

**WHITEFISH PLANNING BOARD  
MINUTES OF MEETING  
June 18, 2020**

<p><b>CALL TO ORDER AND ROLL CALL</b></p>	<p>Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Whitney Beckham, John Ellis, Scott Freudenberger, Allison Linville, John Middleton, and Toby Scott. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Long-Range Planner Hilary Lindh represented the Whitefish Planning and Building Department. Public Works Director Craig Workman also attended.</p> <p>There were approximately 14 people attending in addition to the board members and staff.</p>
<p><b>AGENDA CHANGES</b> <i>6:00 pm</i></p>	<p>None.</p>
<p><b>APPROVAL OF MINUTES</b> <i>6:00 pm</i></p>	<p>Scott moved, and Freudenberger seconded to approve the April 16, 2020 minutes without corrections. <b>The motion passed unanimously.</b></p>
<p><b>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA)</b> <i>6:00 pm</i></p>	<p>None.</p>
<p><b>OLD BUSINESS:</b> <i>6:02 pm</i></p>	<p>None.</p>
<p><b>PUBLIC HEARING 1: SHIGO AND LARSEN CONDITIONAL USE PERMIT REQUEST</b> <i>6:02 pm</i></p>	<p>A request by John Shigo and Christina Larsen for a Conditional Use Permit to construct an accessory apartment in an existing structure at 725 Somers Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lot 4, Block 3 McKeens Subdivision in S36, T31N, R22W, Flathead County.</p>
<p><b>STAFF REPORT WCUP 20-08 (Compton-Ring)</b></p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-08, one letter in support was received and is included in the packet.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 20-08 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.</p>

BOARD QUESTIONS OF STAFF	None.
APPLICANT / AGENCIES	John Shigo, 725 Somers Avenue, said he has been a Whitefish resident for 27 years, 12 at his current address. When the garage was built in 2007, he did not plan on a bathroom or apartment, but now want to install a bathroom which necessitates the Conditional Use Permit. They do not intend to use the unit as a rental; it is for their personal use to give the family additional room as they have a small home. They may put in a very small accessory kitchen at some point in the future. He feels it fits well with the neighborhood as there are multiple garages and multiple-story garages.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	<p>Ellis moved and Linville seconded to adopt the findings of fact within staff report WCUP 20-08, with the six (6) conditions of approval, as proposed by City Staff.</p> <p>Chair Qunell asked and Compton-Ring said once they get CUP approval, they can add a bathroom now and a kitchen in the future; a kitchen does not have to be added now.</p>
VOTE	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 6, 2020.
PUBLIC HEARING 2: SECREASE CONDITIONAL USE PERMIT REQUEST <i>6:05 pm</i>	A request by Eric Holden on behalf of Pamela Secrease for a Conditional Use Permit to construct an accessory apartment above a new garage at 909 Kalispell Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lots 10 and 11 S15', Block 17 Riverside ADD W in S36, T31N, R22W, P.M.M., Flathead County.
STAFF REPORT WCUP 20-10 (Lindh)	<p>Planner Lindh reviewed her staff report and findings. As of the writing of WCUP 20-10, one comment from the adjacent neighbor was received regarding the disputed location of the north property line which will be confirmed during building permit. No other comments have been received.</p> <p>Staff recommended adoption of the findings of fact within staff</p>

	<p>report WCUP 20-10 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Chair Qunell asked why there is a stormwater condition (Condition No. 5) in this staff report when there was not one in the Shigo CUP; was it because this application is for new construction. Compton-Ring clarified the condition in her staff report was that when the applicants paved their driveway they have to manage their stormwater. The requirement from Public Works is if you have 10,000 square feet or more of impervious area, and the lot on Somers is not even 10,000 square feet. Lindh added this lot is also not 10,000 square feet. Chair Qunell asked if we need the stormwater condition or if it will cross up the owner at some point. Compton-Ring said they just need to make sure that when they pave their driveway they do not cause a problem for their neighbor. An engineered stormwater plan is not a requirement because the whole lot does not exceed 10,000 square feet. Chair Qunell asked and Compton-Ring and Lindh said the wording in Condition No. 5 is correct.</p> <p>Ellis asked about the requirement that stormwater be retained onsite and how that figures in with the lot on Somers Avenue where there is a new stormwater system where pipes may be run into. The water is not being retained onsite; it is being put in the stormwater system. Public Works Director Workman said the City installed a sump pump collection system on Somers Avenue which is intended to allow property owners to connect their sump pumps to. The way the Zoning Code reads is that all stormwater needs to be managed onsite but the Engineered Stormwater Management Plan is not triggered in the Engineering Standards until you hit that threshold of 10,000 square feet of total impervious surface. So managing the stormwater would include using the sump pump collection system if available.</p> <p>Ellis asked if there is a difference between a driveway and a parking pad. Compton-Ring said all parking and the first 80-feet of the driveway must be paved, so when you have a little spot like this, it is essentially the same; it all has to be paved.</p> <p>Chair Qunell asked and Lindh said you can park in the driveway.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Pam Secrease, 909 Kalispell Avenue, said she has been a resident of Whitefish for over 30 years and has had this property since 2013. She used to run the Colorado Village Apartments where she was</p>

