

CITY OF WHITEFISH
EXTENSION OF SERVICES PLAN
ADOPTED APRIL 2018



Mayor

John Muhlfeld

City Council

Andy Feury

Melissa Hartman

Ryan Hennen

Richard Hildner

Frank Sweeney

Katie Williams

City Manager

Adam Hammatt

City Attorney

Angela Jacobs

Public Works Director

Craig Workman

Planning & Building Director

David Taylor

Parks & Recreation Director

Maria Butts

Police Chief

Bill Dial

Fire Chief

Joe Page

Table of Contents

INTRODUCTION	4
Statutory Requirements.....	4
Relationship to the Whitefish City-County Growth Policy.....	5
URBAN GROWTH BOUNDARIES	5
Economic Conditions and Population Trends	5
Physical Growth Trends.....	6
Impediments to Growth.....	6
Growth Stimulants	8
Prevailing Growth Patterns	8
North	9
Northeast	11
Southeast	12
South	13
Southwest	13
West and Northwest	14
Infill.....	14
Projected Growth Area	16
EXTENSION OF CITY SERVICES.....	16
Concurrency	16
Streets	17
Major Arterials	17
Minor Arterials	17
Collectors.....	17
Local	17
Street Maintenance	18
Sanitary Sewer	19
Storm Water Management	20
Water	21
Solid Waste Management.....	22
Fire Protection.....	23
Law Enforcement	25
Parks and Recreation	26

RECOMMENDED POLICIES FOR EXTENDING SERVICES	29
General Policies.....	29
Policies for Extension of Services to Undeveloped Areas.....	30
Policies for Services in Existing Developed Areas	31
Policies for Areas Annexed as Wholly Surrounded Land (M.C.A. 7-2-45).....	32
Policies for Meeting the Cost of Services.....	32
EXHIBIT A – ANNEXATION FORMS	35
EXHIBIT B – WHITEFISH URBAN GROWTH BOUNDARY	46
EXHIBIT C - ZONING JURISDICTION AND ZONING DESIGNATIONS	47

INTRODUCTION

This extension of services plan is intended to be used as a guide for the provision of City services to those areas of the City not served currently, and for territories to be annexed into the City. The plan will serve three basic objectives: (1) to meet Montana statutory requirements for annexation of lands; (2) to provide a logical framework, in concert with the Whitefish Wastewater Utility Plan, 2006; the Whitefish Water Utility Plan, 2006; the Whitefish Stormwater System Utility Plan, 2006; the Whitefish City-County Growth Policy, 2007, the Southeast Whitefish Transportation Plan, 2001; the Whitefish Transportation Plan, 2009; the Water Utility Financial Plan and Rate Study, 2016; the Wastewater Utility Financial Plan and Rate Study, 2016; the Capital Improvement Program Fiscal Years 2018-2022, 2017 and the Connect Whitefish Bicycle and Pedestrian Master Plan, 2016, to guide future growth of the community; and (3) to establish policies which clearly identify methods of financing and extending municipal services and the party or parties responsible.

Statutory Requirements

State law § 7-2-4732 MCA, "Contents of Plan for Extension of Services," requires the City of Whitefish to have a plan which shows anticipated development a minimum of five years into the future. Specifically, such a plan must establish urban growth boundary based on availability of water, sewer, storm drainage, solid waste disposal, streets, police protection and fire protection.

If it becomes necessary to extend streets, water, sewer, or other municipal services into an area to be annexed, the plan must set forth a proposed timetable for construction and show how the municipality plans to finance extension of these services. If the area to be annexed is currently served by adequate water, sewer and streets, and no capital improvements are necessary, the municipality must provide plans of how it intends to finance other services, mainly police protection, fire protection and solid waste disposal, as well as how it will continue utility service.

The location of the urban growth boundary is determined by considering available undeveloped and underdeveloped lands in the context of existing municipal services and the logical extension of these services into undeveloped land. In addition, past community growth trends and existing community growth stimulants and deterrents are taken into consideration in projecting growth area boundaries.

The proposed growth boundary should also conform to the adopted City-County Growth Policy and, whenever practical, should use natural topographic features such as ridge lines, streams or creeks as boundaries. If a street is used as a boundary, land on both sides of the street is included in the growth area.

Relationship to the Whitefish City-County Growth Policy

This Extension of Services Plan, by reference, hereby incorporates the Whitefish City-County Growth Policy. The Growth Policy has been used as a source of technical information presented in this document. The adoption and implementation of this plan will assist the City in achieving the goals and objectives of the Growth Policy.

URBAN GROWTH BOUNDARIES

The urban growth area is the projected service area in which municipal services can or may be extended over a period of 5 -10 years, depending upon needs and demand. Boundaries of the urban growth area are established based on prevailing and anticipated growth trends, with consideration given to growth stimulants as well as growth deterrents or impediments. Population and economic trends that affect community growth or decline are also critical factors which should be analyzed to accurately establish urban growth area boundaries.

Economic Conditions and Population Trends

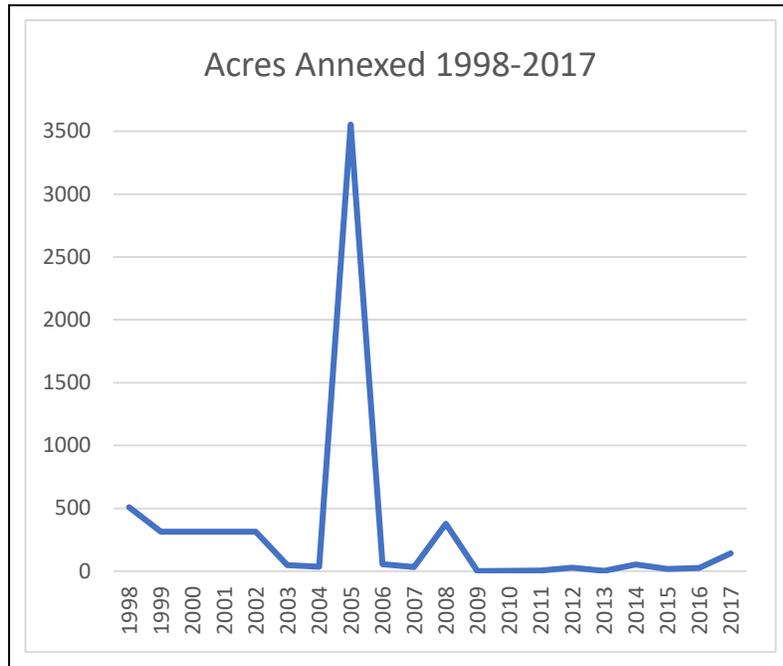
The Flathead Valley is the economic hub for a five-county area (Lincoln, Glacier, Sanders, Lake, and Flathead). The valley is home for a population of roughly 98,000 persons and 38,000 households, though its retail, financial, professional and medical services are utilized by more than 172,000 people residing in the five-county trade area. The 2016 Census estimate of population for the City of Whitefish of 7,279 residents is a 45% increase since 2000, and a 15% increase since 2010. The 2010 population for the Whitefish census county division, which includes the City and surrounding areas, was about 12,895. Note that U.S. Census data does not account for the number of second homes owned by non-residents in Whitefish or the surrounding area. The 2016 Whitefish Area Workforce Housing Needs Assessment indicated that about one-third of homes in the Whitefish area are owned by non-residents. These homes and their part-time occupants use City services but are not accounted for in census data.

