goals of the Whitefish Growth Policy and how the proposed pattern of development will protect the health, safety and welfare of the traveling public by preventing or reducing traffic congestion and distracting visual clutter often associated with developments along major thoroughfares into and out of a fast-growing city.

The WB-T zone is intended to create generously buffered, non-highway-oriented patterns of development. While the majority of development will be tightly controlled by the conditional use permit process, the district is appropriate for a mix of: residential uses intended to meet identified housing needs of the city, limited nonretail neighborhood commercial, professional offices, medical related facilities, and light industrial uses. Short-term rentals are not permitted. Structures will be of moderate to high architectural quality and clearly not "industrial" in appearance. Landscaping will be extensive with good quality and effective screening and buffering including, raised-earth-landscaped-berms as the norm along this entrance way to the city. Due to high vehicle speeds and limited access points, high traffic uses are discouraged, and frontage or backage roads will be developed to consolidate highway accesses. This zoning classification is intended for areas annexing into the city with current county B-4 zoning, and not intended for general application throughout the Whitefish area, nor is it to be extended south of Emerald Drive/Russell Road on Highway 93 South. (see footnote #1 end of comments for this WFZR definition of neighborhood commercial)
Action Recommended: Use the proposed text above to rewrite the intent and purpose of the WB-T zoning district.

2. Page 107 of packet, Section 2 of the Ordinance before you tonight should be corrected to reference the most recent or proposed Feb. 6th 2023 revised findings of facts in your packet and the revised February 6th 2023 revised staff report and not the proposed adoption of the January 12, 2022 Staff report and its findings of fact as the ordinance currently calls for.

Action Recommended: Adopt the most current findings of fact dated Feb. 6 as part of the ordinance for WB-T zoning.

3. The new WB-T zoning district, should not allow uses that are not clearly defined within the definitions section of the Whitefish code Section 11-9-2. Failure to ensure that definitions are included for uses proposed creates a lack of predictability for developers, city residents, and local decision-makers, resulting too often in the zoning administrator being asked to make an interpretation that may not be at all what was assumed when the district is created and approved by the public or decision makers. Rather it sets up the zoning administrator to be pressured to make determinations as to what uses are allowed and what are not. The definition of a use should not be left in question when the zoning district is approved. The following critical and determinative terms used within this proposed WB-T zoning District are not defined currently and should be removed or defined if compatible:

1) Under section 11-2Y-2 of the WB-T District Accessory Apartments are not defined (page 109 of packet) and are listed as both a permitted use and a conditional use in WB-T. See footnote #3 for uses defined as accessory in the Whitefish Zoning Regulations WFZR. (See list of all footnotes at end of these comments)

Action Recommended: The term “accessory apartments” should be removed from both permitted and conditional uses. If the intent is to allow one Accessory Dwelling Unit for each single-family house as so defined by the WFZR then that should be clarified.

2) Under section 11-2Y-1 Intent and Purpose of the WB-T District “light commercial and ancillary services” within the Intent and Purpose Statement (page 109 of the packet) is not defined in the WFZR or identified as a permitted or conditional use in the WB-T district.

Action Recommended: The term “light commercial and ancillary services” within the Intent and Purpose Statement should be removed to avoid any confusion as to the overall intent and purpose of this district.

3) Under section 11-2Y-1 of the WB-T District remove the proposed conditional use text for Light Assembly and Manufacturing which includes currently uses of “repairing, packing, or storage facilities in enclosed buildings.” These uses are overly broad and not within the definitions of Light
Assembly and Manufacturing found in the WFZRs. The public and the council has clearly said they do not want to see more storage units in this corridor.

**Action Recommended:** Replace the current text for Light Assembly and Manufacturing with the following definitions from the WFZRs. “LIGHT ASSEMBLY: The fitting together of already manufactured parts into a complete or semicomplete unit. This would not limit the casting or forming of some components on site where the processes would typically not generate noise, vibration, smoke or odor detectable at the property line for freestanding buildings, or beyond the walls of the particular business for attached buildings. Typically all manufactured and premanufactured parts and the final product would be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines. Furthermore, all activity usually occurs indoors. LIGHT MANUFACTURING: The manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All processing must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property boundary line for freestanding buildings, or beyond the exterior walls of the particular business for attached buildings. Furthermore, all new materials and final components should be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines.

4. **Why has recreational guides and outfitters been added as a permitted use when it is not in the County B-4?** Why shouldn’t this remain a use in the city only. Current definition in the WF zoning: RECREATIONAL GUIDES AND OUTFITTERS: Business offering state licensed guides or outfitters as well as equipment and supplies for sale and/or rent for specialized outdoor activities such as fishing or hunting. Retail sales of supplies and equipment related to the primary activity are allowed up to thirty percent (30%) of the gross floor area. Micro-breweries or Micro-distilleries can attract heavy traffic and are uses that are currently thriving within the Whitefish Downtown area.

**Action Recommended:** Remove the following conditional uses from the WB-T District as these uses can be best accommodated within the existing city zones: Recreational guides and outfitters, Micro-breweries or Micro-distilleries.

5. **Property Development Standards as proposed are inadequate or not established.**

**Actions Recommended:**
Add to Rear set back the addition of -- 50 feet landscaped buffer when abutting Highway 93 and Highway 40. This is only required for the front and side currently. Note that on the attached development proposal for Hwy 94 and Hwy 40 most buildings are inward facing and thus the rear of buildings face the highways. The addition of the 50 feet is needed to have adequate buffer from the highway. Given the intensity of uses proposed in this example the 50 feet should also apply to setbacks from adjoining residential uses.

