

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
March 16, 2023**

<p>CALL TO ORDER AND ROLL CALL</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 Scott Freudenberger, Chris Gardner, Allison Linville, and Toby Scott. John Middleton was absent. Planning Director David Taylor, and Planner I (Current Planning) Nelson Loring represented the Whitefish Planning & Building Department.</p> <p>There were approximately six people attending in addition to the board members and staff.</p>
<p>AGENDA CHANGES <i>6:00 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:00 pm</i></p>	<p>Freudenberger made a motion, seconded by Gardner, to approve the February 17, 2023, minutes without corrections. Toby Scott abstained as he was not present at the meeting, and the remaining members voted 5-0 to pass the motion.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:01 pm</i></p>	<p>None.</p>
<p>UNFINISHED BUSINESS: <i>6:02 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: CITY OF WHITEFISH REZONE REQUEST <i>6:02 pm</i></p>	<p>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.</p>
<p>STAFF REPORT WZC 23-01 (Loring)</p>	<p>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.</p> <p>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.</p>

<p>BOARD QUESTIONS OF STAFF</p>	<p>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. Director Taylor said 18th Street needs to be redone as it is very steep and Lund Lane is a private drive on the other side, not a public right-of-way. Even though the City would love to see those connect together, he is not sure that would happen unless they do some type of development on that lot. It sounds like they wanted sewer for a single-family home, and not intending to subdivide.</p> <p>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.</p>
<p>PUBLIC HEARING</p>	<p>Chair Qunell opened the public hearing.</p>
<p>APPLICANT / AGENCIES</p>	<p>N/A</p>
<p>PUBLIC COMMENT</p>	<p>There being no comments, Chair Qunell 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 Linville, to adopt the findings of fact within staff report WZC 23-01 as proposed by City Staff.</p>
<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on April 3, 2023.</p>
<p>PUBLIC HEARING 2: CITY OF WHITEFISH REZONE REQUEST 6:10 pm</p>	<p>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 and 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.</p>

<p>STAFF REPORT WZC 23-02 (Compton-Ring)</p>	<p>Director Taylor reviewed Senior Planner Compton-Ring's staff report and findings in her absence. As of the writing of WZC 23-02, no public comments had been received, one public comment was received later noting the access easement for lots to the west through the subject site. Director Taylor pointed out this property and the Town Pump property across the street previously had WB-2 zoning on them when the donut lawsuit overturned our zoning, and the County took back portions that were outside our planning jurisdiction and changed it to B-4. He said there is a discrepancy in our Highway 93 South Corridor Plan where it talks about highway transitional designation for commercial areas south of Highway 40 along Highway 93 South where there is a conflict between the map and the text of the Code. The City Attorney said generally in those cases where the text is different from the map, the text prevails as far as interpretation goes. The Town Pump property is in a similar situation as they had a County B-4 designation, were previously WB2, and when they annexed into the City were given WB-2 zoning. The WB-T Business Transitional Zone has not been formally adopted into the code yet, and the Council hadn't voted on it when the application was received, and legal notices went out. A letter was received today at 4:00 pm from Citizens for a Better Flathead with concerns about the zoning process and it was distributed to members prior to the meeting.</p> <p>Staff recommended adoption of the findings of fact within staff report WZC 23-02 and for approval of the zoning map amendment to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Scott asked and Director Taylor said they have done some site work, but no construction on the site. They were in the County until two weeks ago, and even though they were outside our jurisdiction, we have checked, and they have received all the permits they need from the Army Corps of Engineers and are adhering to regulations.</p> <p>Gardner asked and Director Taylor said the other comment letter from the property owner behind and above expressed concerns about the easement and their ability to continue to access the highway and where that would be located. In reality it is a private drive, and they have an easement over it. Director Taylor said those questions might be best addressed to the Applicant.</p> <p>Chair Qunell said the part of the story that is missing here is the Extension of Services Plan (EOSP) that we updated a little over a year ago encapsulated this area. Director Taylor said the EOSP went</p>

to the south side of Highway 40 and has been shown that way for twenty years. There is a little sliver of this property that goes a little south and there was some question in discussions with the Applicant on whether the entire property is within the EOSP as a sliver of the property goes south of Highway 40. The City Council amended that plan in 2021, so it goes all the way to Blanchard Lake Road currently, so that property is now all within the boundary. At the time the City Attorney was comfortable annexing it at that point.

