1) Call to Order

2) Interview - Whitefish Lake and Lakeshore Protection Committee
   a) 5:20 p.m. – Daniel Wood

3) Public Comment

4) Appointment
   a) Whitefish Lake and Lakeshore Protection Committee – One (1) positions, complete term ending 12/31/2023, shall reside within the corporate limits of the city of Whitefish, City Council appointment.

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

**********************************************************************************

CITY COUNCIL WORK SESSION
CITY COUNCIL CONFERENCE ROOM
MONDAY, APRIL 3, 2023
5:30 PM

5) 5:30 p.m. Presentation from Montana Facility Finance Authority introducing C-PACE (Commercial Property Assessed Capital Enhancements)
   a) Public Comment

6) 6:15 p.m. Discuss Marijuana Retail Regulations
   a) Public Comment

7) Direction to City Manager

8) Adjourn

Meeting Link: Microsoft Teams Link
Meeting Number: 289 894 639 596
Password: CuFmGG

For the Audio Conference Call option:
call the number below and enter the access code.
   - United States Toll Free: 833-563-1751
   - Access code: 537 795 629#

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, April 3, 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 NOTICE
VACANCIES ON CITY BOARDS/COMMITTEES

WHITEFISH LAKE AND LAKESHORE PROTECTION COMMITTEE – Two (2) positions. One (1) 2-year term, applicant must be a lakefront property owner and reside within the corporate limits of the city of Whitefish. One (1), complete term ending 12/31/2023, shall reside within the corporate limits of the city of Whitefish. Committee meets once a month.

BOARD OF PARK COMMISSIONER – Three (3) positions, 2-year term. Applicants must have resided within the City limits for 2 years and within the State for 3 years and must be at least 21 years old. The Committee meets once a month in the evenings.

RESORT TAX MONITORING COMMITTEE – Two (2) positions, 3-year term. Applicants shall be an owner, operator or representative of any restaurant/bar business, retail business, lodging business, business owner at large within the corporate limits of the city of Whitefish. The Committee meets once a month in the mornings.

POLICE COMMISSION – One (1) position, 3-year term. Open to City residents who have maintained residency within the city limits of Whitefish for one year prior to appointment to the Commission. The Commission meets as needed.

WHITEFISH CONVENTION AND VISITORS BUREAU – Three (3) positions, 3-year term. Applicants shall reside in the city of Whitefish postal district (59937), or reside in Flathead County, but outside the city of Whitefish postal district (59937), as long as the applicant has an ownership interest or managerial position at a business located and operating within the city of Whitefish postal district (59937). Openings include preference for representatives of finance, large lodging properties, small lodging, restaurant/bar business, transportation business or the Whitefish Lake Golf Course. The Committee meets once a month.

ARCHITECTURAL REVIEW COMMITTEE – Two (2) positions, 3-year term. Applicants shall reside within the corporate limits of the city of Whitefish, are employed or own a business in the city of Whitefish, or own property in the city of Whitefish; or be a Montana licensed architect, or licensed design professional (i.e. architect, engineer, or landscape architect). The Committee meets twice a month April – October, once a month November – March in the mornings.

BOARD OF ADJUSTMENT – One (1) position, complete the term ending 12/31/2023. Applicant shall reside within the city limits of Whitefish. The Committee meets in the evening once a month as needed.

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://flatheaded.org/

IMPACT FEE ADVISORY COMMITTEE – One (1) position to complete term ending 12/31/2025. 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 April 21, 2023. Please include your name, mailing address, physical address, and phone number. Interviews will be May 1st and May 15th, or as needed. 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*

Publish 3/29/2023 and 4/12/2023
Daniel G. Wood
69 Ponderosa Ct
Whitefish, MT 59937
(406) 261-6655

CITY OF WHITEFISH – LAKE SHORE PROTECTION COMMITTEE
LETTER OF INTEREST

Michelle,

Per our recent communications, I am submitting this brief letter of interest to apply for the open ‘Member at Large’ position with the City of Whitefish Lakeshore Protection Committee. I see the lake as one of the community’s most valuable assets and I believe in its protection for present and future homeowners, recreators, and visitors. I’ve been looking for an opportunity to serve the community that has given so much to me and my family. I genuinely feel that assisting our local government in managing this critical asset seems like a wonderful way to give back.

Coupled with my background in the law, I am confident I can bring a helpful perspective in advising the City on how best to manage the ever-present balancing act between the City’s desire to protect the lake and its obligation to work in concert with homeowners and recreators alike. I’d be honored to give back by volunteering my time to this important and rewarding civic task and would greatly appreciate your consideration of my application.

Warm Regards,

Daniel G. Wood
CHAPTER 16

WHITEFISH LAKE AND LAKESHORE PROTECTION COMMITTEE

SECTION:

2-16-1: Standing Committee Established
2-16-2: Purpose, Powers And Duties
2-16-3: Membership
2-16-4: Terms; Positions
2-16-5: Removal Of Member
2-16-6: Vacancy
2-16-7: Organization
2-16-8: Meetings; Rules And Regulations
2-16-9: Expenditure Authorized

2-16-1: STANDING COMMITTEE ESTABLISHED:

Pursuant to and under the provisions of Montana Code Annotated sections 75-7-201 et seq., the city council of the city of Whitefish does create and establish the Whitefish Lake and lakeshore protection committee as a standing committee of the city, consistent with state law. (Ord. 15-10, 6-1-2015)

2-16-2: PURPOSE, POWERS AND DUTIES:

By this chapter, the city council of the city of Whitefish grants and delegates to the Whitefish Lake and lakeshore protection committee all of the rights, privileges, powers, duties, and responsibilities thereto appertaining. The Whitefish Lake and lakeshore protection committee shall have such jurisdiction as provided by state law. (Ord. 15-10, 6-1-2015)

2-16-3: MEMBERSHIP:

The Whitefish Lake and lakeshore protection committee shall consist of seven (7) members, to be appointed as follows:

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

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

Committee members shall receive no compensation. (Ord. 15-10, 6-1-2015)

2-16-4: TERMS; POSITIONS:
Committee terms shall be two (2) years. There are hereby created positions numbered 1 through 7 inclusive of the members of the Whitefish Lake and lakeshore protection committee. Members serving on the effective date of this chapter shall be assigned to positions that correspond with the following expiration dates:

<table>
<thead>
<tr>
<th>Position Number</th>
<th>Term Expiration Date</th>
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<tbody>
<tr>
<td>1</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>2</td>
<td>December 31, 2017</td>
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<tr>
<td>3</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>4</td>
<td>December 31, 2017</td>
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<tr>
<td>5</td>
<td>December 31, 2018</td>
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<tr>
<td>6</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>7</td>
<td>December 31, 2018</td>
</tr>
</tbody>
</table>

As each of the above listed expiration dates has passed, a member appointed to the position shall serve for a two (2) year term. Terms shall begin on January 1 following the initial expiration of the preceding term. At the discretion of the city council, members may be appointed for more than one term. (Ord. 15-10, 6-1-2015)

2-16-5: REMOVAL OF MEMBER:

A member of the Whitefish Lake and lakeshore protection committee may be removed from the committee by majority vote of the city council for cause upon written charges and after a public hearing. Wilful disregard of state statutes, city ordinances and the rules of procedure of the committee, or absences from three (3) consecutive meetings, including regular and special work sessions, or absences from more than fifty percent (50%) of such meetings held during the calendar year shall constitute cause for removal. Circumstances of the absences shall be considered by the city council prior to removal. Any person who knows in advance of his or her inability to attend a specific meeting shall notify the chair or city staff member assigned to the Whitefish Lake and lakeshore protection committee at least twenty four (24) hours prior to any scheduled meeting. (Ord. 15-10, 6-1-2015)

2-16-6: VACANCY:

Pursuant to sections 2-16-3 and 2-16-4 of this chapter, any vacancy on the Whitefish Lake and lakeshore protection committee shall be filled by the city council acting in a regular or special session for the unexpired term of the position wherein the vacancy exists. The city council may appoint members of the city council to temporarily fill vacant positions on the Whitefish Lake and lakeshore protection committee. (Ord. 15-10, 6-1-2015)

2-16-7: ORGANIZATION:

The Whitefish Lake and lakeshore protection committee, at its first meeting after January 1 of each year, shall elect a chair and vice chair for the next twelve (12) month period. Upon the absence of the chair, the vice chair shall serve as chair pro tem. If a vacancy occurs in the chair or vice chair positions, the committee shall elect a member to fill the vacancy at the next meeting. (Ord. 15-10, 6-1-2015)

2-16-8: MEETINGS; RULES AND REGULATIONS:

Four (4) members of the Whitefish Lake and lakeshore protection committee constitute a quorum to conduct business. Not less than a quorum of the committee may transact any business or conduct any
proceedings before the committee. The concurring vote of four (4) members of the committee shall be necessary to decide any question or matter before the committee, except a motion for a continuance and motions to elect a chair and vice chair may be decided by a simple majority vote of the committee. The committee shall adopt rules of procedure for the conduct of meetings consistent with statutes, the city charter, ordinances and resolutions. Meetings of the committee shall be held at the call of the chair and at such other times as the committee may determine. All meetings shall be open to the public. (Ord. 15-10, 6-1-2015)

2-16-9: EXPENDITURE AUTHORIZED:

The Whitefish Lake and lakeshore protection committee shall not have authority to make any expenditures on behalf of the city or disburse any funds provided by the city or to obligate the city for any funds except as has been included in the city budget and after the city council shall have authorized the expenditure by resolution, which resolution shall provide the administrative method by which funds shall be drawn and expended. (Ord. 15-10, 6-1-2015)
# Volunteer Committee List

## WHITEFISH LAKE & LAKESHORE PROTECTION COMMITTEE - WCC 2-16 - 2 YEAR TERM

(2nd Wednesday; Planning & Building Department Conference Room)

*2 City who own or reside on lakefront property, 2 City at Large, 2 County who own or reside lakefront property, 1 other

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Expiration Date</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Don Harring</td>
<td>1364 W. Lakeshore Dr.</td>
<td>360-607-8037</td>
<td>12/31/2024</td>
<td>City Lakefront owner Inside limits</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:dharring164@gmail.com">dharring164@gmail.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td></td>
<td>12/31/2024</td>
<td>City Lakefront owner inside limits lakefront owner</td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td></td>
<td>12/31/2023</td>
<td>City Member @ Large Inside limits</td>
</tr>
<tr>
<td>Nancy Schuber</td>
<td>110 Bay Point Drive</td>
<td>406-871-0788</td>
<td>12/31/2023</td>
<td>City Member @ Large inside city limits</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:nschuber@sbcglobal.net">nschuber@sbcglobal.net</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peggy Brammer</td>
<td>2702 Plaza Road</td>
<td>415-497-8645</td>
<td>12/31/2024</td>
<td>County Lakefront owner 2 county lakefront deeded property/ 2 city lakefront property deeded</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:pjbrammer@gmail.com">pjbrammer@gmail.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roger Rowles</td>
<td>2794 Rest Haven Dr./PO Box 1806</td>
<td>509-952-2574</td>
<td>12/31/2023</td>
<td>County lakefront owner Planning Board/other 2yr term</td>
</tr>
<tr>
<td>Toby Scott</td>
<td>PO Box 367</td>
<td>406-862-4708 (H)</td>
<td>12/31/2024</td>
<td></td>
</tr>
</tbody>
</table>
The Montana Facility Finance Authority

**Mission:** Enhance Montana healthcare and community capabilities through access to cost-effective capital financing and development services.

Financing for nonprofit healthcare
  - Tax-exempt bonds
  - Small low-interest loans
  - Grants to reduce the cost of the capital planning process.
The Montana Facility Finance Authority

City Council Packet, April 3, 2023 Page 10 of 224
C-PACE – A New Financing Option

- **Commercial Property Assessed Capital Enhancements (C-PACE)**
- Covers the costs of improvements that:
  - save energy
  - save water
  - generate renewable energy.
- Savings cover the cost of financing
- Paid back via a special assessment on the property
Why C-PACE?
Because Wasted Energy = Wasted Money

- Montana’s average utility cost per year
  - Commercial – $710,564,780
  - Industrial – $467,120,200
  $1.2 billion spent per year

- 30% of the energy used in commercial & industrial buildings is wasted
  $353.3 million lost to waste annually
**Slide material provided by C-PACE Alliance**

Typical Measures Funded by C-PACE
Eligible Properties

- Commercial
- Industrial
- Mixed-Use
- Agricultural
- Multifamily

Eligible Projects

- New Construction
- Retrofit
- Retroactive – up to 3 years
Role of the Local Government

What a Local Government does:

- Establish the District
- Bill and receive property taxes

What the Local Government does not do:

- Serve as a collection agent for the lender
- Work on behalf of the lender

What the MFFA does:

- Serves as the agent of the Local Government in respect to C-PACE
- Works with borrowers and lenders
- Receive district assessment revenue from county and disburse to lenders

Local Governments can be as involved or uninvolved as they would like.
Why should a Local Government set up a District?

- Provides economic growth
- Saves local businesses money
- Creates / retains jobs
- C-PACE participation is 100% voluntary
- Neither local government nor citizens are on the hook for the loan
- Increases property values
- Increases revenues
## Flathead

<table>
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<tr>
<th>Class 4b - Commercial and Ind</th>
<th>County Mills</th>
<th>County Schools</th>
<th>Local Schools</th>
<th>City Mills</th>
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<td>1.89%</td>
<td>1.89%</td>
<td>1.89%</td>
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<td>Mills</td>
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<td>139.078</td>
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### 20-Year Revenue Projection

<table>
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<tr>
<th>Taxable Value</th>
<th>County Mills</th>
<th>County Schools</th>
<th>Local Schools</th>
<th>City Mills</th>
</tr>
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<tbody>
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<td>100,000.00</td>
<td>$2,568.14</td>
<td>$930.25</td>
<td>$4,071.15</td>
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<td>250,000.00</td>
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<td>$2,325.63</td>
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<td>500,000.00</td>
<td>$12,840.70</td>
<td>$4,651.25</td>
<td>$20,355.76</td>
<td>$11,730.01</td>
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<td>$9,302.50</td>
<td>$40,711.52</td>
<td>$23,460.02</td>
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<td>$64,203.51</td>
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<tr>
<td>5,000,000.00</td>
<td>$128,407.02</td>
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<td>$203,557.61</td>
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</table>

Source: MT Dept of Revenue Biennial Property Tax Report 2019-2020
Headwaters Utility District – Broadwater County

• 200-acre development park at Montana’s busiest intersection
• Property being developed by Bridger Brewing and will include a 60,000 bb/yr brewery and pub
• Prior development hampered by need for a wastewater system
• Membrane bioreactor system will clean sewage and sell it back as grey water.
• Estimated County tax revenue of over $75,000 in first year

• Worked with Dividend Finance
• Up to $5.5M in two tranches
• Expected project savings of $10 million
• Financing enables growth of the entire development
McCandless Building – Florence, CO

Amount Financed: $616,844
Total Savings: $779,814
Measures
• Insulation
• Lighting
• Window glazing
• Rooftop solar
• Heating & cooling
Building value improved by $619,910

“I recommend C-PACE because it can replace equity and because it doesn’t affect you as a borrower. If you don’t look at C-PACE, you’re leaving money on the table.”

— Melissa Baldridge, vice president of Sustainability, real estate broker, GreenSpot Global
Where Are We Now?

Started January 1, 2022...

• 20 potential C-PACE projects in 14 counties
• Nine counties have officially approved C-PACE
  • Yellowstone, Park, Missoula, Cascade, Gallatin, Broadwater, Butte-Silver Bow, Mineral & Lincoln
  • 52% of commercial buildings covered
• Talking with five other Local Governments and looking for local projects
  • Once established, over 70% of commercial buildings will be covered
More information available at: www.LastBestPACE.com

Adam Gill
adamgill@mt.gov
406-444-0259

Carolyn Jones
cjones@mt.gov
406-444-3367

Seth Lutter
seth.lutter@mt.gov
406-444-5435
MEETING MINUTES
Climate Action Plan Standing Committee
January 18, 2023

A. Call to Order: Meeting commenced at 3:30pm. Attending: Ben Davis, Nathan Dugan, Lydia Fahrenkrug, Melissa Hartman, Karin Hilding, Michelle Howke, Robin Paone, Liz Records, Alan Tiefenbach, Dakota Whitman, Melissa Hartman

B. Minutes of December 21, 2022 Meeting were approved.

C. Communications/Outreach/Education – Presentation by Carolyn Jones and Seth Lutter of Montana Facility Finance Authority about the C-PACE program. Program details may be found here: https://lastbestpace.com/

- C-PACE financing (Commercial Property Assessed Capital Enhancement) is making energy efficiency upgrades and renewable energy investments more attainable to commercial building owners.
- To implement the program, a city or county establishes a C_PACE tax district.
- Building owners with projects for reducing energy costs secure financing
- The local government adds the loan payment as an assessment to the tax rolls
- The building owner pays the assessment and recognizes savings from the improvements
- MFFA receives the funds as a lump sum and administers the distribution to lenders
- Neither the government nor the citizens are on the hook for the loans.

Benefits:
- Commercial property owners are able to invest in energy efficiency projects and solar or renewable energy upgrades with no upfront costs
- Utility savings exceed payment obligations, making investments cash positive for commercial property owners and tenants
- Payments are rolled into a special tax assessment made payable twice per year as part of the building owner’s property taxes
- The program is tax neutral with no financial exposure to cities or counties
- Energy improving investments promote local jobs

Questions:
- Is collecting loan payments through taxes a burden on the county, adding costs? It is estimated it takes ~2 hours to input the data for C-PACE. The local government can take a fee if they find it a burden. This is not any different than the ~30 other taxes being collected on tax bills.

- What happens when a business fails and tax payments are not being made? The same process as a regular tax default. The lender will pick up the defaulted payments. The property is used as collateral so the lender covers payments and fees. This is standard loan agreement language.
**Final comments:** Flathead County Commissioners would like to hear from businesses on why C-PACE should be adopted. If you are business owner, please contact them.

**D. Nomination of a new committee chair** to replace Kate McMahon. Robin Paone stepped up to be Chair, Melissa Hartman volunteered to be Vice Chair and Karin Hilding offered to be Secretary. The committee unanimously approved these nominations.

**E. Project Updates**
- **Existing Projects**
  - Community Solar Project (Karin) – The project is moving forward after the work session.
  - Transit Mobility Platform – Jan. 17th council work session demo. The Whitefish Chamber also expressed interest. The next step is to build support from potential partners.
  - Landscaping Standards – Planning Department update (Alan) The internal staff review is complete. The standard has been provided to fifteen landscape architects for review. Comments are due soon.
  - EPA Climate Resilience Evaluation and Awareness Tool (CREAT) Risk Assessment Application for Water Utilities – presentation at future meeting. A February presentation is possible. Also, the Whitefish study will be highlighted in an upcoming conference in Butte.
  - FY 24 city budget process related to CAP committee – Karin will draft department questionnaires regarding budget items related to the climate action plan.
- **Proposed Projects**
  - Pamphlet for Zero Waste events at Depot Park (Liz) – no change this month.
  - Proposed Electrification Strategy (Robin) – The draft strategy was sent to the committee. Robin and Lydia will meet with Karin to refine.

**F. Other Committee Status Updates** – no updates

**G. Public Comment** - none

**H. The meeting adjourned** at 5:05pm
MEMORANDUM

To: Mayor Muhlfeld and City Council

From: David Taylor, AICP, Director of Planning
       Angela Jacobs, City Attorney

Date: April 3, 2023

RE: Marijuana Facilities Discussion

Mayor Muhlfeld and Councilors,

The City Council adopted an Interim Zoning Ordinance on February 21st that prohibits new marijuana facilities for six months in order to give the City Council and staff time to further study the issue and to potentially look at increasing distancing requirements and/or changing permitting procedures. This work session is to help identify the specific problems with the existing regulations and get direction from the City Council on changes they wish to make to the ordinance.

The City Council passed the ordinance allowing and regulating marijuana facilities in December of 2021. Since then, eleven conditional use permits have been issued, with five of those facilities currently open for business. At the previous work session and public hearing, some Council members voiced concern about the proliferation of marijuana dispensaries throughout Whitefish, and mentioned concerns with the distancing requirement in relation to schools and churches. Currently, the city zoning regulations defer to the State of Montana Department of Revenue distancing standards from schools and churches, under which a dispensary could go in close proximity to a school or church if the addresses and front doors are on different streets.

The first step in determining the best approach is for the City Council to identify the primary problem or concern with marijuana facilities.

- If the primary issue is dispensaries potentially locating too close to schools and churches, then we could increase separation by making city buffer requirements more robust than that used by the Montana Department of Revenue. We could amend the ordinance to eliminate exemptions for marijuana businesses addressed on different streets or having front doors on different streets.
- If the primary issue is too many dispensaries locating in city limits, then we could increase the buffering requirement between dispensaries, especially downtown where it is currently 150’ if addressed on the same street. Missoula requires a 500’ buffer between ground floor dispensaries. A 500’
buffer is what we currently require in the WB-1 and WB-2. Making the buffer 500’ downtown and eliminating the exemption for dispensaries not addressed on the same street would further limit future dispensaries.

- If the issue is both the distance from schools and churches and the number of dispensaries allowed, we could address both of those concerns with some minor text amendments.

- If the primary issue is inadequate public review of dispensaries, then we could change the approvals from an administrative CUP to a full CUP. The downside of that approach is that the State Legislature could eliminate the discretionary permit process if SB 382 passes. Also, the current system with administrative CUP’s seems to be working as intended, with the only somewhat controversial dispensary application getting elevated to public hearings at the Planning Board and City Council last summer for a more robust review.

Attached is a draft code amendment for discussion that would increase the buffers from schools and churches and between dispensaries to a flat 500’ distance in all cases. Also attached are maps that show how that change would cover existing facilities in the downtown and the northern and southern commercial areas.
Potential code changes to 11-3-34 Marijuana Facilities:

**TITLE 11 - ZONING REGULATIONS - CHAPTER 3 - SPECIAL PROVISIONS**

11-3-34: **MARIJUANA FACILITIES:** Marijuana sales, manufacturing, testing, and cultivation facilities, as allowed and defined under Montana State law, must comply with the following standards:

A. All permitted or conditionally permitted marijuana facilities must be sited and operated in full compliance with Montana law as well as all zoning and building code requirements, parking standards, and any conditions of approval. Marijuana facilities may not be operated as a home occupation.

B. 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 pursuant to state law. This distance must be measured in a straight line from the center of the nearest public entrance of the place of worship or school to the nearest public entrance of the marijuana sales premises. A lawfully operating facility shall not be rendered in violation of these provisions by the subsequent location of a church or public school or by amendments to this ordinance. Additionally, no marijuana facility shall be located on Spokane Avenue between Railway Street and East Second Street.

C. 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. This distance must be measured in a straight line from the center of the nearest public entrances.

D. Marijuana facilities must have a building façade that visually blends in with the design, style, and appearance of adjacent storefronts, including signage, security measures, and lighting, and must be reviewed and approved by the Architectural Review Committee when required.

E. Window signs on marijuana dispensaries are limited to a maximum window sign coverage of 20% of the window area, and otherwise no window shall be covered or made opaque in any way. No security bars, metal screens, grates, or other visible security devices other than door locks and recessed or otherwise discrete security cameras are permitted on the storefront exterior unless required by State law.

F. If the applicant is not the property owner, a notarized authorization executed by the property owner authorizing and consenting to the proposed use of the property as a marijuana facility is required.

G. With the exception of State licensed outdoor cultivation allowed where agricultural
uses are permitted, marijuana cultivation must be located within one or more completely enclosed, secure buildings with rigid walls, a roof, and secure doors.

H. Marijuana facilities must at all times be operated in such a way as to ensure the health, safety, and welfare of the public and workers. Marijuana facilities must not create a public nuisance or adversely affect the health or safety of the nearby residents, businesses, or its employees by creating dust, glare, light pollution, heat, noise, noxious gasses, odor, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, and runoff of water, pesticides or wastes.

I. Marijuana cultivation, manufacturing, and testing facilities must be sited and operated in a manner that prevents marijuana odors from being detected offsite. A sufficient odor absorbing ventilation and exhaust system utilizing negative pressure inside the building must be used so odor generated distinctive to its operation cannot be detected outside the facility or anywhere on adjacent property or public rights-way, nor in interior common area walkways, hallways, foyers, lobby areas or other areas available for use by common tenants or the visiting public. An odor control plan must be submitted as part of any permit application.

J. All marijuana facilities must have sufficient security systems, including surveillance cameras, alarm systems on doors and windows, deadbolt locked exterior doors, and safes to store cash and retail marijuana products when closed.

K. Marijuana remnants and byproducts must be secured and properly disposed of and not be placed within the facility's exterior refuse containers at any business operating pursuant to this section unless rendered unusable. Outdoor storage of marijuana merchandise, raw materials, or other marijuana materials associated with the production of marijuana is prohibited.

L. All signage must meet state licensing requirements as well as the Sign Regulations found in section 11-5 of this Ordinance.
CITY COUNCIL REGULAR MEETING AGENDA

The Following is a summary of the items to come before the City Council at its regular session to be held on Monday, April 3, 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: 289 894 639 596  Password: CuFmGG

For the Audio Conference Call option: call the number below and enter the access code.

- United States Toll Free: 833-563-1751  Access code: 537 795 629#
- 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, April 3, 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.

Ordinalance numbers start with 23-04. Resolution numbers start with 23-06.

1) CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

3) PRESENTATION
   a) Annual review and consideration of approval for Whitefish Convention and Visitors Bureau Marketing Plan and Budgeting for FY24 (p.43)

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

5) COMMUNICATIONS FROM VOLUNTEER BOARDS

6) CONSENT AGENDA (The consent agenda is a means of expediting routine matters that require the Council’s action. Debate does not typically occur on consent agenda items. Any member of the Council may remove any item for debate. Such items will typically be debated and acted upon prior to proceeding to the rest of the agenda. Ordinances require 4 votes for passage – Section 1-6-2 (E) (3) WCC)
   a) Minutes from March 20, 2023 Regular Meeting (p.83)
   b) Ordinance No. 23-03; An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (Second Reading) (WZTA 23-01) (POSTPONED FROM MARCH 20, 2023) (p.87)
   c) Consideration of a request from King Family Trust for Final Plat for McDowell Subdivision, a 2-lot minor waiver subdivision located at 403 Texas Avenue, zoned WLR (One-Family Limited Residential District) (WFP 23-02) (p.92)

7) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant’s land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E) (3) WCC)
   a) Consideration of a request from Pheasant Run, LLC for a Preliminary Plat to develop a 24-lot subdivision on an unaddressed lot to the northwest of Pheasant Run and west of Highway 93 South (WPP 22-08) (p.118)
   b) Ordinance No. 23—: An Ordinance rezoning approximately 9.9 acres of land located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana from County R-3 (One-Family Residential) to WR-1
(One-Family Residential), and adopting findings with respect to such rezone (First Reading) (WZC 23-01) (p.190)

c) Ordinance No. 23–__; An Ordinance rezoning 11.18 acres of land known as 111 Iverson Lane, 119 Iverson Lane, 140 Iverson Lane, and 6010 US Highway 93 South, in Section 12, Township 30 North, Range 22 West, in Whitefish, Montana, from County B-4/HO (Secondary Business/Highway Overlay) and SAG-5/HO (Suburban Agricultural/Highway Overlay) to WB-2 (Secondary Business District) and WCR (Country Residential District), and adopting findings with respect to such rezone (First Reading) (WZC 23-02).

PLANNING BOARD POSTPONED TO APRIL 20, 2023

8) COMMUNICATIONS FROM FIRE CHIEF
   a) Consideration to award a contract with Northern Rockies Fire for a fire engine in the amount of $693,214.00 (p.209)

9) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor and Council? (p.212)
   b) Other items arising between March 29th through April 3rd
   c) Consideration of appointing members to the Selection Committee for the Housing Development Plan and Financial Plan (p.218)

10) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
    a) Consideration of appointing Thomas Shea to the Whitefish Housing Authority as resident commissioner to complete the term ending 12/31/2023 (p.223)
    b) Letter from The Lakes Master HOA Board of Directors addressing deteriorating condition of City maintained roads within the subdivision (p.224)
    c) Consideration of appointment to volunteer boards and committees not made during the Special Session preceding tonight’s meeting.

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

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

Adopted by Resolution 07-09
February 20, 2007
(This page left blank intentionally to separate printed sections)
March 29, 2023

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

Mayor Muhlfeld and City Councilors:

Monday, April 3, 2023 City Council Agenda Report

There will be a Special Session beginning at 5:15 pm to interview an applicant interested in serving on the Whitefish Lake and Lakeshore Protection Committee. The work session will begin at 5:30 pm for a presentation from Montana C-PACE, and then at 6:15 pm, Director Taylor will review proposed changes to the current marijuana retail regulations. Food will be provided.

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

PRESENTATION
a) Annual review and consideration of approval for Whitefish Convention and Visitors Bureau Marketing Plan and Budgeting for FY24 (p.43)

The Marketing Plan and Budget for FY24 is provided in the packet. Rhonda Fitzgerald will do a short presentation of the Plan and Budget. The WCVB Board requests that the City Council approve the WCVB FY24 Annual Plan and Public portion of the budget. This will need to be a formal motion.

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)

COMMUNICATIONS FROM VOLUNTEER BOARDS

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 March 20, 2023 Regular Meeting (p.83)
b) Ordinance No. 23-03; An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (Second Reading) (WZTA 23-01) (POSTPONED FROM MARCH 20, 2023) (p.87)
c) Consideration of a request from King Family Trust for Final Plat for McDowell Subdivision, a 2-lot minor waiver subdivision located at 403 Texas Avenue, zoned WLR (One-Family Limited Residential District) (WFP 23-02) (p.92)

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

Item “a” is an administrative matter; Item “b” is a legislative matter; Item “c” is a quasi-judicial matter.

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

a) Consideration of a request from Pheasant Run, LLC for a Preliminary Plat to develop a 24-lot subdivision on an unaddressed lot to the northwest of Pheasant Run and west of Highway 93 South (WPP 22-08) (p.118)

From Senior Planner Wendy Compton-Ring staff report.

**PROJECT SCOPE**

The applicant is proposing a 24-lot subdivision on a 7.0363-acre parcel. The property will be accessed off Highway 93 S via Pheasant Run and an extension of a newly constructed Baker Avenue. The subdivision will be bisected with a new north-south public right-of-way which is the extension of Baker Avenue.

On the west side of Baker Avenue, the applicant is proposing 21 residential lots within the WR-2 zoning district with a new looped public right-of-way. The lots on the western portion of the subdivision range in size from 6,180 to 13,654-square feet. Nineteen of the lots are sized to accommodate either single-family or two-family units. Net density of the west side ranges from 5.62 to 10.71 dwelling units per acre. In addition, a 10,800-square foot park is located in the southeast corner.

On the east side of Baker Avenue, the applicant is proposing three lots in the WB-2 zoning district with access onto Baker Avenue. The lots on the east side are approximately 13,386-square feet. In addition, a 30-foot-wide right-of-way is proposed in the northeast of the development to connect to Akers Lane, a private access easement, which currently provides access to three commercial lots and Highway 93 S.

Finally, no subdivision variances are requested; therefore, this project is eligible for an expedited review. No Planning Board recommendation accompanies this request.

**RECOMMENDATION:** Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations from Planning Staff, adopt the findings of facts within the staff report WPP 22-08 and approve The Canopy subdivision, as submitted by the applicant, subject to 20 conditions of approval.

This item is a quasi-judicial matter.
b) Ordinance No. 23-__; An Ordinance rezoning approximately 9.9 acres of land located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana from County R-3 (One-Family Residential) to WR-1 (One-Family Residential), and adopting findings with respect to such rezone (First Reading) (WZC 23-01) (p.190)

From Planner Nelson Loring’s transmittal report.

**Summary of Requested Action:** This is a request by the City of Whitefish for a zoning map amendment to change a parcel recently annexed into city limits from County R-3 to WR-1 (One-family Residential). It is 9.9 acres and known Parcel B of COS No. 1419 in Section 1, Township 30 N, Range 22 W., in Whitefish, Montana. The Whitefish Growth Policy designates the property as Rural Residential.

**Planning & Building Department Recommendation:** Staff recommended approval of the above referenced zone change as set forth in the attached staff report.

**Public Hearing:** A public hearing was held on March 16, 2023. No other members of the public spoke.

**Planning Board Action:** The Whitefish Planning Board met on March 16, 2023 and considered the request. Following the hearing, the Planning Board made a motion to approve the above-mentioned zone change passed unanimously, adopting the staff report as findings of fact.

**RECOMMENDATION:** Staff respectfully recommends the City Council, after considering testimony at the Public Hearing and the recommendations of the Planning Board and Planning staff, adopt Ordinance No. 23-__; An Ordinance rezoning approximately 9.9 acres of land located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana from County R-3 (One-Family Residential) to WR-1 (One-Family Residential), and adopting findings with respect to such rezone (First Reading).

This item is a quasi-judicial matter.

c) Ordinance No. 23-__; An Ordinance rezoning 11.18 acres of land known as 111 Iverson Lane, 119 Iverson Lane, 140 Iverson Lane, and 6010 US Highway 93 South, in Section 12, Township 30 North, Range 22 West, in Whitefish, Montana, from County B-4/HO (Secondary Business/Highway Overlay) and SAG-5/HO (Suburban Agricultural/Highway Overlay) to WB-2 (Secondary Business District) and WCR (Country Residential District), and adopting findings with respect to such rezone (First Reading) (WZC 23-02). PLANNING BOARD POSTPONED TO APRIL 20, 2023

**COMMUNICATIONS FROM FIRE CHIEF**

a) Consideration to award a contract to Northern Rockies Fire for a fire engine in the amount of $693,214.00 (p.209)

From Fire Chief Joe Page’s staff report.
**Introduction / History:** The Fire Department provides fire, rescue, hazmat, and EMS services to the City of Whitefish, the Whitefish Fire Service Area, and portions of the Flathead Fire Service Area. A fire engine needs to be capable of supporting the department’s all hazard mission. Equipped with a large fire pump, water, ladders, hose, and various tools and equipment, fire engines are the department primary response vehicle.