	required to live onsite. She no longer has that job and is currently living in her RV behind the house as her children occupy the house. The accessory apartment is for her for the next six or seven years while her children live in the house; she will not be renting it out.
<b>PUBLIC COMMENT</b>	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
<b>MOTION / BOARD DISCUSSION</b>	Beckham moved and Freudenberger seconded to adopt the findings of fact within staff report WCUP 20-10, with the eight (8) conditions of approval, as proposed by City Staff.
<b>VOTE</b>	<b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 20, 2020.
<b>PUBLIC HEARING 3: SWEET PEAKS ICE CREAM, INC., CONDITIONAL USE PERMIT REQUEST 6:17 pm</b>	A request by Sweet Peaks Ice Cream, Inc., for a Conditional Use Permit to allow an ice cream manufacturing facility at 6588 Highway 93 South. The property is zoned WB-2 (Secondary Business District) and can legally be described as Lot A of the Best Bet Subdivision in S36, T31N, R22W, Flathead County.
<b>STAFF REPORT WCUP 20-09 (Taylor)</b>	Director Taylor reviewed his staff report and findings. No public comments have been received regarding to this project.  Staff recommended adoption of the findings of fact within staff report WCUP 20-09 and for <b>approval</b> of the conditional use permit to the Whitefish City Council.
<b>BOARD QUESTIONS OF STAFF</b>	None.
<b>APPLICANT / AGENCIES</b>	Marissa Keenan, 525 Dakota Avenue, with EMAC Investments, said she and her partner started Sweet Peaks in Whitefish in 2010 and they consider themselves to be a Whitefish grown business. They have five locations plus a sixth one at City Beach during summer. They are very committed to this community and this community has been very committed to them; they feel it will be an honor to be at the entrance to Whitefish. They know it would be a welcoming thing to see as a small business that has grown here and plans on staying here and continuing to contribute.

	<p>Chair Qunell asked and Ms. Keenan said regarding truck traffic, they will have no more trucks than other restaurants that are downtown to get in their supplies, etc. They get milk delivered two to three times per week in larger trucks, and produce and other goods like chocolate are delivered in smaller trucks. At this point, they get maybe six larger trucks per week. It is not every day nor all hours of the day. Chair Qunell asked and Ms. Keenan said all trucks should be able to stay on the property and not park in the street as has happened at Safeway.</p> <p>Eric Payne, nuWest Builders, 100 Central Avenue, said he has helped Sweet Peaks with this project from the conceptual stage of choosing this location through the entire plan as presented and helped with the application. He feels lucky to be part of a CUP that is so positive; it will be an amazing transformation of a facility that is badly in need of one.</p>
<b>PUBLIC COMMENT</b>	<p>Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<b>MOTION / BOARD DISCUSSION</b>	<p>Scott moved and Middleton seconded to adopt the findings of fact within staff report WCUP 20--09, with the nine (9) conditions of approval, as proposed by City Staff.</p> <p>Chair Qunell thanked the applicant as it will be quite an upgrade at that corner and a great upgrade to our City entrance. He is excited about having something that is homegrown and looks good there.</p> <p>Scott asked and Ms. Keenan said the Sweet Peaks location in town on 3rd Street will be maintained.</p>
<b>VOTE</b>	<p><b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 20, 2020.</p>
<b>PUBLIC HEARING 4: BIG MOUNTAIN RIVER, LLC PRELIMINARY PLAT REQUEST 6:28 pm</b>	<p>A request by Big Mountain River, LLC, for an eight lot (20 subplot) subdivision. The property is zoned WR-3 (Low-Density Multi-Family Residential District), located at 244, 314 and 322 W. 2nd Street, and can be legally described as Lots 1 and 2 Hendrix Subdivision; Lot 12 Grandview in S36, T31N, R22W, Flathead County.</p>
<b>STAFF REPORT WPP 20-01</b>	<p>Compton-Ring said this matter was originally scheduled for the May Planning Board meeting, but the Applicant requested to postpone it</p>