Chair Qunell said his understanding was that this little sliver was part of that EOSP extension when we extended it. He asked how soon after we did that EOSP did initial talks start with regard to these properties. Director Taylor said we had an informal initial meeting with Public Works Director Craig Workman and the Applicant maybe two years ago where we talked about what it would entail to annex into the City, how far away the services are, what the zoning might be, etc., and Town Pump was going through the process at the same time. That is when it was brought up that we might have to look at the EOSP to address where the boundary was supposed to be located. Chair Qunell asked if any of those discussions happened before we passed the EOSP and Director Taylor said they did, and the City recommended for the Applicant's sake that they wait until we did the amendment to the EOSP, but they could have applied before that.

Chair Qunell said the timing seems strange because his recollection is that when the planning board and Council passed the EOSP it was so that anything south of Highway 40 or anything in that place where we were extending our services to, not necessarily south of Highway 40, whatever was in that EOSP update would fall within that WB-T zone. Director Taylor said that is not necessarily true because some of that is Business Service Zoning which is called for in there and the Extensions of Services Plan does not address zoning but the Highway 92 South Plan addresses land use. The EOSP was adopted in June of 2021. The intent of the old EOSP and the old Growth Policy was that the WB-2 would stop at Highway 40 and would not be extended south of there. In the process of working on the Highway 93 South Plan, there was some discussion of applying it to all the County B-4 property and the map and text of the Plan somehow got crossed up. Director Taylor said the planning board certainly has an opportunity to look at a Business Transitional Zone, but that zone does not exist on the books right now. Chair Qunell thinks that will weight into their decision tonight because his

	clear recollection is that anything that was going to be annexed that was not part of the City would come in in a special district that would be different from our traditional WB-2 zoning district.
PUBLIC HEARING	Chair Qunell opened the public hearing.
APPLICANT / AGENCIES	Eric Payne, nuWest Builders, 100 Central Avenue, Suite 204, Whitefish, said he is a long-time resident and builder in Whitefish. He said he is one of two partners on this project and is thrilled to be here to share their vision for this exciting property and answer and questions or concerns. He introduced Jael Johnson, also with nuWest. This property and the neighboring properties went through a very contentious struggle for many years over who would be responsible for its future oversight. Obviously, the County won that struggle, but they are here to present another opportunity for the City to take back responsibility for that oversight. They requested it be through the WB-2 zoning as it was formerly zoned during those contentious years, and during discussions leading up to this, he was operating under that impression. As many of us have watched these properties begin to be developed and utilized along this Corridor, he, in particular, has been very disappointed, especially the adjoining property. It has highlighted the importance of this particular intersection to all of us. In Discussions over the last two years with the planning board and City Council, these adjoining properties have become one of the most important reasons we are passionate about this decision and how these properties are used. The decision is much bigger than any one of us. About four years ago he recognized this particular property at the intersection of 40 and 93 which is referred to as 6010 93 South was the most critical piece of property for any future growth along this Corridor. With the traffic increasing along Highway 93, gaining commercial access from MDOT was becoming a much more challenging and a limiting factor for all businesses. The critical intersection of 40 and 93 could alleviate any of these issues. Their goal with any future project on any of these properties is to create a landmark design, one that is a model for all others along this Corridor to follow. The intersection is the very entrance into Whitefish, and they plan to represent it as one that he and future generations can be proud of. Since their last meeting with the Council, they have engaged Kate Walker's team at NWDS (formerly known more as Bruce Boody Landscape Architects) has been retained to help with initial concepts that encompass their vision for this style of landmark master plan, as well as theirs. They will show their concept, as well as an overview of these properties and