The area's population continues to grow at a steady pace with the potential for accelerated growth over the next twenty years. From 2000 to 2010, the population growth of Flathead County had a 22% increase, and since 2010 the population has continued to grow at a rate of between 0.36% and 2.1% per year.

The following documents can be consulted for information relative to the area's socioeconomic trends and conditions: 2017 Whitefish Strategic Housing Plan, 2016 Whitefish Area Workforce Housing Needs Assessment, 2012 Flathead County Growth Policy, the 2000 and 2010 Federal Census, State of Montana Census and Economic Information Center, and the Whitefish Area Chamber of Commerce Annual Profile.

Physical Growth Trends

Due to population increases, a greater demand for utility services, and other factors the City of Whitefish has physically expanded numerous times since 2009 when this plan was last updated, adding 277.77 acres of land to its municipal boundaries. The smallest total area annexed during a year occurred in 2009 when the City annexed just 0.34 acres; the largest total area annexed since 2009 was in 2017 when the City annexed 141.379 acres, the majority of which (125.7 acres) was wholly surrounded by City property and annexed under the authority granted in 7-2-45 M.C.A. The remaining acres in 2017 were petitioned for annexation under 7-2-46 M.C.A.



There exist certain "influencing factors" which can either stimulate or impede the physical growth of a City. In conjunction with the ability to provide services, these influencing factors must also be given consideration in the establishment of future service and growth area boundaries.

Impediments to Growth

The identified impediments to growth in and around Whitefish are the lack of infrastructure, the high cost of extending infrastructure, the presence of important lands of agricultural significance, the volume of land under public or corporate ownership, private developments that limit access to adjacent lands, and the presence of soils unsuitable for development, seasonally high groundwater, and steep slopes.

Many areas on the outskirts of Whitefish have no nearby utility services and other infrastructure available. The cost of extending roads and utility services increases every year, making it more

difficult for new subdivision developments to be profitable. Furthermore, creation of smaller parcels from rural or agricultural lands that are reliant on septic fields impedes the ability of the City to extend services in the future due to the spread-out nature of development. The 2007 Whitefish City-County Growth Policy (the Growth Policy) promotes protection of rural lands with rural zoning around the perimeter of the City limits until the time when large subdivisions with the ability to extend City infrastructure are ready for development. Cooperation with the County on future zoning around the perimeter of the City is critical to efficient future extension of services.

Certain lands to the east and southeast of Whitefish have been identified as agriculturally significant and recognized as a finite resource. These areas are the most likely to be developed as residential subdivisions. The 1996 Whitefish City-County Master Plan contained several goals and objectives aimed at protecting prime agricultural lands within the planning jurisdiction. The plan stated a specific goal that would "conserve agricultural lands by allowing limited conversion only if those areas are not productive or are needed for proper urban expansion." The Growth Policy, which replaced the Master Plan, removed map designations for important agricultural lands and has more indirect objectives regarding agricultural lands. In Recommended Action 11, under Economic Development, it states: "Establish low-density and rural zoning districts in local farming areas and protect existing operations to the extent possible through agriculture indemnity statements on plats and prior notice conditions of approval". Land Use Goal 6 states: "Preserve important rural lands and agricultural land uses that surround the community." The 2007 Growth Policy also has a Policy 9 that encouraged development within the City limits before development of the rural lands surrounding the City limits.

Large tracts of land under public or corporate ownership are located north of Whitefish and along the west shore of Whitefish Lake. Most land north of Whitefish Lake and the Whitefish Mountain Ski Resort is either federally or state-owned timberland which is managed for multiple uses, including logging, hunting, fishing and general recreation. Substantial acreage north of town, but south and east of the Whitefish Mountain Ski Resort, is owned by F.H. Stoltze Land & Lumber Company, which has traditionally managed their property for timber harvesting.

The Trust for Public Land, city of Whitefish, F.H. Stoltze Land & Lumber Company, and Montana Fish, Wildlife & Parks finalized and recorded a conservation easement in 2016 on 3,020 acres owned by F.H. Stoltze Land & Lumber Company in the Haskill Creek watershed east of Whitefish. The land will be permanently protected to support local timber jobs, conserve fish and wildlife habitat, provide the City with the majority of its water supply and the public with continued opportunities for outdoor recreation. The land will continue to be owned and managed by Stoltze and cannot be converted to residential or commercial uses in the future.

Large subdivisions with private roads to the north and west of Whitefish Lake and Highway 93 North pose some deterrent to growth by limiting access to developable lands from the City. Also, the west shore of Whitefish Lake has railroad tracks at the water's edge and is owned predominantly by the Burlington Northern Santa Fe Railroad (BNSF), which has not demonstrated a trend toward development of its lands.

The presence of soils with low permeability renders some areas of the valley unsuitable for urban development. These soils, composed of fine silts and clays, are predominant in the Whitefish area. Development of properties with low permeability soils is possible through engineering solutions and construction techniques, but these circumstances result in increased costs to both the public for provision of streets; sewer and water service; and storm drainage, and to the property owner in terms of construction and engineering costs.

The City completed a Critical Areas report in 2008 that identified areas that should not be developed because of their importance to maintaining water quality; the Water Quality Protection regulations apply development standards to areas with potential to affect water quality. These areas include water bodies such as lakes, streams, rivers, and wetlands, as well as associated setbacks and buffers, slopes greater than 10% within 200 feet of a water body, and critical stormwater conveyances.

Seasonally high ground water is also found throughout the Whitefish area, typically along the valley floor. Properties at lower elevations to the northeast, east, south and southeast of town are severely limited in their ability to accommodate on-site sewage disposal systems due to high ground water. Additionally, expensive construction techniques are required throughout the Whitefish area to build stable, long lasting roads.

Slopes exceeding twenty percent (20%) generally are considered an impediment to urban development. Development of buildings, roads, driveways and other improvements on such slopes can significantly impact existing drainage patterns, riparian vegetation, wildlife, adjacent (particularly downhill) properties, and the natural scenic qualities of the community. While the City of Whitefish is generally situated on the valley floor, instances of steep slopes are typical in areas north and west of the City.

Growth Stimulants

Growth stimulants can be defined as any pressure exerted upon a city which may cause or encourage that city to grow in any direction. The physical setting of a place, such as its scenic environment or proximity to services and/or utilities, can stimulate growth. An attractive quality of life or a strong economy can also stimulate growth. Both the physical beauty of the Flathead Valley and its perceived quality of life have spurred substantial growth in recent years. The greater Whitefish area is expected to continue to attract its share of the County's overall population growth, mainly due to its appealing life style and proximity to Glacier Park, Whitefish Lake and the Whitefish Mountain Ski Resort.

Prevailing Growth Patterns

The prevailing growth patterns in the Whitefish area and the growth stimulants or impediments perceived to be associated with them are as follows:

North

East Lakeshore Drive

This area has been extensively developed with a mixture of suburban density subdivisions and larger lake front parcels. Steep slopes and the presence of public lands generally limit development potential to a narrow strip of land between East Lakeshore Drive and the lake. While several individual properties have yet to be developed, the potential for future large-scale subdivisions appears to be limited.

