

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
August 19, 2021**

<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, John Ellis (arrived at 8:00 pm) Scott Freudenberger, Chris Gardner, Allison Linville, and Toby Scott. Planning Director David Taylor, Senior Planner Wendy Compton-Ring (arrived at 7:25 pm), Long-Range Planner Hilary Lindh, and Planner II Tara Osendorf represented the Whitefish Planning and Building Department.</p> <p>There were approximately 15 people attending in addition to the board members and staff.</p>
<p>AGENDA CHANGES <i>6:01 pm</i></p>	<p>Chair Qunell suggested Item No. 7 be moved to Item No. 5 and Item Nos. 5 and 6 be moved down to accommodate Compton-Ring's later arrival. There was no objection.</p> <p>Scott requested to move Item No. 10 to Item No. 8 and move Item Nos. 8 and 9 down. There was no objection.</p>
<p>APPROVAL OF MINUTES <i>6:03 pm</i></p>	<p>Scott made a motion, seconded by Beckham, to approve the July 15, 2021 minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:04 pm</i></p>	<p>None.</p>
<p>OLD BUSINESS: <i>6:05 pm</i></p>	<p>None.</p>
<p>PROCEDURE: <i>6:05 pm</i></p>	<p>Chair Qunell noted because of the number of agenda items, he will limit public comment to three minutes per person on any one item.</p>
<p>PUBLIC HEARING 1: MARCO MAJOR LAKESHORE VARIANCE REQUEST</p>	<p>Al Marco is requesting a Major Lakeshore Variance for the removal of a non-compliant seawall below the high-water mark at 235 Glenwood Road. The property is currently developed with a single-family home and is zoned WR-1 (Single-Family Residential District). The property can be legally described as Lot 6 of Glenwood Estates 1 in S25 T31N R22W, P.M. M., Flathead County.</p>

STAFF REPORT WLV 21-W41 (Osendorf)	<p>Planner Osendorf reviewed her staff report and findings. As of the writing of WLV 21-W41, no public comments had been received, and none have been received since.</p> <p>Staff recommended adoption of the findings of fact within staff report WVL 21-W41 and for approval of the major variance request to the Whitefish City Council.</p>
BOARD QUESTIONS OF STAFF	<p>None.</p>
APPLICANT / AGENCIES	<p>Kurt Vomfell, Terra Designworks, 234 2nd Street West, representing for applicants of the first two agenda items (Marco and Ellis) introduced himself; there were no questions for Mr. Vomfell.</p>
PUBLIC COMMENT	<p>Chair Qunell opened the public hearing. There being no public comment, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
MOTION / BOARD DISCUSSION	<p>Scott made a motion, seconded by Gardner, to adopt the findings of fact within staff report WLV 21-W41, with the eighteen (18) conditions of approval, as proposed by City Staff.</p> <p>Scott said the project looks like a nice improvement to the lakeshore and Beckham commented the environmental assessment looked great.</p>
VOTE	<p>The motion passed unanimously. The matter is scheduled to go before the Council on September 7, 2021.</p>
PUBLIC HEARING 2: ELLIS MAJOR LAKESHORE VARIANCE REQUEST <i>6:14 pm</i>	<p>Chris Ellis is requesting a Major Lakeshore Variance for the removal of a non-compliant seawall below the high-water mark at 245 Glenwood Road. The property is currently developed with a single-family home and is zoned WR-1 (Single-Family Residential District). The property can be legally described as Lot 5 of Glenwood Estates 1 in S25 T31N R22W, P.M.M., Flathead County.</p>
STAFF REPORT WLV 21-W42 (Osendorf)	<p>Planner Osendorf reviewed her staff report and findings. As of the writing of WLV 21-W42, no public comments had been received, and none have been received since.</p> <p>Staff recommended adoption of the findings of fact within staff report WVL 21-W42 and for approval of the major variance request</p>

	to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	None.
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	Chair Qunell opened the public hearing. There being no public comment, 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 Beckham, to adopt the findings of fact within staff report WLV 21-W42, with the eighteen (18) conditions of approval, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on September 7, 2021.
PUBLIC HEARING 3: SMYLEY CONDITIONAL USE PERMIT REQUEST 6:16 pm	Beene Smyley is requesting a Conditional Use Permit for an accessory apartment over a new garage at 304 Columbia Avenue. The property is currently developed with a single-family home and is zoned WR-2 (Two-Family Residential District). The property can be legally described as Whitefish Lots 1 and 2, Block 50 in S36 T31N R22W, P.M.M., Flathead County.
STAFF REPORT WCUP 21-15 (Lindh)	Planner Lindh reviewed her staff report and findings. As of the writing of WCUP 21-15, no public comments had been received, and none have been received since. Staff recommended adoption of the findings of fact within staff report WCUP 21-15 and for approval of the conditional use permit to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	None.
APPLICANT / AGENCIES	Philip Duty, Duty Construction, 2898 Highway 93 North, Kalispell, spoke on behalf of the owner. Freudenberger asked about the requirement of a minimum of 20-feet for the access drive (Condition No. 2). Mr. Duty said it is the first he has heard of it, but they will make it work by reducing the garage footprint or changing the access drive.