The fire department’s fleet consists of three fire engines. The newest is our first-due, followed by our second-due, and a reserve. Our vehicle replacement plan looks to replace an engine every eight years so the oldest is sold at auction and replaced at twenty-four years old.

NFPA recommends that apparatus greater than fifteen years old be placed in reserve status and removed from service at twenty-five years old. Our plan of replacing an engine every eight years would put us close to meeting NFPA’s recommendations.

**Current Report:** Our current fleet of fire engines includes a 2014, (11-years old), a 1997 (26-years old), and a 1995 (28-years old). In order to address our aging fleet a specification was created for a new all-wheel drive fire engine.

A bid request was published in the Whitefish Pilot on January 25th and February 8th plus in the Daily Interlake on January 29th and February 12th. Bid submittals were due February 23rd and opened at 3:00 p.m. There were four submittals received which were reviewed by the Fire Chief against the bid specifications.

Northern Rockies Fire out of Kalispell, Montana for a HME Ahrens-Fox was the lowest bidder at $693,214.00 with the quickest build time of 400-days from signed order.

**Financial Requirement:** The Fire Department’s FY23 budget has $450,000 appropriated for a new engine. Of the $450,000, the Whitefish Fire Service Area will contribute $100,000 in accordance with our contract for service.

With the entire industry continuing to see huge price jumps with longer build times, it comes as no surprise that the lowest bid price of $693,214 far exceeds the budget by $243,214. As a one-time capital purchase, the additional cost of $243,214 is recommended to be paid for with reserves in the Fire & Ambulance Fund, which are at an all-time high due to the CARES funding received during the pandemic. The FY23 Budget, before this purchase, assumes an ending fund balance of $1,521,239 at year end. If approved, a budget amendment will likely need to be made later this year.

**RECOMMENDATION:** Staff respectfully recommends the City Council award the contract to provide a fire engine as specified in the bid to Northern Rockies Fire of Kalispell, MT in the amount of $693,214.00.

**COMMUNICATIONS FROM CITY MANAGER**

a) Written report enclosed with the packet. Questions from Mayor and Council? (p.212)
b) Other items arising between March 29th through April 3rd
c) Consideration of appointing members to the Selection Committee for the Housing Development Plan and Financial Plan (p.218)
COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) Consideration of appointing Thomas Shea to the Whitefish Housing Authority as resident commissioner to complete the term ending 12/31/2023 (p.223)

b) Letter from The Lakes Master HOA Board of Directors addressing deteriorating condition of City maintained roads within the subdivision (p.224)

c) 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>
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</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</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 priviledge</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 <strong>orders of the day</strong></td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
<td>No</td>
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</table>

### SUBSIDIARY MOTIONS

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</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 <strong>previous question</strong></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

**YOU WANT TO:**

<table>
<thead>
<tr>
<th><strong>YOU SAY:</strong></th>
<th><strong>INTERRUPT?</strong></th>
<th><strong>2ND?</strong></th>
<th><strong>DEBATE?</strong></th>
<th><strong>AMEND?</strong></th>
<th><strong>VOTE?</strong></th>
<th><strong>RECONSIDER?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bring business to motion</td>
<td><strong>I move that (or “to”)...</strong></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>

No order of precedence. Arise incidentally and decided immediately.

### INCIDENTAL MOTIONS

**YOU WANT TO:**

<table>
<thead>
<tr>
<th><strong>YOU SAY:</strong></th>
<th><strong>INTERRUPT?</strong></th>
<th><strong>2ND?</strong></th>
<th><strong>DEBATE?</strong></th>
<th><strong>AMEND?</strong></th>
<th><strong>VOTE?</strong></th>
<th><strong>RECONSIDER?</strong></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>
</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>
</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>
</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>
</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>
</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>
</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>
</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>
</tr>
</tbody>
</table>

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

### RENEWAL MOTIONS

**YOU WANT TO:**

<table>
<thead>
<tr>
<th><strong>YOU SAY:</strong></th>
<th><strong>INTERRUPT?</strong></th>
<th><strong>2ND?</strong></th>
<th><strong>DEBATE?</strong></th>
<th><strong>AMEND?</strong></th>
<th><strong>VOTE?</strong></th>
<th><strong>RECONSIDER?</strong></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>
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March 28, 2023

Whitefish City Council
P.O. Box 158
Whitefish, Montana 59937

Dear Mayor Muhlfeld and City Council,

I am pleased to present the Whitefish Convention and Visitors Bureau (WCVB) Fiscal Year 2024 Annual Plan and Budget. In order to receive vital Lodging Facility Use Tax Funds (Bed Tax), the WCVB Board requests that the City Council approve the WCVB FY24 Annual Plan and Public portion of the budget at the April 3, 2023 meeting. This information must then be presented to the Montana Department of Commerce for final approval by the Governor appointed volunteer Tourism Advisory Council prior to the start of the fiscal year.

Representatives from the WCVB Board of Directors plan to attend the April 3 meeting. At that time, our Board Secretary and Treasurer, Rhonda Fitzgerald, will present the FY24 Marketing Plan, so you can see the thoughtful and data driven decisions behind our ultimate goal of a sustainable tourism economy.

Our Explore Whitefish team and board is made up of long-time residents who live and breathe the well-being of this community. We all want to find a good balance and preserve our community’s livability and character. We are working hard every day to protect Whitefish, integrating sustainability into all our efforts. Explore Whitefish strives to be a leading destination steward dedicated to sustainable tourism, balancing our economic and community sustainability while protecting our natural environment.

Thank you for your consideration of this important issue. If you have questions in advance of the meeting, please contact Business Manager, Luke Walrath at (406) 862-3390.

Sincerely,

Mariah Joos
Chair, Whitefish Convention and Visitors Bureau
EXPLORE WHITEFISH
WHITEFISH CONVENTION & VISITORS BUREAU
FY24 ANNUAL PLAN
July 1, 2023 to June 30, 2024

PO Box 4232
Whitefish, Montana 59937
EXPLOREWHITEFISH.com
phone: 1.406.862.3390
contact: Julie Mullins, Executive Director
director@explorewhitefish.com
FY24 EXPLORE WHITEFISH ANNUAL PLAN EXECUTIVE SUMMARY

Explore Whitefish strives to be a leading destination steward dedicated to sustainable tourism, balancing our economic and community sustainability while protecting our natural environment. Established by the City of Whitefish, Explore Whitefish is the officially designated organization charged with destination marketing and stewardship of Whitefish, also known as the Whitefish Convention & Visitors Bureau. The organization also provides critical support for visitor information services, travel infrastructure development, market research, community resources, strategic partnerships, crisis communications, and public relations.

Our Explore Whitefish team and board is made up of long-time residents who live and breathe the well-being of this community. We all want to preserve our community’s livability. We are working hard every day to protect Whitefish, integrating sustainability into all our efforts.

We recognize the strain that increased summer visitation places upon our town. As such, Explore Whitefish supports business strategies that emphasize economic and social benefits to our community while maintaining the integrity of the place and quality of life of local residents. Our mission is to build a high level of awareness and intent to travel by developing support for Whitefish as a premier year-round mountain town. This includes increasing the occupancy for lodging facilities in Whitefish during lower occupancy times of the year. Explore Whitefish has also taken a lead in destination stewardship with the development and implementation of the Whitefish Sustainable Tourism Management Plan (STMP) which aims to balance the economic vitality of the tourism economy with social, community, and environmental benefits.

During FY22, Explore Whitefish formalized an updated mission and vision in order to integrate destination stewardship into the foundation of the organization.

**Mission**

*Fostering sustainable tourism through inspiration, education, and partnerships to enhance, protect and preserve our viable year-round community.*

**Vision**

*Achieving long-term economic and community sustainability through steadfast destination stewardship.*

In order for Explore Whitefish to effectively and strategically operate on our identified destination stewardship goals, the organization needs the ability to set aside funds to support these goals. During FY22, Explore Whitefish formalized the aforementioned updated mission and vision, which paved the way for the Community Sustainability Fund (CSF). In addition, the state rules and procedures for allowable Lodging Facility Use Tax (Bed Tax) expenditures were updated in FY23 in order to allow for more local investment of these funds. These two changes allowed the organization to diversify the annual budget across destination stewardship and destination marketing to truly work toward the ultimate goal of sustainable tourism.

Below you will find examples of some of the exciting destination stewardship initiatives, as well as a pie chart of the diversified FY24 public budget.

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**Education & Outreach**

Explore Whitefish engages in various methods of outreach and support, including the “Be a Friend of The Fish” campaign, and the Grant Program, designed to provide members and Montana non-profit organizations with funds to help support sustainable business practices and invest in programs which benefit both visitors and residents during the shoulder and winter seasons.

**Warm Season Visitor Education (Be a Friend of The Fish):**

During the summer of 2021 and the extended warm season of 2022 (May 1 - September 30), Explore Whitefish executed a peak summer season outreach campaign called “Be a Friend of The Fish.” This on-the-ground visitor education campaign is firmly rooted in community values and informed by the STMP plan. This campaign continued in FY23 and will be updated for FY24.
Sustainability Grant Program: This program is designed to provide Explore Whitefish business members who collect the CSF with support for programs and projects which facilitate sustainable business and community practices. Potential programs and projects include things like recycling and composting, but are certainly not limited to these areas. The Explore Whitefish Sustainability Grant Program is an extension of the very successful Explore Whitefish Community Enhancement Grant Program, which was established in FY19 to award funds to Explore Whitefish Business Members and Montana non-profit organizations to invest in projects, programs, and events which benefit both visitors and residents during the shoulder and winter seasons.

For The Love of The Wild: This campaign by Explore Whitefish offers education and inspiration for seasons when visitation is lowest, redirecting potential travelers away from the peak season.

Strategic Partnerships
Explore Whitefish seeks to create lasting impacts with local partnerships and national platforms. Building these partnerships will have a direct impact on community sustainability.

Housing Whitefish: Want to Help Create Homes That People Can Afford?
Explore Whitefish recognizes that one of the biggest challenges facing Whitefish is affordable housing. During FY22, Explore Whitefish began a financial partnership with Housing Whitefish in order to help tackle this issue. This partnership continued in FY23 and is slated to continue in FY24.

Protect Our Winters: Help Passionate Outdoor People Protect the Places They Live and Love from Climate Change.
Protect Our Winters is a nonprofit and international community of athletes, scientists, creatives, and business leaders advancing non-partisan policies that protect our world today and for future generations. Explore Whitefish and Whitefish Mountain Resort have become the first town/mountain partnership to support the mission of Protect our Winters.

Pledge for the Wild: Help Support Responsible Recreation in Wild Places Surrounding Whitefish
Explore Whitefish has partnered with Whitefish Legacy Partners and the national platform Pledge for the Wild, to proactively share responsible recreation tips while creating a direct channel for visitors to give back to local trail maintenance through online donation or text-to-donate.

Product Development
Explore Whitefish seeks to invest in local infrastructure which is beneficial to visitors and the local community. While this is a newly established allowable expenditure for Lodging Facility Use Tax (Bed Tax), Explore Whitefish has identified local infrastructure projects including updates and maintenance to the downtown Wtif Network (established by Explore Whitefish in FY19), Visitor Information Kiosks, Webcams, and Wayfinding System. In addition, there are plenty of potential projects which will be vetted during FY24. As an example, Explore Whitefish will pursue the opportunity to partner with the City of Whitefish to help facilitate long-term solutions to Bike-Ped connectivity in the downtown core.
1 WHITEFISH, MONTANA

Whitefish, Montana is an authentic mountain town located in the northern Rockies, home to some of the world’s most beautiful mountains and spectacular, unspoiled nature. Just 25 miles from Glacier National Park, Whitefish offers close access to the hanging valleys and emerald peaks of this World Heritage Site. The summer season has historically been the busy season for Whitefish, with Glacier National Park as a key draw. Whitefish Lake, at the edge of town, has also been a popular warm season draw. Research also indicates that visitors are attracted to Whitefish because of the distinctive and inviting qualities of the eminently walkable downtown and Central Avenue district.

The world-class ski slopes and facilities of Whitefish Mountain Resort serve as a key driver for winter visitation to Whitefish. The relationship between the mountain resort and the town of Whitefish is symbiotic. As a result, improving and enhancing the connectivity of the mountain and the town experience helps improve the economic outcomes of both and improves the overall visitor experience as well. Whitefish Mountain Resort summer activities have expanded considerably over the last several years, improving the summertime vitality of the mountain resort experience as well as enhancing the overall attraction of Whitefish as the preferred place to base a northwest Montana and Glacier National Park region vacation.

1.1 ABOUT EXPLORE WHITEFISH & PURPOSE OF THIS ANNUAL PLAN

Established by the City of Whitefish, Explore Whitefish is the officially designated organization charged with destination marketing and stewardship of Whitefish, also known as the Whitefish Convention & Visitors Bureau. The organization also provides critical support for visitor information services, travel infrastructure development, market research, community resources, strategic partnerships, crisis communications, and public relations.

The purpose of the Explore Whitefish Annual Plan is to sustainably grow the economy of Whitefish by emphasizing its desirability as a travel and recreation destination to non-resident visitors who appreciate and respect the character of the place while reducing the negative impacts that visitation has on community quality of life.

We recognize the strain that increased summer visitation places upon our town. As such, Explore Whitefish supports business strategies that emphasize economic and social benefits to our community while maintaining the integrity of the place and quality of life of local residents. Our mission is to build a high level of awareness and intent to travel by developing support for Whitefish as a premier year-round mountain town. This includes increasing the occupancy for lodging facilities in Whitefish during lower occupancy times of the year. Explore Whitefish has also taken a lead in destination stewardship with the development and implementation of the Whitefish Sustainable Tourism Management Plan (STMP) which aims to balance the economic vitality of the tourism economy with social, community, and environmental benefits.

During FY22, Explore Whitefish formalized an updated mission and vision in order to integrate destination stewardship into the foundation of the organization.

Mission

Fostering sustainable tourism through inspiration, education, and partnerships to enhance, protect and preserve our viable year-round community.

Previous Version of Mission

Build a high level of visibility and increase our name recognition as a premier year-round destination.
Vision
Achieving long-term economic and community sustainability through steadfast destination stewardship.

Previous Version of Vision
Enhance the economy of Whitefish by emphasizing its desirability as a travel and recreation destination to visitors who appreciate and respect the character of place.

The Explore Whitefish FY22-24 Strategic Plan can be found in the Appendix.

1.2 KEY TRAVEL MOTIVATIONS FOR WHITEFISH, MONTANA

Summer occupancy is primarily driven by the town’s proximity to Glacier National Park. The quality lodging opportunities, dining and nightlife possibilities coupled with the town’s distinctive downtown environment have made Whitefish a preferred location to base a vacation to the Glacier National Park region. Summer visitation is also supported by the attractions of Whitefish Lake and the expanding attractions in addition to Glacier National Park including the Whitefish Trail and other recreational opportunities in and around town. The activities available at Whitefish Mountain Resort enhance the downtown shops, restaurants and galleries of the town itself. Many warm season festivals and events support the active and vibrant social environment of the town’s core, which serves as a key visitor attraction.

Winter travel is primarily driven by the skiing and snowboarding opportunities at Whitefish Mountain Resort. However, this relationship has become increasingly symbiotic as winter visitors increasingly seek off-slope activities as part of their vacation. Winter experience in Glacier National Park, including cross-country skiing, snowshoeing, and sightseeing are examples of unique off-slope activities increasingly promoted by Explore Whitefish. Furthermore, travel groups may include those who do not ski or snowboard. Good places to eat, active nightlife, shopping, arts and other winter sport activities, attractions, and events have become an increasingly important component of the overall winter vacation product mix.

Specific motivations for spring and fall season travel revolve around active experiences in and around Glacier National Park and Whitefish such as scenic driving, road biking, gravel riding, mountain biking, wildlife viewing, hiking, birding, golf, fly-fishing, non-motorized water sports, horseback riding and paddling. Cultural and culinary experiences such as dining, shopping at local shops, attending performing arts, and community events are also considered primary spring and fall activities for Whitefish. This includes traveling to Whitefish primarily for the purpose of relaxing, strolling the streets and shops and trying out great dining and nightlife options.

A full profile of Whitefish Nonresident Visitor Characteristics can be found in the Appendix.

1.3 STRENGTHS, CHALLENGES, AND OPPORTUNITIES OF WHITEFISH RELATIVE TO OTHER DESTINATION MOUNTAIN TOWNS

STRENGTHS

• Whitefish aligns perfectly with the three Montana Brand pillars
  • More spectacular unspoiled nature than anywhere else in the lower 48
  • Vibrant and charming small towns that serve as gateways to our natural wonders
  • Breathtaking experiences by day and relaxing hospitality at night
• Proximity to Glacier National Park — According to the National Park Service, visitors to Glacier National Park spent an estimated $384 million in local gateway communities during 2021. An estimated $158 million of those dollars were spent on lodging, comprising the highest percentage of expenditure at 41% of the total expenditures. Visitors spent an estimated $63.0 million on restaurants, comprising the second highest...
percentage of expenditures at 16% of the total expenditures. Visitation to Glacier National Park dropped slightly from 2021 but continued to be very strong with approximately 2.9 million visitors in 2022. The expanded ticketed entry system combined with the latest ever opening date for Going-to-the-Sun Road contributed to park visitation being down approximately 5.6% in 2022. While visits through the first three months of 2022 were down -16% compared to winter of 2021, visits were up +23% compared to the first three months of 2019 (pre-pandemic).

- Downtown Whitefish and the alluring character of the town’s built environment — Research indicates that visitors are attracted to the character and scale of Whitefish, especially the town’s Central Avenue district. These are attributes that form the foundation of the town’s appeal to visitors who stay in, or around the community, eat at the town’s various restaurants, and shop at local stores. Additional amenities such as pedestrian friendly sidewalks, miles of bike and pedestrian trails and ability to see the night’s sky all add to the Whitefish character.

- Access to recreational activities — A wide variety of recreational opportunities in and around Whitefish is a major draw for visitors. These include Whitefish Mountain Resort, the Whitefish Trail, Whitefish Lake Golf Club, Whitefish Lake, and the Whitefish River, as well as the trails, rivers and scenic roadways in and around Glacier National Park.

### CHALLENGES

- **Short Term Rentals** — As of February 24, 2023, AirDNA research, the subscription for which is paid for by Explore Whitefish in partnership with Brand Montana, shows that there were approximately 524 active rental properties within City Limits and a total of 1,269 active rentals within the Whitefish Zip Code (59937) during the 4th Quarter of 2022. These numbers are approximate and a few redundancies may exist. For perspective, the active listings within city limits (approximately 524) average 2.3 bedrooms. That equates to roughly 1,200 guest rooms which is close to the number of traditional lodging guest rooms in town, effectively doubling the overnight lodging capacity within the City of Whitefish. In terms of the Whitefish Zip Code (59937), short term rentals (1,269 active listings including listings within the City) average 2.6 bedrooms which equates to 3,300 guest rooms. By this calculation, there are more than twice as many short term rental guest rooms as traditional lodging guest rooms within the full Whitefish Zip Code. This impacts our community in a variety of ways: 1) impacts to the inventory of housing for local residents, 2) illegal rentals and those without business licenses who are not collecting the Whitefish Resort Tax or the Lodging Facility Use Tax, 3) direct competition for Whitefish lodging properties who are directly employing the local workforce, 4) adding a substantial amount of guest rooms which are now filled during the summer season, which was already at capacity.

- **Highly Seasonal Visitation Patterns** — Visitation patterns to Whitefish are highly seasonal with the majority of visitation occurring during the high demand months of July and August. This seasonality impacts the operating effectiveness of Whitefish businesses that must accommodate these aforementioned demand swings.

- **Limited Transportation Infrastructure** — Public transportation options, particularly from the Flathead Valley to Glacier National Park and from Whitefish to Glacier Park International Airport are fewer than those provided at competitor destinations.

- **Limited Access To The Going-to-the-Sun Road** — The Whitefish summer tourism season is directly tied to the opening and closing dates for automobiles on the alpine section of the Going-to-the-Sun Road in Glacier National Park. Delayed openings and early fall closures due to weather or road construction directly impacts visitation to Whitefish during that period, concentrating visitation in the already overcrowded months of July and August.

- **Uncertain Weather** — During some years, low snow levels in the winter hamper winter visitation and spending, while summer fire seasons affect willingness for visitors to travel in summer and fall.

- **Market Perception** — Research performed by Brand Montana in key destination markets reveals that Montana is perceived to offer lower quality amenities and services to visitors. While Montanans are perceived as being friendly, it should be distinguished that this friendliness does not automatically translate into a guest’s perception of a high level of service.

- **Lack of Competitive Pricing for Air Access and Limited Seats Outside of Summer Season** — When compared to mountain communities with which Whitefish competes for destination visitors, airline seats to Glacier Park International Airport are limited outside of the summer season, with fewer flights, limited markets and higher fares. Within the state, deboardings at Glacier Park International Airport (412,609 in 2022) accounted for 17% of the total deboardings in the state, slightly ahead of Missoula (16%) and Billings
(14%). Bozeman continues to dominate airport deboardings with 44% of the total share in 2022.

**OPPORTUNITIES**

- Invest in local infrastructure and build partnerships which have a direct impact on community sustainability.
- Reach peak season visitors by educating them with responsible travel messaging during their stay in Whitefish and the surrounding area.
- Collaborate with local stakeholders, Glacier National Park, regional, and state tourism partners to develop and build out support for shoulder season visitation, and to communicate sustainable visitor practices with visitors during the peak season.
- Highly seasonal visitation patterns allow for the ability to increase lodging occupancy and visitor expenditures during the shoulder and winter seasons through Explore Whitefish marketing efforts.

### 2 WHITEFISH, MONTANA AND THE MONTANA BRAND

Whitefish aligns perfectly with the Montana Brand pillars. In order to inspire visitors, we serve up beautiful high resolution photos of the scenic beauty and incredible nature that surrounds us. Photos of our iconic downtown are an important part of our collateral. Visitors are very attracted to our downtown and it is a primary economic driver for the town. In addition, we try to counter the preconceived notions that Montana is remote and does not have adequate facilities by showcasing the beautiful lodging and incredible dining that can be found here.

While the incredible scenic and wild landscapes that surround Whitefish are a key and compelling inspiration to travel to Whitefish, these landscapes are placed in the context of hospitality. The broad majority of travelers are intimidated by wildness without the tempering possibility of civilization. Beyond the adventure of wilderness by day, they want a good place to eat and a comfortable place to sleep. We utilize the Montana Brand pillars in unison to create this cohesive and encompassing Whitefish experience which is communicated in our marketing efforts.

- More spectacular unspoiled nature than anywhere else in the lower 48
- Vibrant and charming small towns that serve as gateways to our natural wonders
- Breathtaking experiences by day and relaxing hospitality at night

### 3 STRATEGIC ROLE: DESTINATION STEWARDSHIP

The Whitefish Sustainable Management Plan Committee was formed in 2018 as a volunteer committee of the City of Whitefish and in partnership with Explore Whitefish. Over the course of the next few years, the committee gathered information from public meetings and worked with consultants and Explore Whitefish to create the Whitefish Sustainable Tourism Management Plan, approved by Whitefish City Council in September 2020.

Explore Whitefish has taken action by identifying specific destination stewardship goals in the FY24 Annual Plan which came directly from the STMP. These include taking the lead on outreach segments of the STMP to reinforce positive visitor behaviors, build awareness and influence visitor behavior related to recreating responsibly, leave no trace, traveling safely around wildlife and wildfire mitigation, etc. Particular focus is given to stewardship messaging in the warm season. Moving into FY24 and beyond, Explore Whitefish remains committed to weaving the tenets of the STMP into our campaigns and actions.

### 3.1 DESTINATION STEWARDSHIP GOALS

Explore Whitefish strives to be a leading destination steward dedicated to sustainable tourism, balancing our economic
and community sustainability while protecting our natural environment.

The Explore Whitefish Strategic Plan FY22-24 identifies the overarching goal of destination stewardship:

**GOAL: Invest in Whitefish through community engagement and sustainable tourism efforts.**

**SUBSET OF DESTINATION STEWARDSHIP GOALS**

Focus on implementation of the Whitefish Sustainable Tourism Management Plan (STMP) and integration into the Whitefish Brand

- Build partnerships which have a direct impact on community sustainability.
- Invest in local infrastructure which is beneficial to the local community and visitors.
- Co-lead the implementation of a Whitefish Sustainable Tourism Management Plan (STMP) in conjunction with the Whitefish STMP Committee and City of Whitefish.

In order to achieve the goals of destination stewardship, our strategies, objectives and tactics are described below:

**3.2 TARGET AUDIENCE & CORE GEOGRAPHIC MARKET: DESTINATION STEWARDSHIP**

Explore Whitefish Destination Stewardship efforts are designed to reach on-the-ground visitors, with particular emphasis on the warm season. However, the message is ultimately designed to inspire and resonate year-round. Destination Stewardship efforts also benefit the local community through impactful partnerships and programs to enhance liveability and protect the natural environment of Whitefish.

**3.3 SUPPORTING RESEARCH**

Destination stewardship is defined by the Global Sustainable Tourism Council (GSTC) as a process by which the public sector, private sector, and the residents of the local community are engaged jointly to preserve, protect, and benefit from visitors to their destination.

The purpose of the Whitefish Sustainable Tourism Management Plan is to promote sustainable community-based tourism development that is beneficial to community members, employees, and visitors. The key pillars of the plan are: community character, livability, and community engagement. The executive summary and full plan is available at SustainableWhitefish.com.

In order for Explore Whitefish to effectively and strategically operate on our identified destination stewardship goals, the organization needs the ability to set aside funds to support these goals. During FY22, Explore Whitefish formalized an updated mission and vision in order to integrate destination stewardship into the foundation of the organization (see Section 1.1), which paved the way for the Community Sustainability Fund (CSF). In addition, the state rules and procedures for allowable Lodging Facility Use Tax (Bed Tax) expenditures were updated for FY23 in order to allow for more local investment of these funds.

These two changes allowed the organization to diversify the annual budget across destination stewardship and destination marketing to truly work toward the ultimate goal of sustainable tourism.

**Community Sustainability Fund 1% (PRIVATE Budget):** A 1% fee, currently known as the Community Sustainability Fund (CSF), is added to lodging, restaurants, and transportation receipts by member businesses. The 1% CSF fee is a voluntary contribution to support our programs that balance economic and community sustainability in Whitefish while maintaining the integrity of our town and the quality of life for local residents.

These funds support vital programs including the Whitefish Sustainable Tourism Management Plan, Explore Whitefish Grant Programs, Affordable Housing Partnership with Housing Whitefish, and the "Be a Friend of The Fish" education campaign. The CSF also funds the Crisis Communications Partnership with the City of Whitefish, which provides community and business resources through pandemic and wildfire communications and other emergent needs.
Lodging Facility Use Tax (Bed Tax) (PUBLIC Budget):
During FY23, the state rules and procedures for allowable Lodging Facility Use Tax (Bed Tax) expenditures were updated to allow for more local investment of these funds. Multiple examples are listed below which Explore Whitefish added to the FY23 budget. In FY24, Explore Whitefish will be actively pursuing more opportunities for product development in our community.

PRODUCT DEVELOPMENT
Development or implementation of visitor amenities that enhance the visitor experience. Up to, but not exceeding, 35% of the organization’s annual budget may be designated to this method. Explore Whitefish will assess the community’s needs to enhance the visitor experience and all projects must have Explore Whitefish board approval.

- Visitor Amenities include items such as VIC enhancements and improvements, visitor kiosks, visitor information, responsible recreation resources, cultural tourism, visitor signage and wayfinding, visitor amenities, transit center enhancements, bicycle/pedestrian amenities, visitor restroom enhancements, etc.
- Visitor Amenities must be owned by a qualifying government entity, tribal government, or nonprofit organization. Funds are not to be used for major construction, utilities or underground infrastructure.

OUTREACH/EDUCATION
- Educational Programs, Trainings, Workshops, Conferences and Professional Development.
- Must be State sponsored VIC staff training or Explore Whitefish approved customer service training.

3.4 OUTREACH & EDUCATION
Explore Whitefish engages in various methods of outreach and support, including the “Be a Friend of The Fish” campaign, and the Grant Program, designed to provide members and Montana non-profit organizations with funds to help support sustainable business practices and invest in programs which benefit both visitors and residents during the shoulder and winter seasons.

More information on outreach, education, and support can be found below.

Warm Season Visitor Education (Be a Friend of The Fish):
During the summer of 2021 and the extended warm season of 2022 (May 1 - September 30), Explore Whitefish executed a peak summer season on-the-ground outreach campaign called “Be a Friend of The Fish.” This included, but was not limited to, downtown banners, airport displays, rack cards, travel guide information, paid owned channel ads (Facebook, Instagram, YouTube) and streaming ads on Spotify. We plan to continue this campaign during the FY23 warm season, as well as in the FY24 warm season.

This peak season on-the-ground visitor education campaign is firmly rooted in the community values developed during the creation of the initial COVID safety-focused ‘Be A Friend Of The Fish’ campaign and informed by the STMP plan.

Be A Friend Of The Fish: Community Values

Take it Slow, Enjoy the Ride
- Slow down and take a deep breath. Enjoy and notice the quiet pace of life in Whitefish and the beauty that surrounds all of us in every moment.
- Walk, ride, or hop on the S.N.O.W bus before you drive.

Recreate Responsibly
- Recreate responsibly, be prepared for anything, and have a backup plan.
- Wait for fall, winter or spring to visit. Experience natural beauty with less crowds.

Be a Steward of the Land
- Protect public lands, respect private lands, and always give wildlife the right of way.
● Recycle and be responsible with your waste (TP too). Leave No Trace!
● Share your photos responsibly. Preserve the landscape rather than piling up “likes.”

Show Respect and Kindness
● Ignite inclusive conversations and show mutual respect for locals and visitors.

Fuel our Local Businesses
● Fuel up at local businesses. Our merchants, restaurants and hotels rely on your support!

Help us Stay Healthy
● Help us all stay healthy by observing local health guidelines.

The campaign can be seen at FriendofTheFish.com

Explore Whitefish Grant Programs:

Sustainability Grant Program: The Explore Whitefish Sustainability Grant Program was new for FY23. This program is designed to provide Explore Whitefish business members who collect the Community Sustainability Fund with support for programs and projects which facilitate sustainable business and community practices. Potential programs and projects could include recycling and composting, but are certainly not limited to these areas. The Explore Whitefish Sustainability Grant Program is an extension of the very successful Explore Whitefish Grant Program, now referred to as the Community Enhancement Grant Program.

Community Enhancement Grant Program: The Explore Whitefish Community Enhancement Grant Program was established in FY19 to award funds to Explore Whitefish Business Members and Montana non-profit organizations to invest in projects, programs, and events which benefit both visitors and residents during the shoulder and winter seasons. Through December of FY23, the fifth year of the Explore Whitefish Grant Program, $49,906 has been awarded. An example of a recent sustainability grant recipient is the Lodge at Whitefish Lake for the installation of bear-proof trash bins on their property.

Voices of Montana Tourism: On a yearly basis, Explore Whitefish partners with the statewide nonprofit Voices of Montana Tourism to build awareness of the importance of the tourism industry to Montana’s economy while instilling respect for the industry and those who work in the tourism industry. Success is measured through the mission and work of Voices of Montana Tourism, including their local, regional, and statewide presentations to Montana residents, businesses, and elected officials.

Visitor Fulfillment: Explore Whitefish uses a number of visitor fulfillment tools in order to provide inspirational and educational content around sustainability. These tools include the website, toll-free visitor information phone number, local and regional visitor information centers, display racks at local businesses, and the seven visitor information kiosks located in town and at Glacier Park International Airport. These tools are important to help connect visitors with our Travel Guide and locator map highlighting our local business as well as educating visitors once they are here on how to “Be A Friend of The Fish.” In FY24, Explore Whitefish will supply approximately 25,000 Whitefish Travel Guides and between 50,000-75,000 Whitefish Town Maps.

More information on the visitor fulfillment strategy can be found in the travel planning funnel under the Appendix.

Destination Stewardship: Outreach, Education, Partnerships, and Support

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<th>OBJECTIVES</th>
<th>Measurable Metric for Success</th>
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<td>Invest in programs and projects which facilitate sustainable business and community practices.</td>
<td>Successful completion of the Explore Whitefish Sustainability Grant Program</td>
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Build awareness and influence visitor behavior related to recreating responsibly, leave no trace, traveling safely around wildlife and wildfire mitigation, etc. Particular focus is given to the warm season (May 1 - Sept. 30)

Successfully execute the “Be a Friend of The Fish” campaign. Conduct a perception study for on the ground visitors.

Build awareness of the importance of the tourism industry to Montana’s economy while instilling respect for the industry and those who work in the tourism industry

Success is measured through the mission and work of Voices of Montana Tourism, including their local, regional, and statewide presentations.

Attend all required meetings of the Tourism Advisory Council (TAC) as well as the annual Governor’s Conference on Tourism and Recreation

Explore Whitefish staff reports on new resources, information, research, best practices, and marketing updates which were obtained through the meetings.

3.5 STRATEGIC PARTNERSHIPS

Explore Whitefish seeks to create lasting impacts with local partnerships and national platforms. Building these partnerships will have a direct impact on community sustainability.

More information on partnerships can be found below.

Housing Whitefish: Want to Help Create Homes That People Can Afford?
Explore Whitefish recognizes that one of the biggest challenges facing Whitefish is affordable housing. During FY22, Explore Whitefish began a financial partnership with Housing Whitefish in order to help tackle this issue. This partnership is continuing in FY23 and FY24.

Protect Our Winters: Help Passionate Outdoor People Protect the Places They Live and Love from Climate Change.
Protect Our Winters is a nonprofit and international community of athletes, scientists, creatives, and business leaders advancing non-partisan policies that protect our world today and for future generations. Explore Whitefish and Whitefish Mountain Resort have become the first town/mountain partnership to support the mission of Protect our Winters.