potentially what they could be used for at some point in the future. They have no plans whatsoever, and have submitted no applications, of what we could do with this. Up this point, their goal is to control and protect this intersection. They have invested a tremendous amount of money in doing so in hopes we would not have a repeat of what has happened on adjoining properties. He lives and works here, and his kids grow up here, and he wants them to be proud of what they do here. He doesn't necessarily want to see distribution stores lining this corridor or unmanaged, unregulated businesses going in that do not have much oversight. His investment is purely to make sure it represents what we all want Whitefish to represent. The zoning is critical in being able to do a type of business that would be complementary to the nearby developments like The Lakes and newer developments along there and the nearly 1,000 nearby residents. They want to create an intersection where people are wowed. They do not know 100% what they will do with it, but they will maintain control of it. They have understood and been working under from the very beginning they would be requesting WB-2 zoning, and never had any intention otherwise. It fits simply into their overall scope of what they would want for businesses in there. As mentioned by Scott, they already obtained a DEQ approved permit to manage unmanaged runoff and torn down and removed aged buildings that were full of mold and unsafe to utilize. The most important thing to do was to start managing runoff created by the properties to the south that have been poorly managed in his opinion. That is part of the reason they are bringing this property back to the City of Whitefish for that oversight and make sure we don't have continuing repeats of what is seen as you go south on that corridor. They have started the backage road as you come in and will continue to maintain Iverson Lane and leave it there for the neighbors if they want. It appears to be what they want based on one of the letters and they have incorporated it back into their master plan. Right now, there is nothing in particular planned, but he tasked Cate Walker with creating something that would represent a future development that would be buffered from the highway with greenspace and create a parklike feeling when you pull into it; something to enjoy with walking paths while you are there versus just pulling in to get something to eat or go visit your doctor, or get your nails done. That is the infrastructure they would be willing to invest in and any project that they bring here will have control of and assure that it will meet the standards. He presented a representation that Cate and her team put together in the last two weeks, and they work

with their team on almost every project they do and bring to the City as residential and commercial builders.

Beckham asked Mr. Payne why he is requesting this (going from B-4 to WB-2) when he is wanting to put in a lot of walking paths and natural areas and does not necessarily need more commercial space. If they want to have a beautiful space with walking paths, then businesswise what is difference for him going forward. Mr. Payne said B-4 would be more limiting in the type of businesses they would be interested in bringing there. The walking path, natural feel, and parklike setting they want to create, with a buffer between every business, and much larger greenspaces than required, would be optimal no matter what type of business they put in there. The limitation of WB-4, and especially WB-T, would not fit in the overall vision of how they want to complement the surrounding communities. They have heard requests and demands from the surrounding communities on what would be nice on that end of Whitefish, especially during the six months a year when you cannot get a table at the Buffalo or find a parking space on Central. They want to be able to complement that. Chair Qunell clarified it is zoned County B-4 right now and WB-2 is the equivalent and what they are asking for. Beckham asked and Mr. Payne confirmed they have an idea of the types of commercial businesses they want there, just not exactly what, and they want a lot of natural land area to stay, so WB-2 would give them the most options for the potential businesses they would evaluate. Mr. Payne said whether they will build and lease the space, or lease the ground to the tenant, they will take it one tenant at a time and be very limiting on what is allowed to go in there. There will never be a storage unit, dispensary, or dog grooming/boarding business. He may be opinionated but is looking for things that are more complementary of the surrounding residential communities there and one that would more represent downtown Whitefish, or the type of vision Whitefish has.

Chair Qunell said at the last meeting, the Council gave the impression they would rather it be WB-T rather than straight WB-2, and that gives the City and the constituents more control over what actually goes in there, but essentially, they are all the same with the exception he would have to get a Conditional Use Permit. You can still do all the same things in WB-T with one additional step. Mr. Payne said he was not familiar with WB-T at all and when it was presented to him and other property owners in that area, he presented a letter with his disappointment as he felt everything was

attempting to be changed versus what the like-kind zoning applied from County to City. He was not aware until he looked at the GIS there was the sliver on the south side, which represents a very small percentage of this overall property, that was outside the intersection. He has attempted to do everything in the right way to benefit Whitefish and feels this is a gift that fell into all of our hands from what was taking place in the past when the City lost control of this property. He was not aware of the WB-T zoning until they were long into this process and his recollection is the WB-T zoning is drastically more limiting than WB-2.