	Scott asked if they planned to replace the three trees proposed to be removed and Mr. Duty said no as the lot is already fairly well treed.
PUBLIC COMMENT	Chair Qunell opened the public hearing. There being no public comment, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Linville made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WCUP 21-15, with the eight (8) conditions of approval, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on September 7, 2021.
PUBLIC HEARING 4: MAC DONALD CONDITIONAL USE PERMIT REQUEST 6:22 pm	Paige MacDonald is requesting a conditional use permit to construct an accessory apartment above a new two-car garage at 950 Edgewood Place. The property is currently developed with a single-family home and small accessory building and is zoned WLR (One-Family Limited Residential District). The property can be legally described as Lot 3, Block 12 Wfsh Tste Co 5 Ac Tr Add 1, S25 T31N R22W, P.M.M., Flathead County.
STAFF REPORT WCUP 21-17 (Osendorf)	Planner Osendorf reviewed her staff report and findings. As of the writing of WCUP 21-17, no public comments had been received, and none have been received since then. Staff recommended adoption of the findings of fact within staff report WCUP 21-17 and for approval of the conditional use permit to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Chair Qunell asked about the waiver allowing an accessory structure to be in front of a primary residence, and Osendorf said it is not required until the time of building permit. Director Taylor gave this applicant a waiver as the residence and accessory building are not visible from the road.
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	Chair Qunell opened the public hearing. There being no public comment, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.

<p>MOTION / BOARD DISCUSSION</p>	<p>Beckham made a motion, seconded by Linville, to adopt the findings of fact within staff report WCUP 21-17, with the eight (8) 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 September 20, 2021.</p>
<p>PUBLIC HEARING 5 VANEE/GROENENBOOM PRELIMINARY PLAT REQUEST 6:28 pm (Listed on the published agenda as Item No. 7)</p>	<p>Doug Vanee, Randy Vanee, Bruce Groenenboom, and Jim Groenenboom are requesting preliminary plat approval to subdivide a property into 2-lots. The property is currently vacant and is zoned WRR-2 (Medium Density Resort Residential District). The property is located at 504 Dakota Avenue and can be legally described as Tract 7Q of Lot 3 in S25 T31N R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WPP 21-03 (Osendorf)</p>	<p>Planner Osendorf reviewed her staff report and findings. As of the writing of WPP 21-03, no public comments had been received. One comment letter was recently received from the neighbors with concerns of density, traffic, and neighborhood character; Osendorf read it into the record.</p> <p>Staff recommended adoption of the findings of fact within staff report WPP 21-03 and for approval of the preliminary plat for the Vanee/Groenenboom Subdivision to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Gardner asked and Osendorf said the lots are proposed to be divided basically in half, so will be approximately 1/4 acre per lot. As of right now they are planning on a duplex (two units) on each lot.</p> <p>Freudenberger asked and Osendorf said without the subdivision, they could technically do a 4-plex which would require a conditional use permit, but it would have to be in one building. Approval of this request will not necessarily increase the number of units since they can only have 10 units per acre which is the density for WRR-2. Since they only have 1/4 acre, that would be 2.5 units per lot which is really only two units per lot. Chair Qunell asked and Osendorf said the applicants have not offered anything like affordable housing or cash-in-lieu. Chair Qunell asked and Director Taylor said prior to the State making our Legacy Homes Program illegal, there would have been no trigger as duplexes are a use by right and a one-lot subdivision would not have required anything.</p>
<p>APPLICANT / AGENCIES</p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop in Kalispell, said this is an infill project where all the infrastructure is in place. The applicant</p>

	is in complete agreement with the staff report and conditions. There were no questions for Mr. Mulcahy.
PUBLIC COMMENT	Chair Qunell opened the public hearing. There being no public comment, 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 Freudenberger, to adopt the findings of fact within staff report WPP 21-03, with the nine (9) conditions of approval, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on September 20, 2021.
PUBLIC HEARING 6: 95 KARROW LLC SECOND AMENDMENT TO AN APPROVED PRELIMINARY PLAN AND PLANNED UNIT DEVELOPMENT REQUEST <i>6:38 pm</i> <i>(Listed on the published agenda as Item No. 10)</i>	95 Karrow LLC is requesting a second amendment to an approved preliminary plat and Planned Unit Development to add more housing, reduce commercial space, reconfigure the footprint of the marketplace building, and relocate the microbrewery. The property is located at 95 Karrow Avenue and can legally be described as Tract 1 of COS 9540 in S25 & 36 T31N R22W, P.M.M., Flathead County.
STAFF REPORT WPUD 21-02 (Taylor)	<p>Director Taylor reviewed his staff report and findings. As of the writing of WPUD 21-02, no public comments had been received. Two comment letters were recently received and distributed tonight regarding 1) the 1st Street right-of-way (which is normally used to access the City public right-of-way to get down to the River) being torn up due to construction and removal of Aspen trees, and 2) easement access for a future residential development abutting the southern edge of the 95 Karrow project. The authors would like to see the 1st Street section being completed as soon as possible so it is a usable public walkway and tree replacement, and coordination of access for the residential development on the long back side of the lots on Highway 93.</p> <p>Staff recommended that the Whitefish Planning Board adopt the findings of fact within staff report WPUD 21-02 and recommend to the Whitefish City Council the amended planned unit development for the 95 Karrow project be approved, as submitted by the applicant, subject to the following additional condition:</p>

