

**WHITEFISH PLANNING BOARD
MINUTES OF MEETING
September 14, 2023**

<p>CALL TO ORDER AND ROLL CALL</p>	<p>Vice Chair John Middleton called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Frank Sweeney, Whitney Beckham, Scott Freudenberger, Toby Scott, and John Middleton. Steve Qunell, Chris Gardener, were absent. Planning Director David Taylor and Planner 1 Nelson Loring represented the Whitefish Planning & Building Department as well as Bree James from the legal department.</p> <p>Ed Doctor and Cate Walker were present from the public.</p>
<p>AGENDA CHANGES <i>6:01 pm</i></p>	<p>None.</p>
<p>APPROVAL OF MINUTES <i>6:01 pm</i></p>	<p>Scott made a motion, seconded by Beckham to approve the July 20, 2023, minutes without corrections. The motion passed unanimously.</p>
<p>COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) <i>6:01 pm</i></p>	<p>None.</p>
<p>UNFINISHED BUSINESS: <i>6:01 pm</i></p>	<p>None.</p>
<p>PUBLIC HEARING 1: WCUP 23-04 <i>6:02 pm</i></p>	<p>A request by Gordon Tait for a Conditional Use Permit to use an existing primary residence as a guest house. The property is currently developed with a single-family home and is zoned WSR (Suburban Residential District). The property is located at 2120 Houston Drive and can be legally described as, Lot 22AA, 23AA, 24X, 25X, Houston Lake Shore TR, S23, TR 31 N, R22 W Flathead County.</p>
<p>STAFF REPORT WCUP 23-04 (Loring)</p>	<p>Planner Loring reviewed his staff report and findings. As of the writing of WCUP 23-04, three public comments had been received and two have been received since then.</p> <p>Staff recommended adoption of the findings of fact within staff report WCUP 23-04 and for approval of the conditional use permit with the included conditions.</p>

<p>BOARD QUESTIONS OF STAFF</p>	<p>Scott asked about whether they were remodeling the guest house. Planner Loring said they were updating it and taking off the deck. Scott said the garage encroaches on the neighbor’s property. Loring stated that it is an existing non-conforming building. The owners have a private easement.</p> <p>Scott asked how they will access the new house. He said the slope is steep. Loring said no building plans have been permitted for the new house. Scott asked about the existing trees. Director Taylor said we have no regulations that protect trees on private residential properties except in the LPZ.</p> <p>Sweeney asked about whether we can require them to connect to public utilities. Loring stated that we would require that at time of building permit for the new house and steep slopes.</p>
<p>PUBLIC HEARING</p>	<p>Vice Chair Middleton opened the public hearing.</p>
<p>APPLICANT / AGENCIES</p>	<p>Cate Walker was there representing the applicant of NW Design Studios. She said she was there to answer questions. Scott asked about steep slope and the new house. Walker said she is not the architect, but her understanding is it would step up the slope and keep as many trees as they can.</p>
<p>PUBLIC COMMENT</p>	<p>There being no further comments, Vice Chair Middleton closed the public hearing and turned the matter over to the Planning Board for consideration.</p>
<p>MOTION / BOARD DISCUSSION</p>	<p>Freudenberger talked about the sewer issue and steepness of slope and said it’s not pertinent to the guest house application, it will come up later during building permit review.</p> <p>Sweeney stated that it can’t be rented or used as an office, simply a guest house in relation to public comments.</p> <p>Sweeney made a motion, seconded by SCOTT, to adopt the findings of fact within staff report CUP 23-04 as proposed by City Staff, and added a friendly amendment, seconded by Middleton, to add a condition to require a hookup to city sewer. The friendly amendment passed unanimously.</p>

VOTE	The main motion passed unanimously. The matter is scheduled to go before the Council on October 2, 2023.
PUBLIC HEARING 2: Zoning Text Amendment City of Whitefish 6:14 pm	Zoning Text Amendment to the following Sections of the Whitefish City Code: §11-3-1, Accessory Dwelling Units, §11-3-2, Accessory Buildings, and §11-9-2, Definitions, to implement changes required by Montana law and Senate Bill 528 to allow ADU's up to one thousand square feet where single-family homes are allowed and to eliminate parking, building height, and setback requirements.
STAFF REPORT WZTA 23-07 (Taylor)	<p>Planning Director Taylor reviewed his staff report and findings. As of the writing of WZTA 23-07, no public comment had been received, and no other comments have been received since then.</p> <p>Staff noted a friendly amendment in section 11-3-1B needs to strike the word "behind" as ADU's could be in front based on the new legislation.</p> <p>Staff recommended adoption of the findings of fact within staff report WZTA 23-07 and for approval of the Zoning Text Amendments.</p>
BOARD QUESTIONS OF STAFF	Scott asked if an ADU can be forward of the foundation. Director Taylor responded that the new state legislation says we can't treat an ADU different than a single-family dwelling, so yes.
PUBLIC HEARING	Vice Chair Middleton opened up the public hearing.
APPLICANT / AGENCIES	n/a
PUBLIC COMMENT	There being no comment, Vice Chair Middleton closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	<p>Scott made a motion, seconded by Middleton, to adopt the findings of fact within staff report WZTA 23-07, as proposed by City Staff.</p> <p>Beckham, seconded by Freudenberger, offered a friendly amendment to strike "behind" from Section 11-3-1 B.</p> <p>The vote was unanimous on the friendly amendment.</p>

VOTE	The main motion to approve the text amendments passed unanimously. The matter is scheduled to go before the Council on October 2, 2023.
PUBLIC HEARING 3: Zoning Text Amendments City of Whitefish 6:23 pm	A request by the City of Whitefish for a Text Amendment to Sections: §11-9-2, Definitions, to change the definition of casino to exempt establishments with five or less video gaming machines from being considered a casino.
STAFF REPORT WZTA 23-08 (Taylor)	<p>Planning Director Taylor reviewed his staff report and findings. As of the writing of WZTA 23-08, 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 23-08 and for approval of the Zoning Text Amendments.</p>
BOARD QUESTIONS OF STAFF	None
PUBLIC HEARING	Vice Chair Middleton opened the public hearing.
APPLICANT / AGENCIES	n/a
PUBLIC COMMENT	Ed Docter 845 Wisconsin Ave: Needs a few gaming machines to help stay open in the future.
MOTION / BOARD DISCUSSION	Sweeney made a motion, seconded by Scott, to adopt the findings of fact within staff report WZTA 23-08, as proposed by City Staff.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on October 2, 2023.
GOOD AND WELFARE 6:28 pm	<ol style="list-style-type: none"> 1. <i>Matters from Board.</i> Frank asked about public meetings in neighborhoods for the growth policy and director Taylor stated that we would be and its part of the public engagement plan. 2. <i>Matters from Staff.</i> The growth policy kickoff meeting had great turnout. Staff is going to the Montana Planning Conference next week.

	<p>3. <i>Poll of Board members available for the next meeting on October 19, 2023.</i> All members present indicated they thought they would be available except Middleton said he was a maybe.</p>
<p>ADJOURNMENT <i>6:30 pm</i></p>	<p>The meeting was adjourned on a motion by Sweeney, seconded by Scott, at approximately 6:30 pm. The next regular meeting of the Whitefish Planning Board is scheduled to be held on October 19, 2023, at 6:00 pm, at 418 East 2nd Street.</p>

/s/ Steve Qunell

 John Middleton, Vice Chair of the Board

/s/ Bree James

 David Taylor, Recording Secretary

APPROVED AS ***SUBMITTED*** / CORRECTED: 10-19-23