

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
January 20, 2022**

<p>CALL TO ORDER AND ROLL CALL</p>	<p>Vice Chair John Ellis called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Councilor Frank Sweeney, Scott Freudenberger, and Toby Scott. Chair Steve Qunell, Whitney Beckham, Chris Gardner, and Allison Linville were absent. Planning Director David Taylor, Senior Planner Wendy Compton-Ring, and Planner I Jessica Nymark represented the Whitefish Planning and Building Department.</p> <p>There were approximately 2 people attending in addition to the board members and staff.</p>
<p>PLANNING BOARD APPOINTMENTS <i>6:00 pm</i></p>	<p>Vice Chair Ellis made a motion, seconded by Councilor Sweeney to nominate Steve Qunell as Planning Board Chair. The motion passed unanimously.</p> <p>Freudenberger made a motion, seconded by Scott to nominate John Ellis as Planning Board Vice Chair. The motion passed unanimously.</p>
<p>AGENDA CHANGES <i>6:00 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:01 pm</i></p>	<p>Scott made a motion, seconded by Councilor Sweeney to approve the December 16, 2021 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:02 pm</i></p>	<p>None.</p>
<p>OLD BUSINESS: <i>6:03 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: LEWIS CONDITIONAL USE PERMIT REQUEST <i>6:03 pm</i></p>	<p>A request by Richard Lewis for a Conditional Use Permit to construct an accessory apartment over a new garage. The property is currently developed with a single-family home and is zoned WR-1 (One-Family Residential District). The property is located at 800 West 7th Street and can be described as Lot COS 6212, S36, T31N, R22W, P.M.,M., Tract 5EB in the northwest 1/4 of the southwest 1/4, Flathead County.</p>

<p>STAFF REPORT WCUP 21-28 (Nymark)</p>	<p>Planner Nymark reviewed her staff report and findings. As of the writing of WCUP 21-28, no public comments had been received, and none have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 21-28 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Councilor Sweeney asked and Nymark said the condition is included, as Condition No. 6, that short-term rentals are not allowed, and the requirement for deed restriction that it cannot be rented unless somebody lives in the primary residence is Condition No. 5.</p> <p>Ellis said Condition No. 3 requires the driveway be paved and asked if it is currently paved. Nymark said the current driveway is a "roundabout" in the middle of the property and not paved, but that driveway will be covered over, and a straight driveway will be built to the garage with the first 80-feet required to be paved per our Zoning Regulations.</p>
<p>APPLICANT / AGENCIES</p>	<p>Casey Butler, CRB Design, 100 Cedar Commons Lane in Kalispell, said he was here tonight representing Mr. Lewis. There were no questions for Mr. Butler.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Ellis opened the public hearing. There being no public comment, Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Scott made a motion, seconded by Council Sweeney, to adopt the findings of fact within staff report WCUP 21-28, with the seven (7) conditions of approval, as proposed by City Staff.</p>
<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on February 7, 2022.</p>
<p>PUBLIC HEARING 2: CITY OF WHITEFISH ZONING TEXT AMENDMENT REQUEST <i>6:10 pm</i></p>	<p>A request by the City of Whitefish to amend Chapter 2 of Title 11 in order to add Article Y: WB-T Business Transitional District. This addition to the Zoning Regulations is in response to the recently adopted Highway 93 South Corridor Plan and is intended to provide a performance-based, mixed-use transitional environment in the community gateway areas that border Highway 93 South just south of Highway 40.</p>