The Rest Haven, Deer Run and Lakewood Estates subdivisions, approximately a mile and a half north of the City limits off East Lakeshore Drive, are connected to the City sewer by a pump station and pressurized force main. Individual properties along both sides of the road between the City limits and the Lakewood Estates subdivision are slowly connecting to the City sewer as on-site sewage disposal systems in these locations age and begin to fail. Although sewer service to properties north of the Rest Haven subdivision is not anticipated in the foreseeable future, a dry force main was installed by the City to accommodate that area when service is needed.

The Public Works Department is working with sewer customers in Rest Haven to reduce sewer rates. Most homes in Rest Haven have Septic Tank Effluent Pumping (STEP) Systems, where the waste from each home's septic tank is pumped into the sewer main. The City has agreements with many of the properties in Rest Haven, requiring City staff to perform maintenance activities on these systems and their sewer rates are higher than the rest of the City due to the excessive maintenance costs incurred to maintain sewer systems on private property. This is different from the rest of the City where property owners are responsible for maintaining the portion of the sewer system from the home to the main. One solution to this situation could be to eliminate the maintenance agreements on the private sewer systems, which will greatly reduce the sewer rate that is applied to the monthly consumption for each property. While consensus has not been reached on this issue, the City continues to work with customers to reach common ground.

Big Mountain Road

The area accessed by the Big Mountain Road includes a few urban density subdivisions in the vicinities of the Whitefish Mountain Ski Resort and Ptarmigan Village. The popular destination ski resort is the stimulus for this growth, which can be expected to continue. Although the subdivisions in the Big Mountain village area are served by City sewer and receive police protection, the distance from other City services such as street maintenance precludes the possibility of annexation in the near term. An agreement between the City and the Big Mountain Sewer District (BMSD) allows BMSD to send untreated sewage directly to the City collection system and treatment facility in exchange for Plant Investment Fees that are helping fund upgrades to the wastewater treatment plant. The agreement allocates 2000 dwelling units (or equivalent) to the BMSD. As of the date of this plan, the BMSD serves 630 dwelling units and is committed to another 885 proposed units that have not yet been constructed. Sewage treatment for the Ptarmigan Village area is provided

through an aerated lagoon system with spray irrigation disposal of treated liquid effluent, currently in need of upgrades or a connection to City services.

Steep topography might be expected to deter urban or suburban scale subdivisions and subsequent annexation along the lower reaches of the Big Mountain Road, but homes have been built in this area. Additionally, a single landowner has accumulated several adjoining parcels totaling almost 63 acres that could be developed along both sides of the road from East Lakeshore Drive up to the Hidden Hills subdivision. Zoning is a mix of WR-2 and county R-4 (26.3 acres Two-family residential), WR-3 (4 acres Low density multi-family residential), WLR (26.7 acres One-family limited residential), and county SAG-10 (2.5 acres Suburban Agriculture). Given this mix of zoning, there is potential for approximately 295 new single-family dwelling units in a standard subdivision (more if two-family or attached units are developed). With a Planned Unit Development (PUD) on the lots within the City, there is potential for closer to 410 new units total. The 10.9 acres outside City limits are interspersed with property within the City limits and likely would be annexed when developed to ensure availability of City services. A PUD on these lots could add another 40 units to the total.

The same property owner also holds 10 acres south of East Lakeshore Drive with lake frontage; the lots are zoned R-1 (Suburban Residential) and together could be developed with up to 10 single-family homes. City sewer and water mains are installed in the East Lakeshore Drive and Houston Drive rights-of-ways.

Murdock Lane - Iron Horse Drive

Another road extending to the north edge of the City limits is Murdock Lane which becomes Iron Horse Drive within the Iron Horse Subdivision. This road provides primary ingress and egress to the Iron Horse Subdivision, which includes 265 home sites (125 developed to date) and another 50 or so cabin sites, as well as golf course, club house, restaurant, and other facilities. The 234-acre site was annexed into the City in 1997 and another approximately 180 acres was annexed in 1998 along with the Suncrest subdivision. All new streets, water, sewer and storm drainage systems were installed by the developer. In Iron Horse the water system, storm drainage system and all streets other than the lower reaches of the main access road are privately owned and maintained by the developer or the homeowner's association, with streets open to the public. The water system in Suncrest and the sewer systems for both subdivisions are owned and maintained by the City.

Reservoir Road

Reservoir Road provides the sole ingress and egress to Northwoods Drive, several subdivisions, and other scattered development along a three-mile-long dead-end road. Most of the vacant land in this neighborhood has been previously subdivided into parcels 2 acres and larger in size which are expected to utilize the Northwoods community water system or private water wells, as well as on-site sewage disposal systems. Although growth can be expected to continue at a steady pace, the pattern of relatively large lots is expected to deter the extension of City utilities beyond the lower reaches of Reservoir Road.

As the name of the road implies, the City water reservoir and a water treatment plant are located one-half mile up from the City limits on Reservoir Road. A few lots between the City limits and the reservoir are connected to the City water system. This pattern of usage is expected to expand gradually and lead to the eventual annexation of lands west of the reservoir. The newly created trailhead for the Whitefish Trail will increase traffic on Reservoir Road.

Northeast

Texas Avenue and Denver Street

Texas Avenue and Denver Street are two dead end roads extending to the City limits at the northeast quadrant of the City. Sewer extends to the end of Texas Avenue for the Hidden Meadow subdivision and to the end of Denver Street for the Lonestone Meadow subdivision. Water extends north from the end of Texas Avenue through an easement to Reservoir Road. Urban density development exists out to the City limits but is sparse beyond, due to the lack of existing municipal sewer services and limited potential for on-site sewage disposal due to seasonally high groundwater.

East Edgewood Drive

East Edgewood Drive provides a vital link to the City for a rural agricultural area, several small private developments and other scattered suburban agricultural developments located well beyond the urban growth boundaries of the City. Flathead County zoning shows suburban agriculture adjacent to East Texas Avenue, agricultural lands further east and industrial areas along the BNSF tracks. The only development in the immediate vicinity of the City is served by wells and on-site sewage disposal systems. This is unlikely to change until municipal water and wastewater service is extended across the railroad tracks at Cow Creek. A sewer main was recently installed on the south side of the rail tracks as part of the High Point on Second subdivision, and there is some potential the owner of an industrial parcel just east of Cow Creek will extend services across the tracks in the next 5- 10 years. Once services are extended, it would potentially enable more land to be developed and annexed along East Edgewood Drive.

East Second Street

East Second Street provides a link to the same area as East Edgewood, but on the south side of the railroad tracks. This road crosses the BNSF tracks before it joins with East Edgewood at the eastern edge of the urban growth boundary. Urban density development, with access to both City water and sewer, exists west of the railroad crossing and agricultural development prevails beyond. No City services are available beyond the railroad tracks. As described above, there is potential for a developer to extend services to one of the last vacant industrial zoned parcels left in the City, just east of the tracks. If services are extended, the land east of the tracks would be open to more development and annexation.

Southeast

Armory Road

Armory Road connects East Second Street with Voerman Road. The section located within the urban growth boundary is served by both City water and sewer and is mostly developed to urban densities. A pressure sewer main extends approximately one-half mile east of the Hueth Subdivision to John's Way just beyond the City limits. There is good potential for growth south of Armory Road and potentially east of the City softball complex because services are available.