Chair Qunell said "drastically" is a subjective word and Mr. Payne agreed. Some of the uses, like storage units, were pulled out completely but he thinks the intent is very similar, it is just that things have been moved into a conditional use rather than a use by right. There are only a few examples of a use by right in the WB-T zone compared to what you would have to go through a conditional use permit for, and part of the reason is this area has been very contentious. Mr. Payne could ask staff for a side-by-side comparison heading into the Council meeting regardless of what happens tonight as they will have final say.

Beckham said Mr. Payne stated he has already smoothed things over with the neighbors who use Iverson Lane, and asked whether he feels that issue is resolved. Mr. Payne said this is a rare development as he is personally involved with it and representing himself and the nuWest team, where 95% of their projects are for another client. This is a big change out there and can guarantee when they are done it is going to be amazing, but the neighbors do not know that and obviously they are upset. The letter that they submitted presents their frustration, as it should. They have met with them multiple times and the last meeting was with attorneys and the MDOT and they tried to figure out a way to please them. They were subjected to personal insults that have no relevancy on this, but they have continued to try to do the right thing and keep emotions out of it and give them the opportunity to partake in this, and to find a silver lining, which is to get to the light that they control and get onto the highway safely. Easement will be allowed to remain. They have given them the opportunity for a like-kind easement which would eliminate Iverson Lane entirely and they would have a lifetime that follows after them on all these properties access to that light. They have proven to them through MDOT that their current easement across those parcels to the highway are residential use only. They believe it is an unlimited easement where

	<p>they should be able to do anything with it. MDOT stated if they try to use that Lane for anything other than a residential single-family home, they would be denied. They will be required soon to be a right-turn only after Iverson Lane. They would like to avoid that and have given them the opportunity in writing directly and through their attorney forever use of coming down their new road. They have refused it. Beckham asked if the talk was after their March 2 letter to the planning board and Mr. Payne said it was after. The letter negates what was said in the meeting, so things are not smoothed over; they still see things differently than what Mr. Payne believes is the reality. The reality is they have an access across these properties through Iverson Lane to the highway that will be there forever if that is what they choose to keep. That has now been incorporated in the last two weeks Iverson Lane to remain, and MDOT would likely require a secondary egress point on this property anyway, so they will simply use Iverson Lane for access. Gladly they will give them, and their kids access to that light informally forever, but he will not under any circumstance give them commercial access to that light. His main goal is to limit things the County approves but the City won't such as storage units or trailer parks that none of us want.</p>
<p>PUBLIC COMMENT</p>	<p>There being no further comments, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Gardner asked and Director Taylor said WB-T zoning goes in effect on March 21.</p> <p>Chair Qunell said he wanted to provide a little more context about the last meeting where the Council approved the annexation of these properties. A lot of time annexations go through on the Consent Agenda, but the properties on this corner in particular, as Mr. Payne pointed out and we are all aware, have been pretty contentious over time. The property just to the south of there is an eyesore that keeps getting sorer. The discussion they had at the meeting was because this property is in what they felt was part of the EOSP that was further extended in June of 2021, potentially a more appropriate zone for it would be WB-T, but that zone does not exist yet so they cannot make that recommendation. The board could potentially put this off until the next Planning Board meeting where WB-T could be recommended. At the next Council meeting on April 3, it will be in effect so the Council could change the zoning. The way zoning requests work is staff makes a recommendation,</p>

and Council follows rules on findings they need to make, and ultimately decides what something gets rezoned to. The question here is do we approve this request to WB-2 or is this something we wait on. The board can approve it and Council can still change it. Chair Qunell applauded Mr. Payne for his patience and understanding. The whole City is confused about what is supposed to go on down there and they have been trying very hard, and why it took two years, to finally come through with the WB-T zone that made sense. By moving everything into a conditional use it allows the citizens to have more say in what actually develops down there. That is the key point of all of this consideration because if it is annexed into the City, we want to be sure we get what we want down there. These properties are now annexed into the City. WB-2 has a lot of uses by right and in the WB-T zone most of the uses have to go through the conditional use permit process.