Leave No Trace: ensure a sustainable future for the outdoors and the planet
Leave No Trace is a 501(c)(3) non-profit organization providing Leave No Trace programs, education, training and outreach in all 50 states and more than 100 countries around the globe. Utilizing the power of science, education for all, and stewardship to support and protect nature, Leave No Trace is on a mission to ensure a sustainable future for the outdoors and the planet.

Pledge for the Wild: Help Support Responsible Recreation in Wild Places Surrounding Whitefish
The Whitefish community has banded together to permanently protect the open lands that surround us. The Whitefish Trail is the anchor project of Whitefish Legacy Partners and is the result of community collaboration to preserve clean water, public access, recreation, thriving forests, uncluttered views and wildlife.

Starting in FY21, Explore Whitefish has partnered with Whitefish Legacy Partners and the national platform Pledge for the Wild, to proactively share responsible recreation tips while creating a direct channel for visitors to give back to local trail maintenance through online donation or text-to-donate. Signage at select trailheads of the Whitefish Trail as well as posters in downtown kiosks, posters for businesses, and coasters have been distributed as part of this partnership.

More information can be found at: PledgeWild.com/Whitefish-MT

3.6 PRODUCT DEVELOPMENT

Explore Whitefish seeks to invest in local infrastructure which is beneficial to visitors and the local community. While this is a newly established allowable expenditure for Lodging Facility Use Tax (Bed Tax), Explore Whitefish has identified the following local infrastructure projects.
Identified projects: Updates and maintenance to the downtown Wifi Network (established by Explore Whitefish in FY19), Visitor Information Kiosks, Webcams, Whitefish Wayfinding Signage.

There are many potential projects which are being vetted during FY24. This could include, but is certainly not limited to, bear proof trash containers for businesses, enhanced bus stops and/or transportation depot for the SNOW Bus, and bike/pedestrian improvements to the downtown transportation infrastructure. Explore Whitefish recognizes that one of the biggest challenges we face is limited transportation infrastructure in our region.

### Destination Stewardship: Product Development

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>Measurable Metric for Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify local partnerships for projects with enhance infrastructure for visitors and the local community</td>
<td>Projects and partners identified.</td>
</tr>
<tr>
<td>Invest in local infrastructure projects which are beneficial to visitors and the local community.</td>
<td>Successfully allocation of product development funds.</td>
</tr>
<tr>
<td>Complete identified projects during the fiscal year</td>
<td>Successful completion of projects</td>
</tr>
</tbody>
</table>

#### 3.7 PUBLIC RELATIONS: COMMUNICATIONS & SUSTAINABILITY

**STRATEGY**

The Explore Whitefish contracted PR agency works directly with editors, writers, bloggers, photographers, videographers, and digital influencers to support and produce stories, photography, and videos supporting the Explore Whitefish brand. Based on the recent adoption of the Sustainable Tourism Management Plan (STMP), and the updated mission and vision of Explore Whitefish, the PR program is focused on earning media placement in the outlined Explore Whitefish target audiences incorporating sustainable visitation. All current media pitches are focused on sustainability, as well as education on how to recreate responsibly using best safety practices. This message will be a priority for the foreseeable future.

Brand management has also taken a central role in communications as Explore Whitefish continues to shape and communicate its vision for destination stewardship and sustainable community-based tourism development that is beneficial to community members and visitors. Retaining and communicating community character, livability, and engagement are the top priorities.

The PR team also supports the Explore Whitefish Athlete Sponsorship Program by negotiating, coordinating, and executing on annual deliverables. One of the FY23 deliverables for the Maggie Voisin sponsorship program included continued participation in the Explore Whitefish Friend of the Fish Campaign as well as being an athlete voice for the new Protect Our Winters partnership and “75 Years” short film to raise awareness about climate change and help empower people to protect their communities, lifestyles, and livelihoods from a warming planet.

A portion of the PR efforts continues to focus on crafting and effectively implementing crisis communication strategies for both brand and community protection. These occur in partnership with the City of Whitefish, strategic DMO partners (Brand Montana, Glacier Country, and Discover Kalispell, for example), and local land managers. Crisis PR efforts also include outreach to media and messages through WCVB communication channels (website, social media, e-news, etc.). Topics in this area have been related to environmental events like wildfires, issues surrounding hate and extremist’s threats, marches, and terrorism, and of course, the global pandemic. Timely and effective messaging can influence consumer travel decisions, mitigate cancellations, and provide guidance for safe travel for those planning a trip. Crisis communications, or lack thereof, can significantly contribute to positive or negative factors affecting the short and long term economy and community health of Whitefish.

*Additional information on the PR program can be found in the Appendix*
### Destination Stewardship: Communications & Sustainability

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>Measurable Metric for Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stimulate the publication of feature stories in national and regional publications, digital media, and broadcast media. Pitch media coverage to include topics such as recreating responsibly, leave no trace, traveling safety around wildlife, wildfire mitigation, etc.</td>
<td>Use Meltwater to track stories, audience reach, and advertising value equivalency.</td>
</tr>
<tr>
<td>Taking the lead on outreach segments of the Sustainable Tourism Management Plan (STMP) to build awareness and influence visitor behavior, with particular focus on the peak summer season.</td>
<td>Successful execution of the Friend of the Fish Campaign.</td>
</tr>
<tr>
<td>Encouraging use of public transportation, and supporting local industry by staying in hotels or lodges.</td>
<td>Work with STMP Committee and the successful execution of the Friend of the Fish Campaign.</td>
</tr>
</tbody>
</table>

### Research

In order to better understand trends and gauge the effectiveness of our destination stewardship and destination marketing efforts, Explore Whitefish will take part in research. Explore Whitefish is currently partnering with Smith Travel Research, Sprout Social, Meltwater, and ITRR. Explore Whitefish and in additional cooperative research projects, such as VisaVue and AirDNA with Brand Montana. The research cooperative opportunities offered by Brand Montana, including VisaVue and AirDNA, have been invaluable in helping us to measure visitor spending to Whitefish, particularly within our stated target markets, as well as to closely monitor our seasonal trends and the effects of short term rentals.

### Destination Stewardship: Outreach, Education, Partnerships, and Support

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>Measurable Metric for Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obtain visitor expenditure and visitation data, social media audience performance, and earned media value which all help to evaluate marketing performance, monitor seasonal visitation expenditures and target markets, and help inform future stewardship and marketing strategies.</td>
<td>Acquire data through various research platforms such as VisaVue, AirDNA, Smith Travel, Sprout Social, and Meltwater. ITRR?</td>
</tr>
</tbody>
</table>

### 4 STRATEGIC ROLE: DESTINATION MARKETING

#### 4.1 DESTINATION MARKETING GOALS

Explore Whitefish strives to sustainably maintain the economy of Whitefish by emphasizing its desirability as a travel and recreation destination outside the summer months to non-resident visitors who appreciate and respect the character of the place. This specifically prioritizes increasing the occupancy for lodging facilities during lower occupancy times of the year.

The Explore Whitefish Strategic Plan FY22-24 identifies the overarching goal of destination marketing:

**GOAL: Raise awareness of Whitefish as a travel destination and drive visitation during the non-peak seasons**

**SUBSET OF DESTINATION MARKETING GOALS**

- Support the brand identity and presence of Whitefish, Montana in the marketplace as a destination for
active experience-seeking travelers.
• Encourage destination visitation from the core geographic markets.
• Position Whitefish as the basecamp for Glacier National Park visitors with the natural, cultural, and culinary assets of Whitefish.

In order to achieve the goals of destination marketing, strategies, objectives and tactics are described below:

4.2 DESTINATION MARKETING: THE TRAVEL DECISION FUNNEL

Whitefish follows the basic travel decision funnel:

• **Inspiration** – Sparking an interest and inspiring a traveler to visit Whitefish
• **Orientation** – Helping the visitor learn about where Whitefish is, how to get here, what facilities and activities are available for their travel
• **Facilitation** – Helping to connect visitors with specific businesses and activities to make a reservation and solidify their travel plans into a quality experience once here

All marketing efforts feed into this funnel and resolve to digital tools, travel guides and additional visitor information that help connect visitors from spark of inspiration to actual business transactions at the local level. These tools include the website at ExploreWhitefish.com, the Whitefish Travel Guide, social media channels, visitor information kiosks, and wayfinding maps throughout town. These tools are important to help connect visitors with local business as well as help visitors have a great experience once they are here. If we inspired a visit, did nothing for the visitor once they arrived, and were reluctant to provide tools that help the visitor discover what to do, the visitor would be more likely to miss the quality experiences that would cause them to want to return.

*See full explanation of the travel planning funnel under the Appendix.*

4.3 TARGET AUDIENCE: PREFERRED VISITORS TO WHITEFISH, MONTANA

Our preferred visitors are targeted by geographic location, demographic characteristics, and values that distinguish our overall potential visitor as a “high potential visitor” and “winter enthusiast” (as defined by research conducted by Destination Analysts) and our niche visitor as a “geotraveler” (as defined by research conducted by ITRR, the Travel Industry Association of America (TIA) and the National Geographic Society). The following section provides information on the distinguishing characteristics of potential visitors defined by Brand Montana along with the core geographic markets for Whitefish.

**WHITEFISH VISITOR: GEOTRAVELERS**

Geotourism is defined as tourism that sustains or enhances the geographic character of the place being visited including its environment, culture, heritage, landmarks and the well-being of its residents. According to the ITRR study, “Statewide Vacationers to Montana: Are They Geotravelers,” the strong geotraveler spent the most money per day while traveling in Montana ($141.79) followed by the moderate geotraveler ($134.10) and the non geotraveler vacationer spent ($133.27). Visitors who agreed with the principles of geotourism spend more money per day while traveling in Montana than non-geotravelers. A 2016 ITRR Study, “The Importance of Traveler Spending on Locally Produced Goods & Services,” further examined geotraveler spending. The results of this study showed that visitor groups who purchased “Made in Montana” products, items from local farmers’ markets, and who used local guides and outfitters spent $184.76 more per stay than visitors who did not purchase these products and services.

Geotravelers are low impact, high value visitors who appreciate the unique characteristics and natural values of the places they visit. They place a high value on authentic travel experiences that respect and support the local character of place and its environment, and are less likely to become discouraged in their travel experiences by travel distances, difficulties and variable weather, especially during the shoulder seasons.

**Values** – Creative, curious, connected, engaged, adventurous, independent, mindful.

*Source: Geotraveler Exploratory, Alexis Sanford, 2008.*

**Attitudes** – Immerse yourself in the culture, go off the beaten trail, get out of your comfort zone, allow
for spontaneity, take a risk, pay attention, go now.

Source: Geotraveler Exploratory, Alexis Sanford, 2008.

- A segment of the U.S. total travel market estimated to include over 55 million people.
- They seek authenticity in travel experiences.
- They seek out opportunities to experience businesses and activities that are locally unique.
- Travel is an important part of their “lifestyle” and they often combine learning with travel.
- They spent a disproportionate amount of their income on travel compared to other travelers.
- They are more likely to be aware of their own impact, both environmental and community, on the places they are visiting.

4.4 CORE GEOGRAPHIC MARKETS

Explore Whitefish will focus its attention during this fiscal period on low impact, high value potential visitors who match the geotraveler profile in the following geographic markets. It is possible that opportunities will arise in additional markets in partnership with other tourism organizations, such as Brand Montana. In these instances, Explore Whitefish may extend its efforts beyond these core focus markets.

- **Seattle, Washington (Puget Sound Area)** – Seattle and the Puget Sound area have been historically strong markets for Whitefish. The existence of the Amtrak train route has made this connection logical, as well as daily direct flights. Explore Whitefish invests in digital campaigns in this market as well as actively cooperating with Whitefish Mountain Resort (WMR) on multi-channel marketing campaigns.
- **Portland, Oregon** – The existence of the Amtrak train route has made this connection logical, as well as seasonal direct flights and short connecting flights the rest of the year. Explore Whitefish invests in digital campaigns in this market as well as actively cooperating with Whitefish Mountain Resort (WMR) on multi-channel marketing campaigns.
- **Chicagoland (Chicago core and northern suburbs to Madison, Wisconsin)** – Explore Whitefish and Whitefish Mountain Resort and have collaborated with Glacier AERO since 2014 on direct winter service to Chicago. In the past two years, this service has continued without a Minimum Revenue Guarantee (MRG) which is how shoulder season success of air service is measured by Glacier AERO. A significant expansion of seats for warm season service have also been added in recent years as well as multiple carriers now flying this route daily direct seasonally.
- **Minneapolis, Minnesota** – This has been a historically strong market for Whitefish in terms of visitation and ease of travel due to daily direct flights and Amtrak service.
- **California (San Francisco/Oakland & Los Angeles)** – Although California consistently ranks as a top market of visitors to Whitefish, the addition of enhanced direct air service has made California a core geographic market for Explore Whitefish.
- **Regional Drive-To (including Spokane, Coeur D’Alene, British Columbia)** – Explore Whitefish invests in regional drive-to markets as these potential visitors have the ability to travel on short notice, particularly during the shoulder seasons. Although the amount of investment is significantly smaller than the aforementioned core geographic markets, we believe it is important to continue to raise awareness and intent to travel in these regional drive-to markets.
- **Alberta** – As a historically strong market for Whitefish, Alberta has recently been added back into the list of core markets after the decline in visitation due to the border closure during the pandemic. Awareness of Whitefish as a premier travel destination has been well established and the fluctuations in currency exchange play the single biggest factor in increased or decreased visitation and expenditures to Whitefish.
- **Dallas** - Google Analytics, booking and spend data all point to Dallas being an important market to Whitefish, particularly during shoulder seasons. Thus, it is the newest market to be targeted with digital marketing efforts.

**ESTABLISHED GEOGRAPHIC MARKET**

Explore Whitefish has identified the following established geographic market due to current and historic visitation numbers, as well as historical investment in marketing. Although this market is very important from a visitation perspective, Explore Whitefish is currently choosing to invest in the core geographic markets identified above as having the largest potential for growth.
• Missoula/WesternMT – Missoula and Western Montana (beyond a 50-mile radius outside of Whitefish) has been a historically strong market for Whitefish in terms of visitation and ease of travel due to proximity to Whitefish. The ability to make short shoulder season trips and last minute trips makes this market desirable.

4.5 SUPPORTING RESEARCH (LODGING OCCUPANCY & NONRESIDENT SPENDING)

Whitefish experiences an uneven cycle of visitation with a busy summer season that operates with high lodging occupancy. Deep shoulder seasons include early spring and late autumn, with moderate visitor activity during the winter season. Higher winter activity and occupancy exists during the Christmas holiday period and also during select holiday periods throughout the ski season. Therefore, we focus our marketing efforts on the shoulder and winter season in our stated target markets in order to increase lodging occupancy and visitor expenditures.

Explore Whitefish acquires lodging occupancy and nonresident spending data in order to inform our marketing efforts. Quarterly and yearly information from the last year can be found below.

**WHITEFISH CITY LIMITS AVERAGE LODGING OCCUPANCY BY QUARTER: 2022 VS. 2021**

*Source: SMITH TRAVEL RESEARCH, Calendar Year 2022 Compared to 2021*

- January - March: 47.0% (+11.2%)
- April - June: 60.0% (-1.64%)
- July - September: 78.0% (-2.66%)
- October - December: 48.9% (+2%)
- *Calendar Year 2021 Average Lodging Occupancy: 58.47% (+1.1*)

**WHITEFISH SHORT TERM RENTAL CITY LIMITS AVERAGE LODGING OCCUPANCY BY QUARTER: 2021 VS 2019**

*Source: AirDNA, Calendar Year 2022 Compared to 2021*

- January - March: 52.6% (+17%)
- April - June: 61.7% (+26%)
- July - September: 75.3% (+15%)
- October - December: 38.7% (-1%)
- *Calendar Year 2022 Average Lodging Occupancy: 57.1% (+15%)*

**WHITEFISH SHORT TERM RENTAL ZIP CODE (59937) AVERAGE LODGING OCCUPANCY BY QUARTER: 2021 VS 2019**

*Source: AirDNA, Calendar Year 2022 Compared to 2021*

- January - March: 57.7% (+7%)
- April - June: 50% (+5%)
- July - September: 68% (-4%)
- October - December: 45% (+4%)
- *Calendar Year 2022 Average Lodging Occupancy: 55.3% (+2%)*
DOMESTIC NONRESIDENT WHITEFISH EXPENDITURES BY MARKET
The identified geographic markets for Explore Whitefish are informed by domestic nonresident expenditures acquired through a research cooperative with Brand Montana and VisaVue. Below you will find yearly and quarterly numbers for the past year.

WHITEFISH 2022 VISA CARD VISITOR EXPENDITURES BY MSA: $65.5 Million

Source: VisaVue and other sources, Expenditures include Montana residents who reside outside of Flathead County

2022 QUARTER 1 (JANUARY - MARCH) BY MSA: $12.4 Million
- 6.4% Seattle
- 3.9% Missoula, MT
- 3.1% Portland, OR
- 2.7% Minneapolis
- 2.5% Los Angeles

2022 QUARTER 2 (APRIL - JUNE) BY MSA: $13.4 Million
- 4.8% Seattle
- 3.7% Los Angeles
- 3.3% Missoula, MT
- 2.6% Dallas
- 2.5% Phoenix

2022 QUARTER 3 (JULY - SEPTEMBER) BY MSA: $28.3 Million
• 5.1% Seattle
• 4.0% Los Angeles
• 3.5% Dallas
• 2.6% Phoenix
• 2.6% San Francisco

2022 QUARTER 4 (OCTOBER - DECEMBER) BY MSA: $10.1 Million
• 6.7% Seattle
• 5.1% Missoula, MT
• 4.0% Los Angeles
• 2.7% Bozeman
• 2.3% San Diego

NONRESIDENT TRAVELER EXPENDITURE BY AIR

Not all visitors are alike. The same is true of their economic impact. Research by ITRR indicates that nonresidents who travel to the state via air spend more money per day and stay longer than the average nonresident traveler group.

• **Average Nonresident Travelers**: The statewide average 2021 nonresident traveler group to Montana (2.33 people) spent an average of $177.46 per day. With an average length of stay of 5.2 nights, this equates to a total trip expenditure of approximately $923.

• **Fly-in Nonresident Travelers**: The statewide average 2021 fly-in nonresident traveler group arriving in Montana (2.45 people) spent an average of $270.11 per day. With an average length of stay of 7.25 nights, this equates to a total trip expenditure of approximately $1,958.

• **Difference**: $1,035 in additional spending per fly-in statewide nonresident travel group. In addition, all 2021 nonresident traveler groups arriving at Glacier Park International Airport (2.46 people) stayed longer (7.57 nights) and outspent average statewide nonresident travelers by an estimated $1,008 per trip (total trip expenditure of $1,931).

4.6 CONSUMER ADVERTISING: PAID MEDIA

STRATEGY FOR CONSUMER ADVERTISING: PAID MEDIA

Our consumer advertising is based around visitation in our shoulder seasons and our strategy is broken out into the following three categories: Larch Season, Winter, and Secret Season. The consumer advertising budget for each strategy is allocated to the seasonal media buying plan. Opportunity Marketing funds are left open as a contingency for reactive media buys throughout the season.

We advertise in our stated target markets as well as through cooperative opportunities with Brand Montana and multi-channel cooperative marketing campaigns with Whitefish Mountain Resort (WMR).

In FY24, online and digital advertising will continue to comprise 100% of our consumer advertising budget. The enhanced ability to track the effectiveness of our advertising campaigns to inspire actionable visits to ExploreWhitefish.com is the foundation for media buying strategy.

During FY24, our media buying strategy will be broken out into digital placement, media partnerships, and video/audio streaming services. Examples of each type of placement can be found below:

**Digital placement**: Google Search, Explore Whitefish video and custom website content featured on our owned paid channels such as Facebook, Instagram, and YouTube, as well as programmatic display and native placements, and Google Discovery display and video

**Media partnerships**: Custom video, editorial, and email newsletters with Whitefish Mountain Resort, 1889/1859 Magazines, Protect Our Winters, and Outside Media

**Video/audio streaming services**: Spotify
Destination Analysts recently asked respondents which marketing channels they were most receptive to learning about new destinations to visit. Many of the channels utilized in the FY24 Explore Whitefish online/digital media strategy ranked in the top ten. This includes:

- Websites found via search engine (#1: 30.0%)
- Facebook (#2: 24.1%)
- Online content such as articles and blogs (#3: 22.6%)
- Streaming video services such as YouTube, Hulu, etc. (#5: 19.7%)
- Email (#6: 16.8%)
- Instagram (#7: 16.4%)

*(The State of the American Traveler: Destinations Edition: January 2023)*

Explore Whitefish continues to utilize local and regional data as success indicators for the activities of Explore Whitefish as well as the foundation for our marketing strategies based upon historic and current seasonal trends in our local economy.

**SUCCESS INDICATORS**

- Resort Tax Collections (monthly, quarterly, yearly)
- Lodging Tax Collections (quarterly, yearly)
- Lodging Occupancy Report (monthly, quarterly, yearly)
- Nonresident Visitor Expenditures (monthly, quarterly, yearly)
- Glacier National Park Recreational Visits (monthly)
- Whitefish Mountain Resort Visits (ski season)

Explore Whitefish has recently adopted a customer-intent based strategy in order to monitor success indicators happening on the Explore Whitefish website. Rather than using upper-funnel signals like website visits to measure success, Explore Whitefish will now leverage bottom of the funnel signals of customer-intent to track indicators of success on the website such as clicks to book. Actions such as these are a better indicator that a website visitor is coming, or is strongly considering coming, to Whitefish than someone simply landing on the Explore Whitefish homepage. As we collect more of this data, season over season and year over year growth will be tracked, and our goal is to grow the volume of these high intent consumer actions over time. Specifically, we will be tracking and growing the following success measures.

**Destination Marketing: Paid Media**

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>Measurable Metric for Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve winter visitation by showcasing varied winter vacation experiences in and around Whitefish and Glacier National Park.</td>
<td>Successful execution of winter season, secret season, and larch season seasonal campaigns. Success measures are compared to the performance from past seasonal campaigns, including FY23.</td>
</tr>
<tr>
<td>Improve “Secret Season” visitation by promoting bicycling, wildlife viewing, birding, fly fishing, golf, water sports, horseback riding, performing arts, culinary experiences, and community events.</td>
<td></td>
</tr>
</tbody>
</table>
  - Ad click through rates/Ad cost per click  
  - View and impressions for video and streaming ads |
| Improve “Larch Season” visitation by promoting fall foliage, wildlife viewing, hiking, birding, golf, fly fishing, bicycling, | Website success measurements are compared to website performance from past seasonal campaigns, including FY23. |
non-motorized water sports, horseback riding, performing arts, culinary experiences, and community events.

- Clicks to book
- Clicks to reserve (restaurant)
- Newsletter sign-ups
- Travel guide digital views
- Traffic volume from targeted markets
- Visitor quality measures (Bounce rate, Length of time spent on site, number of pages viewed)

Develop a DAM for managing photo library
Add 30 photos per quarter with keywords

Acquire compelling photos for use in paid media campaigns, visitor information, social media channels and the website.
Acquire 10 professional photos with usage rights for the fiscal year.

Leverage media partnerships for upcoming media campaigns.
Participate in at least one media partnership for FY24.

Examine and act upon new marketing opportunities which present themselves which are in line with the Explore Whitefish Marketing Strategy.
Depending on the opportunity, we measure success in a variety of ways, including, but not limited to, the objective measurements outlined in the FY24 Annual Plan.

A. Larch Season: Occupancy history in Whitefish shows that during the period of late June through August the town is at its busiest. From late August into early September, occupancy levels are still strong, but begin to wane. The objective is to grow occupancy and business levels in the autumn for the time period of late September to the end of October. The approach for this time period is to develop and communicate narratives for adventures, activities, fall events, and specific reasons for visiting Whitefish during this time period that cannot be experienced if Whitefish were visited during another time of year. As we continue to position Whitefish as the basecamp of Glacier National Park, the narrative will lead with fall experiences in Glacier National Park such as scenic driving, fall foliage, wildlife watching, and hiking. Explore Whitefish has allocated 20% of its overall consumer advertising budgets to Larch Season marketing efforts.

DEMOGRAPHICS
The target audience for this time period are those who fit the Explore Whitefish preferred traveler profile, are 40 and older with a household income (HHI) over $75,000 – $150,000+, whose travel or vacation is not restricted by an academic calendar, and who have an education level of Bachelors’ degree or higher.

PSYCHOGRAPHICS
Travelers seeking active experiences such as scenic driving, wildlife viewing, hiking, birding, golf, fly-fishing, road and mountain biking, non-motorized water sports, horseback riding, paddling, and hiking. Cultural and culinary experiences such as dining, shopping at local shops, attending performing arts, and community events are also considered primary autumn activities for Whitefish. This includes traveling to Whitefish primarily for the purpose of relaxing, strolling the streets and shops and trying out great dining and nightlife options.

B. Winter: Whitefish offers a world-class ski and snowboarding experience, including unique winter events, yet destination visitation to the town is still significantly lower than the summer season. As a result, Explore Whitefish has allocated 60% of its overall consumer advertising budget to winter ski marketing efforts. These efforts also seek to focus on the winter experiences in Glacier National Park, including sightseeing, snowshoeing, and cross-country skiing. The perception that Glacier National Park is closed in the winter continues to be a challenge and our increased efforts to showcase these winter experiences will hopefully help to dispel this myth. In addition, Whitefish also has fat bike and cross-country skiing experiences near town.
DEMOGRAPHICS
For the 2020/2021 season, the National Ski Areas Association (NSAA) estimated that there were 10.5 million domestic active skiers or snowboarders who account for roughly 3.2% of the total U.S. population (NSAA 2021 U.S. Snowsports Participants Report). Our target audience for this time period are those who meet the Explore Whitefish preferred traveler profile, are 35 and older with a household income (HHI) over $100,000, and whose travel or vacation is not restricted by an academic calendar. Since we are targeting a small percentage of the domestic population, and particularly those active participants, we can most efficiently reach this target through niche channels.

PSYCHOGRAPHICS
We largely apply our overall preferred traveler profile to the ski market. Experiential preferences for authentic travel are more likely to appreciate and enjoy Whitefish and then return again in subsequent years. The top reasons for choosing Whitefish for a winter destination were cited as “experience of a prior winter visit” and “affordability compared to other resorts” and “snow conditions” and “lack of crowding” and “the Town of Whitefish” (Whitefish Mountain Resort 2018/19 End of Season Report). It is important that we acquire new, repeat customers, not simply attract one-time visitors who are not a good fit for the Whitefish experience and as a result will not likely return. The addition of marketing the aforementioned Glacier National Park winter experiences provide additional breathtaking experiences for a day off for skiers and snowboarders as well as those who do not alpine ski or snowboard.

C. Secret Season: The objective is to begin the visitor season earlier and grow occupancy and business levels in the spring and early summer for the time period of May and June. The approach for this time period is to develop and communicate narratives for adventures, activities and specific reasons for visiting Whitefish during these time periods that cannot be experienced if Whitefish were visited during another time of year. As we continue to position Whitefish as the basecamp of Glacier National Park, the narrative will lead with spring experiences in Glacier National Park such as biking or hiking the Going-To-The-Sun Road and wildlife watching. Explore Whitefish has allocated 20% of its overall consumer advertising budgets to spring marketing efforts.

DEMOGRAPHICS
The target audience for this time period are those who fit the Explore Whitefish preferred traveler profile, are 40 and older with a household income (HHI) over $75,000 – $150,000+, whose travel or vacation is not restricted by an academic calendar, and who have an education level of Bachelors’ degree or higher.

PSYCHOGRAPHICS
Travelers seeking active experiences such as road and mountain biking, wildlife viewing, hiking, birding, golf, non-motorized water sports, and horseback riding. Cultural and culinary experiences such as dining, shopping at local shops, attending performing arts, and community events are also considered primary spring activities for Whitefish. This includes traveling to Whitefish primarily for the purpose of relaxing, strolling the streets and shops and trying out great dining and nightlife options.

D. Secret Season and Larch Season Core Activity - Cycling: In both the Secret Season and Larch Season, cycling is a strong visitor activity. We have identified road biking the Going-to-the-Sun Road before it opens to cars in the spring as our seminal Secret Season experience and has been the lead in our Secret Season advertising campaigns for the past three years. The development of miles of mountain biking in the Whitefish area has also created a new tourism draw in recent years. Whitefish is also located on three Adventure Cycling routes, creating a favorite stopping point for cyclists on long-distance tours.

DEMOGRAPHICS
Touring cyclists have a median age of 53 and over 50% have an income of $75,000-$150,000. Mountain bikers are typically 25-45 years old and the majority are male with a household income level greater than $80,000. The target audience are cyclists who fit the Explore Whitefish preferred traveler profile.

Source: ITRR Adventure Cycling Study

PSYCHOGRAPHICS
Travelers are spending days cycling, and want to spend time off the bike eating good food, drinking local beer, and
4.7 SOCIAL MEDIA

**Strategy For Social Media:** As our overall marketing strategy continues to incorporate a higher emphasis on destination stewardship and recreate responsibly messaging, so too has our social media strategy. Social media continues to be a powerful tool for telling the Whitefish story and to support and complement other marketing strategies. Social media helps build brand support, raise awareness and allows current and potential visitors to connect with Explore Whitefish through various channels.

In addition to our established social media goals of engaging potential visitors and keeping Whitefish top-of-mind, the social media program has become a valuable tool for messaging local and statewide health guidelines, crisis communication and educational information for visitors and local residents. These include the aforementioned “Recreate Responsibly” messaging, Friend of the Fish information, “Leave No Trace” guidelines, wildfire messaging, providing information about local businesses to visitors, and informative posts aligning with the Whitefish Sustainable Tourism Management Plan.

Social media has also become a primary advertising tool for Explore Whitefish in its seasonal advertising plans. Social media allows ads to be targeted to audiences that align with our established geographic and demographic audiences.

Social media channels are constantly evolving and Explore Whitefish has identified Facebook and Instagram as the primary channels to focus its efforts on while also using Youtube to support these efforts.

As reflected in the Explore Whitefish Social Media Guidelines, the Explore Whitefish goals for social media include:

- Provide information to current and potential visitors regarding safety, responsible visitation and best practices.
- Interact with audience to answer questions and facilitate communication and connections
- Raise awareness and inspire travelers to visit Whitefish during winter and shoulder seasons
- Expand the reach and interactions with our social media audience

*See the Appendix for more information on the Explore Whitefish Social Media Channels.*

**AUDIENCE**

The target audience for social media efforts mirrors that of the Explore Whitefish preferred traveler and also includes on-the-ground visitors and local residents for the Friend of The Fish warm season education campaign.

- High potential visitors and geotravelers in core geographic markets (Seattle, Portland, Minneapolis, Chicago, Los Angeles, San Francisco, Regional Drive-To)
- Established geographic markets (Calgary, Missoula, Spokane, CDA)
- On-the-ground visitors during the warm season (May 1 - September 30)

Having an audience that actively engages and interacts with Explore Whitefish through social media channels is equally as important as total audience size. Social media success will primarily be measured by audience engagement.

**Destination Marketing & Stewardship: Social Media**

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>Measurable Metric for Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrate destination stewardship messaging into social media messaging</td>
<td>Weekly Social Media Posts</td>
</tr>
</tbody>
</table>
Spotlight one local member business per week on our social media channels

Increase combined Facebook and Instagram engagements (likes, comments, clicks) by 10% over FY23 total

Weekly Social Media Posts

Use Sprout Social to measure engagement versus previous fiscal year

4.8 GROUPS MARKETING

STRATEGY FOR GROUP MARKETING

The meeting and convention industry has shifted dramatically since the pandemic. As businesses have largely resumed in-person meeting and convention business, Whitefish is starting to see the return of larger groups to our region. As the industry continues to evolve, Explore Whitefish is working to best assist member properties in securing future group business in Whitefish.

Meeting and convention business has traditionally helped to support our member lodging properties through the non-peak visitation periods of fall, winter and spring. Many properties have availability to accommodate larger groups for lodging, meeting venue space and food and beverage offerings. The town of Whitefish offers additional benefits through a variety of excellent dining options, boutique shopping, art galleries, nightlife, and high quality performing arts venues and companies. Combined, this makes Whitefish a desirable location for a variety of meeting and convention groups.

Explore Whitefish also partners with Glacier Country Regional Tourism on FAM trips and groups marketing efforts.

GROUP TRAVEL DEMOGRAPHICS

The target audience for group travel is categorized into two basic groups: SMERF (Social, Military, Educational, Religious, Fraternal) and MICE (Meetings, Incentive, Conferencing, Exhibitions). Both audiences desire a scenic location with availability of activities for recreation and team building. The majority of groups that visit the Whitefish area are in the 25-150 person range, although Whitefish can accommodate citywide groups up to 250 participants and has submitted multi-property proposals for groups of 400+.

SKI GROUP TRAVEL DEMOGRAPHICS

The winter season ski product is a strong offering that has potential for growth. Participating properties and Whitefish Mountain Resort are cooperatively marketing winter ski trips to groups of skiers from across the country. Ski clubs contribute significant revenue in the number of rooms booked and lift tickets purchased. While access to the area represents one of the biggest challenges for getting ski groups here, increases in number of flights, size of aircrafts utilized and destinations serviced by Glacier Park International Airport (FCA) have continuously improved accessibility every year. Whitefish Mountain Resort ski group business has shown historical increases year to year.

Whitefish Mountain Resort has a good indication of the volume of ski groups visiting annually from their own lodging as well as from group tickets ordered by groups staying in other properties. In addition, multiple Explore Whitefish member properties attend spring ski shows

GEOGRAPHIC AUDIENCE

Aligning with Brand Montana, target areas include Seattle, Portland, Minneapolis and Chicago. Additional areas of focus include Alberta (including but not limited to Calgary and Edmonton) and in-state and regional drive markets (including Missoula, Spokane, Great Falls and Helena).