<p>(Compton-Ring)</p>	<p>until June after receiving a request from the Whitefish Housing Authority to include affordable housing in the development instead of providing a fee in lieu the housing. The previous request was for a 17- unit subdivision, with a fee in lieu paid for all required affordable units, but now 20 sublots, with four two-unit buildings and four three-unit buildings, are being proposed and they will incorporate three Legacy Homes and pay a fee for the fourth unit.</p> <p>Senior Planner Compton-Ring reviewed her staff report and findings. No public comments have been received regarding to this project.</p> <p>Staff recommended adoption of the findings of fact and conditions of approval within staff report WPP 20-01 and for <b>approval</b> of the preliminary plat for the Big Mountain River Subdivision, and the two subdivision variances requested by the Applicant, to the Whitefish City Council.</p>
<p><b>BOARD QUESTIONS OF STAFF</b></p>	<p>Scott asked and Compton-Ring said the project involves building a public trail and abandoning an unimproved right-of-way; the Whitefish River is on the edge of the easterly lot. Scott asked and Compton-Ring said the Parks &amp; Recreation department has reviewed this project and the staff report incorporates their comments.</p> <p>Chair Qunell asked and Compton-Ring said the 95 Karrow project included a path that went down to and along the River which will hook up with this one at the junction where the dock open to the public is proposed. There is unimproved W. 1st Street to the north of this area. The trail goes along W 1st Street and wraps around the property along the river and goes underneath the train tracks connecting to Skye Park Bridge. Where the trails connect between W 1st Street and along the river, there is a hub and along with docks which is about where this trail will connect. Compton-Ring will bring a map to the Council meeting for this discussion.</p> <p>Chair Qunell said the Conditions of Approval do not mention that the three affordable units cannot be consecutive as one piece but are supposed to be spread apart. Compton-Ring said their housing mitigation plan shows two triplexes along W 2nd Street (the center units) and a three-unit on the River. Compton-Ring said we will deed restrict those particular units by agreement which will come in with the final plat and get recorded at the same time. Chair Qunell asked and Compton-Ring said these are called flag lots as they do not front on W 2nd Street, they access W 2nd Street by an easement, which is the definition. The road they are constructing is essentially an</p>

	<p>easement as the lot lines go to the middle of those roads.</p> <p>Beckham asked and Compton-Ring said she cannot think of anything comparable to this type of density (20 units on three lots) that fronts the Whitefish River but she could research that before this goes before Council. Compton-Ring said it meets the density requirements for WR-3 and there are quite a few triplexes to the east and a number of multi-unit buildings towards town.</p> <p>Chair Qunell said regarding the utility easement on the site map the red dotted line comes in out of a common area to the north and wraps around the building next to the building footprint of Lots 5 and 5B. He asked and Compton-Ring said you can build right up to them; however, you cannot encroach into them.</p> <p>Beckham asked and Compton-Ring said there is no condition included for bicycle racks as everyone has a garage. Bicycle racks are not a requirement as this is a single-family home development, not a multi-family development or commercial project where they would be required.</p>
<p><b>APPLICANT / AGENCIES</b></p>	<p>Sierra McCartney, 301 E. 2nd Street, with Bruce Boody Landscape Architect, introduced Mr. Boody, Dave Radatti with Mindful Designs, the owners' representative, and Wil Goodpaster with TD&amp;H Engineering.</p> <p>Ms. McCartney said there are two updates from when the preliminary plat was submitted. They have submitted a 310 Permit application and met onsite with the Flathead Conservation District's Board. The Board did not have concerns while onsite so it appears they will recommend the 310 Permit approval. Their next meeting is Monday, June 22, when they will formally recommend approval. The second update is they have slightly adjusted the layout of the 2.5-foot wide access trail to the River indicated on the plan in order to avoid disturbing existing native shrubs. They have reviewed the staff report and findings of fact and are in agreement with everything in staff report.</p> <p>Scott said they have access to the River and mentioned the trail that goes down to it. He said the Parks &amp; Recreation department of the City has to a certain degree encouraged docks and access along the River and takes care of all of them. He asked if they have talked with P&amp;R about putting in a dock on their side of the River. Ms. McCartney said the proposed 10-foot wide bike/ped trail on the</p>