Scott said in regard to this discussion, what is the potential of passing this as WB-2 but with an amendment or recommendation to the City Council that they change it to WB-T since it will exist at that point in time. Chair Qunell said he does not think he has ever seen anything like that before and does not think the board can make a recommendation like that, but City Council will read through the minutes of this discussion, and they could reflect the board is passing this so it can move forward rather than delay it another month but would rather see WB-T zoning. Director Taylor said we need to apply some kind of zoning because it has been annexed, but the planning board could recommend approval but for the City Council to consider an alternative zoning district from the WB-2. Scott asked if we could put that in a motion of amendment and Chair Qunell said he thought that could be part of the board's motion to pass. Beckham said on the table also is just making a motion to postpone this until after March 21, so at the next Planning Board meeting we would be making a motion in real time. Moving this forward now would not be a real approval or denial, so we might as well postpone it. Chair Qunell asked if we are up against any time limits and Director Taylor said it is in the City now but it does not really have a zoning so they cannot determine what is allowed or not allowed. Chair Qunell said he is pretty sure Mr. Payne would like a definitive answer, but Beckham said her understanding of what the Applicant said is all of this will take some time and they are willing to sit on it and make some plans but are not really sure what they are going to do anyway. From the City end, she would rather see more public input on what happens on something that has been annexed into the City through a

	<p>Planned Unit Development process even though it may be arduous, and she would prefer to wait.</p> <p>Beckham made a motion, seconded by Linville, to postpone this item to the next Planning Board meeting.</p> <p>Linville thinks this will be an area where there will be a lot of public comment, and she thinks it would be most appropriate to have those discussions.</p> <p>Chair Qunell asked and Director Taylor said it puts us in an awkward position if there is no zoning on it. It is technically still B-4 until we change the zoning so the question is can we administer County zoning because all the uses allowed in the B-4 would continue to be allowed until the zone is changed. Chair Qunell said it sounds like Mr. Payne is not interested in starting a big project and wants it to represent the best of Whitefish. So even though it probably does not feel great to Mr. Payne, he thinks postponing this tonight would be the best outcome until we can actually recommend the zoning, so he would support the motion.</p>
<p>VOTE</p>	<p>The motion passed unanimously. The matter was scheduled to go before the Council on April 3, 2023, but has now been postponed.</p>
<p>PUBLIC HEARING 3: HONOR BOUND LLC REZONE REQUEST <i>6:57 pm</i></p>	<p>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.</p>
<p>STAFF REPORT WZC 23-03 (Taylor)</p>	<p>Director Taylor reviewed his staff report and findings. As of the writing of WZC 23-03, one public comment had been received from a neighbor in Park Knoll objecting to the zoning change, and one public comment was received from the Park Knoll HOA discussing the uncertainty with areas of concern, noting that the HOA cannot support the zone change without more information. Two additional emails have been received since then with concerns about the zone change and were distributed to planning board members prior to the meeting tonight.</p>

	<p>Staff recommended adoption of the findings of fact within staff report WZC 23-03 and for approval of the rezone request to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Chair Qunell asked and Director Taylor explained the existing zoning and what exactly is being requested to be changed; we are only talking about the little L piece that is almost totally encumbered by wetlands. When this property was annexed in it changed to WER with a special condition zoning to add a 5' setback off Park Knoll Lane and with a promise in the zoning that only single-family residences would be developed directly adjacent to Park Knoll.</p> <p>Scott asked parcel changing zoning is that L-shaped piece which is very narrow at top of the L and wider at bottom, but if superimposed onto the purple L-shaped piece, would it be directly against the western edge? Director Taylor said the western edge goes far beyond to the left and presented a different map that showed it more clearly.</p>
<p>PUBLIC HEARING</p>	<p>Chair Qunell opened the public hearing.</p>
<p>APPLICANT / AGENCIES</p>	<p>Carter Unger, 2375 Mountain Shadows Drive, said on June 3, he closed on the lot outlined in red on the Growth Policy Future Land Use Map on Page 2 of staff report WZC 23-03, which is 31 acres, as well as the lot to the east of it where "Suburban Residential: is written, as well as the orange area. The City was the applicant, and the application was from the old owners who went through some contentiousness with some of the neighbors who had put in for annexation. When he closed on it, he didn't realize it had been annexed the week before. He was the new owner, and the City was then at the following meeting the applicant on annexation. Doing the standard of closest like zoning, made that entire of 31 acres 2.5 acres WCR Rural zoning. If he was the applicant at that time, he would have requested the green section (20 acres) to remain 2.5 acre rural and evened out the exact rectangle seen with the hockey stick. The top right corner is WER, and he rezoned that as the applicant. Now he is requesting to finish it out. His opinion is at a base -zoning level, we are looking at type of use and density of use. Regarding type of use, this is only single family we are discussing, not commercial, apartments, retail, or hotels. While this application is for the 11 acres, he is looking at both lots for the total of 50 acres to try to find the compromise that is right. There is some real pain going on right now in this town and we need a mix of housing, with options for others who are equally as important as</p>