Destination Marketing: Groups Marketing

<table>
<thead>
<tr>
<th>OBJECTIVES</th>
<th>Measurable Metric for Success</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage ski groups and incentive travel with emphasis on Fall, Winter and Spring.</td>
<td>Award Group Incentive Sponsorships to business members in Whitefish to help entice group visitation.</td>
</tr>
<tr>
<td>Participate in at least one industry event/trade show.</td>
<td>Virtual or in-person attendance</td>
</tr>
<tr>
<td>Participate in at least two FAM trips</td>
<td>Virtual or in-person attendance</td>
</tr>
</tbody>
</table>
Support WCVB Groups Committee representatives at spring ski shows | Funds successfully distributed for spring ski show travel support
Respond to requests for city-wide meetings and conventions which fit the capacity of Whitefish | Submission of city-wide RFPs as needed working with WCVB Groups Committee

5 BUDGET OVERVIEW

5.1 PROVIDE A BUDGET AMOUNT FOR ADMINISTRATION, EACH MARKETING SEGMENT, AND EACH SEGMENT’S METHOD WHEN PROVIDING OVERALL BUDGET

Explore Whitefish begins our budget process for the upcoming fiscal year during early January with initial approval by the Board of Directors in March. We have utilized projections from Brand Montana, advanced lodging booking data, national travel data from Destination Analysts, and other sources as baselines to create the following budget projection. As we monitor collections closely, we may need to adjust these projections.

Explore Whitefish works closely with our board of directors and finance committee to evaluate collections and expenditures on a monthly basis. If Bed Tax revenues do not meet projected collections, the following budget line items from the FY24 Public Budget will be adjusted.

- Paid Media

<table>
<thead>
<tr>
<th>FY24 PUBLIC BED TAX BUDGET</th>
<th>PUBLIC BED TAX BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONSUMER</strong></td>
<td>$82,700</td>
</tr>
<tr>
<td>PAID MEDIA**</td>
<td>$82,700</td>
</tr>
<tr>
<td>Shoulder Season Campaigns (Love of The Wild)</td>
<td>$66,700</td>
</tr>
<tr>
<td>Digital Asset Acquisition and Management</td>
<td>$16,000</td>
</tr>
<tr>
<td><strong>PUBLIC RELATIONS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>GROUP MARKETING</strong></td>
<td></td>
</tr>
<tr>
<td><strong>MARKETING SUPPORT</strong></td>
<td>$184,300</td>
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<tr>
<td>ADMINISTRATION</td>
<td>$50</td>
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<tr>
<td>OPPORTUNITY MARKETING</td>
<td>$5,800</td>
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<tr>
<td>PRODUCT DEVELOPMENT</td>
<td>$93,450</td>
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<tr>
<td>RESEARCH</td>
<td>$39,000</td>
</tr>
<tr>
<td>TAC &amp; GOVERNOR’S CONFERENCE MEETINGS</td>
<td>$2,500</td>
</tr>
<tr>
<td>EDUCATION &amp; OUTREACH</td>
<td>$43,500</td>
</tr>
<tr>
<td><strong>BUDGET TOTALS</strong></td>
<td>$267,000</td>
</tr>
</tbody>
</table>

** Budget line items to be adjusted if revenues do not meet projected collections
**Education & Outreach budget includes public/private partnerships, Explore Whitefish Grant Program, etc.**
APPENDIX: WHITEFISH NONRESIDENT VISITOR CHARACTERISTICS (FOUR YEAR AVERAGE OF 2019-2022)

NON-RESIDENT WHITEFISH VISITOR CHARACTERISTICS
Source: 2022 ITRR Non-Resident Visitor Study

- 93% visited Glacier National Park
- 65% traveled as a pair (2 persons)
- Average group size was 2.99
- 82% have HHI (Household Income) above $75,000
- 44% Male, 56% Female
- 13% were first time visitors
- Average age of visitor was 60 years old
- Average length of stay in Montana was 7.0 nights

NON-RESIDENT WHITEFISH VISITOR AGE GROUPS REPRESENTED
Source: 2022 ITRR Non-Resident Visitor Study. The total response percentage exceeds 100% because the question allowed for multiple choices thus the total number of answer choices selected were greater than the number of respondents

- 14% Under 18 years old
- 10% 18-24 years old
- 6% 25-34 years old
- 8% 35-44 years old
- 21% 45-54 years old
- 56% 55-64 years old
- 46% 65-74 years old
- 11% 75 and older

TOP FIVE NON-RESIDENT VISITORS TO WHITEFISH ACTIVITIES WHILE IN MONTANA
Source: 2022 ITRR Non-Resident Visitor Study

- 63% Day hiking
- 56% Scenic Driving
- 53% Wildlife watching
- 34% Visit local brewery
- 34% Nature photography

WHERE NON-RESIDENT VISITORS TO WHITEFISH PRIMARILY COME FROM
Source: 2019-2022 ITRR Non-Resident Visitor Study

- 11% Washington
- 7% Texas
- 6% Alberta, Colorado, Minnesota, California
- 4% Oregon, Arizona, Wisconsin, Florida
- 3% New York, Idaho, Ohio, North Dakota, British Columbia, Utah, Missouri
APPENDIX: EXPLORE WHITEFISH TRAVEL PLANNING FUNNEL

Explore Whitefish successfully integrates communication throughout the travel planning funnel:

INSPIRATION > ORIENTATION > FACILITATION

Inspiration. At the highest levels of communication, Explore Whitefish leverages the Montana branding guidelines in its selection of imagery and video and development of creative marketing content, while applying its own Whitefish spin on things. We want to foster an emotional connection with this combination of imagery, video, and creative content so that the viewer will move forward with the primary call, which is to visit ExploreWhitefish.com.

Tools:
• ExploreWhitefish.com
• Explore Whitefish Social Media Channels (Facebook and Instagram)
• Earned media features
• Targeted content and search marketing
• Sponsored content in targeting and retargeting campaigns
• Seasonal content in consumer newsletters
• Partner websites such as: glaciermt.com, visitmt.com, and skiwhitefish.com

Orientation. Orientation to new opportunities is administered through interactive maps within the Explore Whitefish website, as well as companion maps within the Travel Guide and a printed town map available for visitors at kiosks and visitor centers. All maps have a consistent look between them. Depending on the method of communication, the location of Whitefish within the state, or its proximity to other points of interest in the region is detailed.

Tools:
• ExploreWhitefish.com and interactive map
• Seasonal itineraries and activity specific content created for ExploreWhitefish.com and used for paid advertising, social media, and consumer newsletters
• Event calendar at ExploreWhitefish.com/events
• Whitefish Town Map and Whitefish Travel Guide

Facilitation. Facilitation (connecting users with stakeholder businesses) is achieved by empowering individual businesses with the capacity to create and maintain business information, specials, packages, video and events that are displayed at ExploreWhitefish.com. The travel guide and locator maps are made available at local visitor information kiosks, visitor information centers and business locations throughout the town.

Tools:
• Self service visitor information kiosks with free wifi
• Seasonal itineraries and activity specific content with business links on ExploreWhitefish.com
• “Book Now” buttons for lodging reservations on ExploreWhitefish.com
• “Reserve Now” buttons for restaurants and activities on ExploreWhitefish.com
• Whitefish Town Map and Whitefish Travel Guide
• Year-round walk-in Visitor Information Center
OVERVIEW OF SNOWSPORTS VISITS 2021/2022 SEASON
Source: NSAA, ITRR, WMR, 2021/22 ski season.

- 61 Million: Nationwide (record setting year; +3.5% YOY increase)
- 1.2 Million: Montana (+18%)
- 463,875: Whitefish Mountain Resort (+1.2%)

WHITEFISH MOUNTAIN RESORT OVERNIGHT VISITOR CHARACTERISTICS
Source: 2022-23 Whitefish Mountain Resort RRC Report (YTD)

- 81% have HHI (Household Income) above $75,000
- 41% were first time overnight visitors
- 55% were overnight visitors
- Average age was 44.3 years old
- 54% of overnight visitors used air travel
- Average number of nights on trip: 5.8
- Average number of days skied/snowboarded: 4.1 days
- 52% stayed at accommodations in town while 33% stayed at the mountain

WHITEFISH MOUNTAIN RESORT OVERNIGHT VISITOR AGE GROUPS REPRESENTED
Source: 2022-23 Whitefish Mountain Resort RRC Report (YTD)

- 2% Under 18 years old
- 6% 18-24 years old
- 18% 25-34 years old
- 28% 35-44 years old
- 22% 45-54 years old
- 12% 55-64 years old
- 10% 65-74 years old
- 2% 75 and older

WHITEFISH MOUNTAIN RESORT LOCATION OF ORIGIN OF VISITORS
Source: 2022-23 Whitefish Mountain Resort RRC Report (YTD)

- 45% Montana (47% in 21/22)
- 6% Canada (3% in 21/22)
- 5% Washington (7% in 21/22)
- 4% California (2% in 21/22)
- 4% Minnesota (3% in 21/22)
- 3% Florida (4% in 21/22)
APPENDIX: Montana Non-Resident Cycling Traveler Profile

A study performed by ITRR and Adventure Cycling found that bicycle travelers spend an average of $75-$102 per person per day, and time spent in Montana tends to be eight days or longer. This equates to an estimated $180 additionally spent by a bicycle traveler over the average non-resident traveler in an eight day period. Mountain bike tourism has seen significant increase and economic impact as well. Between the cross-country style of The Whitefish Trail and the downhill lift accessed trails at Whitefish Mountain Resort, serious investment has been made by the community and member businesses to appeal to local riders and visitors alike. Destination Analysts activity-based segmentation by expected spending in Montana reveals that travelers interested in biking (mountain biking, road biking, etc.) have the potential to average over $2,000 per trip in total spending.

NON-RESIDENT BICYCLING ACTIVITIES WHILE IN MONTANA
Source: 2020 ITRR Non-Resident Visitor Study

- 7% Bicycling
- 5% Mountain Biking
- 2% Road/Touring Bicycling

A 2018 study conducted by Headwaters Economics in partnership with Whitefish Legacy Partners and Explore Whitefish found that The Whitefish Trail contributes to $6.4 million in annual spending by visitors who come to enjoy the trail and by locals who purchase or rent outdoor gear at local stores. Spending by visitors who use the Whitefish Trail translates to 68 additional jobs and $1.9 million in labor income in Whitefish. Visitors whose primary purpose is outdoor recreation have significantly greater daily and overall spending than those who are not in Whitefish for outdoor recreation and they tend to stay in the area longer, further increasing their economic impact.

AVERAGE DAILY SPEND DURING VISIT TO WHITEFISH
Source: 2018 Headwaters Economic Study

- Non-Recreation Visitors: $227
- Recreation Visitors: $278

AVERAGE LENGTH OF VISIT TO WHITEFISH
Source: 2018 Headwaters Economic Study

- Non-Recreation Visitors: 4.2 nights
- Recreation Visitors: 5.8 nights

AVERAGE TOTAL TRIP SPENDING
Source: 2018 Headwaters Economic Study

- Non-Recreation Visitors: $1,323
- Recreation Visitors: $1,991

During the spring and summer of 2015, ITRR conducted an additional bicycle study in Glacier National Park. Summer bicyclists included a significant representation of non-residents and the information below pertains to summer bicyclists only.

TOP 5 AREAS WHERE GLACIER NATIONAL PARK VISITORS BICYCLED DURING THEIR TRIP IN MONTANA
Source: 2016 ITRR Non-Glacier NP Bicycle Study. The total response percentage exceeds 100% because the question allowed for multiple choices thus the total number of answer choices selected were greater than the number of respondents

- 61% Within Glacier National Park
- 44% West Glacier
- 35% Other Areas Of Montana
- 34% Whitefish
- 25% St. Mary

RESPONDENT BICYCLE BEHAVIOR IN MONTANA
Source: 2016 ITRR Non-Glacier NP Bicycle Study. The total response percentage exceeds 100% because the question allowed for multiple choices thus the total number of answer choices selected were greater than the number of respondents

- 84% Brought a bike
- 22% Bicycled into Montana
- 14% Rented a bicycle
- 11% Took an organized bicycle tour
APPENDIX: Explore Whitefish Social Media Platforms

Why use social media? A study published by Convince & Convert found that 53% of Americans who follow brands in social media are more loyal to those brands. By engaging our audience through social media, it allows us to craft relationships with customers before, during, and after they have visited Whitefish.

○ Most social media users log into their accounts at least once per day, according to Pew Research Center, and many people are checking social media multiple times per day. An active social media program keeps Whitefish top-of-mind as vacation plans are being made throughout the year.

○ 71% of consumers who have had a good social media service experience with a brand are likely to recommend it to others. (Source: Ambassador)

○ Explore Whitefish will continue to rely on its beautiful surroundings to help promote the area to potential visitors. According to Hubspot, visual content is more than 40 times more likely to get shared on social media than other types of content.

○ The Explore Whitefish social media channels continued to experience high engagement and growth in FY23. Instagram remained the largest audience with 56,928 followers although Facebook surpassed Instagram in total impressions (8,443,051) and total engagements (264,040). *(time period: 3/1/22-2/28/23)*

○ With the growth of our social media audience, impressions and engagements, we have an opportunity to educate a growing audience on destination stewardship messaging including, but not limited to, Recreate Responsibly, Leave No Trace, and Friend of The Fish.

- **Audience observations for a 1-year time period: 3/1/22 - 2/28/23**
  - Instagram:
    - 56,928 followers (+6.5% YOY)
    - 4,545,014 total impressions (-29.7% YOY)
    - 191,041 total engagements (-26.3% YOY)
  - Facebook:
    - 32,636 fans (+6.8% YOY)
    - 8,443,051 total impressions (-18.2% YOY)
    - 264,040 total engagements (-12.7% YOY)
APPENDIX: EXPLORE WHITEFISH PUBLIC RELATIONS: COMMUNICATIONS & SUSTAINABILITY

Given today’s complex ecosystem of media, consumers are hard-pressed to discern credible media sources. A Nielsen study commissioned by inPowered on the role of content in the consumer decision-making process concluded that earned media is almost 90% more effective than advertising. The study found that, “On average, expert content lifted familiarity 88 percent more than branded content.”

Another study published by the Journal of Promotional Management found that its 1,500 participants were most likely to find an earned media story as the most credible news source compared to a newspaper advertisement, a native advertisement, a blog written by an independent source, or a blog written by a company. Participants indicated that strong writing, numerous facts, and a balanced perspective lead them to trust a news story.

Earned media compliments and reinforces advertising and vice versa. While paid advertising provides the opportunity to inspire and tell the consumer what sets our destination apart from the competition, earned content lets others sing our praises and ultimately adds more credibility to our brand. This implied third-party endorsement not only impacts credibility among potential visitors, but offers a significant return on investment. For example, a one-page ad in Travel + Leisure magazine costs $215,900 (not including creative). While acknowledging that earned media and paid advertising support one another — and neither is as effective alone without the other — earned media is strategically leveraged within media platforms where Explore Whitefish has advertisement placements.

While the value of earned media remains high, the long-standing public relations program has shifted to focus on communications and sustainability, with all earned media strategy focused on destination stewardship. By communicating the story of Whitefish through the lens of sustainable visitation, adhering to our updated mission and vision, and carefully selecting media only dedicated to telling our story in the sustainable tourism light, the Whitefish brand will continue to attract geo-travelers and support more balanced visitation annually.

Explore Whitefish does not promote or host media for summer-focused stories. We ask them to always consider their part in our sustainable tourism efforts and pitch them on fall, winter, and spring story angles. Media pitches include topics such as recreating responsibly, leave no trace, respecting public and private lands, recycling, aquatic invasive species (AIS) education, wildfire mitigation, water quality best practices, reducing wildlife conflicts, supporting local businesses, and all “Be a Friend of the Fish” messaging.

Photography and written content are produced for social channels, the website, and other marketing materials to support marketing campaigns, publicity, and promotions. News releases are distributed to target media for editorial placement or as a catalyst for feature story placement.

Strategic partnerships with the Montana Office of Tourism & Business Development, Glacier Country Tourism, and Whitefish Mountain Resort help further leverage media and communications efforts. Other partnerships include the City of Whitefish, the Whitefish Chamber of Commerce, the Sustainable Tourism Management Plan committee, Whitefish Legacy Partners, Whitefish Lake Institute, Climate Action Standing Committee, Climate Smart Glacier Country, Housing Whitefish, and the Whitefish Chamber of Commerce.

Explore Whitefish also works collaboratively with the City of Whitefish to create and effectively implement crisis communication strategies between industry partners and externally to media outlets and stakeholders related to environmental, social, and economic factors which affect travel to Whitefish and visitors on the ground.
APPENDIX: WHITEFISH HISTORICAL VISA CARD SPENDING COMPARISON: NONRESIDENT VS RESIDENTS VS INTERNATIONAL

Source: VisaVue and other sources. Nonresidents include Montana residents who reside outside of Flathead County. Residents include Montana residents who reside inside Flathead County. International visitors include those who reside outside of the United States.

### 2019 Whitefish Nonresident Expenditures (All): $141.2M

- Flathead Valley: 49.5%
- Domestic: 45.0%
- International: 5.5%

### 2019 Whitefish Visitor Expenditures: $71.2M

- International: 10.9%
- Domestic: 89.1%
2020 Whitefish Nonresident Expenditures: $74.5M

- International: 2.6%
- Domestic: 97.4%

2020 Whitefish Nonresident Expenditures (All): $148.1M

- Flathead Valley: 49.7%
- Domestic: 48.9%
- International: 1.5%
APPENDIX: FY22 - FY24 Strategic Plan

Mission & Vision: November 2021

Mission
Fostering sustainable tourism through inspiration, education, and partnerships to enhance, protect and preserve our viable year-round community.

*Previous Version of Mission*
Build a high level of visibility and increase our name recognition as a premier year-round destination

Vision
Achieving long-term economic and community sustainability through steadfast destination stewardship.

*Previous Version of Vision*
Enhance the economy of Whitefish by emphasizing its desirability as a travel and recreation destination to visitors who appreciate and respect the character of place.
Marketing & Communications:
Raise awareness of Whitefish as a travel destination and drive destination visitation during the non-peak seasons.

<table>
<thead>
<tr>
<th>Objectives</th>
<th>FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create and adopt the new annual marketing plan informed by updated mission and vision and changes to state bed tax rules and regulations</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continue to develop, refine, and support safety and recreate responsibly messaging</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Pursue opportunities for media partnerships with specific calls to action to inspire visitors and create positive impacts on the community</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Create opportunities for destination stewardship storytelling through the PR/earned media program</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Continue to enhance cooperative marketing efforts with local, regional, and state partners</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Continue to adapt and enhance group sales initiatives during the fall, winter, and spring</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### Destination Stewardship:
Invest in Whitefish through community engagement and sustainable tourism efforts

<table>
<thead>
<tr>
<th>Objectives</th>
<th>FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop and implement community relations plan to educate and create awareness of the positive impacts of the work done by Explore Whitefish</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Work with Sustainable Tourism Management Plan Committee (STMP) on high priority action items (short term rentals, recycling, legislative outreach, wildfire, transportation).</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Engage in tourism advocacy efforts at local, regional, state and national levels</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Invest in local infrastructure and build partnerships which have a direct impact on community sustainability.</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Promote, support, and monitor initiatives in the area of equity, diversity and inclusivity in Whitefish</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Advocate for and support expanded transportation links and solutions</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Lead and support updates to the Whitefish Sustainable Tourism Management Plan including benchmarking tools (STMP)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### Sustainable Organization:
Drive continued financial stability for the organization

<table>
<thead>
<tr>
<th>Objectives</th>
<th>FY2022</th>
<th>FY2023</th>
<th>FY2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rebrand, Reposition, and Reallocate Funding from the Tourism Promotion Assessment (TPA) to the Community Sustainability Fund (CSF)</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Continue opportunities for collaboration among local partners (City, Chamber, non-profits)</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
WHITEFISH CITY COUNCIL
March 20, 2023
7:10 P.M.

1) CALL TO ORDER

Acting Deputy Mayor Qunell called the meeting to order. Councilors present were Caltabiano, Davis, and Norton. Mayor Muhlfeld and Councilors Sweeney and Feury were absent. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs (virtually), Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts, Deputy Police Chief Conway, and Senior Planner Compton-Ring. Approximately ten people were in the audience and two attended virtually.

2) PLEDGE OF ALLEGIANCE

Acting Deputy Mayor Qunell asked Wendy Compton-Ring 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)

Toby Scott, 1478 Barkley Lane, provided a letter that is appended to the packet on the website. He had a few items for the Council to consider in the course of business. The first item is to paint the traffic signal electrical boxes. The second item is to provide electric vehicle charging stations throughout town. The third item is re-addressing recycling.

Lisa Jones, 314 Blanchard Hollow addressed the Council last summer requesting the Council to consider Juneteenth as a city holiday as well as an official DEI Committee for the City. She asked if the Council has had a chance to review those considerations and possibly revisit that.

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 February 25, 2023 Work Session/Retreat(p.9)

b) Minutes from March 6, 2023 Regular Meeting (p.12)

c) Ordinance No. 23-03: An Ordinance amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code (Second Reading) (WZTA 23-01) (p.15)

Councilor Davis made a motion to pull item 5c from the Consent Agenda and discuss it prior to the Public Hearing.

Councilor Norton made a motion, seconded by Councilor Caltabiano to approve the Consent Agenda. Councilor Norton made corrections to the March 6, 2023 regular meeting minutes; page 1, second paragraph under Communications from Volunteer Boards; She thinks we are moving ahead with housing in a really good way; page 3 under Councilor Comments; There is a new infrastructure bill and funding in the bill for...
The motion to approve the Consent Agenda as amended carried.

Councilor Davis made a motion, seconded by Councilor Caltabiano to move to postpone item 5c, Ordinance No. 23-03, to the April 3, 2023 Consent Agenda. The motion carried.

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

   a) Consideration of a request from Derek Crittenden, James Rutherford, Bill Carter, and Colton Behr for a Preliminary Plat to develop a 16-lot subdivision located at 817 Colorado Avenue, zoned WR-3 (Low Density Multi-Family Residential District) (WPP 23-01) (p.20)

Senior Planner Compton-Ring presented her staff report that is provided in the packet on the website. The applicant is not requesting any subdivision variances, therefore this project is eligible for an expedited review. A notice was mailed to adjacent homeowners within 150-feet of the subject parcel, a sign was posted on the property, Advisory Agencies were noticed, and legal notice was published in the Whitefish Pilot. Public comments that were received were concerned with the density, traffic, drainage, and the impact on wildlife. Those comments are included in the packet on the website.

Councilor Caltabiano asked, and Planner Compton-Ring stated the applicant is proposing 16 single-family dwellings, the maximum allowed would be 46 units. Acting Deputy Mayor Qunell asked, and Planner Compton-Ring stated as properties are developing, we are making sure that the public right-of-way go to the edge of the lot so some point in the future there is an opportunity to connect through.

Acting Deputy Mayor Qunell opened the Public Hearing.

Bill Carter, 112 Bay Point Drive, applicant, stated they are choosing the lesser of three evils by developing single-family dwelling lots. They feel they are doing a good job for the city of Whitefish.

Cody Johnson, 406 Engineering, 35 8th Street East, Kalispell, addressed the neighbors concerns pertaining to the stormwater. They monitored the property last spring, March 25th through June 30th. The southeast corner of the property had high groundwater. They are proposing underground stormwater detention in the southeast corner.

Nancy Hayes, 961 Colorado Avenue, stated there was no perk test done near the corner of their property. She knows how wet it is, and the soil structure of this area. In an event of the 100-year situation happening and roofs and asphalt, raises concern.

Cody Johnson, 406 Engineering stated a test hole was completed in the northeast corner, approximately 50 feet from the property boundary.

Patrick Clark, 2 Dugans Way, has lived in the area for 23 years, and have used the subject property as the de facto open space to walk his dogs. This area has had a semi-rural feel until recent development north of Denver Street. In the time they have lived in the area, they have seen black bears, grizzly bears, mountain lions, etc. making their way through to the conservancy land. He appreciates that it is only 16 houses versus 46 house. He asked the Council if there was a place to have more open space in Whitefish? Is it the long-term vision to pack open spaces with houses? He is not a huge fan of subdivisions that have cul-de-sacs. Is this road ever going to punch through to Texas? He is more in favor of the idea of something more like Kalispell Avenue and Columbia Avenue area if more things were interconnected.
There being no further public comment, Acting Deputy Mayor Qunell closed the Public Hearing and turned matters to the Council for consideration.

**Councilor Caltabiano made a motion, seconded by Councilor Davis to approve Après Village preliminary plat WPP 23-01 as presented by staff. The motion to approve carried.**

7) **COMMUNICATIONS FROM CITY MANAGER**
   a) [Written report](#) enclosed with the packet. Questions from Mayor and Council? (p.152)

   None

   b) Other items arising between March 15th through March 20th

Manager Smith provided an update to the Legislature; a hearing is scheduled for March 24th for SB 268 the short-term-rental bill that would allow all primary residential properties to be short-term rental including any ADUs or the primary home. She has tried to work with Senator Hertz on the bill to get ADUs eliminated. He is not willing to do so. Manager Smith sees this bill passing through fairly easily based on how fast it passed through the Senate. A hearing was held today on SB 262 regarding business licensing. We are still trying to work really hard to have that bill killed. This could affect about $268,000 worth of revenue in the general fund. We have not hired the code enforcement position that was budgeted to help with short-term-rental enforcement because of this uncertainty. There are more bills looking to limit property taxes. We will be working to submit our comments as we have in the past.

The Impact Fee study that has been ongoing. The consultants have met with the Impact Fee Advisory Committee recently. They are looking at expanding the Park Maintenance Building Impact Fee to include park improvements or recreation centers. It would increase the impact fee because it would be increasing the projects eligible. The general consensus of the Council was to include park improvements or recreation centers.

Manager Smith received an email from Justine Smith, FWP Bear Specialist, stating the bears are out and have been spotted in town. We are finding animal resistant containers that are being left out are not latched. We are going to work on some PSA and get some information out. The ordinance will need to be amended because it says animal resistant containers should be unlatched day of service. That was for a different type of container.

Councilor Norton addressed Toby Scotts’ comments from the beginning of the meeting. Council will revisit recycling once the animal resistant container program has been established. She reminded members of the community that those who would like to recycle, Republic Services does offer curbside recycling.

8) **COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS**

Councilor Norton asked for an update on the letter to Senators Tester, Daines and Representative Zinke regarding rail safety. Attorney Jacobs stated she is looking for feedback from Council and will put it on the next agenda for Council approval. Councilor Norton addressed Toby Scott’s comments from the beginning of the meeting pertaining to electric vehicle charging stations. She likes the idea of having charging stations on the street. She also is in favor of painting the signal electrical boxes. Public Works Director Workman stated there is currently four charging stations in the parking structure. It is budgeted for this current fiscal year to install two charging stations on Railway Street on the south side of Depot Park. Manager Smith stated Council as a whole can direct staff to look into painting the signal electrical boxes. She suggested bringing it up at the next Council meeting.
Acting Deputy Mayor Qunell asked, and Director Workman stated March and early April are always the absolute worst times for roads when the frost is coming out of the ground. The ground is moving so much in that top foot, and it hasn’t released from the bottom yet. We typically don’t evaluate roads in early spring for that exact reason. Our crew is out filling potholes every day.

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

Acting Deputy Mayor Qunell adjourned the meeting at 8:12 p.m.

______________________________
Acting Deputy Mayor Qunell

Attest:

______________________________
Michelle Howke, Whitefish City Clerk
ORDINANCE NO. 23-03

An Ordinance of the City Council of the City of Whitefish, Montana, amending Zoning Regulations Title 11, Chapter 3, Section 11, Fences and Retaining Walls, and Chapter 9, Section 2, Definitions, of the Whitefish City Code.

WHEREAS, at a lawfully noticed public hearing on February 16, 2023, the Whitefish Planning Board received an oral report from Planning staff, reviewed Staff Report WZTA 23-01, invited public comment, and thereafter voted unanimously to recommend approval of the proposed text amendments; and

WHEREAS, at a lawfully noticed public hearing on March 6, 2023, the Whitefish City Council received an oral report and a written report from Planning staff, reviewed Staff Report WZTA 23-01, and letter of transmittal, invited public input, and thereafter approved the text amendments attached as Exhibit A; and

WHEREAS, at a lawfully noticed public meeting on March 20, 2023, the Whitefish City Council postponed second reading and adoption of the proposed Ordinance until the April 3, 2023 Council meeting to ensure adequate attendance of Councilors to vote on and approve amendments to the zoning regulations; and

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

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 23-01 dated February 16, 2023, together with letter of transmittal from the Whitefish Planning & Building Department dated March 6, 2023, are hereby adopted as Findings of Fact.

Section 3: The amendments to Title 11, Zoning Regulations, as provided in 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.

 ATTEST:

______________________________________________
John M. Muhlfeld, Mayor

______________________________________________
Michelle Howke, City Clerk
EXHIBIT A

WHITEFISH CITY CODE
TITLE 11 - ZONING REGULATIONS

CHAPTER 3
SPECIAL PROVISIONS

11-3-11: FENCES AND RETRAINING WALLS:

A. Fences: The following fence regulations shall apply to all districts except the WA zone:

1. No fence, hedge or freestanding wall (not supporting a building or structure) anywhere within or bounding the front yard shall exceed forty eight inches (48”).

2. An ornamental entry may exceed the maximum height in subsection A1 of this section, when constructed at the entrance to a new subdivision, planned unit development or multi-family development. No such entry shall exceed more than thirty percent (30%) of the width of the parcel at the front lot line, interfere with any clear vision zones or exceed eighteen feet (18’) in height.

3. No fence or freestanding wall within or bounding a rear or side yard from the point of the front setback line shall exceed a height of six and one-half feet (6-1/2’).

4. Open wire fences exceeding the above height may be built around schools or other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.

5. Open wire fences exceeding the above height may be built around tennis courts and swimming pools at the discretion of the zoning administrator after giving consideration to location of planned courts or pool safety, and effects on the neighborhood.

6. Security fences are allowed in side and rear yards up to eight feet (8’) in height when used to enclose commercial or industrial storage yards.

7. Barbed wire fences are allowed only in the WA, WCR and WSR zones. Furthermore, they may be allowed along the boundary of any district which directly abuts the side or rear of a WA, WCR or WSR Zone.

8. In the WCR through WR-1 Zones, usable pasture and the enclosing fence shall not be allowed in the front yard setback or closer than two feet (2’) from a property line or ten feet (10’) from a residential dwelling.

B. Retaining Walls: Retaining walls help facilitate development of lots with steep terrain by leveling certain areas or inhibiting sloughing. Retaining walls can help reduce the steepness of slopes enabling the development of a lot. The purpose of these retaining wall
standards is to ensure the natural topography is maintained to the greatest extent possible, that exceedingly tall walls are not constructed, that landscaping is implemented to mitigate the effects of terracing and that the scale and texture of the retaining wall complements the character of the neighborhood.

1. All retaining walls require a building permit unless clearly a wall installed for landscaping purposes.

2. Retaining walls must not exceed four feet (4') measured from adjacent finish grade on the downhill side. Where greater heights must occur, the project must use a series of terraced or stepped walls. The width of a retaining terrace must be no less than three feet (3') and must incorporate landscaping.

   a. Retaining walls two feet (2') and under measured from the adjacent finish downhill grade have no setback requirement. Retaining walls above two feet (2') and up to four feet (4') in height measured from adjacent finish downhill grade must meet accessory building setback requirements have a setback of at least six feet (6') from the property line. Retaining walls exceeding four feet (4') in height measured from adjacent finish downhill grade must meet primary–required principal building setbacks for the zoning district.

   b. Retaining walls necessary to accommodate minimum required off-street parking or primary vehicle or pedestrian access to a building may be up to eight feet (8') in height from finished downhill grade. Such retaining walls are not subject to the terracing described above but must meet all setback requirements based on wall height as noted above with the exception that Retaining walls necessary for primary vehicle access or minimum required off-street parking are not subject to front yard setback requirements.

   c. Standard basement egress window wells are not considered retaining walls and are exempt from setback requirements if they are the minimum depth and width necessary to meet building codes.

3. If the retaining walls needed for not located within required setbacks on a particular project are unable to meet the height limitations in subsection B2 of this section due to extreme topography or other unique land features, a proposal may be submitted to the Zoning Administrator for a waiver to these standards. Such a request must include the following information:

   a. A grading plan;

   b. A drainage plan;

   c. Section drawings;

   d. A landscaping plan;
e. An elevation showing the proposed materials; and

f. Any other items needed to show the full extent of the proposal, including a written explanation explaining the hardship and why a greater height is necessary.

4. Retaining walls in the lakeshore protection zone shall be exempt from these regulations and shall be regulated by the appropriate lake and lakeshore protection regulations.

CHAPTER 9
DEFINITIONS

11-9-2: DEFINITIONS:

GRADE, FINISH: The average elevation of the finished surface of the ground measured one foot (1') out from the base of the exterior foundation of a building, or the average elevation of the finished surface of the ground at the base of a structure measured one foot (1') out, exclusive of any artificial embankment at the base of such building or structure.

GRADE, NATURAL: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill or erection of structures.
March 28, 2023

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

Re: Final Plat for McDowell Subdivision; WFP 23-02

Honorable Mayor and Councilors:

This office is in receipt of a final plat application for the McDowell Subdivision. This is a 2-lot minor waiver subdivision located at 403 Texas Avenue. The property is zoned WLR (ne-Family Limited Residential District). The preliminary plat was approved by the Whitefish Planning Department on January 20, 2023, as a Minor Waiver after notifying adjacent landowners. The approval was subject to eight conditions of approval.

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 Chapter 12-4 of the Whitefish Subdivision Regulations.

• Condition met. The final plat conforms to the Whitefish Subdivision Regulations.

Condition 2. The Montana Department of Environmental Quality and Whitefish Public Works Department must approve the water and sewer facilities. (Whitefish Engineering Standards, Section 4)

• Condition met. See letter Montana Department of Environmental Quality EQ#23-2102, 3-24-23.