Voerman Road

Voerman Road is a collector for the mostly agricultural area southeast of the City. Rural residential and suburban agricultural development has steadily occurred along Voerman Road, displacing some of the smaller agricultural tracts. The soils in the area limit on-site sewage disposal to larger lots. Between Voerman Road and Armory Road, large parcels may be feasible to develop within the next five to ten years since sewer service is available from Armory Road, as well as from the east side of Creekwood Subdivision. As private development proceeds, East 7th Street or other east-west connectors could be extended to facilitate traffic in the area; this could, in turn, stimulate additional development.

Monegan Road

Monegan Road serves a rural agricultural area similar in nature to Voerman Road. The sewage treatment plant is in the vicinity, accessed off Monegan Road. While the new mechanical treatment plant is expected to reduce odors, potential remains for some occasional odors that could impact adjacent land uses. Therefore, Public Works recommends a non-residential buffer around the plant. Monegan Road is included in the City's Capital Improvement Plan for paving in 2020. Other than the sewer plant site, the area is mostly agricultural. The area also suffers from high ground water issues, silty clay soils, and flat topography that limits effective drainage. Despite these challenges, development of a residential subdivision extending south along Monegan Road from its intersection with Voerman Road is likely in the next 5 years. An application for preliminary platting with approximately 40 residential units is anticipated in early 2018.

J.P. Road

J.P. Road is an east west link between the south end of the City across U.S. Highway 93 between the Great Northern Heights subdivision and Monegan Road. City services are available throughout Great Northern Heights. On the east side of the highway, there is a sewer main along JP Road connecting to the sewage lagoon; water extends along JP Road only to the City limits on the west side of Whitefish River. There is some potential for development of parcels along JP Road on the east side of the river because of the availability of sewer service; however, high ground water in this area of the city may negate that potential.

There are substantial areas between the eastern City limits and the eastern urban growth boundary that have yet to be developed; the distance between the two boundaries ranges

from between 0.35 miles at the end of Denver Street on the north end of town, to 1.0 mile from JP Road out Monegan Road to Missy Lane on the southern end of town. Further south there are several large parcels that could be further developed in an area averaging about a half-mile wide between the Lakes subdivision/Kallner Lane and the Whitefish River. For efficiency in delivering city services and to promote clustered development over sprawl, these areas should be developed before considering further expansion east.

South

Highway 93

City services extend south along Highway 93 to the intersection with Highway 40. Commercial zoning is in place along both sides of the highway, which is largely developed. However, vacant lots in that area have been developing rapidly the last few years with new subdivisions, hotels, and apartments, and there are several additional large vacant lots with potential for infill development in the near term. High density residential units and mixed-use developments have been built or proposed along the corridor. The newly adopted Strategic Housing Plan calls for more multi-family residential uses in the Highway 93 South corridor. Additional water storage is needed on the south end of Whitefish to help equalize pressures and to provide adequate fire flow capacity. The design process for a new water tank has been initiated; the storage tank is expected to be in place within the next five years.

In 2017 the County changed zoning south of the City limits to secondary business along the highway to Russell Road (south of the Emerald Heights subdivision). Much of the land along this stretch of the highway is undeveloped or single-family residential; businesses include two small antique and art stores, a medical clinic, and a gym. From Russell Road south to beyond Blanchard Lake Road, zoning is business service district. Business properties alternate with single-family residential properties and include medical and professional offices, a veterinary clinic, coffee roastery, auto body shop, and retail home décor. Properties along Blanchard Lake Road currently have rural residential and agricultural uses. The density of development is limited due to a lack of City services.

The 2007 Whitefish City-County Growth Policy and the South Whitefish Neighborhood Plan (amended 2000) set policy that services not be extended south of Highway 40. While there is pressure from existing businesses and property owners along the highway to extend City services south of the City limits, City policy remains that services will not be extended south of the Highway 40 intersection. This policy, however, does not restrict the City from constructing a new water tower and associated appurtenances south of Highway 40 to better serve customers within the adopted growth boundary.

Southwest

Karrow Avenue is developed as rural residential properties. The density is limited due to a lack of municipal wastewater utility service and limited municipal water utility service. Water has been extended to Karrow Avenue through the City Shop property and a small diameter

private water main serves several other properties on Karrow. No City sewer is available on Karrow south of 7th Street. County zoning south of 7th Street is for single family residential on lots as small as 10,000 square feet; however, this type of development is unlikely to occur until City services are available.

West and Northwest

Highway 93 North

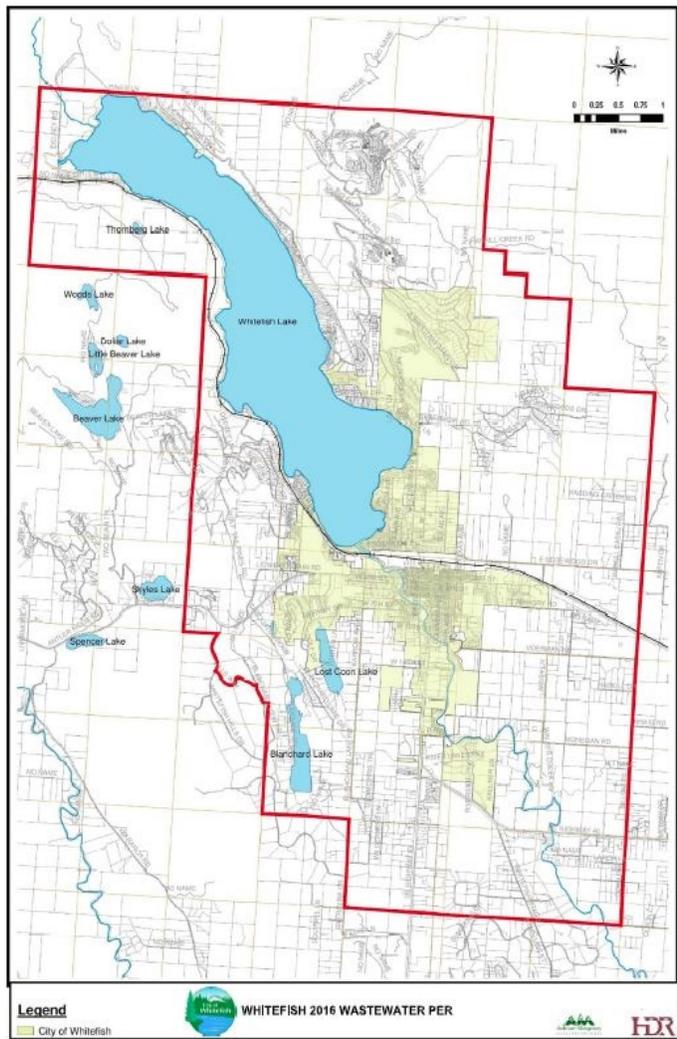
The areas to the west and northwest are primarily served by Highway 93 North. Current zoning is primarily residential. Water and sewer service extends to the City limits and is generally limited beyond that to the west due to topography. Water and sewer are provided south of the highway throughout the Grouse Mountain Estates and north of the highway through Mountain Park and Old Town subdivisions, and sewer service extends to the Lake Park addition. Services also extend west along Haugen Heights Road to the City limits. North of Haugen Heights Road, County zoning is for large residential lots and agricultural. Development further north on the west side of Whitefish Lake is limited by the location of BNSF properties and tracks.