the large homeowners. There will be no apartments in the back; he is leaving 20 acres. While we are only speaking on the 11.2 acres, he wants to give the full context. If this is approved, he will be left with a 50-acre assemblage – 20 acres is 2.5 acres minimum, 20 acres would be WER in line with the Corridor Plan of .5 acres, and 10 acres of smaller WR-2. He believes this is a good mix. He could make the argument that we should be doing a Growth Policy Amendment. Smaller lots are massively important and most of the folks he meets could not afford a 2.5-acre lot. His intent is not to do a bait and switch, and there have been some letters that have come in which have suggested that he already rezoned the 31 acres and now is coming back for more, but he thinks there was some confusion. Lindsey Hromadka has been great to talk with and very open and communicative and he has had nothing but a good experience with her but disagrees with a couple of things in her letter. He was not the applicant, the City was. He is not trying to do bait and switches and come in piecemeal, bit by bit, but rather trying to make a clear path all citizens can understand. Right now, he is doing a base zoning and if approved, it will be set, and he will come in with a site plan that is hopefully valued and respected. He will not be trying to shrink the wetlands, but actually plans to enhance them. He did a quick poll on Facebook and while not an exact science, the vast majority of the 76 people who responded to a question of what the most appropriate size lot Whitefish needs said .5 acre or less. He will have 20 acres at 2.5, 20 acres at .5, and 10 acres at WR-2 which can be a couple of different things. The wetlands are special and there are two different types of wetlands that start at the base of Highway 93 where the runoff comes, and it is not the cleanest. He would like to enhance it and clean it up and make it open with a trail system along it that can connect all the way to the park. Before he knows what he has to work with, right now he cannot get into any of that detailed site planning, and all the civil engineers are currently tied up and not able to work on it yet. His intent is to develop around the wetlands, add to the buffer zones the City requires, and use this set density to blend around and create the right use. His goal is to create a horseshoe of 2.5 acre or larger lots around the perimeter that buffer to those neighbors. The Park Knoll neighbors to his north (1 acre lots) and neighbors to the south (.25 acre lots) have been awesome. The neighbors to the west off Karrow are 2.5 acre zoned lots, so he does not feel he is pushing the envelope, this is exactly in line, and we need more housing.

	<p>Chair Qunell asked and Mr. Unger said the WR-2 is going to be adjacent to the Baker Avenue extension. The WR-2 is the orange, Don Kaltschmidt owns all the land directly north of Great Northern. He owns the orange west of that commercial dogleg. His goal is to bring the hockey stick in line with the WER (yellow top right square) and will try to push Baker as far east as possible, which is in line with what both neighborhoods to the north and south want.</p> <p>Freudenberger asked what is planned for workforce housing and Mr. Unger said the 2.5 acre lots will clearly not be close to affordable, but his long-term goal with the .5 acre lots is to try to make them as market as possible, and affordable to the missing middle. On the WR-2, while not part of this application, is to hopefully do some duplexes or use the PUD process to have more height or density on Baker and leave more open space and keep that as a for-rent product.</p> <p>Freudenberger said it appears most of the wetlands are encompassed by the flag lot (in yellow) being created so what is the benefit of having the zoning density increased in that area when the high groundwater may limit the density abilities. Mr. Unger said if this is approved by the planning board and Council, the base zoning overall will be established and he will then have maybe 40 .5 acre lots, eight 2.5 acre lots that he can and move around to hopefully create as much of an open wildlife corridor/pedestrian hiking area through those wetlands with the PUD process. He hired a reputable company to come out and they believe their packet will be seen by the Army of Engineers in the next couple of months. He wants to make this a true wetland and right now it is not, and he wants to provide housing people can afford and surround them with larger lots.</p>
<p>PUBLIC COMMENT</p>	<p>Lindsey Hromadka, Weinberg & Hromadka, PO Box 652, Whitefish, spoke representing the South Whitefish Neighborhood Association, said they would not be commenting tonight in opposition to this if not for the wetlands. That is their number one concerns and why they think the zoning is inappropriate here. She agrees with Mr. Scott that it does not make sense to increase the density on this area where the wetlands are primarily located. The existing zoning is WCR (Suburban Residential) which already complies with the Growth Policy. Director Taylor said earlier that the wetlands dry in the summer, but they have been taking drone footage of the wetlands since this amendment to change the Growth Policy back in approximately 2017, and they do not dry up until July; it is a big</p>

