

WHITEFISH COMMUNITY HOUSING COMMITTEE AGENDA

Monday, August 28, 2023, at 4:00 p.m. City Hall – City Council Conference Room

1. Call to Order

The meeting was called to order at 4:00 p.m. by Ben Davis

Present: Ben Davis, Cameron Blake, Rhonda Fitzgerald, Leanette Galanz, Daniel Sidder, Carolyn Pittman

Staff: Dana Smith, City Manager; Wendy Compton-Ring, Senior Planner; Luke Sponable, Housing Planner, Angie Jacobs, City Attorney

Others: none

2. Communications from the public.

a. None

3. Approval of minutes from the July 24 meeting.

Rhonda, Ben, seconded, all in favor - approved.

4. Update on the resort tax re-allocation plan.

Dana – Council approved. The city is neutral and can only provide facts. Housing Whitefish will take the lead.

Daniel – Friends of Community Housing has been formed with the State of Montana – it is just for this one ballot issue. Shared poster. Yard signs on the way. Website friendsofcommunityhousing.com Chamber, Shelter WF, FFRG all helping.

This is the only city ballot issue.

Planned - letters to editor and event presence.

Leanette – how do we talk about – lack of trust by voters?

Daniel – lots of groups coming together – everything is on the website.

5. Review light deed restriction drafts (ownership and rental).

Dana – already some decisions from previous meeting. Big question is who are we serving?

Angie – philosophical questions – who? How do we not exclude people who want to be part of the community? Do we angle toward workforce housing? (Avon, Co, Summit County, CO, Big Sky) 32 hours a week or 75% of income from local.) What about disabled or retired? (could be qualified if had worked in Whitefish). Workforce easier to administer.

Can't force them to sell? Rentals easier – alternate unit designated by owner/landlord if go above income limits.

Dana – Annual reporting? (South Lake Tahoe and Big Sky) What if take new job in Kalispell? At least one person in household must be working for a business in Whitefish? Need to qualify, but we don't want to displace.

Leanette – need stability in housing for mental health. Really a tri city area for work.

Angie – rental could be rollover so if one moves to a job in another city next unit goes to Whitefish worker.

Carolyn – goal to have those working here living here.

Rhonda – Lets pick a philosophy. Housing for the Workforce, then deal with exceptions.

Ben – Genesis of where came from was to stabilize second home percentage in town 2017 – targeted goal was 60%.

Rhonda – But the situation has changed.

Cameron – do we decide percentage – 80%

Daniel – could this be used in other situations like Vail Indeed?

Dana – that could include income. This is annexation only.

Dana – Big Sky “good deeds” – giving consideration for deed restriction – we are not. (utilities)

Angie – as far as percentage goes, we must be cognizant of and walk a fine line vis a vis State statute and legislature. 2021 took away the right to require income restrictions (price control) or affordable housing on housing for annexation. The legislature could take away.

Dana – so workforce and 30 hours or 32 hours. 75% of income from business in Whitefish?

Angie – others use voter registration, affidavit, paystub

Do we want to limit – ie has net worth but working 30 hours to meet income restriction.

Maybe keep simple and just use hours.

Daniel – how many annexations?

Mostly to the south

Rhonda – Council decided annexations should be mostly residential.

Angie – only annexations by petition

Daniel – size limit – when does this apply. what if infill and a house or two?

What about programs like Indeed – buy deed restriction to rent to local.

Ben – consultants have felt most of new housing will be through annexation.

Leanne – what about short term rental ban like Bozeman?

Cameron – we already have zoned for short term rentals.

Wendy – explained that we already have areas zoned for short term rentals and illegal everywhere else. Versus Bozeman and other cities where the entire City allows. It is permitted to use – short term.

Dana/Angie – Whitefish being sued by landowner on Lake that we can't limit to zoned. If they won, would open up short term rentals in every City. Need to see how that plays out. They are arguing the landlord tenant act applies. It will likely be a three-year process.

Ben – back to annexation.

Dana – do we start at 20% deed restricted similar to Legacy home – Can we use original program as a template?

Ben - Owner occupancy or local workforce? Local workforce is more restrictive. Different as workforce percentage needs to be lower or developers won't build.

Rhonda – community doesn't want more empty houses.

Carolyn – how to differentiate between say Creekwood and Alta Views.

Ben - may not see an Alta View if limit second homeowners.

Development agreement versus deed restriction.

Angie - DA goes with land. DA is an agreement by developer that goes through council where commit to general site plan, limiting density, amenities. Similar to deed restriction.

Allows approval to be based upon what will actually be built – goes clear through Council in public process.

Angie – upcoming proposal – developer proposed.

Could we use this (DA) instead?

Dana – still need some standard/direction - Parcels over one acre? No existing homes on it?

Daniel and Leanne left so no quorum from here forward

Wendy – is this what Bozeman and Missoula require on big annexations?

Angie – they have it as a condition of connecting to City services.

Ben – likes the idea of some percentage owner occupied and some percentage workforce.

Dana – Trail view decided deed restriction at building permit.

Angie – Trailview – preference for 59937 buyer, if can't fill can go outside.

Ben if we go in this direction? would we need three (standard) documents?

Angie – still need agreements – stock language that can be tweaked. Develop agreement at annexation, then deed restrictions later with rental different than ownership.

Dana - Angie do a new draft based upon what we have so far for committee to review next time.

70% owner occupied and then what about workforce housing?

Cameron – if being annexed not zoned? – is that what allows developer agreement? What about 382?

Dana/Angie 382 – Zoning is spelled out ahead for growth. The council can still deny annexation, and developments if don't meet needs of community. No more CUP's. Decide ahead what is permitted or not allowed.

Rhonda – community will want more restrictive zoning in place.

Ben – need to establish what we have agreed upon.

Dana - Can't do more at this meeting. Angie can redraft based upon what we decided last meeting. Has heard 30 hours for workforce. 70% for primary residents and then 20% for workforce. Specific units or?

Angie – doesn't like identifying – more fluid if flexible. If owner occupancy –? 3 years but then can lease to qualifying resident. Look to Eagle county.

Cameron – how does work in market – second home allowed more \$?

Rental restrictions on owned rented as rental units?

Year lease required? How to shut down short term rentals.

Ben – this is complicated – how to establish direction. Should we go to Council first for direction.

Angie - work session with council to get input before getting too far.

Dana – need to give the council a recommendation. This is an appointed committee so should have a recommendation and then the council can say if on track.

Ben – Owner occupancy – 70% - that has been direction. Workforce – look at what is needed. Establish correct percentage – small number like 10%.

Wendy – Legacy 20% but originally was 10%.

Discussion on what to bring to Council.

Dana – needs to be a recommendation.

Ben – one pager with bullet points and definitions.

Dana thinks that workforce can be part of owner occupied – ie 20% (workforce) of 70% (owner occupied)

Cameron – how detailed? Bedrooms versus units.

Dana – management will be through admin policy especially for rentals. Units will be in developer agreement – 1 BR, 2BR.

Ben – next step staff draft bullet points.

Dana – she and Angie will draft.

Carolyn - What if no renters/buyers.

Ben – after a period of time - goes to open market. Should be in key bullet points. Also, should the statement of purpose.

6. Other items not on the agenda. (no quorum)

7. Next committee meeting. Monday, September 25th at 4:00 p.m.

8. Adjourned at 5:25