Infill

Undeveloped or underdeveloped land within City limits is not abundant, but there are several areas with infill potential. North and west of downtown there are some vacant lands with development potential located between Wisconsin and Dakota Avenues south of Glenwood Road, around the intersection of Denver Street and Colorado Avenue, and in areas surrounding State Park Road.

Opportunities for infill along Highway 93 south of 13th Street include several parcels on the east side of the highway from the old hospital site south to Greenwood Drive; large undeveloped parcels west of the highway between Park Knoll Road and JP Road; the eastern portions of lots north of Lenna Joy Lane; parcels west of the unconstructed extension of Baker Avenue off Pheasant Run Drive; undeveloped lands on the North Valley Hospital Campus, and a large private lot south of Great Northern Drive on the west side of the highway.

The City's wastewater treatment plant currently serves 3,855 customers. The Montana Department of Environmental Quality uses an Equivalent Dwelling Units (EDU) computation based on service connection size. Using this computation, there are currently 5,084 EDUs served by the plant, which breaks down to 4,059 residential EDUs and 1,025 commercial EDUs. Projections and calculations for service capacity in the City's 2016 Wastewater System Improvements Project Preliminary Engineering Report (PER) assume all developable land within the Urban Growth Boundary and beyond to a larger study area boundary (shown right) will be developed to maximum density. In 2010, the date of the most recent U.S. Census, the City of Whitefish had a population of 6,357. This made Whitefish the second largest city in Flathead County and accounted for about 7% of the total population of the county. Current population data is required for analysis and modeling of the existing wastewater system and to



understand trends in population for the study area to predict future population and its need for wastewater treatment. The data indicates that the City of Whitefish, through both infill and annexation, is capturing more of the Study Area population growth than it historically did from 1990 to 2000. Based on review of a more current historical growth rate in the community plus consideration of the 2010 census data, it was decided to use an average annual growth rate of 1.9% in the PER for the 20-year planning period. The existing and Proposed Sewer Service Planning Area Population is estimated to be 16,992 in the year 2035, which will be accommodated by the wastewater treatment plant proposed in the PER. Future upgrades will be required to accommodate the population at full build-out of the sewer service area, which is expected to be 36,929.

Although analyses in the City's 2006 Water Utility Plan indicated the water system has adequate capacity to meet service demand in the same study area used in the PER up to and beyond year 2025, more recent water production data indicates a water treatment expansion project is required to meet summer water demands as the study area becomes developed. The City's current Capital Improvement Plan (CIP) estimates the plant expansion project at \$5 million but does not allocate these dollars in the next 5

years. Because there have been days during the past several peak irrigation seasons where the system has reached capacity, design efforts for the plant expansion need to be included in the next update of the CIP. During that peak summer consumption, the City is able to meet fire flow requirements within City limits. The City is also working to identify and eliminate unaccounted water loss through its cast iron watermain replacement program. Should climate and irrigation trends continue, the City will need to consider imposing measures to control irrigation use in the summer.

Projected Growth Area

The boundaries of the future service area of Whitefish (the extent to which the City is willing and able to extend services) have been developed based on the City's historic growth, recent growth trends, growth stimulants and impediments, population projections, current zoning, proximity to existing utilities that encourages infill development before expansion of the service area, situations anticipated and described in the Whitefish City-County Growth Policy, and the physical geography of the area.

Exhibit 'B' illustrates the projected Urban Growth Boundary.

EXTENSION OF CITY SERVICES

Multiple agencies have studied the effects of various types of development on a municipality's cost outlays. These studies have consistently shown the net public costs resulting from low-density sprawl development are higher than those resulting from higher density developments of the same number of homes. In simple terms, it costs more to extend sewer and water service, to provide police and fire protection, to fund road repair, to send out school buses, and to provide refuse collection service when homes are spread out than when they are close to existing services and facilities.

To achieve compact, orderly and efficient urban growth, plans for the extension of municipal services into growth areas must be developed and implemented. In addition to identifying the services available and a plan to physically provide those services within a defined service area, it is also essential to both identify the party responsible for service extension and a method of financing the extension.

The services which are considered for extension into the future growth areas of the City are streets, sanitary sewer, storm sewer, water, solid waste collection (which the City currently contracts out), police protection, and fire protection.

Concurrency

The Growth Policy includes a future land use policy that the City shall require concurrency of all urban services, including but not limited to water and sewer; drainage; streets; public safety and emergency services; pedestrian, bikeway, and trail facilities; parks; and schools.

Concurrency means that any upgrades to facilities or services necessitated by development should be in place before the impact of the new development.

Streets

The transportation network within and around a community plays a significant role in its physical development and growth. This network of streets, roads and highways should be coordinated to form a system that not only provides efficient internal circulation, but one that also facilitates through traffic. Since streets serve two basic functions, moving multiple modes of traffic and providing access to abutting lands, each street should be classified and designed for the specific function or combination of functions it is designed to serve. This functional classification system forms the basis for planning, designing, constructing, maintaining and operating the street system. For these reasons, urban streets are generally designed and developed in a hierarchy comprised of the following types:

Major Arterials

A major road or highway with moderate to high speeds and high traffic volumes. Major arterials provide access to the regional transportation network and move traffic across the county and between cities and communities. Access to abutting lands is limited. Traffic volumes would typically exceed 15,000 vehicles per day. Highway 93, known as Spokane Avenue and 2nd Street through downtown, is the major arterial in Whitefish.

Minor Arterials

A major road with moderate speeds designed to collect or move traffic from one major part of the community to another or to move traffic to and from the major arterial system. Traffic volumes would generally range from 5,000 to 15,000 vehicles per day. Within Whitefish minor arterials include Baker Avenue and Wisconsin Avenue.

Collectors

A secondary or intermediate street with moderate speeds and low to moderate volumes. Such streets would collect local traffic from neighborhoods and carry it to adjacent neighborhoods or transfer the traffic to the arterial system. Such streets would typically serve a neighborhood or area with 150 or more dwellings and carry 1,000 to 5,000 vehicles per day. There are several collectors in and around Whitefish including Denver Street, Skyles Place, Edgewood Place, and Dakota, Colorado, and Texas Avenues north of the viaduct; East 2nd Street, East 4th Street, East and West 7th Street, East and West 13th Street, Karrow, Columbia, and Pine Avenues, and Armory, Voerman, and Monegan Roads on the south side of the viaduct.

Local

These are minor streets intended to serve individual sites, buildings or lots, and provide access to residential neighborhoods. Local streets either feed into collectors or provide destination access off collectors.

Arterial and collector streets within the Whitefish limits are listed according to functional classification in the 2009 Whitefish Transportation Plan. This document and the supplemental Street Reconstruction Priority Ratings prepared by the Public Works staff, were developed as a tool for scheduling reconstruction, overlays and preventative maintenance for public streets, excluding State and Federal highways, in the projected urban boundary. The City of Whitefish street system currently includes 67.4 miles of streets and alleys.