	<p>1. All twenty-nine original conditions of the preliminary plat and planned unit development approved as WPUD 18-08 are still required to be satisfied, with the exception that the development approval is hereby extended for three years from the date this amendment approval by the City Council goes into effect.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Chair Qunell asked and Director Taylor said this was originally approved January 2, 2018, and amended in 2019, so they are within their three-year window. Chair Qunell asked and Director Taylor said the difference between commercial and residential uses in a traffic study is you usually have more trips with a commercial property as folks come in and out all day, where with residential uses you normally have the most traffic when folks leave in the morning and return at night, but he will let the applicant speak to that. Chair Qunell asked and Director Taylor said the number of hotel rooms has not changed, it is still 70. Chair Qunell asked if all the industrial is gone and Director Taylor said some of the marketplace area could still potentially have leased spaces that allow some light manufacturing. Again, the applicant could speak to that, but they do not know the exact uses that will be there. He said they will need to meet the criteria of what the approved uses are under the original PUD. Chair Qunell asked and Director Taylor said we will have to monitor use like we do elsewhere in town to ensure the condominiums do not become short-term rentals since there will be a 70 -unit hotel and a bunch of condos all on same property. Director Taylor said the zoning on the site does not allow short-term rentals, but the hotel is a use that obviously has nightly rentals, but that will be limited to the hotel space.</p> <p>Beckham said the 1st Street West public right-of-way seems to be a source of contention and asked how long it has been torn up from construction on this property. Director Taylor said probably five to six months or so, but it was undeveloped before. Beckham asked if the Planning office could ask for a remedy. Director Taylor said unfortunately no one is here from Public Works but work in a public work-of-way is something you have to get permits through our Public Works department for. He does not know what the timeline is, but the applicant may be able to answer that question. Beckham said the two public comments seem to address that and the public comment from Rasmussen also brings up the setbacks. Director Taylor said there are some proposed buildings in the back of the lots that back up against 1st Street there, and what he is talking about is</p>

	<p>if it is only a 30-foot right-of-way, there is not room to take that 30-feet from the project. That is probably a littler wider than a typical City alley width. The question came up if that should become a full 60-foot-wide City street and he felt Public Works was not really interested in that being a full street back there as it really is kind of any alley access to the back of those lots. A It should still be able to be accommodated within that 30-feet, but that is a question for someone from Public Works. Beckham asked if the board could add a condition on this property to make that setback further because it sounds like neighboring properties are looking to use that as an access to the River. Director Taylor said it looks like buildings 7A and 7B butt right up against edge of the right-of-way; potentially the Planning Board could put a condition that those buildings be moved further away so there was additional room.</p> <p>Freudenberger said it looks like bike path is designated on part of that 30-foot wide public right-of-way anyway. Director Taylor said it basically goes outside of that, goes onto it, and comes out again. That is part of the private development; there has never been improvements on that right-of-way other than some pavement. The rest of it has been a dirt trail down to the River for many years. As part of this plan the intention is for half of it (maybe up to Lots 5 or 6 or beyond) to function like a street basically and be paved, and then beyond that it will turn into a path that gets steeper and harder for those lots to access once you get down closer to the River.</p> <p>Chair Qunell asked whether as part of this there is the requirement to improve North Karrow with sidewalks or anything like that. Director Taylor said as part of the original conditions of approval (included in the packet), he thinks they had to do improvements and contribute to a future light. While he was looking for the exact condition, Bruce Boody (Bruce Boody Landscape Architect, 301 E. 2nd Street, providing technical assistance for this project) said the condition was that they would contribute to improvement of North Karrow, but not South Karrow.</p>
<p>APPLICANT / AGENCIES</p>	<p>Casey Malmquist, 160 Walker Creek Lane, Whitefish, said with the first application they worked closely with the City to adhere to and follow the Highway 93 West Plan and also the new zoning districts created there. This is a big project that has taken some time with considerable site work and with the life disruptions of Covid, etc., in that time rather than the philosophy of "build it and they will come," they have been discussing with a lot of people how they can best utilize this property. He was really interested in repurposing the</p>

onsite building but unfortunately due to structural issues with the building and ground conditions in terms of the original foundation, it would cost more than putting in a new building. With additional parking they could add a residential component to the project, which given the changes happening in the community is a good and important thing. The marketplace was envisioned to be in that building, which was 40,000 square feet, and they did not have the interest for that size space. The marketplace, and everything else from the original plan, is still there. They are going up a level on the top of some of the buildings for residential, but all the uses and intentions, including the marketplace (now 16,000 square feet instead of 40,000) are still there and this has matured into a better development. On the right-of-way with the City, the other big thing they have been working on is the bike path. The bike path has been roughed in and goes up that and it has been disturbed. In that disturbance, they have to control erosion. They are happy to try to create an easier conveyance, but by law they must install the erosion control on it so for a period of time that may be a challenge. He said they appreciate the review.

Scott asked and Mr. Malmquist said a live-work residential is a multi-story unit where someone can have a business on a lower floor and live above that. There are already some in Whitefish.