Condition 3. A separate water & sewer service must be provided in accordance with the City of Whitefish’s policies and design standards. (Whitefish Engineering Standards, Section 4)

• Condition met. Water and sewer are available in Texas Avenue. Services are connected to the existing home on Lot 2 and are in the right-of-way for Lot 1.
**Condition 4.** If impervious area exceeds 10,000 square feet, an engineered stormwater plan must be submitted to the Public Works Department for review and approval. (Whitefish Engineering Standards, Section 5)

- Condition will be met at the time of building permit, if impervious area exceeds 10,000 square feet.

**Condition 5.** A mail facility must be provided by the developer and approved by the local post office. (Whitefish Subdivision Regulations, §12-4-24)

- Condition met.

**Condition 6.** Obtain addressing from the City Clerk’s Office prior to final plat and provide this information on the face of the plat. (Flathead County Addressing Standards)

- Condition met.

**Condition 7.** The following notes must be placed on the face of the plat:

a. All house numbers must be visible from the road, either at the driveway entrance or on the house and must conform to the current Fire Code, as adopted by the City Council.

b. All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development from the recorded property owner.

c. Water and sewer mains are available in the public right-of-way. It is the responsibility of the property owner to connect to the water and sewer mains located in the public right-of-way and extend service lines to the new lots.

- Condition met. See face of plat.

**Condition 8.** The preliminary plat approval is valid for three years and will expire on January 20, 2026. (Whitefish Subdivision Regulations, §12-3-8)

- Condition met.

Please be advised that the Council should act on this application within 30-days following receipt of this recommendation.

Sincerely,

/s/ Wendy Compton-Ring
Attachments:  Final plat, 2-23
            Final plat application, received 3-20-23
            Letter, applicant, 3-17-23
            Approval Letter, Planning & Building Department, 1-20-23
            MDEQ, MFE, 3-20-23
            Letter, MDEQ, EQ# 23-2102, 3-24-23
            Insured Titles, 1075370-FT, 2-14-23
            Treasurer's Certification, 2-24-23

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

          c/wo/att: King Family Trust, 403 Texas Avenue Whitefish, MT 59937
            Douglas Peppmeier, TD&H 450 Corporate Drive, suite 101 Kalispell, MT
            59901
FINAL PLAT APPLICATION

FEE ATTACHED $ 2,180.00
(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: McDowell Subdivision

Legal Description of the Property: An amended plat of Lot 2 of the amended plat of Lot 3 and a portion of Lot 2, Block 4, Whitefish Townsite Company’s Five Acre Tracts

Date of Preliminary Plat Approval: January 20, 2023

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.

Michelle L. McDowell

Date: 3/20/2023

Print Name

Applicant’s Signature

Date

Representative’s Signature

March 17, 2023

Print Name

Douglas Peppmeier - TD&H Engineering

Date

**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.
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>
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<tr>
<th>(MUST CHECK ONE)</th>
<th>Not Applicable</th>
<th>Attached</th>
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<tr>
<td><strong>Required</strong></td>
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<td>Electronic version of the entire application and supplemental information (i.e. pdf)</td>
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<td>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.</td>
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<td>Montana DEQ Health Department Certification (Original)</td>
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<td>Title Report, not more than 90 days old</td>
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<td>Tax Certification (Property taxes must be paid)</td>
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<td>Consent(s) to Plat (Originals and notarized)</td>
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<td>Engineer’s Certification (Original)</td>
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<td>Subdivision Improvements Agreement (Attach collateral)</td>
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<td>Engineering Improvements (sidewalks, walkways, street lights, street signs, solid waste facilities, utilities)</td>
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<td>Landscaping Improvements (landscaping, street trees, parkland improvements – trails, park facilities,)</td>
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<td>Parkland Cash-in-Lieu (Check attached payable to City of Whitefish)</td>
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<td>Maintenance Agreement (as applicable: stormwater facility, private roads, parks, etc)</td>
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<td>Articles of Incorporation and Conditions, Covenants &amp; Restrictions</td>
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<td>Original Legacy Home deed(s) ready for City Manager signature</td>
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<td>Approach Permit (when applicable)</td>
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<td><strong>Plat:</strong> One (1) 24x36 paper copy and two (2) mylars signed by all owners of record, the surveyor, and the examining land surveyor.</td>
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**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: King Family Trust ______________________ Phone: (406) 261-4149
Mailing Address: 403 Texas Avenue ______________________
City, State, Zip: Whitefish, MT  59937 ______________________
Email: mtpeacemom@icloud.com ______________________

APPLICANT (if different than above):
Name: ______________________ Phone: ______________________
Mailing Address: ______________________
City, State, Zip: ______________________
Email: ______________________

OTHER TECHNICAL/PROFESSIONAL:
Name: Douglas Peppmeier, PE - TD&H Engineering Phone: (406) 751-5246
Mailing Address: 450 Corporate Drive - Suite 101 ______________________
City, State, Zip: Kalispell, MT  59901 ______________________
Email: doug.peppmeier@tdhengineering.com ______________________

D. GENERAL DESCRIPTION OF SUBDIVISION

PROJECT DESCRIPTION:
Type of Subdivision: Yes [ ] Residential [X] Industrial [ ] Commercial [ ] PUD [ ] Other ______________________
Total Number of Lots in Subdivision: 2 ______________________
Land in Project (acres): 4.26 ______________________ Parkland (acres): ______________________
Cash-in-Lieu: $ ______________________ [X] Exempt ______________________
Legacy Homes # of units: _______ rent _______ own [ ] Alternative Option [X] Exempt ______________________

NUMBER OF LOTS BY TYPE:
Single Family: 2 _______ Townhouse: _______ Mobile Home Park: _______
Duplex: _______ Apartment: _______ Recreational Vehicle Park: _______
Commercial: _______ Industrial: _______ Planned Unit Development: _______
Condominium: _______ Multi-Family: _______ Other: _______
March 17th, 2023

City of Whitefish – Planning Department
Attn: Wendy Compton-Ring, AICP – Senior Planner
418 E. 2nd Street
Whitefish, MT 59937

RE: MCDOWELL SUBDIVISION FINAL PLAT
TD&H ENGINEERING JOB NO. K22-021

Dear Wendy,

This letter is meant to address the conditions received from the preliminary plat approval. Responses to each condition can be identified by the bold italic text below.

Conditions:

1. The subdivision must comply with Chapter 12-4 of the Whitefish Subdivision Regulations.

   This condition has been met. The subdivision complies with Chapter 12 of the Whitefish Subdivision Regulations

2. The Montana Department of Environmental Quality and Whitefish Public Works Department must approve the water and sewer facilities. (Whitefish Engineering Standards, Section 4)

   This condition has been met. Attached is a copy of the Municipal Facilities Exclusion (EQ# 22-1553) approval from MDEQ. Other than a private water & sewer service for the new residential lot (Lot 1), there are no other water and sewer facilities proposed for the subdivision.

3. A separate water & sewer service must be provided in accordance with the City of Whitefish’s policies and design standards. (Whitefish Engineering Standards, Section 4)

   This condition has been met. Lot 2 has existing water and sewer services and new water and sewer services will be installed for Lot 1 at the time of building permit.

4. If impervious area exceeds 10,000 square feet, an engineered stormwater plan must be submitted to the Public Works Department for review and approval. (Whitefish Engineering Standards, Section 5)
This condition is not applicable. New impervious area does not exceed 10,000 square feet, therefore an engineered stormwater plan is not required.

5. A mail facility must be provided by the developer and approved by the local post office. (Whitefish Subdivision Regulations, §12-4-24)

This condition has been met. A mail facility is not required for the additional lot. Mail will be delivered by mail carrier to the new residence that will be constructed on Lot 1.

6. Obtain addressing from the City Clerk’s Office prior to final plat and provide this information on the face of the plat. (Flathead County Addressing Standards)

This condition has been met. The Whitefish City Clerk has assigned the address of 413 Texas Avenue to Lot 1 and this information has been shown on the face of the plat.

7. The following notes must be placed on the face of the plat:
   a. All house numbers must be visible from the road, either at the driveway entrance or on the house and must conform to the current Fire Code, as adopted by the City Council.
   b. All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development from the recorded property owner.
   c. Water and sewer mains are available in the public right-of-way. It is the responsibility of the property owner to connect to the water and sewer mains located in the public right-of-way and extend service lines to the new lots.

This condition has been met. The following notes/information have been included on the face of the plat.

8. The preliminary plat approval is valid for three years and will expire on January 20th, 2026. (Whitefish Subdivision Regulations, §12-3-8)

This condition has been met. The Preliminary plat approval will not expire until January 20th, 2026.

If you have any questions or need any additional information regarding the Final Plat Submittal for the McDowell Subdivision, please feel free to contact me directly.

Sincerely,

Douglas Peppmeier, PE
V.P. / Regional Manager
TD&H ENGINEERING
January 20, 2023

King Family Trust
403 Texas Avenue
Whitefish, MT 59937

RE: McDowell Subdivision; 403 Texas Avenue (Lot 2, Block 4, Whitefish Townsite Company’s Five Acre Tracts in S25, T31N, R22W) – Waiver of Preliminary Plat; WPP 22-09

Dear Ms. McDowell:

This is in response to your application for a preliminary plat waiver for a residential subdivision at the above-described property. The request would create two lots. Both Lots 1 and 2 are 2.13 acres and will access Texas Avenue. The property is zoned WLR (One-Family Limited Residential District) and the proposed lots exceed the minimum lot requirements of the WLR zoning district, §11-2E-4, WCC. Staff noticed adjacent landowners on December 27, 2022 and placed a public notice sign on the property. The City received no public comments on the project.

Our office finds the proposed subdivision substantially meets the preliminary plat waiver criteria outlined in §12-3-7 of the Whitefish Subdivision Regulations which includes the following:

- The plat contains three (3) or fewer lots;
- There is no public dedication of streets or other public infrastructure;
- All lots have legal and physical access conforming to these Regulations;
- Each lot has a suitable building site and there are no environmental hazards present;
- Municipal sewer, water and other utilities are adequate and in place;
- The subdivision complies with these Regulations and current zoning regulations; and
- No significant effects are anticipated on agriculture and agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat and the public health and safety.
Due to the relatively minor impacts that this subdivision poses, this office grants preliminary plat waiver approval subject to the following conditions:

1. The Subdivision must comply with Chapter 12-4 of the Whitefish Subdivision Regulations.

2. The Montana Department of Environmental Quality and Whitefish Public Works Department must approve the water and sewer facilities. (Whitefish Engineering Standards, Section 4)

3. A separate water & sewer service must be provided in accordance with the City of Whitefish’s policies and design standards. (Whitefish Engineering Standards, Section 4)

4. If impervious area exceeds 10,000 square feet, an engineered stormwater plan must be submitted to the Public Works Department for review and approval. (Whitefish Engineering Standards, Section 5)

5. A mail facility must be provided by the developer and approved by the local post office. (Whitefish Subdivision Regulations, §12-4-24)

6. Obtain addressing from the City Clerk’s Office prior to final plat and provide this information on the face of the plat. (Flathead County Addressing Standards)

7. The following notes must be placed on the face of the plat:
   a. All house numbers must be visible from the road, either at the driveway entrance or on the house and must conform to the current Fire Code, as adopted by the City Council.
   b. All noxious weeds, as described by the Whitefish City Code, must be removed throughout the life of the development from the recorded property owner.
   c. Water and sewer mains are available in the public right-of-way. It is the responsibility of the property owner to connect to the water and sewer mains located in the public right-of-way and extend service lines to the new lots.

8. The preliminary plat approval is valid for three years and will expire on January 20, 2026. (Whitefish Subdivision Regulations, §12-3-8)
Please note that, for final plat approval, all requirements must be met per §12-3-11 (Final Plat) of the Whitefish Subdivision Regulations.

Sincerely,

/s/ Wendy Compton-Ring

Wendy Compton-Ring, AICP
Senior Planner

C: Public Works, City of Whitefish
Fire Department, City of Whitefish
Building Department, City of Whitefish
Doug Peppmeier, TD&H 450 Corporate Drive, suite 101 Kalispell, MT 59901
Subdivision Name: McDowell Subdivision

Number of lots/parcels/units: 2 / __ / __

Geocode: 07-4292-25-4-01-38-0000 (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: Michelle L. McDowell

Print name of owner(s)

Signature of all owners of record

Address: 403 Texas Avenue

Street or PO Box, City, State, Zip Code

Email: mtpeacemom@icloud.com

Phone: (406) 261-4149

Consultant Information:

Company and Address: TD&H Engineering - 450 Corporate Drive, Suite 101 - Kalispell, MT 59901

Email: doug.peppmeier@tdhengineering.com

Phone: (406) 751-5246

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

_ The project must be provided with adequate municipal 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 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
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) 3/20/2023

Montana P.E. Number ________ 40729

Send to: MTDEQ Subdivisions

PO Box 200901
Helena MT 59620-0901

Revised 3/1/2020
March 24, 2023

Doug Peppmeier
Thomas Dean & Hoskins
450 Corporate Drive Suite 101
Kalispell MT 59901

RE: McDowell Subdivision (an Amended Plat of Lot 2 Block 4 Whitefish Townsite Company’s Five Acre Tracts)
Municipal Facilities Exclusion
EQ# 23-2102
City of Whitefish
Flathead County

Dear Mr. Peppmeier;

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.

McDowell Subdivision (an Amended Plat of Lot 2 Block 4 Whitefish Townsite Company’s Five Acre Tracts) Municipal Facilities Exclusion will consist of 2 Lots.

Sincerely,

[Signature]
Rachel Clark
Engineering Bureau Chief
Water Quality Division
Department of Environmental Quality
(406) 444-1277
Email rachel.clark2@mt.gov

cc: City Engineer
County Sanitarian
file
GUARANTEE

Issued by

Insured Titles
44 4th Street West/P.O. Box 188, Kalispell, MT 59901
Title Officer: Kelley Hill
Phone: (406)755-5028
FAX: (406)755-3299
Guarantee Face Page

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

First American Title

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

This jacket was created electronically and constitutes an original document
SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
   (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
   (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
   (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.

2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:

GUARANTEE CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS.
   The following terms when used in the Guarantee mean:
   (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
   (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
   (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
   (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
   (e) "date": the effective date.

2. NOTICE OF CLAIM TO BE GIVEN BY ASSURED CLAIMANT.
   An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

3. NO DUTY TO DEFEND OR PROSECUTE.
   The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED CLAIMANT TO COOPERATE.
   Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:
   (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
   (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
   (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of
this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.

(d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody of or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY.

In case of a claim under this Guarantee, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase. Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price. Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay. Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

7. DETERMINATION AND EXTENT OF LIABILITY.

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the
GUARANTEE CONDITIONS AND STIPULATIONS (Continued)

Exclusions From Coverage of This Guarantee. The liability of the Company under this Guarantee to the Assured shall not exceed the least of:
(a) the amount of liability stated in Schedule A or in Part 2;
(b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
(c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. LIMITATION OF LIABILITY.
   (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
   (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
   (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY.
   All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. PAYMENT OF LOSS.
   (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
   (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT. Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies. If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. ARBITRATION.
   Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the Amount of Liability is $1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of $1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof. The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules. A copy of the Rules may be obtained from the Company upon request.

13. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT.
   (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
   (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
   (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

14. NOTICES, WHERE SENT.
   All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Phone: 888-632-1642.
SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY, AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, FIRST AMERICAN TITLE INSURANCE COMPANY, A CORPORATION HEREIN CALLED THE COMPANY GUARANTEES:

TD & H ENGINEERING

FOR THE PURPOSES OF AIDING ITS COMPLIANCE WITH FLATHEAD COUNTY SUBDIVISION REGULATIONS,

in a sum not exceeding $5,000.00.

THAT according to those public records which, under the recording laws of the State of Montana, impart constructive notice of matters affecting the title to the lands described on the attached legal description:

LOT 2 OF THE AMENDED PLAT OF LOT 3 AND A PORTION OF LOT 2, BLOCK 4 OF WHITEFISH TOWNSITE COMPANY’S FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF FLATHEAD COUNTY, MONTANA.

(A) Parties having record title interest in said lands whose signatures are necessary under the requirements of Flathead County Subdivision Regulations on the certificates consenting to the recordation of Plats and offering for dedication any streets, roads, avenues, and other easements offered for dedication by said Plat are:

Leslie S. King and Doris J. King, Trustees of the King Family Trust
AND
Brian D. McDowell and Michelle L. McDowell, Trustees of the Brian D. McDowell and Michelle L. McDowell Living Trust dated February 10, 2010

(B) Parties holding liens or encumbrances on the title to said lands are:

(C) Easements, claims of easements and restriction agreements of record are:

1. County road rights-of-way not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A., including, but not limited to any right of the Public and the County of Flathead to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Flathead County.

2. 2022 taxes and special assessments.
The first one-half becomes delinquent after November 30th of the current year, the second one-half becomes delinquent after May 31st of the following year.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

<table>
<thead>
<tr>
<th>Year</th>
<th>First Half / Status</th>
<th>Second Half / Status</th>
<th>Parcel Number</th>
<th>Covers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$1921.75 PAID</td>
<td>$1921.68 UNPAID</td>
<td>0446950</td>
<td>Subject Land</td>
</tr>
</tbody>
</table>


4. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said Amended Plat of Lot 3 and a portion of Lot 2, Block 4, Whitefish Townsite Company's Five Acre Tracts, recorded January 27, 2006, as instrument number as Doc. No. 2006-027-14560, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(C).

Date of Guarantee: February 14, 2023 at 7:30 A.M.

By: 
Authorized Countersignature
AN AMENDED PLAT OF
LOT 3 AND A PORTION OF LOT 2, BLOCK 4,
WHITEFISH TOWNSITE COMPANY’S FIVE ACRE TRACTS
SECTION 25, T.31 N., R.22 W., P.M.M.
FLATHEAD COUNTY, MONTANA
This Form is for Subdivisions Only

BY: TD&H

FOR: King Family Trust & Brian D & Michelle L McDowell Living Trust

DATE: 2/23/2023

DESCP: McDowell Subdivision 25-31-22

PURPOSE: Subdivision

<table>
<thead>
<tr>
<th>YEARS</th>
<th>ASSESSOR #</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020 thru 2022</td>
<td>0446950</td>
</tr>
</tbody>
</table>

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.

[Signature]

Deputy Treasurer (seal)

City Council Packet, April 3, 2023 Page 114 of 224
PLAT OF
McDOWELL SUBDIVISION
AN AMENDED PLAT OF LOT 2 OF THE AMENDED PLAT OF LOT 3 AND A PORTION OF LOT 2, BLOCK 4, WHITEFISH TOWNSITE COMPANY'S FIVE ACRE TRACTS, LOCATED IN THE THE NE 1/4 SE 1/4, SECTION 25, T31N, R22W, P.M.M., CITY OF WHITEFISH, FLATHEAD COUNTY, MONTANA.

LEGEND
- PROPERTY LINE LOCATED ON LOT 2
- PROPERTY LINE LOCATED ON BLOCK 4
- PROPERTY LINE LOCATED ON SUBJECT PROPERTY BOUNDARY
- IMPOUNDMENT BOUNDARY

Covenants & Restrictions

The subdivision is intended to provide for the orderly development of the area. The subdivision owner agrees to be bound by the terms and conditions of the plat, and the restrictions which shall be written into the deed to the property. The plat owner reserves the right to change the plat at any time and for any reason, as it may seem proper to it, without written notice to any person.
(This page left blank intentionally to separate printed sections)
A report to the Whitefish City Council regarding a request by Pheasant Run LLC for a Preliminary Plat to develop a 24-lot subdivision on an unaddressed lot to the northwest of Pheasant Run and west of Highway 93 S. A public hearing is scheduled before the Whitefish City Council on April 3, 2023.

I. PROJECT SCOPE

The applicant is proposing a 24-lot subdivision on a 7.0363-acre parcel. The property will be accessed off Highway 93 S via Pheasant Run and an extension of a newly constructed Baker Avenue. The subdivision will be bisected with a new north-south public right-of-way which is the extension of Baker Avenue.

On the west side of Baker Avenue, the applicant is proposing 21 residential lots within the WR-2 zoning district with a new looped public right-of-way. The lots on the western portion of the subdivision range in size from 6,180 to 13,654-square feet. Nineteen of the lots are sized to accommodate either single-family or two-family units. Net density of the west side ranges from 5.62 to 10.71 dwelling units per acre. In addition, a 10,800-square foot park is located in the southeast corner.

On the east side of Baker Avenue, the applicant is proposing three lots in the WB-2 zoning district with access onto Baker Avenue. The lots on the east side are approximately 13,386-square feet. In addition, a 30-foot wide right-of-way is proposed in the northeast of the development to connect to Akers Lane, a private access easement, which currently provides access to three commercial lots and Highway 93 S.

Finally, no subdivision variances are requested; therefore, this project is eligible for an expedited review. No Planning Board recommendation accompanies this request.

A. Owner:
Kurt Vickman
Pheasant Run LLC
4303 Oakdale Avenue S
Minneapolis, MN 55424

Technical Assistance:
Eric Mulcahy
Sands Surveying Inc
2 Village Loop
Kalispell, MT 59901
B. **Location:**
The subject property is unaddressed and is located to the northwest of the western end of Pheasant Run and can be legally described as Tract 3ABM in Section 1, Township 30N, Range 22W, P.M.M., Flathead County.
C. Existing Land Use and Zoning:
The property is undeveloped. The property is split zoned with WB-2 (Secondary Business District) on the east and WR-2 (Two-Family Residential District) on the west with the future extension of Baker Avenue bisecting the two zoning districts.

D. Adjacent Land Uses and Zoning:
North: Commercial
South: Residential
East: Residential/Commercial
West: Residential

WB-2/I-2
WLR-WPUD/WB-2
WLR

E. Utilities:
Sewer: City of Whitefish
Water: City of Whitefish
Solid Waste: Republic Services
Gas: Northwestern Energy

Staff: WCR
Electric: Flathead Electric Co-op  
Phone: CenturyLink  
Police: City of Whitefish  
Fire: City of Whitefish  
Schools: Whitefish School District #44

F. Public Notice:
A notice was mailed to adjacent landowners within 300-feet of the subject parcel on December 28, 2022, and a sign was posted on the property on December 28, 2022. Advisory agencies were noticed on December 30, 2022. A notice was published in the *Whitefish Pilot* on January 4, 2023. In January, the applicant postponed the application for further refinement; therefore, staff re-noticed neighbors on March 10, 2023 and published a new legal notice on March 15, 2023 in the *Whitefish Pilot*. As of the writing of this report, no comments were received.

II. REVIEW AND FINDINGS OF FACT
This request is reviewed in accordance with statutory criteria and the Whitefish Zoning and Subdivision Regulations.

A. Effects of Health and Safety:
Fire: The Whitefish Fire Marshal reviewed the project for conformance with the City’s adopted fire codes. The applicant will be required to install fire hydrants approximately 300-feet apart along the new public streets and the final engineering plans will be reviewed by the Fire Marshal. The looped residential new public streets will be a 60-feet wide dedicated right-of-way and Baker Avenue will be an 80-foot wide right-of-way. Emergency services will be able to access the subdivision from the new public streets.

Wildland Urban Interface: The property is within the city limits and within the City’s fire district. The property is currently heavily forested, but many of the trees and existing vegetation will be cleared for development of public streets, infrastructure and building sites. Staff will condition the project to provide a Tree Preservation Plan along with the final plat to identify trees to be saved during construction. Again, it is important to note many of these trees will be located on individual lots and will be removed to allow for home sites. Open spaces must be properly mitigated for wildland fire protection and maintained yearly. Staff is recommending two notes be placed on the face of the plat regarding development within the WUI. Additionally, staff is recommending a condition that a vegetation management plan be developed for the subdivision in compliance with §12-4-6A(2), to be reviewed by the Whitefish Fire Marshal and submitted to the Whitefish Planning Department with the final plat.

Flooding: Pursuant to the FEMA flood insurance rate maps, no portion of the lot is located within the floodplain.

Access: The lots access is proposed off a newly constructed public street. There will be no direct residential access onto Baker Avenue from the west and staff will recommend this as a condition of approval. The lots on the east side of Baker Avenue will have direct access and staff will recommend a condition of approval that at least two of the driveways be shared.
The applicant is also proposing a public right-of-way to the northeast for a future connection to Akers Lane. Akers Lane is a private easement providing access to three commercial lots off Highway 93 S. The applicant will need to secure legal access to this easement and this will likely require some improvements to the road.

Traffic Impacts: According to the Traffic Impact Study (TIS), at full buildout, the proposed subdivision will generate approximately 440 daily vehicular trips per day. Sixty percent of the trips will travel north and the remaining 40% will travel south. A portion of the north-south Baker Avenue extension will be completed between Pheasant Run and the north property line – approximately 485-feet. This connection has been long planned in the current and past Transportation Plans along with the 2007 Growth Policy and the 2021 Highway 93 S Corridor Plan. The City has Baker Avenue right-of-way to the south of this project for approximately 500-feet. The TIS notes this project will not create roadway capacity issues whether this project is built or not, the intersection of Pheasant Run will have a level of service ‘F’ with or without the project – albeit with additional delay. Finally, this project will construct a portion of Baker Avenue which, once the entire road is completed in the future, will help to facilitate improved transportation circulation on the west side of Highway 93 S.

The applicant is proposing a 30-foot wide public right-of-way to the northeast connecting to the partially improved 30-foot wide private access easement to the east known as Akers Lane. When the Akers Subdivision was approved by City Council in 2006, one of the conditions was to require this easement be dedicated to the City once an additional 30-feet of the right-of-way is obtained to the north of Akers Lane. No right-of-way to the north has been acquired so this easement remains a private access solely for the Akers Subdivision. In addition, it is an improved access only through Lot 2, the hotel, and does not connect to the westerly property line. Staff is recommending a condition of approval to connect the access at this time.

The applicant is proposing to pay a fee toward the increase in traffic through the Akers Lane and Highway 93 S intersection for a future signal. Similar to what was required with the development on the east side of Highway 93 S along Akers Lane, the applicant and traffic engineer will work with the Public Works Department to determine the percentage increase in traffic directly attributable to the project and pay their share toward a future signal to be held by the City until Montana Department of Transportation is prepared to improve it. This fee will be calculated and paid at the time of final plat.

Finding 1: The proposed subdivision will not have a negative effect on public health and safety because the Fire Department has reviewed the proposal for conformance with the fire code and has adequate emergency access, there are no environmentally sensitive areas, access will be from existing and newly constructed public streets, and the TIS indicates the project will not create any roadway capacity issues, the applicant will pay a proportionate fee toward the future Akers Lane/Highway 93 S intersection signal in order to mitigate the impacts of this project on that intersection and the construction of a portion of Baker Avenue will improve circulation once Baker Avenue is completed.

B. Effects on Wildlife and Wildlife Habitat: There are no mapped crucial wildlife habitat and/or daily or seasonal migration corridors on this site. It is likely that deer and other animals use or travel through the wooded property. The preservation of mature trees will
help to maintain some of these patterns, as deer and other small animals will likely continue to move through the subdivision, as they do throughout town. In addition, staff notified Montana Fish, Wildlife & Parks and received no comments.

**Finding 2:** The subdivision should not have a negative effect on wildlife and wildlife habitat because there is no mapped crucial wildlife habitat or migration corridors on this property, the property is surrounded on all sides by residential and commercial development and Montana Fish, Wildlife & Parks did not comment.

C. **Effects on the Natural Environment:**

**Surface and groundwater:** No surface water is on the property and the area is not mapped as a potential High Groundwater area.

**Slopes:** The site is nearly flat with the site gently sloping to the east with slopes of less than 3%.

**Storm Water Conveyance:** There are no mapped storm water conveyances within the property boundary.

**Drainage:** The preliminary drainage plan proposes to direct storm water to an underground facility in the Homeowners Association Park in the southeast portion of the development and discharge at a pre-development rate. Final approval of the design, including required calculations, would occur after the preliminary plat is approved by Council, and installation of the system would be required prior to an application for Final Plat.

**Finding 3:** The subdivision should not have a negative impact on the natural environment because there are no mapped storm water conveyances, no mapped areas with the potential for high groundwater, the site does not contain steep slopes; storm water will be reviewed, approved and installed by the Public Works Department prior to final plat.

D. **Effects on Local Services:**

**Water:** City water is located within the Baker Avenue extension to the south of the property. It will be extended up Baker Avenue to the north boundary and loop through the development. Individual service lines will then extend from the new main to each individual lot. All water facilities will be designed and constructed to City specifications and will require approval by the Public Works Department and Montana Department of Environmental Quality prior to installation.

**Sewer:** City sewer is located within the Baker Avenue extension to the south of the property. It will be extended up Baker Avenue to the north boundary and loop through the development. Individual services lines will then be extended to each lot. All sewer facilities will be designed and constructed to City specifications and will require approval by the Public Works Department prior to installation.

**Streets:** The applicant is proposing to extend a road off the west end of Pheasant Run to provide primary access to the subdivision. Pheasant Run is a public street with boulevard, street trees, streetlights and sidewalks on both sides. The subdivision will construct a portion of Baker Avenue – an 80-foot right-of-way and an internal looped road – a 60-foot right-of-
way. Both roads will be public and built to City standards with sidewalks, boulevards, street trees and streetlights on both sides. On the local access streets, the applicant will have the option to pay a fee in lieu of street tree installation; however, this is not an option for street trees along Baker Avenue. The final engineering plans for the new public street will be reviewed and approved by the Public Works Department prior to any construction and final plat.

The secondary access will be to the northeast of the project to Akers Lane. As part of this project, the applicant will dedicate a 30-foot public right-of-way for connection to the Akers Lane easement to the east. Staff will recommend a condition of approval that the developer construct this portion and make improvements, coordinating with the Public Works Director, within the remaining 30-foot easement for public access. The access easement must be updated to permit public use. Staff has recommended these as conditions of approval.

Schools: The site is within the Whitefish School District #44. At completion, this subdivision could generate approximately eight school-aged children.

Parks and Open Space: According to the Subdivision Regulations §12-4-11(A), the proposed subdivision is required to provide a parkland dedication. The nonresidential lots are exempt from parkland dedication (§12-4-11C(3), WCC). The residential lots are all less than 1/2 acre in size for a calculation of 11% of the net acreage. The net acreage of the subdivision is 3.5853 acres for a total required parkland amount of 17,889 square feet or 0.4106 acres. Since the required parkland is greater than 10,000 square feet but less than 1 acre in size, the subdivision regulations require the area to be set aside in an HOA park. The applicant is proposing 10,800 square feet of parkland plus cash in lieu for the remaining 7,089 square feet which meets this standard.

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

Fire Protection: The Whitefish Fire Department serves the property. The proposed development will have some impact on the Whitefish Fire Department; however, this subdivision is not anticipated to impact current levels of service.

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

Medical Services: The Whitefish Fire Department provides emergency medical services to this property. Logan Health Whitefish is approximately one mile to the south of this property.

Finding 4: The proposed subdivision does not pose any negative effects on local services because City staff has preliminarily reviewed the project for streets, water, sewer, and storm water systems, the parkland dedication meets the requirements of state and City regulations for parkland requirements, the Fire Department has preliminarily reviewed the proposal for
conformance with the Fire Code, and additional services, such as police and schools, are not anticipated to be affected.

E. Effects on Agriculture and Agricultural Water User Facilities:
This property has not been used for agricultural purposes in the recent past and no property surrounding the subject project is being used for agricultural purposes.

Finding 5: The proposed subdivision does not pose any negative effects on agriculture or agricultural water users because the property is within city limits and no property in the surrounding area is being used for agricultural purposes.

F. Compliance with Growth Policy:
The Growth Policy identifies the parcel as split between General Commercial and Urban Residential on the Future Land Use Map. These designations generally include WB-2 and WR-3 for the General Commercial and WLR, WR-1 and WR-2 for the Urban designation. The property is zoned WB-2 (Secondary Business District) and WR-2 (Two-Family Residential District). The proposed preliminary plat complies with the General Commercial and Urban Residential land use designations.
The extension of Baker Avenue has been a part of adopted Transportation Plans since 1999, the 2007 Growth Policy and the 2021 Highway 93 S Corridor Plan.

**Growth Policy (2007)**

**Future Land Use Goal 2:** Preserve, enhance and manage environmentally sensitive areas such as river and stream banks, steep slopes, wetland, forested areas and critical wildlife habitat.

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

**Future Land Use Goal 7:** Plan for healthy, efficient, and visually attractive corridors along major transportation routes through the community.

**Future Land Use Policy 6:** The City of Whitefish shall give priority to infill development over Growth Policy amendments that would redesignate land to Urban or Suburban.

**Transportation Element Goal 1:** Provide an efficient and effective transportation system to serve the present and future needs of the Whitefish area.

**Transportation Element Goal 2:** Integrate transportation and land use planning so that choices of transportation modes are optimized.

**Highway 93 S Corridor Plan (2021)** This property is located within Segment B of the Highway 93 S Corridor.

**Goal B.4:** Improvement to traffic flow and safety through Segment B while also improving aesthetics of the road right-of-way.

**Objective 5:** As corridor development proceeds, ensure extension of Columbia Avenue

Staff: WCR
south to Greenwood Avenue; Whitefish Avenue south to Shiloh Avenue; and Baker Avenue south to JP Road. Include east-west connectors, such as extending Greenwood Drive east across Whitefish River to Monegan Road to develop more of a grid system as development occurs.

**Objective 13:** Discourage projects along Highway 93 S that do not have direct access to a controlled intersection until a raised median has been installed.

**Goal B.5:** Improve opportunities and experiences for bicycling, walking, carpooling, and transit in Segment B.

**Objective 4:** Increase number of canopy shade trees in the boulevard and the extent of the urban canopy.

**Finding 6:** The project complies with the Growth Policy because the underlying zoning is compliant with the land use designations and implements the 2007 Growth Policy, the 2021 Highway 93 S Corridor Plan and the 2022 Whitefish Transportation Plan. As proposed, the project does not comport with the Goal B.4, Objective 13 since the City has no control over when MDT might install medians; however, a Corridor Plan is not regulatory.

**G. Compliance with Zoning:**
The property is split zoned WB-2 (Secondary Business District) on the east and WR-2 (Two-Family Residential District) on the west. Minimum lot sizes in the WR-2 portion of the subdivision are met. Setback, lot coverage and other development standards will be confirmed at the time of building permit approval.