The 2009 Whitefish Transportation Plan identifies priority projects for the Whitefish and surrounding street systems, which, if implemented, result in a benefit to existing traffic system performance. The proposed improvements will also serve future development needs as urban development expands into the adjacent rural areas surrounding Whitefish. The plan, in addition to identifying deficiencies and recommending improvements, also identifies potential funding sources.

The top priority projects identified in the plan involve, for the most part, either arterials or collectors. Providing extensions of existing or building new arterials is recommended to provide alternatives to and alleviate high traffic volumes on Highway 93 on the south end of town. All new development pursuant to annexation - which further impacts the existing or proposed street network - will be subject to conditions of approval intended to mitigate said impacts. It will be the responsibility of the developer of a new subdivision to provide streets built to City standards, including curb and gutters, sidewalks, bike and pedestrian ways, park space, boulevards, street signs, street lights and street trees. All new streets should be built to facilitate multiple modes of transportation, including bicycle, pedestrian and transit. Standards for such improvements are contained in the City of Whitefish's Subdivision Regulations and the City's Standards for Design and Construction. The POLICY section of this plan supports these requirements.

Street Maintenance

The City of Whitefish maintains, sweeps and plows those streets within the incorporated area that have been dedicated to the City, while the Montana Department of Transportation maintains and plows U.S. Highways 93 and Wisconsin Avenue through the City.

The City's equipment is generally adequate for the present snow plowing needs, although in the event of an unusually heavy snowfall the City will contract with local operators for assistance. The need for additional equipment and personnel should be determined and coordinated as the City grows.

The City of Whitefish also levies a Special Street Maintenance Assessment on properties within the City. This assessment helps fund snow removal and deicing, asphalt patching and overlays, street sweeping and sprinkling. For Fiscal Year 2018, assessment rates vary by use and location of the property. Homeowners in subdivisions with privately maintained roads pay less than homeowners with frontage on publicly maintained streets; rates are highest for commercial and multi-family lot owners.

Sanitary Sewer

A sanitary sewer system is a network of sewers used to collect the liquid wastes of a city for subsequent treatment. The location and capacity of main sewer lines and treatment plants are a factor in determining both the density and location of development within a community. Generally, the design of main sewer lines and plant capacity is reflective of anticipated land uses and population projections of a predetermined "service" area.

Sewage is generally collected by a gravity flow system, wherein sewer lines are laid out in a manner as to flow continually downhill. Where grades are insufficient to provide gravity flow, pressurized sewer collection systems or pumping of the sewage becomes necessary. Adding pump stations to the system correspondingly adds expense and maintenance and replacement needs and is generally discouraged. Pressurized sewer collection systems with privately maintained grinder pumps are becoming more common where gravity sewer systems are not feasible. The Public Works Department maintains more than 79 miles of public and private gravity and pressure sewer mains and 17 lift stations.

The City of Whitefish operates an aerated lagoon wastewater treatment plant that meets secondary treatment standards and achieves phosphorus removal by means of chemical addition. The existing plant was originally constructed in 1979 and is located on the southeast edge of the City on Monegan Road. Upgrades have occurred periodically; most recently a chlorine addition/dechlorination system was added in 2012 for disinfection of the effluent water prior to discharging to the Whitefish River. In 2017 the plant was treating an average of 1.08 million gallons per day (mgd) of effluent. To accommodate future growth and to comply with new Montana Pollutant Discharge Elimination System (MPDES) permit standards for ammonia and nitrogen, the City is proposing to replace the existing lagoon system with a mechanical treatment process using Sequencing Batch Reactor technology, along with solids handling and ultra violet light disinfection. The project is intended to provide service to 12,400 people through year 2035 and will have an average daily flow design capacity of 1.91 mgd.

High groundwater infiltration and storm runoff inflow have a significant negative impact on the City's collection and treatment systems. Infiltration and inflow are extraneous clear waters which can enter the sewer collection system and thus reduce the carrying capacity of the collection, pumping and treatment systems. As the amount of infiltration and inflow is reduced, the ability of the plant to hydraulically serve a larger population is increased. Portions of sewer main were lined and repaired in 2006 and again in 2016 to reduce the transport of groundwater and storm water to the treatment plant during wet weather events. Inflow due to storm runoff also has been addressed through the construction of underground storm drainage facilities, elimination of cross-connected storm water catch basins, and disconnection of roof drains from sanitary sewer lines. Storm drainage is being improved as the City's street reconstruction program proceeds. Additionally, the City has begun the practice of installing sump pump collection lines during street reconstructions to provide an alternate location for residents to pump clear water to. The aging sewer lines and basement sump pumps that remain illegally connected to City sewer continue to contribute to the problem.

It will be the responsibility of the developer of a new subdivision to provide new sewerage systems. The design of the new sewage collection systems must meet the current requirements of the Montana Department of Environmental Quality, the Montana Public Works Standard Specifications, the City's Engineering Standards for Design and Construction, and the policies for extending services described in this plan.

Outside the City limits, Whitefish is ringed by areas of suburban residential development with on-site sewage disposal systems. Whitefish Lake Institute has found that many properties along Whitefish Lake have failing on-site sewage disposal systems (*Investigation of Septic Leachate to the Shoreline Areas of Whitefish Lake, Montana, 2012*). Continued property development, failing on-site sewage disposal systems, and the State's Numeric Nutrient Standards and Non-degradation Rules may combine to bring many of these areas onto the City's sewer system in the next 5-10 years.

The Big Mountain Sewer District (BMSD) owns and maintains their own sewage collection system, but sewage treatment is provided by the City wastewater treatment plant through an interlocal agreement; 2000 dwelling units are allocated to the BMSD under this agreement. There are 630 existing units within the district and another 885 are committed to future or proposed developments.

Sewer collection system improvements within the BMSD are designed and constructed in accordance with the Montana Department of Environmental Quality, the Montana Public Works Standard Specifications, the City's Engineering Standards for Design and Construction.

Throughout the Whitefish sewer service area, detailed engineering studies are required to determine the appropriate size, location and type of collection system based on the long-range needs of the development and area(s) surrounding the development site.

Storm Water Management

Storm water runoff is the water flowing over the surface of the ground that results from rainfall or snow melt. The primary goal in the management of storm water runoff is to minimize hazards to life and property. This is accomplished by using storm sewers, ditches, swales, ponds and treatment facilities to manage, collect and carry surface water to a natural water course or body of water in such a way as to prevent flooding and the resultant damage.

The stormwater collection system consists of about 60,000 feet of pipe ranging in diameter from 8-inches to 42-inches, 500 catch basins, and 300 manholes. Concrete manholes and catch basins collect runoff and convey it to outfalls in the Whitefish River, Whitefish Lake, and Cow Creek. There are currently eighteen outfalls to the Whitefish River, three outfalls to Whitefish Lake, and eight outfalls to Cow Creek. The stormwater infrastructure contains 18 detention ponds and 16 City maintained treatment systems. In addition, critical stormwater conveyances that were mapped as part of the 2006 Stormwater System Utility Plan are preserved through the City's Water Quality Protection regulations.

As new City streets are constructed, and as existing streets are improved, storm drainage infrastructure will be installed or improved. Those persons developing property have the responsibility to convey storm water from their property to an appropriate point of disposal. The quantity and rate of runoff from a developed piece of property cannot exceed that which would occur had the property remained undeveloped. In instances where developing property cannot be drained to an appropriate point of disposal, storm water must be detained and handled on site.