Chair Qunell said what strikes him as the biggest change is the increase in residential (70 more) units. His concern is we have a hotel and units that look like they will not be family-style units that will get us towards the goal of having more units for people who want to live here. He thinks it looks more like units that are lofts/studios that will serve as second homes and asked what type of units are envisioned and who their target audience are. Mr. Malmquist said on the contrary he envisions a younger clientele contributing to the community. The studios are small units above a parking space, and he hopes some young person working in one of the light manufacturing businesses has a place onsite. The other stuff above the units are traditional residential units, but they cannot control who buys them. They will build them as affordably as possible. They will not be associated in any way with the hotel and will likely have very different ownership. They are condominiums so people are going to buy them. He is not a fan of nightly rentals period, and that is not the intention. Chair Qunell asked if Mr. Malmquist would be willing to deed restrict any of the units and he said he is working on a whole separate project to address affordable housing and his personal belief is deed restriction on

developments is not the way to go.

Scott asked where the housekeepers, bartenders, etc., are going to live who will be working at the 70--unit hotel, marketplace, and other businesses and Mr. Malmquist said that is why he is working on the other project. There is clearly a housing shortage, but we have a worker shortage as well. There is a connection to that but not the entire picture and we have to work on both of those things. 84 additional housing units will come into the community, and the more units we have, and the more opportunity there is for units that can get into the ranges that will support the community we all want to see. He is very interested and motivated to work on the affordable housing challenges this community has.

Chair Qunell asked and Bruce Boody said the improvements that must be made to Karrow include a complete rebuild of Karrow including a new street, curb, gutter, and sidewalk on one side, bike trail on the other side, streetlights, and everything else to bring it up to City standards (the utilities are okay). In that there will be a requirement that by full build out, the Montana Department of Transportation (MDT) will require a stoplight at Karrow. When they do rebuild the street, they will put the infrastructure in for that stoplight, but the stoplight will not go in until the MDT determines it necessary. They do not have the new traffic impact study yet but will have it before this project goes before the Council. Mr. Boody said when Public Works Director Craig Workman was here, he said a portion of South Karrow is on the schedule, but not on the top.

Freudenberger asked regarding the neighbors' letters about the 30-foot easement on West 1st Street, what would be involved with smooth grading the right-of--way since build-out will be years. Mr. Malmquist said it is graded better than it was before but now there are a series of erosion control fences, and it is difficult to get down there. Mr. Boody said in the prep work for this project they drilled holes to determine how much fill had been placed on the site and have removed 65,000 cubic yards of metal, concrete, and wood products from the mill, and no contamination has been found. They ground the concrete, had it tested, and it will be used for the road base in the project. All the wood products have been ground and half have been stockpiled on-site, and half have already been tilled into the soils on the Peace Park property to add organic materials. All the metal has gone to Pacific Steel for recycling. 95% removed from site has been recycled or is in the process. They have removed a lot of material that changed the grades all along 1st Street. The

	<p>proposed bike trail stays in the right-of-way until the right-of-way gets so steep you cannot traverse it and that is why it winds in and out of the 1st Street right-of-way. The internal trail (not the portion along Karrow), both the East-West portion and along the River, are going to be the first things built out there and if they can improve the grade temporarily, they will make every attempt to do so.</p> <p>Director Taylor asked regarding the Hendrix Tracts 5 and 6, if they are going to be putting a right-of-way or drive down to access that for development of those two lots, would it make sense to move the bike trail off that public right-of-way onto the 95 Karrow property so there is no conflict there. Mr. Boody said from their perspective that is the way it was submitted in 2017 and they were approved for that so if they must move the trail off that they have to remove those 14 units as there is no room in there for that to occur. Chair Qunell asked and Mr. Boody said they have already done some work building the bike path and the map shows an accurate depiction of where it has been roughed in. Director Taylor pointed out Condition No. 17 from original staff report that says, "The trail within the unimproved W. 1st Street right-of-way must be designed in such a way to not to foreclose the possibility of future use of the road by adjacent properties. This plan will be reviewed and approved by the Public Works and Planning Departments." If that trail becomes the road, it will dump all the bikes and pedestrians onto a 30-foot-wide road as there is not room for a street and bike path. Mr. Boody said that is the way it was designed in the original submittal and the Condition was to leave as much of the road as possible. That is the first portion of it they are thinking could be open. The way the original grade was it could not have been used below that as it was too steep, and it is only because they have improved it for the bike trail and included it in the grading for the project you could now get down to Lot 5. He agrees there is a conflict and Chair Qunell said that is something that will need to be sorted out.</p>
PUBLIC COMMENT	<p>Chair Qunell opened the public hearing. There being no public comment, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
MOTION / BOARD DISCUSSION	<p>Beckham asked and Director Taylor said he does not know if the power company will use this as a right-of-way to access and perform maintenance. It is a public right-of-way, so they have the right to access it for utilities. Beckham wondered if that would wreck the bike path because it is already so compromised and on a steep grade. If they are building a bike path that utility companies need to</p>

use, is something we need to consider. Director Taylor said we have a lot of bike paths in rights-of-way.

Chair Qunell said he is concerned about Condition No. 17 in the original staff report that says they cannot disturb the right-of-way. Director Taylor said we had assumed there would be an amendment to the design that would show how they were going to accomplish that before construction. Chair Qunell asked and Director Taylor said the Hendrix Tract have other access off Highway 93 but if those lots are subdivided, along with grade issues off Highway 93 where the lots drop down off the Highway, the access is better off the back. Chair Qunell asked and Director Taylor said if they subdivide, they have to provide access and since it is a public right-of-way, they have the right to put the road in that right-of-way for accessing the back of those lots. The anticipation was it would be redesigned in a way that would accommodate both uses – wide enough for an alley down there so those lots could access it and the bike path possibly adjacent to it. This would be a better question for Public Works, but if paved to the full 30-feet it may be a situation where the bikes and cars must share, so those lots would technically be accessed off an alley with a 30-foot right-of-way unless the property owner decides to build his own road back there as there is a lot of room on the lots.