wetland and wet. Great Northern used to be in the path of the wetland and they have high groundwater issues and water in their basements because they were developed over this wetland. In the 2017 Growth Policy Amendment, they did a wetland delineation and we never saw it, but you can see a picture of it in their comment letter. They said in the wetland delineation it was 14 acres of the 31 acres, so it is a huge part. When you have a wetland that is that large and that wet, it does not make sense to have WER zoning, or even WCR zoning and they were opposed to the City's annexation several months ago. She thinks if there was going to be any kind of zone change on this property other than what has already happened, there needs to be a wetland delineation in front of the planning board members, so they see what we are working with. The Growth Policy is clear that we need to preserve our ecosystems and wetlands are extremely important and we need to do our best to plan around them. Park Knolls is opposed to this, and she cannot speak for the Great Northern Homeowners' Association, but she knows there are members on the South Whitefish Neighborhood board who are members of Great Northern and homeowners directly south of this property who are opposed to this. She is surprised more people are not here tonight to speak to this issue.

Mr. Unger encouraged planning board members to read the letter from the Park Knoll president. They were in support of the vast majority of land that abuts them that has already been rezoned to WER. In talking with them without having the final, certain details, they said at this moment they can no longer be in support or opposed to this change and look forward to working with him to hopefully have those answers by the time it goes to Council. In his opinion if you read the letter they are not opposed.

Chair Qunell asked if Mr. Unger's ultimate goal of getting this zoned to a higher density is to get more density in the areas of the overall 50 acres that can actually be built on if he chooses to go through a PUD process. Mr. Unger said that and more appropriate, closer to Highway 93, maintain more open space and larger lots closer to the neighbors who are concerned about the loss. It would not be hard for him to sell five-acre lots to out of town folks who would love to have these wetlands, but he would rather maintain the open space and wetlands, enhance them, and push the density to the east using the PUD not to request any more density, but to create the best plan that works best for all the neighbors.

	<p>There being no further comments, Chair Qunell 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 Chair Qunell, to adopt the findings of fact within staff report WZC 23-03 as proposed by City Staff.</p> <p>Scott understands what Mr. Unger is proposing, to consolidate his properties so he can divide it up appropriate with the 2.5 acre lots, .5 acre lots, and smaller lots for development of hopefully affordable rental housing. A .5 acre is probably still larger than a lot of folks' entry home affordability, but it is a step in the right direction. He also understands the zoning requested allows him to move around the .5 acre lots and perhaps the smaller designations so as to make the wetland through there be an appropriate park, walkway, or easement to enhance the community area. He cannot see voting against it and he thinks Mr. Unger has good intentions.</p> <p>Beckham said she does not support this increased density in this area. She went back and looked at the meeting where we did the zoning for this and really listened to Park Knoll and the concessions made by Mr. Unger, and that was a little bit of a struggle just because of adding density. We do need housing, but from everything we have seen, read, and heard, this is a wetland, and she questions whether this will be treated as a wetland. She does not think it is the planning board's responsibility to allow a greater density just to make it easier to figure out and move parcels around. It is possible without greater density, and she will be voting to deny this.</p> <p>Freudenberger said he was concerned about the wetland to begin with, but when the subdivision plan is submitted, it will have to have designated park area in place. At that point if they want to do cluster development in certain areas by way of PUD, he thinks there is a way to make that work. Increasing the density now allows the overall density that will allow more park area.</p> <p>Chair Qunell said it should not be lost on anyone here that housing is our number 1 priority in this town as it should be. This could be zoned WR-4 and they are not going to be able to build on the wetland no matter what the density is. He appreciates having a bigger perspective on what the plan is for this area. We shot down a larger PUD that would have taken this whole area out of potential</p>