<p>STAFF REPORT WZTA 22-01 (Osendorf)</p>	<p>Planning Director Taylor reviewed Planner Osendorf's staff report and findings in her absence. As of the writing of WZTA 22-01, no public comments had been received, and none have been received since then. Planning Director Taylor said an article came out today on NBC News that made it sound like the City is trying to annex all those things into a zoning district. There might be some people that think the City is trying to annex, but this would only apply to people who want to voluntarily annex. If someday in the future they become wholly surrounded, the City could consider that but would not be obligated to annex them in.</p> <p>Staff recommended adoption of the findings of fact within staff report WZTA 22-01 and for approval of the proposed changes to Title 11, Zoning Regulations, of the Whitefish City Code to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Scott asked and Planning Director Taylor said this does not apply to the entire Section C, it only applies to the Highway Transitional shown on the map on Page 1 of WZTA 22-01. The map also shows a Business Service District and Rural Residential which are the future land uses. That future land use map sort of mirrors what the existing County zoning is. They already have a Business Service Zoning that is south of where Emerald Drive comes in.</p> <p>Scott also asked about the businesses that are already there and Planning Director Taylor said any existing businesses are grandfathered in, but if their sewer were to fail and they needed to annex into the City, at that time we would provide sewer to them but require them to change their zoning to Business Transitional District. Planning Director Taylor said staff has talked to several developers over the last few years that have looked at some of the lots located kitty-corner at the intersection of Highways 93 and 40 about annexing in. Before someone comes in with a development plan, we would like to have this in place, so they know what our expectations are and what the process is.</p> <p>Scott asked if it includes the eastern side of street, <i>i.e.</i>, the fireworks stand location. Planning Director Taylor said that lot is included and is currently zoned B-4 in the County so there is a host of uses that could go in there. Scott asked if they would have to apply for a conditional use permit to put their trailer in there for two weeks in the summer. Planning Director Taylor said he thinks the City recently banned fireworks sales in the City limits. He said when we</p>

	had jurisdiction over that we used to make them get a temporary use permit every summer for fireworks stands.
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	Chair Ellis opened the public hearing. There being no public comment, Chair Ellis closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Scott made a motion, seconded by Councilor Sweeney, to adopt the findings of fact within staff report WZTA 22-01, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on February 7, 2022.
NEW BUSINESS: WORK SESSION ON ACCESSORY DWELLING UNITS (Compton-Ring) 6:31 pm	Vice Chair Ellis said staff wants to postpone the work session to the February 17, 2022 Planning Board meeting.
GOOD AND WELFARE 6:32 pm	<p>1. Matters from Board. Scott said he would like to see some means implemented to run Accessory Dwelling Units (ADUs) through Planning staff, rather than putting the applicants and Board members through the review process unless there is an exceptional circumstance. Councilor Sweeney said the Council has approved and directed staff to come back with an Ordinance that would allow for those to become administrative CUPs, but staff has not been able to get to it yet. Planning Director Taylor said we will be discussing that during the ADU work session and trying to get further direction from the planning board on any other changes. They will bring what the Housing Committee recommended and solicit additional suggestions for staff to look at.</p> <p>Ellis said in there were eight legal notices in the <i>Whitefish Pilot</i> on Wednesday regarding marijuana Administrative Conditional Use Permits and asked what staff did on the administrative side of that. Planning Director Taylor said they notified all property owners within 300' and placed those ads in the newspaper. Each will be reviewed against the criteria adopted as part of the Marijuana Facilities Ordinance, and unless someone raises something that cannot be mitigated through a condition of approval, staff will sign off on them. If something came up that they could not deal with,</p>

	<p>they could elevate it to the planning board or City Council. The only negative comments received so far are general comments from people who do not like them in their neighborhood, and there have also been letters of support received. Most of them will probably get approved.</p> <p>2. Matters from Staff. Compton-Ring reminded board members of the board training coming up on February 1 and February 3 and hoped they have RSVP'd to City Clerk Michelle Howke. Some were unaware of the training so Compton-Ring will forward the email again. The training is being conducted by the Local Government Center and members will learn how to be an effective board member and provide essential leadership in our community.</p> <p>Planning Director Taylor introduced Planner I Jessica Nymark again. Jessica used to be a Park Ranger in Glacier Park and is learning very quickly. The Building Department staff is very short-handed and there is a lack of qualified applicants. We currently do not have a Code Enforcement Officer.</p> <p>3. Poll of Board members available for the next meeting on February 17, 2022. All board members present indicated they thought they would be available other than Freudenberger.</p>
<p>ADJOURNMENT 6:40 pm</p>	<p>The meeting was adjourned on a motion by Councilor Sweeney at approximately 6:40 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on February 17, 2022, 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: 2-17-22