Mr. Malmquist said they have been working with Director Workman under the understanding that this path alignment and plan was approved, including getting all the permits for it and roughing it in. He thinks a simple solution may be to pave the whole section where the bike path is which can be done by the people who would benefit from that use. The sections below are not serviceable as they are too steep.

Scott made a motion, seconded by Freudenberger, to adopt the findings of fact within staff report WPUD 21-02, including the additional condition, as proposed by City Staff.

Scott said the whole project looks good to him, will add hotel rooms to Whitefish, and will be a new, nice place to go.

Gardner said 70 housing units is 70 housing units regardless, and especially them being smaller, more affordable is a good thing.

Allison said it is helpful and interesting to learn more about it as she felt conflicted about it with the current climate of businesses in downtown having to be closed two days a week.

<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on September 7, 2021.</p> <p>Senior Planner Compton-Ring (arrived at 7:25 pm).</p>
<p>PUBLIC HEARING 7: THE 406 STANDARD LLC CONDITIONAL USE PERMIT REQUEST <i>7:27 pm</i> <i>(Listed on the published agenda as Item No. 5)</i></p>	<p>The 406 Standard LLC is requesting a Conditional Use Permit to develop a six detached single family condominium project. The property is currently developed with a single-family residence that will be removed as part of this development and is zoned WR-1 (One-Family Residential District). The property is located at 1625 Highway 93 W and can be legally described as Tract 1ABDA, in S35 T31N R22W, P.M.M., Flathead County.</p>
<p>STAFF REPORT WCUP 21-16 (Compton-Ring)</p>	<p>Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 21-16, no public comments had been received, and one letter was received that was handed out to the Board.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 21-16 and for approval of the conditional use permit to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Freudenberger asked and Compton-Ring said since these are independent, self-standing condominiums, they will not go through Architectural Review. He asked if it would be reasonable to add a condition requiring them to be reviewed by the Architectural Review Committee, so we do not end up with the same looking buildings along the highway. Compton-Ring said we do not have single-family home standards, so the Committee would not have any standards to review them by and suggested we ask the applicants what they have planned.</p> <p>Gardner asked and Compton-Ring said defining the wetlands as "small and low quality" was done by a wetland biologist who reviewed it with the first project. He asked if their proposed replacement is of the same size and quality and Compton-Ring said it is 1:1.5 per the regulations.</p> <p>Chair Qunell asked and Compton-Ring said since this is zoned WR-1 which was approved at the Council meeting last Monday (first reading, second reading will be September 7, and it will go into effect 30 days after that), they would only be able to build one residence on this without the conditional use permit or a subdivision. This is attached to the project that we approved last year. They will</p>

	<p>function together, and they will still donate the other \$1.2 million to our Legacy Homes Program as part of other project but we have not received that money yet. Chair Qunell asked and Compton-Ring said the additional contribution to the City if this had come in while the Legacy Homes Program were still intact would have been 20% of 6 (1.2) or cash-in-lieu of the 1.2. Chair Qunell asked that the number be included by the Council meeting.</p>
<p>APPLICANT / AGENCIES</p>	<p>Eric Mulcahy, Sands Surveying, 2 Village Loop in Kalispell, representing applicants Ronnie and Sharon Kyle who are also in attendance. They have read through the staff report and are in complete agreement with staff's findings and conditions of approval.</p> <p>Scott asked and Compton-Ring said this project (six single-family homes) will not go through Architectural Review because the Architectural Review Committee does not review single-family homes. We only have standards for two units and up but the three condominium buildings to the east will come to Architectural Review before building permit. Scott noted he is not a big fan of flat roofs, but Chair Qunell pointed out that is not in our purview.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing.</p> <p>Christopher Washer, 1789 US Highway 93 West, owns the property to the South. He sent an email to Ms. Compton-Ring on August 12 concerning utilities to his property, and she was going to pass on his comments to Mr. Workman who did not contact him back. His five acres to the south will be landlocked by this situation and he would like the Board to look at this to see if there is availability of an easement or sewer/water line hookup on the south end of this property to give access to the south for any future development. His property was annexed to the City in 2003.</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>Freudenberger asked Mr. Washer if he had access to utilities before this project. Mr. Washer said he does not have access to the Highway, his driveway is where the road was changed when MDOT came in and put in the new highway connection across from State Park Road. Eventually there will be a streetlight there at that corner and the development just to the West of him (93 LLC) has started to clear their land so there will be a lot of construction out there over</p>

the next 10 or 15 years. Freudenberger asked if his deed or Certificate of Survey identify any type of access. Mr. Washer said he has an easement that goes to the road that cuts across one property to the west, which is his driveway right now, but he has no sewer connection for his property on the North end.