**Finding 7:** The proposed subdivision complies with the zoning regulations because the property is zoned WB-2 and WR-2 and the lot sizes, setbacks, and lot coverage will be confirmed at the time of final plat or building permit approval.

**H. Compliance with Whitefish Subdivision Regulations:**

**Finding 8:** With the imposition of conditions, the subdivision complies with the Whitefish Subdivision Regulations.

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

**Finding 9:** The proposed subdivision complies with the Montana Subdivision and Platting Act, MCA 76-3.

**RECOMMENDATION**
It is recommended the Whitefish City Council adopt the findings of fact within staff report WPP 22-08 and approve The Canopy subdivision, as submitted by the applicant, subject to the following conditions:
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, streetlights, street trees, sidewalks, and other improvements must be submitted as a package and reviewed concurrently. No individual improvement designs will be accepted by Public Works. (City Engineering Standards, 2019)

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, 2019)

5. Prior to any ground disturbing activities, a plan must be submitted for review and approval by the Public Works and Planning/Building Departments. 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, 2019)

6. A tree preservation/retention plan must be submitted with the Engineering Plans compliant with the Subdivision Regulations. Such plan will identify healthy trees to be
retained, method for tree protection during construction (including inspection), and plan for replacement trees if damaged during construction. (§12-4-5, WCC)

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

8. 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. (§12-4-30, WCC)

9. The 30-feet of right-of-way in the northwest corner of the subdivision must be dedicated at the time of final plat and constructed in compliance with the Engineering Standards. The remainder of the Akers Lane easement must be updated to allow full public access and upgraded for two-way traffic meeting the Engineering Standards. (§12-4-15G, WCC, Finding 4, City Engineering Standards, 2019)

10. Complete the Baker Avenue extension to the north property line along with an acceptable intersection at Baker Avenue and Pheasant Run. Install full frontage improvements on both sides of Baker Avenue. (§12-4-15, WCC; City Engineering Standards, 2019)

11. Pay a fee in lieu of signal installation for the intersection at Akers Lane and Highway 93 S for the percentage increase in traffic attributable to this project, as calculated by the Public Works Department at the time of final plat. (Finding 4)

12. At least one shared driveway must be provided for the commercial lots on the eastern side of Baker Avenue – no more than two driveways will be permitted onto Baker Avenue. (Finding 1)

13. Fee in lieu of parkland dedication for the difference between dedicated Homeowners Association parkland and the final parkland dedication requirement must be paid at the time of final plat. (Finding 4, §12-4-11, WCC)

14. 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)

15. 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.
   - The entire City of Whitefish falls within the Wildland Urban Interface. The City of Whitefish has adopted the 2012 International Wildland-Urban Interface code.
   - Only Class A and Class B fire-rated roofing materials are allowed.
• Defensible Space Standards shall be incorporated around all primary structures, as described in the Covenants.
• Lots on the west side of Baker Avenue may not have direct access to Baker Avenue. (Staff Report Findings 1, 4; Subdivision Regulations Appendix D)

16. Individual or common off-street mail facilities must be provided by the developer and approved by the local post office. (§12-4-24, WCC)

17. All refuse and recycling locations must be reviewed and approved by the Public Works Department and Republic Services. (§4-2, WCC)

18. The use of garage forward two-unit structures is not allowed. (§12-4-12J, WCC, §§6.8, 6.10 Architectural Review Standards)

19. 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 weed management plan. The weed management plan shall be submitted to the Planning Department for review and approval prior to final plat;
   • Long-term maintenance plan for drainage and storm water management facilities;
   • Long-term maintenance plan for HOA parkland;
   • Defensible Space Standards for individual primary structures; and
   • A vegetation management plan for properties including open space areas. (Findings 3, 4; §12-4-30, §12-4-6A(2), WCC; City Engineering Standards, 2019)

20. The Canopy preliminary plat is approved for three years from Council action. (Subdivision Regulations, §12-3-9)
Element Review  
Preliminary Plat Application  

RE: Element Review for: The Canopy  

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

☑ Contains all the required Elements to begin a Sufficiency Review  
☐ Is missing the following Elements:

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

Staff Signature  

2-2-23  
Date
Sufficiency Review
Preliminary Plat Application

RE: Sufficiency Review for: The Canopy

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

☑ Contains sufficient detail to commence review of the application. Your application will be scheduled for Planning Board on ________________ and City Council on April 3, 2023 ________________.

☐ Is lacking required detail in the following Elements:

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

[Signature]

Staff Signature

2-24-23

Date
Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that Pheasant Run LLC is requesting approval for a 24-lot preliminary plat called The Canopy. The property is currently undeveloped and is zoned WR-2 (Two-Family Residential District) and WB-2 (Secondary Business District). The property is unaddressed and located at the western end of Pheasant Run and can be legally described as Tract 3ABM in S01 T30N R22W, P.M.M., Flathead County.

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

Monday, April 3, 2023
7:10 p.m.
Whitefish City Council Chambers, City Hall
418 E 2nd Street, Whitefish MT 59937

On the back of this flyer is a site plan of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department and on the Planning Department webpage – Current Land Use Actions: www.cityofwhitefish.org. The public is encouraged to comment on the above proposal and attend the hearing. Please send comments to the Whitefish Planning Department (address below) or email at wcompton-ring@cityofwhitefish.org. Comments received by the close of business on Friday, March 24, 2023, will be included in the packets to Councilors. Comments received after the deadline will be summarized to Councilors at the public hearing.

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

Date: 2/28/2023
Project: 150 Foot Buffer

Flathead County GIS
Date: March 10, 2023
To: Advisory Agencies & Interested Parties
From: Whitefish Planning & Building Department

At the regular meeting of the Whitefish City Council on Monday, April 3, 2023 at 7:10 pm at the Whitefish City Council Chambers in City Hall, the Council will consider the following request:

1. Pheasant Run LLC is requesting approval for a 24-lot preliminary plat called The Canopy. The property is currently undeveloped and is zoned WR-2 (Two-Family Residential District) and WB-2 (Secondary Business District). The property is unaddressed and located at the western end of Pheasant Run and can be legally described as Tract 3ABM in S01 T30N R22W, P.M.M., Flathead County. (WPP 22-08) Compton-Ring

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 418 E Second Street, during regular business hours, and the application and site plans are available HERE. The full application packet along with public comments and staff report will be available on the City’s webpage: www.cityofwhitefish.org under Mayor and Council one week prior to the City Council public hearing date noted above. Inquiries are welcomed. Interested parties are invited to attend the meeting and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: wcompton-ring@cityofwhitefish.org. For questions or further information regarding these proposals, call 406-863-2410.
TO:  rrooney@dailyearlake.com

PLEASE PUBLISH THE FOLLOWING LEGAL NOTICE ONCE ON March 15, 2023 IN THE WHITEFISH PILOT

PLEASE BILL:  City of Whitefish

Do not publish above this line

WHITEFISH CITY COUNCIL
NOTICE OF PUBLIC HEARING

The regular meeting of the Whitefish City Council will be held in person on Monday, April 3, 2023 at 7:10 pm at the Whitefish City Council Chambers in City Hall.

1. Pheasant Run LLC is requesting approval for a 24-lot preliminary plat called The Canopy. The property is currently undeveloped and is zoned WR-2 (Two-Family Residential District) and WB-2 (Secondary Business District). The property is unaddressed and located at the western end of Pheasant Run and can be legally described as Tract 3ABM in S01 T30N R22W, P.M.M., Flathead County. (WPP 22-08) Compton-Ring

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 418 E Second Street, during regular business hours and online at http://www.cityofwhitefish.org/428/Current-Land-Use-Actions. The full application packets along with public comments and staff report will be available on the City’s webpage: www.cityofwhitefish.org under Mayor and Council one week prior to the City Council public hearing date noted above. Inquiries are welcomed. Interested parties are invited to attend the meeting and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: wcompton-ring@cityofwhitefish.org. For questions or further information regarding these proposals, phone 406-863-2410.

WHITEFISH CITY COUNCIL
John Muhlfeld, Mayor
EXPEDITED PRELIMINARY PLAT APPLICATION

FEE ATTACHED $ 6475.00
(see current fee schedule)

INSTRUCTIONS:

☐ A Site Review Meeting with city staff is required. Date of Site Review Meeting: 7/28/22 and 1/20/23

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

☐ Schedule a Date and Time with City Staff to Submit the Application: _________________(Date/Time)

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

A. PROJECT INFORMATION:

Project Name: The Canopy
Street Address: None given yet but will be off the Baker Ave extension
Assessor’s Tract No.(s) 3ABM (Tract 1 of COS 19966) Lot No(s) N/A
Block # N/A Subdivision Name N/A
Section 1 Township 30 Range 22

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

Owner’s Signature** Date

Print Name

Applicant’s Signature Date

Print Name

Representative’s Signature Date

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

**Attached**

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

- One (1) printed copy and one (1) electronic copy of the Preliminary Plat Application and supplemental information
- Preliminary Plat
- Deed and Encumbrance Report (aka “title report”), no more than 90 days old
- Applicable items from Appendix B of the Whitefish Subdivision Regulations (can be found at: www.cityofwhitefish.org)
- Will this project provide affordable housing:  □ Yes  □ No
- If yes, complete a Housing Mitigation Plan
- Additional information requested during the pre-application process
- Documentation the subdivision is eligible for an expedited preliminary plat (§12-3-3A)
- Fair Market Land Value (state of Montana Department of Revenue for the most current year)
- Recommendation from the Parks Board – unless exempt §12-410(C)
- $100 deposit for sign to be posted on site during the duration of the public process (submit a separate check, which will be returned to you after you return the sign to the Planning Office)

When all application materials are submitted to the Planning & Building Department, and the staff finds the application is complete, the staff will schedule the subdivision for a public hearing before the City Council. The Council must act within 35 working days once an application is determined to be complete pursuant to §12-3-4 of the Subdivision Regulations.

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

__________________________________________  __________________________
Applicant Signature                                      Date
C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:
Name: Pheasant Run LLC  Phone: (612) 804-3787
Mailing Address: 4303 Oakdale Ave South  
City, State, Zip: Minneapolis, MN 55424
Email: kurt@gooddwelling.com

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

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

D. GENERAL DESCRIPTION OF SUBDIVISION:

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

ZONING DESIGNATION: WR-2 and WB-2

If proposing to change the underlying zoning, proposed zoning: 

LOTS AND ACREAGE:
Total Acreage in Subdivision: 7.036 ac  Number of Lots or Rental Spaces: 24 Lots
Maximum Size of Lots or Spaces: 13,397 sf  Minimum Size of Lots or Spaces: 6,180 sf
Total Acreage in Lots: 4.507 ac  Total Acreage in Streets or Roads: 2.132 ac
**PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:**

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<td>Multi-Family</td>
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</table>
CRITICAL AREAS ON-SITE OR NEARBY:

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

PARKLAND/OPEN SPACE PROPOSAL: The following information is required to show how the project meets the parkland dedication requirements of the subdivision regulations (§12-4-10). A recommendation from the Park Board is required to be submitted along with the application, unless exempted under the subdivision regulations §12-4-10(C).

- Date of Parks Board Meeting (prior to submitting an application): N/A
- Market Land Value (state of MT Department of Revenue for the most Current Year): $21,821
- Total Acreage in Parks, Open Spaces and/or Common Areas: 17,254 square feet

IMPROVEMENTS TO BE PROVIDED:

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

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

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

Other Utilities: ☐ Cable TV  ☑ Telephone  ☑ Electric  ☑ Gas  ☐ Other (explain):

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

Mail Delivery: ☑ Central  ☐ Individual

Fire Protection: ☑ Hydrants  ☐ Tanker Recharge

Drainage System: On-site conveyance and detention
THE CANOPY SUBDIVISION

PRELIMINARY PLAT ENGINEERING SUMMARY

January 4, 2023

Prepared by: Brock Sandry

I. PROJECT DESCRIPTION/INFORMATION

The proposed subdivision known as The Canopy Subdivision is located in a residential area that lies northwest of the dead-end Pheasant Run in Whitefish, MT, legally described as Tract 1 of COS 19966, NW ¼, SE ¼, Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

The subdivision consists of the creation of 21 residential lots (18 duplex lots & 3 single-family lots) containing areas ranging from 0.14 to 0.31 acres, and three (3) commercial lots about 0.31 acres in size each. All lots will be accessed off of new city streets which take up about 2.13 acres. There is a proposed park that is about 0.25 acres in size, and the total subdivision size is 7.04 acres. All lots are proposed to be served by City of Whitefish water and sewer mains by extending existing mains into the subdivision. The proposed water main is anticipated to be looped throughout the subdivision, although the extension will only tie into the existing main once. Sewer mains are proposed to tie into the existing mains once, and are anticipated to be gravity sewer mains. Stormwater is anticipated to be managed onsite by catch basins and piping to an underground stormwater holding facility, which will be released at pre-development rates to an existing catch basin in Pheasant Run.

II. WATER USAGE

The proposed water system will consist of a water main extension connected to the City of Whitefish 12” water main near Pheasant Run. There are 25 water services proposed: 21 for the duplex and single-family lots, three (3) for the commercial lots, and one (1) anticipated for irrigation for the park. The water main will be looped internally (one tie in to existing mains). Three fire hydrants are proposed within the subdivision. Looking at existing hydrant flows, it is anticipated that the existing mains have the fire flow capacity to serve the subdivision (anticipated available flow of 3,300 gpm).

Anticipated water demand is based on 100 gallons per day per person for residential purposes. It is estimated that there will be 3 people per single family lot, and 4 people per duplex lot, which equates to 8,100 gallons per day. Commercial water flows are based on 13 gallons per day per employee, and it is estimated that the three commercial lots will house 25 employees, which equates to 325 gallons per day per building. Maximum daily demand is calculated by applying a factor of 2.0 to the average demand. This equates to a maximum daily demand of 18,150 gallons per day (12.6 gpm). Maximum daily demand is multiplied by a factor of 3.0 to estimate peak hourly demand. This equates to a peak hourly demand of 37.8 gpm. Irrigation demand is estimated by assuming 5,000 square feet of irrigable area per lot, the entirety of the park parcel, and an irrigation coverage of 26” over the 6-month watering season. This equates to an average irrigation demand of 8 gpm. Peak hourly demand for irrigation is calculated by taking the average irrigation demand over a 6-hour watering period. This equates to a
peak irrigation demand of 32 gpm. Fire flow requirements are anticipated to be based on the International Fire Code. It appears that this subdivision would be required to provide around 2,000 gpm for fire flows. A summary of the required flow rates is shown below:

Maximum Daily Demand + Fire Flow = 20.6 + 2,000 = \textbf{2,020.6 gpm (residual > 20 psi)}
Peak Hourly Demand = 37.8 + 32.0 = \textbf{69.8 gpm (residual > 35 psi)}

III. WASTEWATER FLOWS

The proposed wastewater system will consist of a sewer main extension from the existing City of Whitefish 8” sewer main manhole located near Pheasant Run. There are 24 sewer services proposed, one for each residential and commercial lot. The proposed sewer main will gravity feed all wastewater from buildings to the proposed main, and into the existing City sewer system.

Wastewater flows are based on 100 gallons per day per person for residential purposes, and 13 gallons per day per employee for commercial purposes. It is estimated that there will be 3 people per single-family lot, 4 people per duplex lot, and 25 employees per commercial lot. This equates to a daily wastewater flow rate of 9,075 gallons per day (6.3 gpm). Peak wastewater flow rates are estimated by the peaking factor equation given in DEQ Circular 2, which equates to a factor of 4.19. This equates to a peak flow rate of \textbf{26.4 gpm}.

IV. STORMWATER MANAGEMENT

The proposed stormwater management system is anticipated to consist of a tie-in to an existing stormwater catch basin in Pheasant Run. Grading patterns will direct internal stormwater runoff to catch basins that routes stormwater to a centralized location that is anticipated to treat, hold, and release stormwater to the existing catch basin at no greater than pre-developed flow rates. In order to accomplish this, it is anticipated that there will be a water quality unit upstream of the holding facility that treats all stormwater caught in the system. A flow control structure is anticipated to be placed just downstream of the holding facility in order to control the outflow flow rates. The holding facility may utilize infiltration, detention, or a combination of both depending on geotechnical investigations at a later date. The underground holding facility is anticipated to be designed hold about 7,500 cubic feet of stormwater if testing and recommendations prove infiltration to be infeasible.
Appendix B Requirements for a Preliminary Plat

- A vicinity Map is included on the face of the preliminary plat.

- Included with this application is a Warranty Deeds showing Pheasant Run LLC. as owner of the subject property. A complete title report will be submitted with the final plat showing ownership, mortgages, liens, etc.

- In a search of County Documents, there are no CC&R’s recorded on the subject property.

- Weed management will be provided by the future lot owners Association and a HOA for the maintenance of the park.

- Preliminary sewer, water and stormwater plans are provided with the application.

- Parkland calculation is as follows: The Subdivision regulations require 11% of the land devotes to lots be provided as parkland when the lots are ½ acre or less. There are 3.733 acres in residential lots.

  \[3.733 \times 0.11 = 0.41 \text{ acres} \ (17,889 \text{ square feet}) \text{ of parkland for the proposed subdivision.} \]

  The applicant is providing 0.25. acres (10,800 square feet) of parkland for the subdivision. The balance of parkland, 7089 square feet, will be made up with cash-in-lieu of parkland.

- The site is gently sloping from west to east. There is approximately a fourteen foot difference in elevation from west to east for an average slope of 2.1%.

- There are no “Critical Areas” identified on the property.

- As the project is densely forested, it is not possible to get into the property and identify individual trees for a tree preservation plan. We expect that the tree preservation plan will be a condition of approval and as trees are thinned for roads and utilities we should be able to get into the lots to identify trees for protection.

- A draft set of CC&R’s for Canopy is included with the application package. The CC&R’s address the maintenance of street, park and drainage system. From a taxing standpoint, each lot owner will own 1/24th of the common/park area and be responsible for 1/24th of the property taxes on the common elements.

- The subdivision will be developed in a single phase however the homes will be constructed over a period of time.
• The proposed subdivision is an infill development as there are urban scale developments along the eastern boundary project. The Baker Avenue extension runs through the proposed property. Children of the proposed subdivision will attend Whitefish schools and utilize the subdivision park as well as local parks.

• A traffic impact study is submitted with the proposed subdivision. The Summary and Conclusion of the TIS indicates that the traffic contributed by the proposed subdivision will not impact the existing level of service for the studied intersections. The TIS recommends that the applicants construct the segment of Baker Avenue located within the confines of the applicant’s property and connect to Pheasant Run. As Baker Avenue develops and ties into the exiting Baker Avenue congestion at Pheasant Run will be alleviated.

To address secondary egress to the site, the developer of the Canopy has a verbal agreement with the neighboring property on Ackers Lane for reciprocal access through the development. The applicant will make connection from the Canopy to Ackers Lane for the Secondary access as required in the Subdivision Regulations.

• With the application is a preliminary water, sewer, stormwater and road plan. The streets within the subdivision are proposed as City Street and will be dedicated to the City of Whitefish with the approval of Final Plat.

• The preliminary plat shows the extensions Baker Avenues to the extents of the property. In addition, right-of-way is dedicated for the connection with Akers Avenue and the connection will be completed as a condition of the Canopy subdivision.

• Per 76-3-616-we are requesting an exemption from the Environmental Assessment/Impact Criteria Report as the subdivision application meets the following:
  
a) The proposed subdivision is entirely within the city limits of Whitefish which has a Growth Policy adopted by the City Council and is also compliant with State Statute.
b) The proposed subdivision is zoned by the City of Whitefish and the zoning complies with the City’s Growth Policy.
c) The proposed subdivision has direct access to City sewer, water and stormwater. Sewer and water mains are adjacent to the property in Baker Avenue. Stormwater will be addressed on-site.

Also, as this is an urban infill subdivision there are no impacts to agriculture, agricultural water user systems, wildlife, or sensitive wildlife habitat.
WHEN RECORDED RETURN TO:
Pheasant Run, LLC, a Minnesota limited liability company
5221 Wooddale Ave
Edina MN 55424
4295FPT

WARRANTY DEED

FOR VALUE RECEIVED, **HDH Holdings, LLC**, GRANTOR(S), do hereby grant, bargain, sell and convey unto:

**Pheasant Run, LLC, a Minnesota limited liability company**

GRANTEE(S), its heirs and assigns, the following described premises:

Tract 1 of Certificate of Survey No. 19966, a tract of land, situated, lying and being in the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 1, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

TO HAVE AND TO HOLD the said premises, with its appurtenances and easements apparent or of record, unto the said GRANTEE(S), its heirs and assigns forever.

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

GRANTOR(S) covenants with GRANTEE(S) that GRANTOR(S) is now seized in fee simple absolute of said premises; that GRANTOR(S) has full power to convey same; that the same is free from all encumbrances excepting those set forth above; that GRANTEE(S) shall enjoy the same without any lawful disturbance; that GRANTOR(S) will, on demand, execute and deliver to GRANTEE(S), at the expense of GRANTOR(S), any further assurance of the same that may be reasonably required; and, with the exceptions set forth above, that GRANTOR(S) warrants to GRANTEE(S) and will defend for their all the said premises against every person lawfully claiming all or any interest in same.
# CONTENTS

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Site-Generated Traffic ....................................................................................................................... 8  
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## APPENDICES

A – TRAFFIC COUNT DATA  
B – CAPACITY ANALYSIS WORKSHEETS  
C – LEVEL OF SERVICE DEFINITIONS
INTRODUCTION

Pheasant Run, LLC proposes to construct Pheasant Run, a residential and commercial development west of the intersection of US Highway 93 and Pheasant Run in Whitefish, MT (see Figure 1). The proposed development will include 32 duplex units, 5 single family homes, and three commercial lots that are expected to have approximately 4,000 gross square feet each. Buildout and occupancy of this development is expected to require approximately two years; accordingly, the study year for this traffic analysis is 2024.

The subject property is within the city limits, is currently undeveloped, and zoned as WB-2/WR-2 which allows two-family residential and/or businesses. To the west and south of the subject project, the land use is primarily single-family homes. The land use is residential apartments as well as commercial on the east and north of the subject property. Currently, vehicle access to the site is via Pheasant Run only. The 2022 Whitefish Transportation Plan outlines future plans for a Baker Avenue extension through the proposed development that will allow for additional connectivity to the site. See the Site Plan in Figure 2. The extension of Baker Avenue is not programmed in the City’s CIP budget and therefore, this study does not estimate subsequent changes in traffic patterns.

This traffic impact study (TIS) was prepared using standard traffic engineering techniques to forecast traffic volumes and operations at the study intersection of US Highway 93 and Pheasant Run, as requested by the City of Whitefish. Capacity analysis is presented both with and without the traffic generated by the proposed Pheasant Run development to determine what impact it will have on traffic operations.

In brief, the analysis conducted for this report leads to the conclusion that the subject development will not negatively impact traffic operations to the degree that would require mitigation at the intersections addressed in this study. The Pheasant Run development will also construct an important link in the planned Baker Avenue extension, eventually leading to the resolution of left-turn delay issues at the Pheasant Run and US Highway 93 intersection.
FIGURE 1: SITE VICINITY MAP
EXISTING TRAFFIC VOLUME

WGM Group conducted mid-week AM and PM peak-period manual intersection turning-movement counts on Tuesday, August 9, 2022, and Wednesday, August 10, 2022, to identify existing traffic volumes at the study intersection. AM peak-period counts were conducted between 7:00 and 9:00 AM. PM peak-period counts were conducted between 4:00 and 6:00 PM. The count data (included in Appendix A) was analyzed to determine the existing AM and PM peak-hour traffic volumes at each study intersection. The 2022 existing peak-hour volumes are illustrated in Figure 3.

The most current Montana Department of Transportation (MDT) seasonal adjustment factor for urban principal arterials counted mid-week in August is 0.881. However, applying this factor would result in lowering the counted traffic volumes. Therefore, to provide a more conservative traffic analysis, a seasonal adjustment factor was not applied to the traffic counts.
2024 NO-BUILD TRAFFIC VOLUMES

The year 2022 existing peak-hour traffic volumes were projected to the study year 2024 using an annually compounded growth rate of 3.0%. This growth rate was calculated based on data from MDT annual counts of total two-way average daily traffic (ADT) collected at US Highway 93 and Akers Lane as well as US Highway 93 between JP Road and Great Northern Drive. These are the nearest available MDT count locations. There are no permanent count locations in close proximity to the subject site.

The City of Whitefish Planning Department was consulted to determine whether there are any planned adjacent developments that should be incorporated into the traffic volumes of this analysis. At the time of this analysis, there are no planned adjacent developments that need to be included.

The 2024 no-build traffic volumes illustrated in Figure 4 is the existing traffic volume as grown to the study year using 3.0% per year traffic growth rate. These are the volumes projected to exist in the analysis year 2024 without construction of the Pheasant Run development.
SITE-GENERATED TRAFFIC

The Pheasant Run development is planned to include 32 duplex units, 5 single family homes, and a total of approximately 12,000 square feet of gross floor area (GFA) of commercial space.

Data from the Institute of Transportation Engineers (ITE) publication *Trip Generation* (11th Edition) was used to estimate the number of vehicle trips that will be generated by the proposed development. Table 1 shows the results of these trip-generation calculations.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>ITE Land Use Code</th>
<th>AM Peak-Hour Trips</th>
<th>PM Peak-Hour Trips</th>
<th>Average Daily Traffic (ADT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplexes</td>
<td>32 units</td>
<td>215</td>
<td>3</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Single Family Homes</td>
<td>5 lots</td>
<td>210</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Commercial</td>
<td>12,000 Sq. Ft GFA</td>
<td>710</td>
<td>24</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>TOTAL =</td>
<td></td>
<td></td>
<td>28</td>
<td>15</td>
<td>17</td>
</tr>
</tbody>
</table>
ASSIGNMENT OF SITE-GENERATED TRIPS

Roadway network connections were analyzed, the Whitefish area’s retail and employment distribution/density was considered, and existing traffic volumes were reviewed to identify potential arrival and departure patterns for the site-generated traffic. The expected site arrival and departure patterns are illustrated in Figure 5.

The site-generated vehicle trips from Table 1 were distributed through the study intersections in accordance with the estimated arrival and departure patterns, resulting in the AM and PM peak-hour site-generated vehicle trips shown in Figure 6. These are the vehicle trips that are new to the roadway network as a direct result of the Pheasant Run development.
FIGURE 5: SITE TRAFFIC ARRIVAL & DEPARTURE PATTERNS

Legend:
- [Red Arrow] Arrival Pattern
- [Blue Arrow] Departure Pattern
2024 BUILD TRAFFIC VOLUMES

Combining the site-generated trips from Figure 6 with the 2024 no-build traffic volumes from Figure 4 results in the projected study year 2024 build traffic volumes shown in Figure 7. These are the total traffic volumes projected to exist at the study intersections when Pheasant Run is fully built-out and occupied.
CAPACITY ANALYSIS

Capacity analysis was conducted for each of the study intersection using the AM and PM no-build and build traffic volumes forecasted in this report. Intersections were evaluated in accordance with the procedures presented in the *Highway Capacity Manual, 7th Edition*, published by the Transportation Research Board. The analysis results are discussed below, and the analysis worksheets are contained in Appendix B.

The capacity analysis procedures result in traffic level of service (LOS) rankings from A to F, with A representing essentially free-flow conditions and F representing congested conditions. See Appendix C for a description of the various LOS categories for unsignalized intersections.
INTERSECTION OF US HIGHWAY 93 & PHEASANT RUN

EXISTING CONDITIONS

US Highway 93 is a north/south principal arterial with two travel lanes in each direction and a two-way left turn lane (TWLTL). Pheasant Run is an east/west local road with one travel lane in each direction. The westbound approach of the intersection is a private approach used to access a business parking lot which is modeled as a single left/right turn lane. The eastbound approach of Pheasant Run is stop controlled with dedicated left and right turn lanes. The speed limit on this segment of US Highway 93 is 45 miles per hour and the speed limit on Pheasant Run is assumed to be 25 miles per hour based on the local street classification.

The 2022 Whitefish Transportation Plan was reviewed to determine the future geometrics of this intersection. Converting the TWLTL to raised medians with turning lanes is shown in the plan in addition to extending Pheasant Run east of the intersection to Shiloh Ave/Whitefish Ave. These proposed modifications to the transportation network, as well as extending Baker Avenue, will influence traffic patterns in the area. However, this analysis is limited to the existing intersection geometrics and traffic patterns.
**CAPACITY ANALYSIS**

Capacity analysis of this intersection was conducted using the 2024 no-build and build traffic volumes developed earlier in this report and the intersection configuration described above. The results of this analysis are summarized in Table 2.

**TABLE 2: US HIGHWAY 93 & PHEASANT RUN LOS SUMMARY**

<table>
<thead>
<tr>
<th></th>
<th>PEAK AM HOUR</th>
<th>PEAK PM HOUR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2024 NO-BUILD</td>
<td>2024 BUILD</td>
</tr>
<tr>
<td></td>
<td>Delay  LOS</td>
<td>Delay  LOS</td>
</tr>
<tr>
<td>Eastbound Left</td>
<td>107.2  F</td>
<td>155.8  F</td>
</tr>
<tr>
<td>Eastbound Right</td>
<td>12.6   B</td>
<td>12.8   B</td>
</tr>
<tr>
<td>Northbound Left</td>
<td>10.6   B</td>
<td>10.8   B</td>
</tr>
<tr>
<td>Southbound Left</td>
<td>12.1   B</td>
<td>12.1   B</td>
</tr>
</tbody>
</table>

Delay is measured in seconds per vehicle.

The analysis summarized in Table 2 shows that the site-generated traffic will not result in a drop in LOS for any movement at this intersection. If fact, only very minor changes in delay are forecasted for each of the intersection turning movements with the exception of the eastbound left-turn. This left-turn already operates at a poor LOS due to the volume of traffic on US Highway 93. The Baker Avenue extension recommended in the 2022 Whitefish Transportation Plan will provide an alternative route for this left-turning site traffic (as well as existing left-turning traffic), resolving the delay experienced in both the AM and PM peak hours. The proposed Pheasant Run development will construct that portion of the Baker Avenue extension lying within the limits of its property, furthering completion of this important street network solution.

The future signal at Park Knoll Lane may also offer an opportunity for northbound vehicles from Pheasant Run to complete a U-Turn rather than attempting the eastbound left at the subject intersection.
NON-MOTORIZED TRANSPORTATION

Sidewalks will be constructed adjacent to all streets within the Pheasant Run development, connecting the proposed residential and commercial units with the existing non-motorized transportation facilities in the vicinity. These existing facilities include continuous sidewalks/trails/ south to Montana Highway 40, and north all the way to and throughout downtown Whitefish. The site sidewalks will also eventually connect to the pedestrian facilities along Baker Avenue.
SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

The discussion and analyses contained in this report can be summarized as follows:

- Pheasant Run, LLC proposes to construct a development west of the intersection of Highway 93 and Pheasant Run in Whitefish, MT. This development, called Pheasant Run, will consist of 32 residential duplex units, 5 single family homes, and three commercial lots that are expected to have approximately 4,000 gross square feet each.

- Vehicle access to the proposed development will be via Pheasant Run. In the future, the site will also be accessible by the proposed extension of Baker Avenue. In support of that proposed extension, the Pheasant Run will construct the segment of Baker Avenue along the development’s frontage of the extension.

- The proposed Pheasant Run development will generate new traffic through the study intersections. *Highway Capacity Manual* based analysis shows that this traffic does not impact the existing level of service.

- The 2022 Whitefish Transportation Plan recommends an extension of Baker Avenue to offer an alternative route for local traffic instead of US Highway 93. The proposed development will construct the Baker Avenue extension along the parcel’s frontage. The eventual completion of Baker Avenue will improve vehicular congestion in the area by providing a parallel route to US Highway 93 and eliminating the anticipated LOS F delay for traffic turning left from Pheasant Run.