	<p>west side of site leads down and connects to the trail at Karrow and there is a public dock there. The private 2.5-foot wide trail referred to earlier will be a private trail that leads down to a dock but that is just for residents of this development and was part of the 310 Permit submittal. The two trails are separate and the public trail on the west will be signed to indicate it is public but not ADA compliant. The other (private) trail will be signed as a private use trail. Dave Radatti, Mindful Designs. said there will be a lot of topography and vegetation between the two trails which originate in different areas and do not even communicate with each other.</p>
<b>PUBLIC COMMENT</b>	<p>Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<b>MOTION / BOARD DISCUSSION</b>	<p>Middleton moved and Scott seconded to adopt the findings of fact within staff report WPP 20-01, with the twenty-three (23) conditions of approval, as proposed by City Staff.</p> <p>Middleton said he reviewed this project with the Whitefish Housing Authority and thanked the applicant for reconsidering their request and providing affordable housing. He feels it will fill an important need and enthusiastically supports it.</p> <p>Scott said everything seems to be approved in the staff report. The streets look a little narrow but he presumes the Fire Marshal has approved them. It seems like a good project, and he likes that they are leaving a lot of open space and providing a trail.</p> <p>Ellis clarified the City does not have jurisdiction over docks in the Whitefish River, the Flathead Conservation District does. As Ms. McCartney stated, the Applicant applied for a permit, there was a site visit on the property. Their permit application will come up next Monday night and he anticipates it being approved.</p> <p>Chair Qunell thanked the Applicant for reconsidering and including affordable units as that is the goal of the Inclusionary Zoning Ordinance, to actually build units, not just to collect money from developers.</p>
<b>VOTE</b>	<p><b>The motion passed unanimously.</b> The matter is scheduled to go before the Council on July 6, 2020.</p>
<b>NEW BUSINESS</b>	<p>None.</p>

<i>6:56 pm</i>	
<b>GOOD AND WELFARE</b> <i>6:56 pm</i>	<ol style="list-style-type: none"> <li>1. Matters from Board. None.</li>   <li>2. Matters from Staff. Director Taylor thanked Board members for persevering with the change in process of holding meetings online, etc. As things evolve with COVID-19, we may need to return to that if there is a resurgence, but that will be up to the Mayor and Governor. Director Taylor said there is one item on the agenda in July - a Zoning text amendment as Council has directed staff to bring back some additional changes to the permitted and conditional uses of the WB-2 zone. Chair Qunell asked if we could postpone the text amendment to August if that is the only thing on the July agenda. Director Taylor said there may be some bigger projects on the August agenda, but we do not know yet; Compton-Ring said she has just had a simple two-lot subdivision so far for August. Director Taylor said the Mayor seemed to indicate he wanted to fast track the text amendment, but he was not sure one month would make a difference. Chair Qunell asked Director Taylor to check with the Mayor and Council and postpone it to August if it was not needed before mid--September.</li>   <li>3. Poll of Board members available for the next meeting on July 16, 2020. All members indicated they thought they would be available. Chair Qunell asked if we could hold an on-line meeting if we have to have a July meeting and Director Taylor said he did not think that would be an option as the Council authorized online meetings for a short time only.</li> </ol>
<b>ADJOURNMENT</b> <i>7:03 pm</i>	<p>The meeting was adjourned on a motion by Ellis at approximately 7:03 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on July 16, 2020, at 6:00 pm, at 418 East 2nd Street.</p>

*/s/ Steve Qunell*  
Steve Qunell, Chair of the Board

*/s/ Keni Hopkins*  
Keni Hopkins, Recording Secretary

APPROVED AS **SUBMITTED** / CORRECTED: 9-17-20