Since Director Workman is not in attendance, this question will be brought up during the Council meeting. Compton-Ring said the City standard is bring utilities to and through your property so the next property can connect and extend. She does not know exactly where the water and sewer are located on the 93 LLC property, and she anticipates Director Workman can this question for Mr. Washer. Chair Qunell asked and Mr. Mulcahy said sewer through to South was not planned with this project, but in the 93 LLC project, sewer and water mains are extended down that new extension that comes into the 93 LLC. He thinks Reto Barrington has worked with Mr. Washer on his access alignment, so he thinks he could probably go through his easement, as it is probably a road and utility easement, and tie into those sewer mains within the 93 LLC project because those are public mains, but he is not the engineer on that project. Chair Qunell said we will let Public Works answer that at the Council meeting.

Beckham made a motion, seconded by Linville, to adopt the findings of fact within staff report WCUP 21-16, with the ten (10) conditions of approval, as proposed by City Staff.

Freudenberger made a friendly amendment, seconded by Scott, to add a condition for the project to go through Architectural Review to avoid the monotony. Chair Qunell asked and Compton-Ring said Architectural Review does not have single-family standards so she is not sure what they would be basing their review on. For Garth Boksich's project behind the Border Patrol the architect brought designs to our pre-application process and got feedback that way. The committee offered suggestions, but there was no approval/denial process to review it against.

Chair Qunell asked the applicants if they would be willing to attend a pre-app meeting and they agreed to do so. Chair Qunell said it is clearly a desire from the Board to not have the same building six times. Since the applicants were willing, Freudenberger changed his friendly amendment to require the applicants to appear at a pre-app meeting to generate positive feedback so the buildings do not all look alike.

	The friendly amendment passed unanimously.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on September 20, 2021.
PUBLIC HEARING 8: THE 406 STANDARD LLC GROWTH POLICY AMENDMENT REQUEST 7:49 pm (Listed on the published agenda as Item No. 6)	The 406 Standard LLC is requesting a Growth Policy Map amendment to change the land use designation from Suburban Residential to Resort Residential. The property is currently developed with a single-family residence and is zoned WR-1 (One-Family Residential District). The property is located at 1625 Highway 93 W and can be legally described as Tract 1ABDA, in S35 T31N R22W, P.M.M., Flathead County.
STAFF REPORT WGPA 21-01 (Compton-Ring)	Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WGPA 21-01, no public comments had been received specific to this land use designation request. Staff recommended adoption of the findings of fact within staff report WGPA 21-01 and for approval of the growth policy amendment to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Chair Qunell asked and Compton-Ring said the 93 LLC Subdivision/PUD is along the Highway and there are pods of approximately 30 multi-family condominiums, and 22 single-family homes. That project has been going on for about ten years. Nothing has been built yet, but they have been working on infrastructure installation and will apply for final plat once completed. Chair Qunell asked and Compton-Ring said it is not a resort residential project.
APPLICANT / AGENCIES	Eric Mulcahy, Sands Surveying, 2 Village Loop in Kalispell. Scott asked and Mr. Mulcahy said all the parking is underground for the project (the new six units and the previous units). In the six units they are proposing four parking spaces per unit so there is additional space, and he believes they planned additional parking in the previous approval as well. Scott asked and Mr. Mulcahy said each of the six units have their own access to the garage via stairs and individual elevators. In the larger project (1515 Highway 93 West), there are elevators that come up into a corridor and function more as a multi-family project.
PUBLIC COMMENT	Chair Qunell opened the public hearing. Mayre Flowers, Citizens for a Better Flathead, 135 Main Street in

	<p>Kalispell, said they are concerned about the Growth Policy Amendment due to the change to resort residential resulting in short-term rentals being allowed. Growth Policy Amendment is not supported because Whitefish really needs long-term rentals and workforce housing. Even though this is part of a larger, connected project, it is important to draw line and say no more short-term rentals. She also thinks it is unfortunate that we do not have Architectural Review Standards to look at single family homes. The flat roofs are not appealing from her perspective. She would suggest this Board bring the issue forward and put some Architectural Standards on situations like this.</p> <p>Christopher Washer, 1789 US Highway 93 West, does not have a problem with this but would ask the Board to tell whoever oversees road naming to not call the road in the adjacent project to the west State Park Road as too many people come up his driveway asking where the Lake is.</p> <p>Ryan Keifer, 630 Baker Avenue, agrees if there is any chance of these becoming short-term rentals that could be detrimental to the community particularly the larger buildings. The six units could go either way, but that is a lot of housing to risk putting into the short-term pool. As an architect, he does not mind flat roofs. Chair Qunell clarified the larger buildings were part of a project that was already approved and zoned resort residential, so Mr. Keifer withdrew his comment.</p> <p>John Ellis arrived at 8:00 pm.</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>Scott made a motion, seconded by Beckham, to adopt the findings of fact within staff report WGPA 21-01 as proposed by City Staff.</p> <p>Scott thinks it is a good consolidation of the properties and the benefit is if they are put together, there is approximately 15-feet or so they will move to the west away from the adjacent property.</p> <p>Linville asked and Compton-Ring said we have made other amendments like this to the Growth Policy, maybe eight or so since 2007, so this would not be the first one.</p>