Add minimum lot sizes for residential and other uses WB-T current requires zero

**WR-4 requires (continues next page)**

<table>
<thead>
<tr>
<th>Minimum lot area:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>Two-family dwelling or larger</td>
<td>1,000 square feet additional for each dwelling unit excess of one-family</td>
</tr>
<tr>
<td>Minimum sublot area</td>
<td>2,000 square feet</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum sublot width</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

Minimum lot coverage should also be established so that there is room for important over all landscaping and undeveloped landscaped areas for multifamily housing and other uses.

WR-4 Permits only 40% maximum lot coverage whereas WB-T currently requires no minimum lot coverage.

| Maximum height | 35 feet |
| Permitted lot coverage | 40 percent maximum |

6. Finally, General requirements under the WB-T should include the following additional provision to conserve right of way for a future roundabout at highway 93 and 40.

Setbacks from Highway 93 and 40 shall be established in the site design to accommodate the installation of a roundabout at this intersection.

See site plan below for reason why rear setbacks need to be increased under point 5 above.
Footnotes

1. **NEIGHBORHOOD**: Less than Citywide in scale. Typically this would be an area of one-half \((\frac{1}{2})\) mile, but not more than one mile in radius which has a set of unifying characteristics such as housing style or quality, similar income strata, economic livelihood, topographic features, small lakes or water features, local recreational facilities or convenience shopping. Residents would normally be within walking distances of basic convenience services. Factors such as a railroad and highway rights-of-way, major streets, rivers, large lakes and severe topographic constraints will form boundaries and serve to separate neighborhoods.

**NEIGHBORHOOD SERVICE**: Those public or semipublic facilities and commercial establishments whose main purpose and use is for the residents of a neighborhood.

2. **WBSD, Whitefish Business Service District Zoning District.** Required site plan with suggested strike throughs and additions underlined to adapt into the proposed WB-T District.

Site Plan Requirements:

1. A site plan, vicinity map and building concepts must accompany a request to rezone for a permitted use or conditional use of the property under WB-T zoning or otherwise grade or develop a lot for a permitted use prior to annexation and the issuance of a building permit or zoning compliance permit. Prior to any site development, a this detailed site plan shall be submitted to the zoning administrator to demonstrate compliance with the approved development plan, and a building permit or zoning compliance permit shall be obtained. Site plans shall include all buildings, structures, parking, driveways, sidewalks, utilities, drainage, hydrants, landscaping, highway setbacks and landscaped berms, and signage and a comprehensive transportation plan and study. The vicinity map shall include surrounding parcels, buildings, structures, circulation systems and major physical features. The site plan shall demonstrate conformance with the zoning regulations and other applicable city regulations. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy, the site shall be inspected for compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

2. Shared driveway access or frontage or backage roads (whether public or private) are required where possible to provide a cohesive internal circulation pattern and to limit access onto Hwy 93 and Hwy 40. arterials and collectors when development contains multiple commercial uses.

3. Minor deviations to the site plan shall be allowed which do not involve more than ten percent (10%) of the building site for a single building. This would include, but is not limited to, the location and/or expansion of the building, parking lot location, signage, number of parking spaces and landscaping. Minor deviations to the site plan shall be reviewed and approved by the zoning administrator. Substantial modifications to the site plan will be required to be reviewed and approved by the city council. Substantial changes would include, but not be limited to, an increase in the number of buildings, major changes in access or circulation, an increase in building size by more than ten percent (10%), major changes to signage and major changes to landscaping design and location.
C. Clustering:
   1. Clustering of uses includes incorporation of common shared areas such as courtyards to create central nodes of business/development as opposed to linear development.
   2. Clustering should include shared access, parking, landscaping, with the overall development designed to protect surrounding properties from adverse impacts.
   3. For the purpose of clustering, the site will be developed as one lot. Property setbacks for commercial uses shall not apply except for separation from residential uses. This allows for cohesive development on multiple properties developed in conjunction with an overall development theme or business park plan.
D. Landscaping
   1. Landscape design shall ensure a generous landscaped buffer from the highway and an attractive entrance to the city, be in accordance with the concept of a business park. A combination of landscape materials should be arranged in a harmonious manner as an integral part of the project design to enhance building design, public view and interior spaces and provide buffers and transitions, as appropriate.
   2. Parking lot landscaping shall comply with the requirements of chapter 6 of this title.
   3. Exposed utilities, storage areas, machinery, installations, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements or screened to minimize the loss of views, privacy and the general aesthetic value of surroundings.
E. Signage: An overall sign plan for the district development shall be provided that incorporates the architectural theme and landscape design as an integrated concept and shall be in accordance with the proposed uses concept of a business park. A combination of natural materials and colors should be arranged in a harmonious manner that complements the overall design of the site and does not create visual clutter, distractions for passing motorists or the obstruction of important architectural or landscaping features. (Ord. 08-08, 5-19-2008)

3. Under WF Zoning definitions 11-9-2 there are these definitions but no Accessory Apartment:

ACCESSORY BUILDING: A detached, subordinate building situated on the same lot with the main building and used for an accessory use. A "guesthouse", "accessory apartment", or other living quarters as defined in this section may be an accessory building or may be a component of an accessory building. This term also includes fabric or metal structures with plastic, aluminum, PVC, or similar frames or supports, whether or not anchored to the ground. (also see section 11-3-2: ACCESSORY BUILDINGS: for standards for such buildings.)

ACCESSORY USE: A subordinate use of a building, other structure or use of land:
   A. Which is clearly incidental to the primary use of the main building, other structure, or use of land; and
   B. Which is used customarily in connection with the main building, other structure or use of land; and
   C. Which is located on the same lot with the main building, other structure or use of land.