- The proposed development will provide low-stress infrastructure for internal walking and biking trips and connect to the non-motorized transportation network in the vicinity of the project.
APPENDIX A

TRAFFIC COUNT DATA
### Peak AM Period

<table>
<thead>
<tr>
<th>Time</th>
<th>Interval</th>
<th>Southbound</th>
<th>Westbound</th>
<th>Northbound</th>
<th>Eastbound</th>
<th>Total</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:00 AM</td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>157</td>
<td>4</td>
</tr>
<tr>
<td>7:15 AM</td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>190</td>
<td>4</td>
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<tr>
<td>7:30 AM</td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>224</td>
<td>8</td>
</tr>
<tr>
<td>7:45 AM</td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>289</td>
<td>2</td>
</tr>
<tr>
<td>8:00 AM</td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>242</td>
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<tr>
<td>8:15 AM</td>
<td></td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>239</td>
<td>1</td>
</tr>
<tr>
<td>8:30 AM</td>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>337</td>
<td>0</td>
</tr>
</tbody>
</table>

**Peak Hour Volume**
- Southbound: 872
- Westbound: 0
- Northbound: 0
- Eastbound: 0
- Total: 1112

**PHF = 0.88**

---

### Peak PM Period

<table>
<thead>
<tr>
<th>Time</th>
<th>Interval</th>
<th>Southbound</th>
<th>Westbound</th>
<th>Northbound</th>
<th>Eastbound</th>
<th>Intervals</th>
<th>Hourly</th>
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<tbody>
<tr>
<td>4:00 PM</td>
<td></td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>312</td>
</tr>
<tr>
<td>4:15 PM</td>
<td></td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>334</td>
<td>4</td>
</tr>
<tr>
<td>4:30 PM</td>
<td></td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>316</td>
<td>1</td>
</tr>
<tr>
<td>4:45 PM</td>
<td></td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>319</td>
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<td>5:00 PM</td>
<td></td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>331</td>
<td>0</td>
</tr>
<tr>
<td>5:15 PM</td>
<td></td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>333</td>
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<tr>
<td>5:30 PM</td>
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<td>1</td>
<td>0</td>
<td>0</td>
<td>321</td>
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<td>5:45 PM</td>
<td></td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>319</td>
<td>1</td>
</tr>
<tr>
<td>6:00 PM</td>
<td></td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>296</td>
<td>0</td>
</tr>
</tbody>
</table>

**Peak Hour Volume**
- Southbound: 1309
- Westbound: 1
- Northbound: 0
- Eastbound: 0
- Total: 1349

**PHF = 0.97**
APPENDIX B

CAPACITY ANALYSIS WORKSHEETS
## General Information

<table>
<thead>
<tr>
<th>Analyst</th>
<th>DBG</th>
<th>Intersection</th>
<th>Highway 93 &amp; Pheasant Run</th>
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</thead>
<tbody>
<tr>
<td>Agency/Co.</td>
<td>WGM Group</td>
<td>Jurisdiction</td>
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## Lanes

![Diagram of Major Street: North-South](image)

### Vehicle Volumes and Adjustments

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### Critical and Follow-up Headways

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### Delay, Queue Length, and Level of Service

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### Lanes

![Lanes Diagram](image)

### Vehicle Volumes and Adjustments

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### Critical and Follow-up Headways

| Base Critical Headway (sec) | 7.5 | 6.9 | 7.5 | 6.9 | 4.1 | 4.1 |
| Critical Headway (sec) | 7.56 | 6.96 | 7.56 | 6.96 | 4.16 | 4.16 |
| Base Follow-Up Headway (sec) | 3.5 | 3.3 | 3.5 | 3.3 | 2.2 | 2.2 |
| Follow-Up Headway (sec) | 3.53 | 3.33 | 3.53 | 3.33 | 2.23 | 2.23 |

### Delay, Queue Length, and Level of Service

| Flow Rate, v (veh/h) | 32 | 24 | 0 | 17 | 0 |
| Capacity, c (veh/h) | 51 | 484 | 0 | 637 | 505 |
| v/c Ratio | 0.63 | 0.05 | 0.03 | 0.00 |    |
| 95% Queue Length, Q₉₅ (veh) | 2.5 | 0.2 | 0.1 | 0.0 |    |
| Control Delay (s/veh) | 155.8 | 12.8 | 10.8 | 12.1 |    |
| Level of Service (LOS) | F | B | B | B |    |
| Approach Delay (s/veh) | 94.5 |    | 0.1 | 0.0 |    |
| Approach LOS | F |    | A | A |    |
### General Information
- **Analyst**: DBG
- **Agency/Co.**: WGM Group
- **Date Performed**: 9/7/2022
- **Analysis Year**: 2024
- **Time Analyzed**: PM No-Build
- **Intersection Orientation**: North-South
- **Project Description**: Pheasant Run

### Site Information
- **Intersection**: Highway 93 & Pheasant Run
- **East/West Street**: Pheasant Run
- **North/South Street**: Highway 93
- **Peak Hour Factor**: 0.97
- **Analysis Time Period (hrs)**: 0.25

### Lanes

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Major Street: North-South
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### Vehicle Volumes and Adjustments

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### Critical and Follow-up Headways

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### Delay, Queue Length, and Level of Service

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## General Information

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## Lanes

![Diagram of Lanes](Image)

## Vehicle Volumes and Adjustments

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## Critical and Follow-up Headways

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## Delay, Queue Length, and Level of Service

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## Additional Information

- **95% Queue Length, Q95 (veh):** Measures the length of the queue at which 95% of vehicles are waiting.
- **Control Delay (s/veh):** Time vehicles are delayed by waiting for the traffic signal to change.
- **Level of Service (LOS):** A rating system that categorizes the quality of service at an intersection.
APPENDIX C

LEVEL OF SERVICE DEFINITIONS
UNSIGNALIZED INTERSECTION LEVEL OF SERVICE DEFINED

Level of Service (LOS) for unsignalized (two-way-stop-controlled) intersections is determined by the control delay experienced by drivers on each minor approach. Minor movements are those entering from or exiting onto the stop-controlled side street(s). LOS is not defined for the intersection as a whole, but rather for each minor movement individually.

The delay value used in determining LOS is known as “control delay.” Control delay is defined as the total delay experienced by a driver and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The delay a vehicle experiences is a function of the capacity of the approach and the degree of saturation on the uncontrolled (unstopped) roadway (i.e., the number of acceptable gaps in the passing traffic stream).

LOS values range from A to F. The delay range for each LOS value is as shown in the following table.

<table>
<thead>
<tr>
<th>LOS</th>
<th>AVERAGE CONTROL DELAY (SECONDS/VEHICLE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>0-10</td>
</tr>
<tr>
<td>B</td>
<td>&gt;10-15</td>
</tr>
<tr>
<td>C</td>
<td>&gt;15-25</td>
</tr>
<tr>
<td>D</td>
<td>&gt;25-35</td>
</tr>
<tr>
<td>E</td>
<td>&gt;35-50</td>
</tr>
<tr>
<td>F</td>
<td>&gt;50</td>
</tr>
</tbody>
</table>

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
THE CANOPY SUBDIVISION

THE UNDERSIGNED, Pheasant Run LLC, (herein “Developer”) of 4303 Oakdale Ave South, Minneapolis, MN 55424, hereby encumbers and restricts the herein-described real property with the Covenants, Conditions and Restrictions set forth below. The real property affected by these Covenants, Conditions and Restrictions is located in Flathead County, Montana, and is more particularly described as follows:

See Exhibit A attached hereto and by this reference incorporated herein.

Said property is herein sometimes referred to as “The Canopy.”

From and after the date this document is recorded with the Flathead County Clerk and Recorder’s office, such property shall not be used, nor shall any activities be conducted on such property, where such is in violation of these Covenants, Conditions and Restrictions.

1. PURPOSE, USE AND ACTIVITIES:
The purpose of these Covenants, Conditions and Restrictions is to ensure that the common elements within The Canopy are maintained and cared for and to further ensure that each property owner in the Subdivision can quietly and peacefully enjoy and use their property and to ensure that all homes, business and improvements constructed on the property meet certain minimum size and construction standards, all as further set forth below.

A. On Lots 1 – 21, no lot shall be used except for residential use compliant with the WR-2 zoning. Lots 4, 5 & 6 shall only be used for single family residential use. 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. Outbuildings 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 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 unsightly. Duplex dwelling are subject to the City’s Architectural Review process and standards.

B. Lots 1B, 2B, & 3B shall allow uses compliant with the WB-2 zone. All uses are subject to the City’s Architectural Review Process and Standards.

C. All areas of lots disturbed during construction shall be landscaped within one year of construction. If construction activity on any lot should cause damage to the roads or improvements, the cost or repair shall be solely borne by the owner of said lot. No owner may change the alignment and grade of the drainage swale next to the road which would redirect or inhibit the flow of runoff.
D. No portion of any lot shall be used or maintained as a dumping ground or storage ground for rubbish, trash, garbage, old automobiles, or other wastes. No unsightly materials shall be allowed to accumulate upon the premises so as to impair the attractiveness of the property. Any motor vehicles which remain immobile and not in running condition for a period of one year shall be deemed unsightly and constitute a nuisance.

E. All setbacks shall conform to the City of Whitefish Zoning Regulations. The exception is that Lots 4 – 10 shall have a minimum rear yard setback of 25-feet. For Lot 10, the rear yard is the western property boundary.

F. An Architectural Control Committee is hereby formed and shall initially consist of three (3) members, all of whom shall be designated by the Developer until such time as the The Canopy Homeowners Association (“Association”) is formed and operating at such time as the Association is formed, the Architectural Control Committee shall consist of three (3) or more persons as determined by said Association, and the members of such Committee elected by the members of the Association. All owners intending to construct a dwelling or build any type of structure whatsoever upon 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.

G. No dwelling house or other structure or fence shall be erected, placed or altered on any lot until the construction plans and specifications, along with the proposed site therefore, 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.

H. Every structure or fence once constructed on a lot shall be kept in the same condition as at the time of its initial construction, excepting normal wear and tear. All structures shall be preserved and of pleasant appearance by maintaining paint, stain or sealer as needed. If any structure is damaged in any way, the owner shall, with due diligence, rebuild, repair and restore the structure to its appearance and condition prior to the casualty. 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.
I. The appearance, height, location and construction materials of all fences must be approved by the Architectural Control Committee prior to construction.

O. All utilities shall be underground. No antennae, poles, cellular telephone towers, communication towers, or other structures shall be erected unless approved by the Architectural Control Committee. Exterior lighting shall be fully shielded and not exceed 100-watt bulbs and shall follow the City of Whitefish’s lighting requirements. No halogen lighting is allowed for exterior lighting purposes. All satellite dish receivers must also be approved by the Architectural Review committee and shall be screened from neighbors’ view.

J. All addresses shall be visible from the roadway. All driveways shall have snow removal in a timely manner to insure access in case of emergency at the owner’s expense.

II. REMOVAL OF WASTE, PROPERTY APPEARANCE AND UPKEEP:

A. No noxious 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.

B. All structures and improvements placed upon the property shall be kept in good repair and appearance, including all fencing and outbuildings.

C. All yards and landscaping shall be maintained and shall not be allowed to become unsightly. All weeds, including any noxious weeds, shall be eradicated or controlled and all lot owners are bound by the Soil Disturbance and Weed Management Plan to which the Developer of The Canopy and the Flathead Weed and Parks Department agreed upon.

D. No part of this subdivision shall be used or maintained as a dump site, burning site, or storage ground for rubbish, trash, garbage, old automobiles, or other waste. All garbage and other waste shall be removed as reasonably necessary, but in any event not less frequently than twice each month. Garbage containers or equipment used for the disposal of such material shall be garaged (except for day of pickup) and must be put out the morning of pick-up and removed from the street by 8:00 p.m. on the day of pickup.

III. HOMEOWNERS ASSOCIATION:

A. Each property owner covenants and agrees that he/she will become and remain a member of the The Canopy Homeowners Association (“Association”), so long as the property owner retains any interest in any property located within this subdivision. By
accepting the conveyance of the property, the owner binds himself to abide by the bylaws and reasonable rules and regulations of the Association which may be adopted by the Board of Directors from time to time.

B. The property owner agrees to pay to the Association such annual dues and assessments as the Board of Directors shall fix and determine, and said dues and assessments shall be paid at such time as the Board of Directors shall determine. Such dues and assessments may include amounts for operation of the Association, legal and accounting fees, and any and all other matters determined to be appropriate by the Association and approved or assessed in accordance with the applicable rules and procedures of the Association. The Association dues and assessments shall be the same for each lot of the Subdivision regardless of size.

C. The Association shall be formed at a time to be designated by the Developer but in any event no later than within sixty (60) days of the entire development being sold. The Association shall consist of the owners of each lot of the Subdivision. The owner(s) of each lot shall be entitled to a single vote in the Association for each lot owned. When more than one person holds an interest in any lot, all such persons shall be members of the Association. The vote for such lot shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any lot. Notwithstanding the foregoing, it is hereby declared, understood and agreed that at all times hereafter during which Developer owns one or more lots in the subdivision, Developer shall be entitled to three (3) votes for each lot that it owns within the subdivision until such time as Developer has transferred to third parties all property within the subdivision in which Developer currently owns an interest. Voting may occur on matters such as election of a Board of Directors for the Association, assessment of the Association dues and assessments (if such is not determined by the Board of Directors of the Association pursuant to the applicable rules and procedures set forth within the Association’s organizational documents) amendment of these Covenants, Conditions and Restrictions, and such other matters which require a vote or an election by owners of lots within the Subdivision. In all such elections or votes, Developer shall be entitled to three (3) votes for each lot that it owns as of the date of any such vote or election.

D. 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 the 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 fifteen percent (15%) 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.
E. Lot owners are encouraged to remain active members of the Association. Each owner is a member of the Association by virtue of his/her acquisition of the lot. Upon sale, such membership shall be deemed automatically transferred from the former lot owner to the purchaser of such lot.

F. Association dues and assessments shall be determined from time to time by the Association. Notwithstanding anything contained herein to the contrary, no amount shall be assessed or otherwise charged to Developer with respect to any lots owned by Developer, nor shall Developer’s lots be 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 properties. Real property taxes and assessments shall be allocated among the lots, including Developer’s lots, in accordance with Paragraph R of Article I hereof.

IV. **ASSESSMENTS:**

A. Each owner of any lot, by acceptance of the deed to a lot, whether or not it shall be so expressed in such deed, is deemed to covenant and agree, to pay to the Homeowners Association of The Canopy for common expenses as provided herein, including Annual Assessments and Default Assessments (collectively “Assessments”). Common expenses shall include maintenance of the drainage infrastructure. Common expenses shall also include the short and long term maintenance of the Park, including mowing, irrigation and planting. The Assessments shall be used exclusively to promote the recreation, health, safety and general welfare of the owners and occupants of The Canopy.

B. Annual Assessments.

(a) The Board of Directors may levy upon and subsequently collect from each owner an Annual Assessment for each lot. The Annual Assessment shall reflect the Board’s estimate of the requirements of the Homeowners Association to cover items including, without limitation, expenses of management; premiums for insurance coverage as deemed desirable or necessary by the Homeowners Association for routine renovations; legal and accounting fees; management fees; expenses and liabilities incurred by the Homeowners Association under or by reason of this Declaration; payment of any deficit remaining from a previous assessment period; and the creation or supplementing of a reserve fund for general, routine maintenance, repairs and replacement of improvements on a periodic basis, as needed.

(b) The Annual Assessment shall be equal for each lot, unless the Board of Directors determines in good faith that a portion of the Annual Assessment
benefits fewer than all the lots, in which case such portion shall be assessed only against the benefited lots.

(c) The initial Annual Assessment shall be in the sum of _________ per year.

(d) Payment of the Annual Assessment shall be due and payable annually on February 28 of each year or in installments or otherwise, as the Board of Directors may provide.

(e) For lots that are sold by Developer during a year, the Annual Assessments shall be prorated and paid by the purchaser at closing.

C. Default Assessment:

(a) Any cost or expense (including attorneys fees) incurred by the Homeowners Association as a result of the failure of an owner to abide by the provisions of this declaration, or any expense of the Homeowners Association which is the obligation to an owner or which is incurred by the Homeowners Association on behalf of the owner pursuant to this declaration, or any charge or other monetary obligation of an owner under this declaration (other than a Special Assessment or Water Assessment) constitutes a Default Assessment.

(b) Default Assessments are levied against the lot or lots of an owner who incurs a Default Assessment.

(c) Default Assessments shall be immediately due and payable by the owner, upon notice from the Homeowners Association of the amount of the Default Assessment.

D. Remedies for Nonpayment of Assessment: Any installment of an Assessment which is not paid within thirty (30) days after its due date will be delinquent. In the event of such delinquency, the Homeowners Association may take any or all of the following actions.

(a) Assess a late charge for each delinquency at uniform rates set by the Board of Directors from time to time;

(b) Charge interest from the date of delinquency at uniform rates set by the Board of Directors from time to time;

(c) Suspend the voting right of the owner during any period of delinquency;

(d) Accelerate all remaining Assessment installments for the fiscal year in question so that unpaid Assessments for the remainder of the fiscal year will be due and payable at once;
(e) Bring an action against the owner personally obligated to pay the delinquent Assessment charges;

(f) File a statement of lien with respect to the lot and foreclose as set forth in more detail below.

The remedies provided under this declaration will not be exclusive, and the Homeowners Association may enforce any other remedies to collect delinquent Assessments as may be provided by laws.

E. Assessment Lien: Any Assessment chargeable to a lot will constitute a lien on the lot, effective the due date of the Assessment. If the Assessment is not paid within thirty (30) days of its due date, the Homeowners Association may prepare and record a written lien statement with respect to the lot, setting forth the name of the owner, the legal description of the lot, the name of the Homeowners Association, and the delinquent Assessment amounts then owing. Any such statement will be signed by an officer or director of the Homeowners Association, and will be served upon the owner of the lot by mail to the address that the Homeowners Association has in its records for the owner. Thirty days following the mailing of such notice to the owner, the Homeowners Association may proceed to foreclose the statement of lien in the same manner as provided for the foreclosure of mortgages under the statutes of the State of Montana. The Homeowners Association will have the power to bid on a lot at foreclosure sale and to acquire, hold, lease, mortgage and convey the lot.

V. GENERAL PROVISIONS:

A. These Covenants, Conditions and Restrictions are to run with the land and shall be binding on all parties, and all persons claiming under them, for a period of thirty (30) years from the date these Covenants, Conditions and Restrictions are recorded, after which time said Covenants, Conditions and Restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by seventy percent (70%) of the owners of the lots within the subdivision has been recorded agreeing to change said Covenants, Conditions and Restrictions in whole or in part. Any such amendment to these Covenants, Conditions and Restrictions shall be executed by the officers of the Association and recorded on the public records with the office of the Flathead County Clerk and Recorder. Any such amendment shall include a statement under oath that the required percentage of lot owners approved such amendment.

B. Each property owner and every person hereinafter holding any right, title or interest in any lot of the subdivision shall have the right to prevent or stop violation of any of the said restrictions by injunction or other lawful procedure, in law or in equity, against the person(s) violating or threatening to violate these Covenants, Conditions and Restrictions. Additionally, the Association or Developer shall have the right to bring legal or equitable action to enforce these Covenants, Conditions and Restrictions. Any
person who shall prosecute an action successfully may recover any damages resulting from such violation, and it is expressly understood by any person purchasing any property within the subdivision that if an action is successfully brought against such individual for a violation of these Covenants, Conditions and Restrictions, reasonable attorney’s fees and costs shall be recoverable by the prevailing party, and if the party seeking to enforce these Covenants, Conditions and Restrictions is successful, such party shall also be entitled to recover any damages he/she/it incurred as a result of the violation which resulted in such litigation.

C. Invalidation of any one of these Covenants, Conditions and Restrictions by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
IN WITNESS WHEREOF these Covenants, Conditions and Restrictions were executed this ___ day of _______________, 20__.

By: __________________________________________

STATE OF MONTANA  )
               : ss
County of Flathead  )

This instrument was acknowledged before me on the ___ day of _______________, 20__, by ________, as a Member of Pheasant Run, LLC.

____________________________________________
(printed name)
Notary Public for the State of Montana
Residing at _________________________________
My Commission expires _______________________
(This page left blank intentionally to separate printed sections)
ORDINANCE NO. 23-

An Ordinance of the City Council of the City of Whitefish, Montana, rezoning approximately 9.9 acres of land located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.,M., Flathead County, Montana, from County R-3 (One-Family Residential) to WR-1 (One-Family Residential), and adopting findings with respect to such rezone.

WHEREAS, upon request, the City of Whitefish initiated a rezone with respect to property located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.,M., Flathead County, Montana; and

WHEREAS, in response to the applicant-initiated rezone, the Whitefish Planning & Building staff prepared Staff Report WZC 23-01, dated March 16, 2023, which analyzed the proposed rezone and recommended in favor of its approval; and

WHEREAS, at a lawfully noticed public hearing on March 16, 2023, the Whitefish Planning Board reviewed Staff Report WZC 23-01, received an oral report from Planning staff, invited public comment, and thereafter voted to recommend in favor of the proposed zone change; and

WHEREAS, at a lawfully noticed public hearing on April 3, 2023, the Whitefish City Council reviewed Staff Report WZC 23-01 and letter of transmittal dated March 28, 2023, received an oral report from Planning staff, and invited public comment; and

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

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

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

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

Section 2: Staff Report WZC 23-01 dated March 16, 2023, together with the March 28, 2023 letter of transmittal from the Whitefish Planning & Building Department, are hereby adopted as Findings of Fact.

Section 3: The real property located at 625 Lund Lane, known as Parcel B of Certificate of Survey No. 1419 in Section 1, Township 30 North, Range 22 West, P.M.,M., Flathead County, Montana, previously zoned County R-3 (One-Family Residential) is hereby rezoned to WR-1 (One-Family Residential).
Section 4: The official Zoning Map of the City of Whitefish, Montana, shall be amended, altered and changed to provide that the rezone and zoning map amendment of the real property identified on the map attached hereto as Exhibit A and incorporated herein by reference, shall be designated WR-1 (One-Family Residential). The Zoning Administrator is instructed to change the City's official Zoning Map to conform to the terms of this Ordinance.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS _______ DAY OF __________________ 2023.

________________________
John M. Muhlfeld, Mayor

ATTEST:

________________________
Michelle Howke, City Clerk
625 Lund Lane, Whitefish, MT  
Accessor No. 0919800
March 28, 2023

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

RE: 625 Lund Lane (WZC 23-01)

Honorable Mayor and Council:

Summary of Requested Action: This is a request by the City of Whitefish for a zoning map amendment to change a parcel recently annexed into city limits from County R-3 to WR-1 (One-family Residential). It is 9.9 acres and known Parcel B of COS No. 1419 in Section 1, Township 30 N, Range 22 W., in Whitefish, Montana. The Whitefish Growth Policy designates the property as Rural Residential.

Planning & Building Department Recommendation: Staff recommended approval of the above referenced zone change as set forth in the attached staff report.

Public Hearing: A public hearing was held on March 16, 2023. No other members of the public spoke.

Planning Board Action: The Whitefish Planning Board met on March 16, 2023 and considered the request. Following the hearing, the Planning Board made a motion to approve the above-mentioned zone change passed unanimously, adopting the staff report as findings of fact.

Proposed Motion:

- I move to approve WZC 23-01 and adopt the Findings of Fact in the staff report, as recommended by the Whitefish Planning Board on March 16, 2023.

This item has been placed on the agenda for your regularly scheduled meeting on April 3, 2023. Should Council have questions or need further information on this matter, please contact the Planning Board or the Planning & Building Department.

Respectfully,
/s/ Nelson Loring

Nelson Loring
Planner

Att: Draft Minutes of 3-16-22 Planning Board Meeting
Ordinance 23-

Exhibits from 2-16-22 Staff Packet to Planning Board:
1. Staff Report – WZC 23-01, 3-16-23
2. Adjacent Landowner Notice, 3-1-23
3. Map of Adjacent Landowners, Flathead County GIS, 3-1-23
4. Advisory Agency Notice, 2-24-23

c: w/att Michelle Howke, City Clerk
### PUBLIC HEARING 1:  
**CITY OF WHITEFISH REZONE REQUEST**  
6:02 pm

A request by the City of Whitefish for a zoning map amendment to change a parcel recently annexed into city limits from County R-3 (One-family Residential) to a zoning of WR-1 (One-family Residential). The parcel is approximately 9.9 acres, it is located at 625 Lund Lane, and can be legally described as Parcel B of COS No 1419 in S01 T30N R22W, P.M., M., Flathead County.

### STAFF REPORT  
**WZC 23-01 (Loring)**

Planner Loring reviewed his staff report and findings. As of the writing of WZC 23-01, no written public comments had been received, and none have been received since then.

Staff recommended adoption of the findings of fact within staff report WZC 23-01 and for approval of the zoning map amendment to the Whitefish City Council.

### BOARD QUESTIONS OF STAFF

Freudenberger asked if there is any plan to bring the sewer through 18th Street as Lund gets extended. Loring said that is the nearest sewer currently and would have to be reviewed at time of development.

Chair Qunell asked if they would be required to connect to our services if they build a home there or would they be able to get a septic permit. Director Taylor said he assumed that was why they wanted to annex in order to be able to connect to our water or sewer. If they were going to subdivide that at any point, they would be responsible to connect.

### PUBLIC HEARING

Chair Qunell opened the public hearing.

### APPLICANT / AGENCIES

N/A

### PUBLIC COMMENT

There being no comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.

### MOTION / BOARD DISCUSSION

Scott made a motion, seconded by Linville, to adopt the findings of fact within staff report WZC 23-01 as proposed by City Staff.

### VOTE

The motion passed unanimously. The matter is scheduled to go before the Council on April 3, 2023.
A report to the Whitefish City Council regarding a request by the City of Whitefish for a zoning map amendment to change a parcel recently annexed into city limits from County R-3 (One-family Residential) to a zoning of WR-1 (One-family Residential). The parcel is approximately 9.9 acres, it is located at 625 Lund Lane, and known as Parcel B of COS No. 1419 in Section 1, Township 30 N, Range 22 W., in Whitefish, Montana. The Planning Board recommended approval to the City Council for public hearing on Monday, April 3, 2023 at 7:10 PM.

PROJECT SCOPE
The City is requesting a zone change on a tract recently annexed. The parcel is vacant and addressed 625 Lund Lane.

The purpose of rezoning the property is due to the adoption of Resolution 23-04, which annexed the property into Whitefish City limits on February 6, 2022. As the property is now within the City, the zoning must be changed from a County zoning designation to a City zoning designation. The WR-1 zone is the city equivalent of R-3.

Purpose of WR-1: The WR-1 District is intended for residential purposes to provide for one-family homes in an urban setting connected to all Municipal utilities and services.
### Proposed Zoning vs. Existing Zoning

<table>
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<tr>
<th></th>
<th>WR-1 (proposed zoning)</th>
<th>R-3 (existing zoning)</th>
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<tbody>
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<td>Minimum lot area</td>
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<td>10,000 sq ft</td>
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<tr>
<td>Front yard setback</td>
<td>25-feet</td>
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<td>Side yard setback</td>
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<td>Rear yard setback</td>
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<tr>
<td>Maximum height</td>
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<td>35-feet</td>
</tr>
<tr>
<td>Permitted lot coverage</td>
<td>35%</td>
<td>30%</td>
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</table>

### Applicant and Owner

**A. Applicant:**
City of Whitefish  
PO Box 158  
Whitefish, MT 59937

**Owner:**
Lisa Szady  
228 Houston Point Drive  
Whitefish, MT 59937

### Location and Size

**B. Location and Size:**
The subject property is located at 625 Lund Lane and can be legally described as Tract 2C, in S01, T30 N, R22 W, P.M.M., Flathead County, Montana.

### Existing Land Use, Zoning, and Growth Policy Designation

**C. Existing Land Use, Zoning, and Growth Policy Designation:**
The property is vacant rural land recently annexed into the city and surrounded by county R-3 zoning and rural residential uses. It is currently zoned County R-3, which is a 10,000 square foot minimum lot size single-family residential zone equivalent to city WR-1 zoning.

The parcel is identified as Rural Residential on the Whitefish City-County Growth Policy Future Land Use Map. The text within the Growth Policy relating to the Rural Residential classification states: “The rural residential designation is intended primarily for areas that are already divided into lots of 2 ½ to 10 acres in size. Its intent is to preserve rural character while allowing existing large-lot residential areas to continue without becoming non-conforming as to minimum lot size. Applicable zoning districts include WCR and WA-10. Rural residential is not seen as a desirable future development option, and this City of Whitefish Growth Policy does not advocate designating additional areas for rural residential beyond what is already depicted on the Future Land Use Map.”
D. **Adjacent Land Uses, Zoning and Growth Policy Designations:**

- **North:** Residential, R-3, Rural Residential
- **South:** Residential, R-3, Rural Residential
- **East:** Residential, R-3, Rural Residential
- **West:** Residential, R-3, Rural Residential

E. **Utilities:**

- **Sewer:** City of Whitefish
- **Water:** City of Whitefish
- **Solid Waste:** Republic Services
- **Electric:** Flathead Electric Co-op
- **Natural Gas:** Northwest Energy
- **Phone:** Centurylink
- **Police:** City of Whitefish
- **Fire:** City of Whitefish
- **Roads:** Private
F. **Public Notice:**
A notice was mailed to adjacent landowners within 150-feet of the subject parcels on March 1, 2023. Advisory agencies were noticed on February 24, 2023. A notice was published in the Whitefish Pilot on March 1, 2023. Comment was not received as of the writing of this report.

**REVIEW AND FINDINGS OF FACT:**
This request is reviewed in accordance with the Whitefish zoning regulations, Section 11-7-12 and based on statutory criteria on the purposes of zoning (76-2-303 through 305 M.C.A.).

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

A. **Made in accordance with a Growth Policy.**
The Growth Policy Future Land Use Map designates the parcel as Rural Residential which is consistent with WCR, but the WR-1 is the closest equivalent to the existing zoning of R-3. The City has a policy of not down-zoning properties as they are annexed and will rezone a property to its closest equivalent. Additionally, state law requires zoning upon annexation to be consistent with county approved land uses.

**Finding 1:** The proposed zone change to WR-1 is in accordance with the Growth Policy because the proposed zoning district is the equivalent the existing county zoning per city policy.

B. **Secure safety from fire, panic and other dangers.**
The property is served by the City of Whitefish Police and Fire Departments. Any future development will meet all City requirements for roadway widths and Fire Department standards.

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

C. **Promote the public health, public safety and general welfare.**
Public services and utilities are available adjacent to the property. The closest city sewer would be accessed from W 18th Street and connected to the property at the owner’s expense. This area is included in the City’s Extension of Services Plan.

**Finding 3:** The proposed zone change promotes public interest, health, comfort and general welfare because public services are available to the subject property and the area is included in the City’s Extension of Services Plan.
D. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
City water is available to the property from the Lund Lane and City sewer will be extended at the owner’s expense. The area is also included with the City’s Extension of Services Plan.

Finding 4: The proposed zone change facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements because the property is now located inside city limits, the area is included in the Extension of Services Plan, and the property can or will be served by public services and facilities.

E. Reasonable provision of adequate light and air.
The proposed zoning designations include setbacks, maximum building height and lot coverage. In addition, all future construction will require conformance with the Building Code.

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

F. The effect on motorized and non-motorized transportation systems.
The property is now in the city limits and is served by Lund Lane, a private street. The proposed zone change from County R-3 zoning to WR-1 zoning will not have a significant effect on the motorized and non-motorized transportation systems because the property adjacent to an unpaved private street and WR-1 is compatible with adjacent uses. While increased traffic could occur with the new zoning, any impacts to transportation systems will be reviewed at the time of development.

Finding 6: The proposed zone change will not affect motorized and non-motorized transportation systems because the property is served by a private street, and the traffic impacts from any future proposed uses will be reviewed during the permitting process.

G. Promotion of compatible urban growth.
The subject property is in an area identified as Rural Residential by the Growth Policy’s Future Land Use Map. The Growth Policy designates Rural Residential as including WCR and WA-10. As described previously, since the subject property has been recently annexed into the Whitefish City limits, the property must be rezoned to the closest equivalent City zone or in conformance with the Growth Policy Future Land Use map. Therefore, the proposed zone change will promote compatible growth for the surrounding area.

Finding 7: The proposed zone change will promote compatible urban growth because the property is served by public services, and the proposed zoning designation is the closest equivalent Whitefish City zone.

H. Consideration to the character of the district and its particular suitability for particular uses.
This particular lot is vacant land surrounded by residential. The rezone will facilitate residential uses.

Finding 8: The proposed zone change considers the character of the district and its suitability for particular uses because it is consistent with the existing conditions of the single-family zoning in the neighborhood.

I. **Conserving the value of buildings.**
The subject property is currently vacant land with no structures. The proposed zone change does not substantially change the uses permitted on the property. The value of surrounding buildings will not be negatively impacted by the proposed zone change.

Finding 9: The proposed zone change will conserve the value of any surrounding buildings because there is no significant change to the land uses permitted.

J. **Encouraging the most appropriate use of land throughout the jurisdictional area.**
The proposed zone change to WR-1 would encourage the most appropriate use of land as it is consistent with the county zoning designation of R-3.

Finding 10: The proposed zone change encourages the most appropriate use of land throughout the jurisdictional area because it is consistent with adjacent zoning.

K. **That historical use and establish use patterns and recent change in use trends will be weighed equally and consideration not be given one to the exclusion of the other.**

Finding 11: The proposed zone change is consistent with the historical, established and trending use patterns of the area, which include single family homes.

**RECOMMENDATION**
It was recommended by the Whitefish Planning Board that the Whitefish City Council adopt staff report WZC 23-01 findings of fact and recommend that the zoning map amendment be approved.
Public Notice of Proposed Land Use Action

The City of Whitefish would like to inform you that the City is requesting a zone change of one parcel due to recent annexation from Flathead County R-3 (One-Family Residential) to WR-1 (One-Family Residential District). The property is currently undeveloped, located at 625 Lund Lane and can be legally described as Tract 2C in S1 T30N R22W, P.M.M., Flathead County.

You are welcome to provide comments on the project. Comments can be in written or email format. The Whitefish Planning Board will hold a public hearing for the proposed project request on:

Thursday, March 16, 2023
6:00 p.m.
Whitefish City Council Chambers, City Hall
418 E 2nd Street, Whitefish MT 59937

The Whitefish Planning Board will make a recommendation to the City Council, who will then hold a public hearing and take final action on Monday, April 3, 2023 at 7:10 p.m., also in the Whitefish City Council Chambers.

On the back of this flyer is a location map of the project. Additional information on this proposal can be obtained at the Whitefish Planning Department located at 418 E 2nd Street. The public is encouraged to comment on the above proposal and attend the hearing. Please send comments to the Whitefish Planning Department, PO Box 158, Whitefish, MT 59937, or by phone (406) 863-2410, fax (406) 863-2409 or email at nloring@cityofwhitefish.org. Comments received by the close of business on Monday, March 6, 2023, will be included in the packets to Board members. Comments received after the deadline will be summarized to Board members at the public hearing.
Date: February 24, 2023

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held in person on Thursday, March 16, 2023 at 6:00 pm at the Whitefish City Council Chambers in City Hall. Upon receipt of the recommendation from the Planning Board, the Whitefish City Council will hold a subsequent public hearing for items 1 and 2 on Monday, April 3, 2023 and items 3 and 4 on Monday, April 17, 2023. City Council meetings start at 7:10 pm at City Hall.