	<p>Freudenberger said this one identifies the western boundary with the road on two sides and nowhere else for it to go; it is already on the East and South.</p> <p>Beckham told Mr. Washer she hopes everything works out in some way that benefits him; she is sorry his driveway is the end of the demarcation line.</p> <p>Gardner said generally we do not want to add resort residential because we know what it becomes but in this case it is a collection, and it does make sense and does define the boundary. Going forward, though, he does not think we need much more of this.</p> <p>Chair Qunell said he will not be voting for this as he completely agrees we do not need any more resort residential. 93 LLC has no resort residential, no short-term rentals; it is a mix. This is sort of a transitional part, part of a different project, but these are single-family homes, not condos, and he does not see it in the current climate in our town of adding any more short-term rental property to our community.</p> <p>Linville asked if the amendment was not made, would the number of units change or would it still be up to eight units on the property. Compton-Ring said the zoning is going to be WR-1, four dwelling units per acre, and it is 1.9 acres so they could almost get eight units, so that does not change. Chair Qunell said we just approved a CUP for a maximum of six, so that plan has been approved and the question now is should we allow them to be short-term rentals or not.</p>
VOTE	<p>The motion passed 4 to 2 with Chair Qunell and Linville voting in opposition. Ellis abstained from the vote. The matter is scheduled to go before the Council on September 20, 2021.</p>
BREAK	8:04 to 8:11 pm.
<p>PUBLIC HEARING 9: CITY OF WHITEFISH SUBDIVISION TEXT AMENDMENTS REQUEST <i>8:13 pm</i></p>	<p>The City of Whitefish is amending the Subdivision Regulations, Title 12, to meet recent state of Montana legislative changes and other housekeeping amendments.</p>
STAFF REPORT	Senior Planner Compton-Ring reviewed her and Long-Range Planner

<p>WSUB 21-01 (Compton-Ring/Lindh)</p>	<p>Lindh's staff report and findings. As of the writing of WSUB 21-01, 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 WSUB 21-01 and for approval of the proposed changes to Title 12, Subdivision Regulations, of the Whitefish City Code to the Whitefish City Council.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Scott pointed out a couple of clerical errors and asked that they be corrected. He asked if it would be possible to add under Chapter 4, "A certified arborist will validate the health or lack thereof for any tree designated for removal." This is primarily because of the recent applications to the Lakeshore Committee where people want to take out trees, but they do not appear to be dead. Compton-Ring said sometimes trees still must come out for roads, utilities, sidewalks, building envelopes, etc., so we would want them to go and help them figure those things out for them. He does not know if that applies to the Subdivision Regulations but asked if we could we add that as an addendum to the Lakeshore Protection Regulations. Chair Qunell suggested Scott email Osendorf, and it be brought up to the Council to direct staff to amend the Lakeshore Regulations.</p>
<p>APPLICANT / AGENCIES</p>	<p>None.</p>
<p>PUBLIC COMMENT</p>	<p>Chair Qunell opened the public hearing. There being no public comment, Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Linville made a motion, seconded by Scott, to adopt the findings of fact within staff report WSUB 21-01 as proposed by City Staff.</p>
<p>VOTE</p>	<p>The motion passed unanimously. The matter is scheduled to go before the Council on September 7, 2021.</p>
<p>PUBLIC HEARING 10: CITY OF WHITEFISH GROWTH POLICY AMENDMENT REQUEST <i>8:24 pm</i></p>	<p>A request by the City of Whitefish to adopt the Highway 93 South Corridor Plan (East 6th Street to 1.5 miles south of City limits) as an amendment to the 2007 Whitefish City-County Growth Policy.</p>
<p>STAFF REPORT WGPA 21-02</p>	<p>Planner Lindh reviewed her staff report and findings, particularly what has changed since presented last month.</p>

(Lindh)	<p>Staff recommended the Planning Board review and introduce any appropriate changes needed to the Highway 93 South Corridor Plan document, and that it be forwarded to the Whitefish City Council with a recommendation for adoption as an addendum to the 2007 Whitefish City-County Growth Policy.</p>
<p>BOARD QUESTIONS OF STAFF</p>	<p>Scott asked and Lindh said this is the Plan that will be taken to City Council, with the recommendations of the Planning Board from this meeting. Scott feels there are oversights and changes he would make. He would like to see more zoning that includes R-4 for workforce housing. There is a lot of jerrymandering lines that leave sections of County property inside the City limits. Does the City have plans to annex those or does someone have to buy them and request annexation? It seems money spent putting 7th Street through from Spokane to Kalispell Avenue would be better than the proposed bridge at 7th Street to go over the River because there are three schools at end the end of 7th. There are areas designated as industrial zoning that seem out of place. If we put in more industry and get 50 workers, where are they going to live? He also questioned the last paragraph on Page 97 about the City partnering with private developers. He would suggest moving up the timetable of the City and MDT Action on Page 103 regarding Spokane Avenue (he thinks it was three to five years out) as he does not want to deal with the potholes on Spokane Avenue for the next three to five years. But he also does not want them to turn it into a four-lane highway. One Page 104, there is Baker Avenue as a truck route, and he has long asked for reconsideration of the truck route from Karrow Avenue to Blanchard Lake.</p> <p>Chair Qunell said if Scott had specific areas he would like to become a different zone, that would be the level of specifics we would need. Director Taylor said it's true we do not have any high-density residential. In the future land use map, there is general commercial for which WR-3 is considered appropriate . This Plan took three years and there are a lot of things we we proposed, but implemented already rather than waiting for plan adoption. For instance, the multi-family development standards, non-residential development standards, and allowing residential in the WB-2 zoning. Previously you could not build a house or apartment building in WB-2. We added multi-family affordable housing as a use by right, up to 18 market units is an Administrative Conditional Use Permit and more than 18 market units as a full CUP. All these changes were made because of work on the Plan, but are not in the Plan since</p>