Clean Water Act regulations require storm water treatment for urban areas with populations greater than 10,000.

Water

The mission of the Whitefish Public Works Department is to provide safe, potable drinking water for the needs of their domestic, institutional, industrial and commercial consumers and to provide adequate pressure and flow to meet irrigation demands and firefighting needs.

Water for the Whitefish community is supplied by two surface water sources, Haskill Creek and Whitefish Lake, which are treated at the 4.0 mgd direct filtration water treatment plant prior to distribution to the customers. In 2016 the City purchased a conservation easement in the Haskill Basin Watershed to protect the City's water quality and water supply. The Haskill Creek supply is a gravity system that is impounded in an 8.8-million-gallon open reservoir prior to treatment. The Whitefish Lake supply is pumped directly to the treatment plant by a pumping station located on the shores of Whitefish Lake at Mountain Harbor Resort. The water treatment plant meets all the current and projected requirements of the Federal Safe Drinking Water Act (SDWA).

Water storage tanks are used to equalize pressure throughout the 72-mile-long public distribution system and to provide an emergency water supply in case of an interruption of power or a failure of pumping equipment. They also provide the capacity necessary to meet peak demand fire flow situations. The amount and location of stored water represents a key component of the water system's ability to deliver water for fire suppression. The City water distribution system currently has four pressure zones, two of which are served by separate booster pumping stations. The primary pressure zone utilizes two storage tanks, one on Reservoir Road and the other on Grouse Mountain, with capacities of 1 million gallons and 0.75 million gallons, respectively. The second pressure zone uses a 0.30 million-gallon storage tank on Grouse Mountain (filled by a pumping station), and the remaining two pressure zones use booster pumping stations. Design of a new water storage tank for the south end of the City has been initiated, and the tank is expected to be installed within the next five years.

Under the requirements of the SDWA, the water supply is tested for a wide variety of contaminants on a regular basis. Extensive testing for coliform bacteria, giardia cysts, lead and copper, and a wide range of metals, solvents and pesticides has shown that Whitefish's water is of the highest quality.

The 2006 Water Utility Plan recommended several capital improvements for treatment, storage, and distribution, many of which have been completed. Major capital improvements still to be completed are the construction of a storage tank on the south side of the City described above, and the expansion of the water treatment plant to accommodate additional growth.

The provision of water for firefighting purposes is as important and as consumptive as that required for domestic and commercial uses, and must be considered when evaluating transmission, storage and distribution facilities.

It will be the responsibility of the developer of a new subdivision to provide new water systems that connect to City infrastructure. The distribution system must be able to deliver water in sufficient quantity to all residents at all times. Ideally, a water distribution is of a grid layout with supply and storage facilities strategically located to equalize pressure during periods of heavy usage. Dead-end lines should be avoided to eliminate stagnant water and to reduce the number of customers who would be out of water during periods of line repair.

Solid Waste Management

Solid waste collection and disposal services are provided within the City by North Valley Refuse, a private hauler, under contract with the City. Refuse collected within the City limits is transported by North Valley Refuse to the Flathead County landfill located approximately five miles south of Whitefish.

The City contract calls for weekly residential pick-up of refuse while businesses receive multiple pick-ups each week, if needed. The demand for solid waste collection is typically proportionate to the size of the community. Therefore, as the City of Whitefish accepts annexations its solid waste service area increases, as well.

The extension of this service to newly-annexed areas is subject to the provisions and limitations of 7-2-4736, M.C.A., as follows:

1. A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to any person or business located in the area for 5 years following annexation, except:
 - a. Upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area; or
 - b. After the expiration of 5 years, if a majority of the residents of the annexed or incorporated area sign a petition requesting the municipality to provide the service.
2. If a proper showing is made that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area or, after the expiration of 5 years, if a majority of residents sign a petition requesting service from the municipality, the

municipality may provide garbage and solid waste disposal service to the entire annexed or incorporated area.

3. For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate services.

The refuse contract also provides for recycling efforts in the form of curbside recycling options and one central drop-off location for aluminum cans, cardboard, newspaper, magazines, office paper and plastic products. The site is maintained and serviced by North Valley Refuse. Mandatory curbside pick-up of recyclables is being considered by the City and implementation is anticipated sometime in the next five years.

Fire Protection

The Whitefish Fire Department (WFD) is an “All-Hazard” emergency response agency. In addition to structural firefighting, the WFD provides hazardous materials response, wildland firefighting, and many rescue services. It is also part of the Flathead County Emergency Medical Service, providing Advance Life Support transport ambulance services.

Traditionally, fire protection was measured against the value of property protected and the risk associated with specific properties. The fire department would have been evaluated using factors such as response time, manpower, water supply, and type of equipment needed to protect the property. However, the WFD does more than fight structural fires. The all-hazard emergency response disciplines are measured against the potential risk within the community protected.

PROTECTION AREA

The City of Whitefish Fire Department is a professionally staffed fire department combined with a few volunteers that protects the City of Whitefish and the surrounding Whitefish Fire Service Area (WFSA) through an interlocal agreement. The WFD is also the primary emergency response agency for portions of the Flathead County Fire Service Area. In total, the WFD provides fire protection and an all-hazard emergency response to an area larger than 100 square miles.

STAFFING

The WFD is staffed with a Fire Chief, an Assistant Chief/Fire Marshal and fifteen career Firefighter/Paramedics who are divided into 3-shifts and provide 24/7/365 coverage with a minimum of four Firefighter/Paramedics per shift. The WFD is supported by a decreasing number of volunteers, as well as with automatic and mutual-aid partners including our neighboring fire departments, the ambulance corps, and the DNRC. With the decline in volunteer firefighters here and across the whole Flathead Valley, adequate staffing on scene within a reasonable response time is problematic at times.

FACILITIES & EQUIPMENT

The Whitefish Fire Department operates out of two fire stations. Administrative offices are situated at Station #21, located at 275 Flathead Avenue in the City. The second station, Station #22, is located outside City limits at the corner of Whitefish Stage Road and Hodgson Road; this is the southern end of the WFSA. Most, but not all, of the area within the City is within the 5-road mile mark from a fire station that is considered a reasonable response distance for fire protection. However, the majority of the 100+ square mile area WFD protects is not.

The WFD fleet represents the diversity of the services the department provides with structural firefighting engines, water tenders, wildland firefighting engines, ambulances, command vehicles, and specialty rescue vehicles. Current needs include a ladder truck and replacement of aging apparatus with newer models.