	<p>for being part of a development project, and now we are piecemealing it back together and coming in one piece at a time which is not good planning. He appreciates that Mr. Unger has a big vision for the whole section and thinks by increasing the density of 11 acres of the 50 acres gets us to a more appropriately sized lot that can be built on and have a mix of housing which is what we need. He is sensitive to water quality here and to wetlands, but it will not be buildable in the wetland anyway. The people that live there object to everything that goes on down there; they have not come in and said yes to anything. He understands there is a lot of angst over change, but as a community we have to come together and understand that when we have a big picture to provide more housing and a mix of housing, we have to find a way to get it done or we are not going to ever have affordable housing in this town.</p>
<p>VOTE</p>	<p>The motion passed 5 to 1 with Beckham voting in opposition. The matter is scheduled to go before the Council on April 17, 2023.</p>
<p>PUBLIC HEARING 4: CITY OF WHITEFISH ZONING TEXT AMENDMENT REQUEST <i>7:37 pm</i></p>	<p>A request by the City of Whitefish for a Zoning Text Amendment to § 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.</p>
<p>STAFF REPORT WZTA 23-02 (Taylor)</p>	<p>Planning Director Taylor reviewed his staff report and findings. As of the writing of WZTA 23-02, 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 WZTA 23-02 and for approval of the proposed changes to Title 11, Chapter 7, of the Zoning Regulations to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Chair Qunell asked and Director Taylor said this proposed text amendment would mean the zone change request would not come to the planning board but rather go straight to Council.</p> <p>Freudenberger asked and Director Taylor said staff will either apply an equivalent zone of what it was in the County or whatever the Growth Policy calls for if it is something different.</p>

	<p>Chair Qunell asked and Director Taylor said an applicant can petition for something else and if it seems reasonable and staff can support that, they can ask for it.</p> <p>Linville asked and Director Taylor said a public hearing will occur at the Council meeting, it will just skip planning board.</p>
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 WZTA 23-02 as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on April 17, 2023.
GOOD AND WELFARE 7:42 pm	<p>1. <i>Matters from Board.</i> Gardner requested to receive a paper packet as early as possible and wondered if they could go out earlier. Director Taylor said the City Council and this board had previously voted to go paperless to save trees, but he would talk to the staff and see if we could make a concession to maybe have a paper copy on the Thursday a week before the meetings. It was noted that he would be the only member of any city board that would get more than an electronic copy. Chair Qunell asked if just the staff report would be enough on larger items, and Gardner said it would be.</p> <p>Chair Qunell requested a zoomed-out view be included in future staff reports that clearly shows roads to make it easier to identify where projects are located, and Director Taylor agreed to do that.</p> <p>2. <i>Matters from Staff.</i> Director Taylor said he and Long Range Planner Alan Tiefenbach are putting together a public participation plan of how we are going to engage the public, what the meetings are going to be like, and what meetings are going to be held. That will be brought to the board probably in April for review. Staff also wants to wait to see what the Legislature decides to do because there is still some language that may significantly change how we approach the growth policy update and especially the public</p>

	<p>participation portion of it. A growth policy website was added to the City's website with updates, information, background, presentation with existing zoning, etc. The agendas sent out for the meeting will include a start time and the first hour may be devoted to the growth policy discussion.</p> <p>3. <i>Poll of Board members available for the next meeting on April 20, 2023.</i> Linville and Gardner will not be available, but the other members present indicated they thought they would be.</p>
<p>ADJOURNMENT 7:46 pm</p>	<p>The meeting was adjourned on a motion by Linville at approximately 7:46 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on April 20, 2023, 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: 4-20-23 _____