they've already been completed. It is worth a discussion to talk about areas where WR-4 would be more appropriate. However, when we have had requests for higher-density development, neighbors in low density areas opposed at that. We just had a neighborhood in downtown Whitefish change their zoning from WR-4 to WR-2, to prevent development of high density residential. There is a big discussion to be had, but this is the future land use map the Committee discussed. They did look at the WB-2 as the area to put multi-family housing. While it is not as dense as the WR-4 (you can only do 20 units per acre), maybe that is something the Planning Board could consider (increasing permitted density) as they hear from developers that 20 units per acre is not enough, and they need more density to develop truly affordable housing. Industrial property in there is the City shop and a gravel pit that are operational. Some has not been annexed into the City because it is against State law to annex industrial property. The other wholly surrounded property on the east side of the highway has not been annexed because the City is working to acquire a road right-of-way through the property to extend Whitefish Avenue. . Our Transportation Plan and this Plan all call for 7th Street to be extended over to Kalispell Avenue. It is unlikely the bridge will ever happen due to anticipated cost and lack of funding, but a lot of people in this community feel like it is an important transportation connection and the goal was retained in the plan. As far as the timing on Spokane Avenue, that is completely up to MDT.

Lindh said this Plan reflects feedback from the Steering Committee and public. The reason you do not see multi-family added in is that people said they do not want it. Some do, but those who have spoken up the most have not supported that idea. As far as a bridge over the bridge at 7th Street, they heard loud and clear from MDT at a committee meeting that funding for it would be highly unlikely. The Committee wanted to keep it in there because it is important to some people's vision of the community. They understand it is not very likely to happen. Regarding designating the truck route on Baker Avenue, that is a recommendation from the Downtown Master Plan. Any truck route designation would heavily involve MDT because that route is not part of the National Highway System but would have to become part of it if designated for trucks. That would only happen as a result of the Whitefish Downtown Highway Study that MDT is doing right now. On the Spokane Avenue timetable, there is a plan to mill and pave an overlay before we can get to a larger reconstruction project. Regarding the potential for a truck route on Karrow Avenue, Director Taylor said residents there vehemently

	<p>oppose that. The hairpin corners on the road also make it prohibitive for large trucks to drive that way. There is no simple solution.</p> <p>Ellis said it seems rather than extending 7th Street to Spokane Avenue, we need another light where people can turn left. If 6th Street could have a light that would solve that issue.</p>
APPLICANT / AGENCIES	None.
PUBLIC COMMENT	<p>Chair Qunell opened the public hearing.</p> <p>Ryan Kiefer, 630 Baker Avenue, said he came late into the game and thanked staff for considering impacts to the residential neighborhood along Baker Avenue. He opposes the 7th Street bridge over the River, a truck route going down Baker, and any widening of lanes on Baker. He realizes it is outside the discussion of this Plan but the past study for a bypass completely going outside downtown seems out of date and it might be time for another look at that.</p> <p>Mayre Flowers, Citizens for a Better Flathead, 135 Main Street in Kalispell, provided and read written comments like those provided at the City Council work session. She went over eight points and said she does not think the Plan is ready and would like to see the board hold off from moving forward. She feels it should be a showcase plan and it is not there yet.</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>
MOTION / BOARD DISCUSSION	<p>Gardner made a motion, seconded by Chair Qunell, to adopt the findings of fact within staff report WGPA 21-02 as proposed by City Staff.</p> <p>Chair Qunell said he understands there have been some good ideas put forth since this has been finalized, and these ideas can be brought forward and addressed in some other ways than with an entire corridor plan. Three years have been spent in the planning, and he does not want to hold it up six to nine months to have somebody else look at it, to wait for a policy on annexation, etc. We need to do those type of things in conjunction with what we have here, and we can do that and have done it before in the City. It is time to move this Plan forward to the City Council and for us to get this adopted so we can move on with implementing the Plan.</p>

VOTE	The motion passed 5 to 1 with Scott voting in opposition. Ellis abstained from the vote. The matter is scheduled to go before the Council on September 20, 2021.
NEW BUSINESS: <i>9:03 pm</i>	None.
GOOD AND WELFARE <i>9:03 pm</i>	<ol style="list-style-type: none"> 1. Matters from Board. Chair Qunell reminded Scott to email Osendorf about adding something about trees in the Lakeshore Protection Regulations. 2. Matters from Staff. Director Taylor said this is Lindh's last Planning Board meeting. She is moving on to bigger and better things and we will hopefully be replacing her with another long-range planner in the next few weeks. Chair Qunell said he has appreciated working with her and Linville and everyone agreed and thanked her for her work on these long projects. 3. Poll of Board members available for the next meeting on September 16, 2021. Gardner said he will not be able to attend, and Beckham was unsure, but all other members indicated they thought they would be available.
ADJOURNMENT <i>9:05 pm</i>	The meeting was adjourned on a motion by Scott at approximately 9:05 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on September 16, 2021, at 6:00 pm, at 418 East 2nd Street.

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

/s/ Keni Hopkins
Keni Hopkins, Recording Secretary

APPROVED AS SUBMITTED / CORRECTED: 9-16-21