1. A request by Lisa Szady for a zoning map amendment to change a parcel recently annexed into city limits from County R-3 (One-family Residential) to a zoning of WR-1 (One-family Residential). The parcel is approximately 9.9 acres, it is located at 625 Lund Lane, and can be legally described as Parcel B of COS No. 1419 in Section 1, Township 30 N, Range 22 W., in Whitefish, Montana. (WZC 23-01) Loring

2. A request by the City of Whitefish for a zoning map amendment due to recent annexation from Flathead County B-4/HO (Secondary Business/Highway Overlay) and SAG-5/HO (Suburban Agricultural/Highway Overlay) to WB-2 (Secondary Business District) and WCR (Country Residential District). The property is currently developed with two single family homes and is zoned Flathead County B-4/HO (Secondary Business/Highway Overlay) and SAG-5/HO (Suburban Agricultural/Highway Overlay). The property is located at 111, 119 & 140 Iverson Lane and 6010 Highway 93 S and can be legally described as Tracts 7CB, 7CD, 7CLAB, 7DA, in S12 T13N R22W P.M.M., Flathead County. (WZC 23-02) Compton-Ring

3. A request by Honor Bound LLC for a zoning map amendment to a 11.12 acre portion of Lot 7A in S01-T20N-R22W from WCR-Special Conditions to WER-Special Conditions, matching the underlying Future Land Use of Suburban Residential, with the Special Conditions providing an additional 5’ setback from the required off of Park Knoll Lane and a provision that only single-family housing would be developed directly adjacent to Park Knoll Lane west of the future Baker Avenue intersection. (WZA 23-03) Taylor
4. A request by the City of Whitefish for a Zoning Text Amendment to Section 11-7-12, Administration and Enforcement, Amendments, to add new section 11-7-12-E, Zoning Upon Annexation, wherein the City Council can approve a zone change ordinance from county zoning to Whitefish city zoning for properties annexing into city limits at the same time as approving the annexation petition or establish Interim Zoning. (WZTA 23-01) Taylor

Documents pertaining to these agenda items are available for review at the Whitefish Planning & Building Department, 418 E Second Street, during regular business hours and the application and site plans are available HERE. The full application packet along with public comments and staff report will be available on the City’s webpage: www.cityofwhitefish.org under Planning Board one week prior to the Planning Board public hearing date noted above. Inquiries are welcomed. Interested parties are invited to attend the meeting and make known their views and concerns. Comments in writing may be forwarded to the Whitefish Planning & Building Department at the above address prior to the hearing or via email: dtaylor@cityofwhitefish.org. For questions or further information regarding these proposals, call 406-863-2410.
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Staff Report

To: Mayor John Muhlfeld and City Councilors
From: Joe Page, Fire Chief
Date: March 27, 2023
Re: Bid award Fire Engine

Introduction / History
The Fire Department provides fire, rescue, hazmat, and EMS services to the City of Whitefish, the Whitefish Fire Service Area, and portions of the Flathead Fire Service Area. A fire engine needs to be capable of supporting the department’s all hazard mission. Equipped with a large fire pump, water, ladders, hose, and various tools and equipment, fire engines are the department primary response vehicle.

The fire department’s fleet consists of three fire engines. The newest is our first-due, followed by our second-due, and a reserve. Our vehicle replacement plan looks to replace an engine every eight years so the oldest is sold at auction and replaced at twenty-four years old.

NFPA recommends that apparatus greater than fifteen years old be placed in reserve status and removed from service at twenty-five years old. Our plan of replacing an engine every eight years would put us close to meeting NFPA’s recommendations.

Current Report
Our current fleet of fire engines includes a 2014, (11-years old), a 1997 (26-years old), and a 1995 (28-years old). In order to address our aging fleet a specification was created for a new all-wheel drive fire engine.

A bid request was published in the Whitefish Pilot on January 25th and February 8th plus in the Daily Interlake on January 29th and February 12th. Bid submittals were due February 23rd and opened at 3:00 p.m. There were four submittals received which were reviewed by the Fire Chief against the bid specifications.

Northern Rockies Fire out of Kalispell, Montana for a HME Ahrens-Fox was the lowest bidder at $693,214.00 with the quickest build time of 400-days from signed order.
Financial Requirement
The Fire Department’s FY23 budget has $450,000 appropriated for a new engine. Of the $450,000, the Whitefish Fire Service Area will contribute $100,000 in accordance with our contract for service.

With the entire industry continuing to see huge price jumps with longer build times, it comes as no surprise that the lowest bid price of $693,214 far exceeds the budget by $243,214. As a one-time capital purchase, the additional cost of $243,214 is recommended to be paid for with reserves in the Fire & Ambulance Fund, which are at an all-time high due to the CARES funding received during the pandemic. The FY23 Budget, before this purchase, assumes an ending fund balance of $1,521,239 at year end. If approved, a budget amendment will likely need to be made later this year.

Recommendation
Staff respectfully recommends that the City Council awards a contract to the lowest responsible bidder, Northern Rockies Fire of Kalispell, MT to provide a fire engine as specified in the bid for $693,214.00.
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MEETINGS
The Whitefish Community Housing Committee held its second meeting on Tuesday, March 21st. The Committee reviewed the request for qualifications for assistance in the creation of the development plan and financial plan. The process moving forward was also discussed, which included the future City Council appointment of a rating panel and selection committee. The meeting also included time for committee members to brainstorm ideas for both the development plan and financial plan. Committee members also identified three more priority action items in the Whitefish Community Housing Roadmap with the intent to select the top priority action item at the next meeting. A regular meeting schedule of the 4th Monday of the month from 4pm to 6pm was also set.

BUDGET
Based on the legislative session not wrapping up until May 5th and the many more concerning newly introduced revenue bills that may have significant financial impacts on the City in the areas of revenue generation (property taxes, etc.) or budget limitations, staff is requesting a two-week delay for the preliminary budget from May 1st to May 15th. This will give us time to assess any financial impacts for FY24 or future years because of the legislative session.

CITY HALL CLOSED
City Hall will be closed Friday, April 7th, for Good Friday in accordance with the City’s adopted holiday schedule.

2023 MONTANA LEGISLATIVE SESSION
With April 4th set as the transmittal date for all appropriation bills, revenue bills, and bills proposing referenda, we have seen a flurry of new bills and many hearings over the past two weeks. Currently there have been a total of 566 Senate bills and 963 House bills introduced. Below is a list of bills that could significantly impact the City that we are supporting or opposing. The list excludes bills that were previously reported this year and did not meet the transmittal deadline, as well as some bills that are still under review by staff as of today and hundreds more that are generally being monitored. 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 the Senate. The House Judiciary Committee approved SB 105.
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 was transmitted to the House with amendments. The House Local Government Committee has approved the bill on a 11-5 vote.

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 on January 19th. Senate Taxation Committee amended and passed the bill. The Senate also passed the bill as amended on second reading and referred it to the Senate Finance and Claims Committee. A hearing is scheduled for March 29th, but there are concerns that the amendment will make it impossible to implement as it would direct all property tax relief to a specific class, which may not be clearly tracked by the County for assessment purposes.

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. The Senate Judiciary Committee and the Senate both have approved the bill. SB 159 passed the House Judiciary Committee and second reading by the House. The third reading is scheduled for March 29th. This bill is likely to be passed and adopted as law.

SB 206 – Exempt Certain Cell Phone Use from Local Ordinances. If passed, this bill would require a change to the City’s current ordinance to allow the use of a cell phone while driving for voice communications. In other words, the City would only be able to restrict texting while driving. The City opposes this bill. The bill has passed through the Senate and has been transmitted to the House. SB 206 was referred to the House Local Government Committee with a hearing scheduled for March 30th.

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, which was approved by the Senate and transmitted to the House. SB 215 passed out of the House Natural Resources Committee and the second reading in the House. The third reading is scheduled for March 29th. This bill is likely to be passed and adopted as law.
SB 245 – Revise Municipal Zoning to Allow Multifamily and Mixed-Use Development. SB 245 would require as a permitted use multifamily and mixed-use developments in commercial zones with no parking requirements, a maximum height of 40 feet, and setbacks equal to the smallest setbacks in the City. The City provided written testimony opposing this bill at the hearing on February 8th and was approved with minor amendments. SB 245 was approved by the Senate and transmitted to the House. A hearing was held by the House Local Government Committee on March 23rd. The City submitted written testimony opposing this bill. Executive action is pending.

SB 262 – Generally Revise Licensing Requirements. This bill would essentially eliminate the City’s business licensing program. As proposed, this bill would prohibit any additional licensing requirements at the City level for which a license is required by the State. There are many types of businesses and professions licensed by the State including public accommodations, bars, restaurants, CPAs, etc. The City provided written testimony opposing this bill for the February 8th hearing, but the bill passed through the committee on February 14th. It also passed the Senate and was transmitted to the House prior to the transmittal deadline. A hearing was held by the House Business and Labor Committee. An amendment that would minimize the impacts of the bill has been provided for consideration. Executive action is pending.

SB 268 – Short-term Rentals. This bill was introduced by Senator Hertz on February 3rd. 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 owner’s primary residence. Amendments to the bill were 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, but no amendments have been made. The definition of primary residence was clarified with amendments to be an owner who resides in the home for at least 7 months. The City provided written testimony opposing SB 268 for the hearing on February 20th. Amendments were passed that would still allow short-term rentals for primary residence and an ADU or a single unit on an adjacent property. This bill was passed by the committee and the Senate. A hearing was held by the House Judiciary Committee on March 24th. The City provided written testimony and our lobbyist also provided testimony at the hearing. Executive action is pending.

SB 301 – Revise Property Laws Related to Lakeshore Regulations. SB 301 would grandfather structures within the lakeshore protection zone that were in place on or before January 1, 2023, unless active enforcement was taking place by a local government. Furthermore, it allows ongoing maintenance, remodeling or minor modification that costs less than $10,000 and does not involve significant excavation or in-fill of material. The City submitted written testimony for the Senate Local Government Committee hearing on January 20th. Amendments were made and passed by the Committee. The amendments clarify that these new regulations do not apply to illegally constructed items that cause material harm to lakeshore stability, water quality, or aquatic life. This bill was passed by the Senate and is scheduled for a hearing in the House Local Government Committee on March 30th.
SB 323 – Allow for Duplex, Triplex, and Fourplex Housing in City Zoning. This bill is much more impactful for communities with a population of 50,000 or more as it would require zoning regulations for all duplexes, triplexes, and fourplexes to be no more restrictive than that of a single-family residence. For cities with a population of at least 5,000, which applies to Whitefish, zoning regulations cannot be more restrictive for duplex housing than those applicable to single-family homes. The Senate Local Government Committee passed this bill with minor amendments that do not change the impact of the bill on Whitefish. This bill was passed by the Senate and a hearing was held on March 28th in the House Local Government Committee. Executive action is pending.

SB 379 – Revise Zoning Laws. The City opposes SB 379 that originally prohibited minimum lot size more than 1 mile beyond municipal boundaries. However, the Senate Local Government Committee, without public input, passed the bill with unrelated amendments that would restrict City zoning with regards to minimum lot sizes and accessory dwelling units. A hearing was held on March 28th by the House Local Government Committee. The City provided written testimony opposing this bill and the City’s lobbyist also provided testimony at the hearing.

SB 511 – Revise Government Entity Limitations on Property Tax Increase. The City strongly opposes this bill that would limit property tax revenue growth to 4% per year. This would significantly impact the City’s ability to address the need for increased services due to growth. It also would eliminate the carry forward mills we have available from prudent and minimal tax increases each year. A hearing was held by the Senate Taxation Committee on March 23rd. The City provided written testimony opposing this bill.

*NEW* SB 519 – Revise Laws Related to Maximum Mill Levies. The City strongly opposes SB 519 that would eliminate the ability of cities to have a voted levy for public safety, eliminates the half-rate of inflation for general mill levies, and also limits the amount of new property tax revenue growth to 2% without a vote of the people. This bill would make it impossible to keep up with rising costs and growth in a timely manner. A hearing was held on March 27th in the Senate Taxation Committee. Executive action is pending.

*NEW* SB 517 – Establish Graduated Fee on Short Term Rentals with Money Going to Housing. The City supports this bill as a new mechanism to fund affordable housing. A fee ranging from 1% to 3% would be charged on short-term rentals, excluding the short-term rental of units located on a primary residence. The State would collect those fees and fund a grant program for the planning, new construction, property acquisition, and rehabilitation of low to moderate-income housing. Grant eligibility includes local governments, housing authorities, non-profit housing organizations, and for-profit housing developers. A hearing is scheduled with the Senate Taxation Committee on March 29th and the City’s lobbyist will testify in support at the hearing.

*NEW* SB 528 – Revise Zoning Laws Related to ADUs. The City opposes SB 528 that is sponsored by Senator Hertz. SB 528 would require cities to allow at least one ADU where a single-family residence is located with no parking requirements, no architectural standards, setting size to the lesser of 1,000 square feet or the square footage of the primary residence, as well as other requirements. If SB 268 is passed these unit are free to become short-term rentals if the property owner is a primary resident (defined as living in the unit at least 7-months per year). The City
submitted written testimony opposing the bill for the hearing held March 27th in the Senate Local Government Committee.

HB 76 – Generally Revise Transportation Laws. This bill reduces the 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 passed by the legislature. **Enrolling and final preparation is in process.**

HB 226 – Generally Revise Pension Laws. The City opposes HB 226. This bill 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 plan, 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 Committee and House approved this bill with amendments that somewhat minimize the impact. The House passed HB 226 and transmitted the bill to the Senate. **A hearing was held in the Senate Finance and Claims Committee on March 27th.** While the City still opposes HB 226 as amended, 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. A hearing was held on February 21st in the House State Administration Committee and concurred with the bill on March 17th. **SB 29 was referred to the House Appropriations Committee and a hearing was held on March 23rd. Executive action on SB 29 by the Committee is still pending.**

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 and was transmitted to the Senate. **A hearing with the Senate Local Government Committee is scheduled for March 31st.**

HB 407 – Provide for Affordable Housing Tax Abatements. HB 407, sponsored by Representative Fern, provides that a local government may provide a program for property tax abatements for affordable multifamily rental housing. This is a possible new tool for the City in addressing affordable housing. The City provided support at the hearing on February 14th. **The Committee passed the bill with amendments. The House Appropriations Committee tabled the bill on March 27th. Unless pulled off the table, this bill is likely dead.**

HB 430 – Establish a Rent Local Program Funded with Tax on Short-term Rentals. This bill would create a new tax on short-term rentals that would be collected and administered by the State. The tax collected would be remitted to local jurisdictions in which the short-term rental operates if the governing body creates and administers a rent local program. Up to 5% of the tax collected may be retained by the State for administrative costs. The program requirements would be determined at the local level with certain parameters such as a 1-year lease. The City is a proponent of this bill and provided supportive testimony on February 17th at the House Taxation Committee meeting. **The House Taxation Committee passed the bill as amended. Staff is still determining the impacts of the amendment.**
HB 465 – Revise Local Government Acceptable Use of Building Permit Fees. The City supports HB 465 that would increase the maximum fund balance limit from 12 months to 36 months, as well as eliminate the need for separate agreed upon procedures. A hearing was held in front of the House Local Government Committee on February 21st. The Committee passed HB 465 with minor amendments, and it has also passed the House. The Senate Local Government Committee held a hearing on March 24th. Executive action is pending.

*NEW* HB 865 – Provide for Local Government Expenditure Limitation and Penalties. HB 865 would limit expenditures to the greater of the prior year or the sum of the average inflation rate of the prior 3 years plus the average population growth rate for the prior three years. This is another attempt at limiting local government expenditures that already go through a public process and could be detrimental to the funding of significant capital projects such as the purchase of fire apparatus, etc. The City is in strong opposition to HB 865 and submitted written testimony for the hearing held March 28th in the House Judiciary Committee. Executive action is pending.

NEXT CITY COUNCIL MEETING
The next City Council meeting is scheduled for Monday, April 17th, in the City Council Chambers with remote participation available to the public. A special session will be held for committee interviews.

Respectfully submitted,

Dana M. Smith, CPA
City Manager
Staff Report

To: Mayor John Muhlfeld and City Councilors
From: Dana Smith, City Manager
Date: March 28, 2023
Re: Recommendation to appoint members to the rating panel and selection committee for the housing development and financing plan as identified in the Whitefish Community Housing Roadmap.

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Background
In January, the City Council established the Whitefish Community Housing Committee (Committee) to implement strategies identified in the recently adopted Whitefish Community Housing Roadmap (Roadmap) that the City was identified to take the lead role. The Committee held its first meeting on February 27th to review the priorities of the Roadmap for the City to implement. The first two priority action items include (1) the creation of a community housing development plan under the public/private development strategy, and (2) the creation of a community housing financing plan for the Roadmap that falls under the funding for community housing strategy. Both actions are not only essential for the implementation of the Roadmap, but also for the intent of City Council to ask voters to reallocate the 3% Resort Tax to include community housing this fall.

Current Report
At its March 6, 2023, meeting the City Council approved the recommendation from city staff and the Committee to hire a consultant to assist in the preparation of the development plan and community housing financing plan. On March 15th, a request for qualifications was issued (see attached). The deadline for submittals is April 6th at 4:00 p.m. In accordance with the Consultant Selection Policy, the City Council must appoint a rating panel and selection committee.

The Committee, at its March 21st meeting, discussed the RFQ and recommended that the following individuals be appointed by the City Council to the rating panel and selection committee:

- Daniel Sidder, Committee Member
- Cameron Blake, Committee Member
- Wendy Compton-Ring, Senior Planner
- Dana Smith, City Manager
- Ben Davis, City Councilor and Committee Member

Financial Requirements
There are no financial requirements currently. However, the adopted FY23 Budget appropriates $203,107 for community housing initiatives in the Affordable Housing Fund (2989). While the total cost of the project is unknown at this time, staff feels the costs will be within the appropriated budget and likely less than $100,000, which will ensure funds are available for other priority action items. A decision on the financial requirements will be made when the contract is awarded.
Recommendation
Staff and the Committee respectfully recommend the City Council appoint Daniel Sidder, Cameron Blake, Wendy Compton-Ring, Councilor Davis, and Dana Smith to the rating panel and selection committee.
REQUEST FOR QUALIFICATIONS
FOR THE COMMUNITY HOUSING DEVELOPMENT AND FINANCING PLAN
FOR THE CITY OF WHITEFISH, MONTANA

Notice is hereby given by the City of Whitefish, Montana, that it is soliciting written statements of qualifications to complete the Community Housing Development Plan and the Community Housing Financing Plan identified in the City’s recently adopted Community Housing Roadmap. Qualified consultants will be experienced in housing, planning, community engagement, and consensus building. Further, they should have experience in the development of practical, effective, and implementable financing of housing programs that are consistent with the unique challenges of small mountain and resort communities. Their experience should reflect knowledge of housing policy, finance, and entitlements.

Project Description: The City of Whitefish (City) adopted the Whitefish Community Housing Roadmap (Roadmap) that provides a range of strategies and actions to address the community housing needs in the Whitefish Area over the next five years. Community housing is defined as housing not being provided by the existing market at prices attainable for community members that live and work in the Whitefish Area. Two priority actions items of the Roadmap include: (1) the creation of a community housing development plan that outlines the development of prioritized public, institutional, nonprofit, and other lands specifying the type, scale, timing, resources, partners, and financing, and (2) the creation of a community housing financing plan that considers the financing of all prioritized strategies in the Roadmap including public/private developments (as defined in the community housing development plan), identifies the specific source of funds (federal, state, and local), fund uses, estimated amounts, timing, partners/staff/contractors, and the steps needed to acquire such funding. The City is seeking services to complete both action items. The creation of these plans shall cover a five-to-ten-year period and will require transparency, clarity, and community input. City staff, the Whitefish Community Housing Committee, the Whitefish Housing Authority, Housing Whitefish, and other possible community partners, will need to play a significant role in the development of both plans.

The Whitefish Community Housing Roadmap that details the recommended steps for these action items is available on the City’s website at https://www.cityofwhitefish.org/579/Whitefish-Housing-Refresh-2022.

Information to be submitted by prospective firms or individuals in their statements of qualifications should include:

1. **Firm Qualifications:** This section shall provide information establishing the firm as an organization which is experienced and competent in housing development, planning, community engagement, finance, grants, and consensus building. This section should include a list of similar plans completed by the firm.

2. **Key Personnel:** This section shall include a list of the key personnel in the firm who would be assigned to the proposed project. Please include their backgrounds and their location. Also
include a statement regarding any intention to sub-contract any portion of this study out to other firms.

3. Proposed Plan of Study: Please submit a general outline of the proposed plan of study, including information concerning the firm's ability to meet the City's proposed deadline of July 5, 2023. The expedited schedule is necessary to allow time for the City Council to consider proceeding with a possible ballot question to re-allocate a portion of the City’s 3% resort tax to community housing efforts this fall. This section shall also include information on the firm's proposed methods to accomplish the required work including involvement of City staff and the Whitefish Community Housing Committee.

4. Additional Information: Any additional information that is relevant for City officials to consider in reviewing and comparing the firm's statements of qualifications.

The submitted documents shall be limited to ten pages or less, excluding resumes.

Closing Date and Address: Four hard copies and one digital copy of written statements of qualifications clearly identified as “Community Housing Development Plan and Financing Plan” shall be submitted to the City Clerk, City of Whitefish, 418 E. 2nd Street, Whitefish, Montana 59937 on or before 4:00 PM local time on the 6th day of April 2023.

Selection Process and Contract Negotiations: All qualification statements submitted will be evaluated by a Consultant Selection Committee determined by the City Council. Up to five qualified candidates will be interviewed by the Committee at which time additional information may be requested. Interviews will be scheduled the week of April 10th. The scope of services and proposed costs will be discussed in more detail during the interview phase. The City’s goal is to have a firm selected and a contract negotiated by April 25, 2023, so the City Council can consider awarding the contract to the firm at the May 1, 2023, City Council meeting. The project is expected begin immediately upon award of the contract.

The City of Whitefish reserves the right to select the firm and accept the proposal which the City Council deems is in the best interest of the City and to reject any proposals that the Council deems not to be in the best interest of the City for any reasons. City Manager, Dana Smith, can be reached at (406) 863-2406 or dsmith@cityofwhitefish.org regarding questions.

Dated: March 15, 2023
(This page left blank intentionally to separate printed sections)
Dear Michelle,

I am writing to express my interest in serving on the Housing Authority Board for the City of Whitefish. As a resident of this community, I am passionate about ensuring that all members of our community have access to safe and affordable housing.

I am confident that my skills and experience make me a strong candidate for this position. I have personal knowledge of what it's like to live with a disability in Whitefish's accommodations. Additionally, I am committed to working collaboratively with other board members to address the complex challenges facing our city's housing market.

If you have any information about the application process, I would be grateful for the opportunity to learn more about how I can contribute to this important work.

Thank you for your consideration, and I look forward to hearing from you. I can be reached at this email address or my mobile number is [redacted].

Sincerely,

Thomas Shea
To the Honorable Mayor Muhlfeld, City Councilors, Craig Workman, and Dana Smith

The Lakes Master HOA Board of Directors and the residents of The Lakes subdivision have ongoing concerns about the deteriorating condition of our City maintained roads. The city has agreed to fix two of the worst intersections (Portage and Tumblehome and the “T” intersection on River Lakes Drive), which is sincerely appreciated by our residents.

Having said that though, we would like the City to come back with a plan and a timeline as to when we could expect the rest of the roads to be repaired and brought up to current safe standards. Since these are City owned and maintained roads, and the public as well as residents use them, it is our expectation that the City has an obligation to provide us with a legitimate schedule, even if it stretches over a number of years and only portions of the road are repaired each year. Additionally, we are requesting that the City gives us an updated PASER rating to document the rapidly deteriorating roads in our community.

The Board and our residents need the confidence that the City is focused on finding a solution to this growing problem.

We look forward to your response.

Respectfully Yours,

The Lakes Master HOA
Board of Directors
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.
Marijuana Distance Map 500'
HISTORY
Montana 4% Lodging Facility Use Tax Collections
Montana Code Annotated 15-65-101
Last Updated: 3/8/2023

Statewide Collections | FY 2022

$56,243,437
▲ 42% year-over-year

Tourism Region Collections | FY 2022

- Yellowstone Country: $22,314,358 ▲ 39% yoy 40% share of collections
- Glacier Country: $19,130,837 ▲ 42% yoy 34% share of collections
- Southeast Montana: $5,922,480 ▲ 44% yoy 11% share of collections
- Southwest Montana: $5,403,264 ▲ 52% yoy 10% share of collections
- Central Montana: $2,917,364 ▲ 53% yoy 6% share of collections
- Missouri River Country: $655,134 ▲ 15% yoy 1% share of collections

Tourism Region Reference Map
Hover over a county for reference information

Distribution of 4% Lodging Facility Use Tax*

*In the chart above, the percentage in parentheses represents the percentage indicated in statutes from MCA 15-65-121. The total collection amount comes from the Legislative Fiscal Division projections for the 2021 Legislative Session.
Figure 1.1: Planning Process
Mission
Fostering sustainable tourism through inspiration, education, and partnerships to enhance, protect and preserve our viable year-round community.

Previous Version of Mission
Build a high level of visibility and increase our name recognition as a premier year-round destination

Vision
Achieving long-term economic and community sustainability through steadfast destination stewardship.

Previous Version of Vision
Enhance the economy of Whitefish by emphasizing its desirability as a travel and recreation destination to visitors who appreciate and respect the character of place.
SUSTAINABLE TOURISM MANAGEMENT PLAN

HIGH PRIORITY ACTION ITEMS

• **Education & Outreach**: Promote responsible tourism and recreation

• **Benchmarking & Data Collection**

HIGH PRIORITY ISSUE ORIENTED ACTION ITEMS

• **Transportation**: Including public transit/bike and pedestrian

• **Sustainable Business Practices**: Including reducing waste

PREVIOUS GRANT PROGRAM RECIPIENT: WHITEFISH SHINES
EDUCATION & OUTREACH

At the edge of Glacier National Park in the Northern Rocky Mountains is a vibrant town built around a shared appreciation of the wild. From the mountains rich with forests, lakes and rivers to the welcoming downtown, this is a place worth exploring and protecting for all those who love it.

www.friendofthefish.com
Friend of The Fish Effectiveness Survey Results

- 434 surveys completed
  - 260 or 60% were visitors
  - 140 or 32% reside in the Flathead area, including a handful of part-time residents
  - 33 or 8% reside in Montana, but outside the Flathead area

- Overall, 86% of all respondents agree or strongly agree that the six Friend of The Fish principles have a positive impact on Whitefish. Full-time residents agreed most strongly, Visitors agreed next, Part-time residents agreed the least.

- Overall, 71% of residents and 53% of visitors said they always strive to adhere to these principles.

- Of the six Friend of The Fish principles...
  - Recreate Responsibly had the highest overall percentage of awareness
  - For visitors, the highest awareness message was Be a Steward of the Land
  - For part-time residents and visitors, the lowest awareness message was Slow Down
Create Lasting Impacts with Local Partnerships and National Platforms

First municipality to partner with Protect Our Winters

www.explorewhitefish.com/pow
Create Lasting Impacts with Local Partnerships and National Platforms
Explore Whitefish seeks to invest in local infrastructure which is beneficial to visitors and the local community.

- Updates and maintenance to the downtown Wifi and Webcam Network
- Updates to and installation of additional Visitor Information Kiosks and Whitefish Wayfinding Signage
- Help facilitate long-term solutions to Bike-Ped connectivity in the downtown core
- Bear proof trash containers for businesses
- Enhanced bus stops and/or transportation depot for the S.N.O.W. Bus
• Smith Travel Report: Traditional Lodging
• AirDNA: Short Term Rental
• Meltwater: Crisis Communication Partnership
• VisaVue: Domestic, International, Resident Spending
• ITRR: Visitor Characteristics, Resident Attitudes, Visitor Spending
• Sprout Social: Social media tracking
2019 LODGING OCCUPANCY:
TRADITIONAL + SHORT TERM RENTAL (STR)

Data Sets
Lodging (STAR Report): **Blue**
- 1,217 rooms

STR’s City Limits: **Red**
- 711 rooms

STR’s Zip Code: **Yellow**
- 2,111 rooms

*Data: Smith Travel Research, Air DNA, Graph and Averages Calculated by Whitefish CVB*
2022 LODGING OCCUPANCY:
TRADITIONAL + SHORT TERM RENTAL (STR)

Data Sets
Lodging (STAR Report): Blue
- 1,217 rooms

STR’s City Limits: Red
- 1,205 rooms

STR’s Zip Code: Yellow
- 3,299 rooms

Data: Smith Travel Research, Air DNA, Graph and Averages Calculated by Whitefish CVB
2022 LODGING OCCUPANCY: TRADITIONAL + SHORT TERM RENTAL

Whitefish Lodging vs STR Rooms 2019/2022

- Lodging
- STR - City
- STR - 59937

2019:
- Lodging: 1217
- STR - City: 711
- STR - 59937: 2111

2022:
- Lodging: 1217
- STR - City: 1205
- STR - 59937: 3299

Percentage changes:
- Lodging: 0%
- STR - City: +69%
- STR - 59937: +56%
### 2022 Lodging Occupancy: Traditional + Short Term Rental

#### Whitefish City Limits Average
- Calendar Year 2022 Avg Lodging Occupancy: **58.47% (+2%)**

#### Whitefish Short Term Rental City Limits Average
- Calendar Year 2022 Avg Lodging Occupancy: **57.74% (+40%)**

#### Whitefish Short Term Rental Zip Code (59937) Average
- Calendar Year 2022 Avg Lodging Occupancy: **55.7% (+7%)**

*Source: Smith Travel Report, AirDNA*
WHITEFISH VISA CARD VISITOR SPENDING: DOMESTIC + INTERNATIONAL VS RESIDENTS

2019 Whitefish Visitor VISA Expenditures: $71.2M
- International: 10.9% ($7,760,800)
- Domestic: 89.1% ($63,439,200)

2019 Whitefish VISA Expenditures (All): $141.2M
- Flathead Valley: 49.5% ($69,894,000)
- Domestic: 45.0% ($63,540,000)
- International: 5.5% ($7,766,000)

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
WHITEFISH VISA CARD VISITOR SPENDING: DOMESTIC + INTERNATIONAL VS RESIDENTS

2022 Whitefish Nonresident VISA Expenditures: $67M

- International: 7.0% ($4,725,077)
- Domestic: 93.0% ($62,356,649)

2022 Whitefish VISA Expenditures (All): $171.8M

- Domestic Visitor: 36.3% ($62,356,649)
- Flathead Valley: 61.0% ($104,765,916)
- International Visitor: 2.7% ($4,725,000)

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
WHITEFISH VISA CARD VISITOR SPENDING:
DOMESTIC + INTERNATIONAL + RESIDENTS

- Pre-COVID, visitor spending and resident spending were essentially equal (approx. 50% each of total spending)

- In 2022, visitor and resident spending diverged with visitor spending decreasing to 39% and resident spending increasing to 61%

- Resident spending jumped 50% between 2019-2022, while visitor spending decreased by 5.9% between 2019-2022

- This data shows that resident spending - *likely fueled by new residents* - has outpaced visitor spending growth

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
### Whitefish Visa Card Resident vs Visitor Spending: Calendar 2022 by Quarter

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Resident</th>
<th>Visitor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>$22,911,413</td>
<td>$15,287,907</td>
</tr>
<tr>
<td>Q2</td>
<td>$25,859,918</td>
<td>$13,650,045</td>
</tr>
<tr>
<td>Q3</td>
<td>$28,808,412</td>
<td>$28,086,158</td>
</tr>
<tr>
<td>Q4</td>
<td>$27,186,173</td>
<td>$10,057,616</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$104,765,916</strong></td>
<td><strong>$67,081,726</strong></td>
</tr>
</tbody>
</table>

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
FY24 Bed Tax Budget - $267,000

- Research: 14.6%
- Digital Asset Acquisition: 6.0%
- Love of the Wild Campaign: 27.2%
- Education & Outreach: 17.2%
- Product Development: 35.0%
QUESTIONS?
ADDITIONAL REFERENCES
FOTF: Successful Execution of Campaign

Friend of The Fish

Digital
Numbers from mid June-July

Facebook
293,003 Impressions

Spotify
43,241 Impressions

Print

Friend of the Fish Checklists
5,500 distributed

Friend of The Fish Information Cards
3,500 distributed

Website
63,000 Users (+36%)
115,000 PageViews (+15%)

Friend of The Fish Banners
50 Display Banners
WHITEFISH VISA CARD VISITOR SPENDING: DOMESTIC 2022 QUARTER 1 (BY MSA)

Q1 2022 | $14,953,366
---|---
Seattle | 6.39%
Missoula | 3.94%
Portland | 3.10%
Minneapolis | 2.71%
Los Angeles | 2.49%

2022 Quarter 1 (January - March) Whitefish Visitor VISA Spending: $15.0M

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
WHITEFISH VISA CARD VISITOR SPENDING:
DOMESTIC 2022 QUARTER 2 (BY MSA)

Q2 2022 | $12,854,080
---|---
Seattle | 4.79%
Los Angeles | 3.71%
Missoula | 3.33%
Dallas | 2.62%
Phoenix | 2.55%

2022 Quarter 2 (April - June) Whitefish Visitor VISA Spending: $12.9M

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
WHITEFISH VISA CARD VISITOR SPENDING: DOMESTIC 2022 QUARTER 3 (BY MSA)

Q3 2022 | $26,660,973
Seattle  | 5.09%
Los Angeles | 4.03%
Dallas   | 3.48%
Phoenix  | 2.60%
San Francisco | 2.55%

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
WHITEFISH VISA CARD VISITOR SPENDING: DOMESTIC 2022 QUARTER 4 (BY MSA)

Q4 2022 $9,375,537

Seattle 6.70%
Missoula 5.12%
Los Angeles 4.05%
Bozeman 2.66%
San Diego 2.29%

2022 Quarter 4 (October - December) Whitefish Visitor VISA Spending: $9.4M

Data Source: VisaVue Travel, percentages and graphs created by Whitefish CVB
Key Takeaways

- Identified Target Markets from FY22 Marketing Plan are performing well
- Seattle continues to be #1 in 2022 expenditures
- Missoula continues to be a strong market during the shoulder seasons (ranked #2 or #3 in each quarter except summer)
YEARLY APPROVAL PROCESS

Review and approval by WCVB Board of Directors

Review and approval by Whitefish City Council

Annual Audit by Department of Commerce

Approval by the Tourism Advisory Council (TAC)

Review and recommendation for approval by Tourism Advisory Council (Marketing Committee)

BED TAX APPROVAL