Station #21 Fleet

Structural Fire Engine	231	2014 Rosenbauer	750-gal /1500-gpm CAFS, 4wd
Structural Fire Engine	233	1995 Spartan	1500-gal /1500-gpm
Medium Rescue Truck	251	1997 Spartan	500-gal /1250-gpm
Water Tender	291	2015 Peterbilt	3000-gal /750-gpm
Wildland Engine, type 6	281	1998 Chevy	225-gal / 80-gpm 4wd
Wildland Engine, type 5	282	2009 Ford	400-gal/150-gpm CAFS 4wd
Ambulance	221	2018 Braun	4wd
Ambulance	222	2013 Braun	4wd
Rescue Boat	272	1990 Achilleson	on trailer
6X UTV	277	2010 Polaris	100-gal/90-gpm, on trailer
Utility / plow truck	261	2004 Dodge	4wd

Station #22 Fleet

Structural Fire Engine	232	1997 Spartan	1500-gal / 1500-gpm
Ambulance	223	2009 Ford	4wd

Other Vehicles

Hovercraft	271	2006 Neoteric	housed at City Beach
Fire Boat	273	2003 Landing Craft	docked at Lodge
Chief's car	201	2018 Dodge	4wd pickup
Asst. Chief's car	202	2002 Ford	4wd Explorer

WATER SUPPLY

Fire hydrant locations in the City are considered adequate in most areas, but in other areas the water delivery system (water mains) needs improvement to allow for adequate fire flows. There is also a general need to evaluate the size and location of the water supply system as the City grows through infill and annexations.

Outside City limits the fire department has access to a few small water systems that do not always meet the required fire flows. As a result, the WFD hauls water using water tenders. There is a need to identify adequate tender fill locations, especially as one travels further from City limits.

FUTURE PLANS

The fire service area was once a rural area, but due to growth and development, property values outside of City limits now rival those within the City. The City has adopted the International Wildland-Urban Interface Code which includes fire protection requirements within wildland-urban interface areas. Requirements include creation of a defensible space around all structures and use of ignition-resistant construction and material. Better staffing and station locations are high on the department's priority list. The WFD is considering construction of additional satellite fire stations that would be equipped with a properly sized fire engine (type 3 or type 1), a water tender, and an ambulance. Each new station would have bedrooms for "Resident Firefighters", volunteers who would augment the career firefighters. With these satellite stations, the owners of properties within 5-road miles of each new station would experience better (faster) service and decreased homeowner's insurance rates. For the purposes of any improvements to or extension of fire services, the tax burden would be shared by all taxpayers within the Whitefish Fire Service District.

Law Enforcement

Police protection is one of the essential services that should be adequately and efficiently available to every citizen. The Whitefish Police Department is headquartered in the Whitefish Emergency Services Building at 275 Flathead Avenue. It has a staff of sixteen full time sworn officers, including a school resource officer, and three civilian personnel (administrative, parking enforcement). Additionally, four Chaplains work with the department on a volunteer basis. The primary service area is within the City limits; however, in 2017 City Council extended police jurisdiction to 5 miles beyond the City limits. The department has an Interlocal Agreement with the Flathead County Sheriff's Department for mutual assistance. Upon request from the County, the Whitefish Police Department, if available, will respond to calls for assistance beyond its area of jurisdiction. In return, the Flathead County Sheriff's Department responds to calls for back-up and assistance within the City's police jurisdiction.

At any given time, the Whitefish Police Department is influenced by a much larger population than the 7,279 residents of the City. The Whitefish census county division population was almost 13,000 in 2010; residents from these areas just beyond the City limits likely to come into town for school, work, and the necessities of life on a regular basis. As a tourist destination, the City of Whitefish also has a much-inflated daytime population during the peak summer months. These factors impact the efficiency and effectiveness of the police force. Other factors that impact the department are the number, frequency and location of crimes and traffic accidents. As the City grows both physically and in terms of population, it will be necessary to staff and equip the police department accordingly. For the purposes of any extension of police services, the tax burden would be shared by all City taxpayers.

Parks and Recreation

The City of Whitefish Parks and Recreation Department has developed plans and goals for the next several years. The following is a brief description of the park facilities and program services that are either in existence or planned for future development.

Armory Park

Armory Park is 25 acres in size and is located at 305 Armory Road. The facility includes two softball fields, a soccer/lacrosse field, a 5-acre dog park, a bicycle pump track, a 15,000-square foot skate park, a 4,000-square foot multi-use building, and public restroom facilities. This facility is the largest multi-use facility in our inventory of parks. Immediate plans call for placement of an irrigation system in the softball fields. In addition, parking lots will be developed adjacent to the softball fields and the dog park. An approved Armory Park Master Plan exists identifying all the proposed park improvements.

Baker Park

Baker Park is a 3.25-acre park along the Whitefish River. The park is bordered by Baker St. on the west side, Central Ave. on the east side and 5th St. on the north side. Baker Park contains two play equipment areas each designed for age appropriate use, a prefabricated restroom building, one gazebo, dock access to the Whitefish River, and a large grass area. The Whitefish River Trail runs along the southern portion of the park.

Riverside Park

Riverside Park is a 4-acre companion park to Baker Park. It is adjacent to the Whitefish River and includes a portion of the Whitefish River Trail and a footbridge connecting the trail to O'Brien Avenue to the south. The park includes a storm water retention pond owned by BNSF that overflows into the Whitefish River. In addition to the trail system, the park includes three tennis courts, dock access to the river, and supportive paved parking adjacent to Baker Ave. Improvements for the future include additional paved parking at the end of O'Brien Ave.

City Beach

City Beach consists of a 3-acre park located along the shore of Whitefish Lake. The facility includes a boat launch, a roped off designated swim area with a floating dock, four picnic gazebos, restroom facilities, snack bar, staff office, a rental equipment facility, and an adjoining parking lot. This facility also includes an over flow parking lot located on the corner of Edgewood and Washington Avenues. City Beach also contains a newly constructed Aquatic Invasive Species Inspection Station. The station was added on to an existing garage, which houses a hover craft utilized by the Whitefish Fire Department for lake emergencies. City Beach receives the most intense use of the Whitefish park facilities, hosting such special events as the 4th of July celebration and multiple athletic events throughout the summer season. Several thousand people attend the 4th of July event. Improvements for the future include replacing the retaining wall.

Depot Park

Depot Park is a 1-acre park located in downtown Whitefish directly across from the Historic Whitefish Train Depot. The facility contains a statue recognizing the railroad history of the community. It hosts several special events during the summer season, including but not limited to: weekly farmer's market, art shows, racing events, Huckleberry Days, and Ocktoberfest. Depot Park is a key element to the Whitefish Downtown Business District Master Plan and serves as a key focal point for the downtown area.

Kay Beller Park

Kay Beller Park is a 1-acre park located along the shore of the Whitefish River in the downtown area. The facility is adjacent to the Whitefish Community Center and the Mountain View Manor assisted living facility. The Whitefish River Trail runs through Kay Beller Park. The facility also has a boat dock that provides access to the Whitefish River.

Grouse Mountain Park

This 4-acre park is located on Highway 93 and Fairway Drive and contains two soccer fields and three tennis courts. The facility also hosts a rest area with seasonally operated restrooms. The parking area (approximately 20 cars) is undersized for the scope of activities that occur at this site. Plans for this facility include upgrading and expanding the parking lot.

Memorial Park

Memorial Park is a 10-acre site with facilities including a baseball stadium that is used for American Legion Baseball and by Whitefish High School for their football games. The stadium is lighted and includes bleachers, dugouts and a concession stand. Currently the facility is leased to the American Legion Baseball Association (Glacier Twins Baseball) and includes a cooperative agreement with the School District for football use. The area surrounding the stadium includes four pickleball courts, a full basketball court, and a playground. The park is surrounded by perimeter parking. Plans for the park include an upgraded irrigation system for open space and a permanent restroom facility.

Mountain Trails Park

Mountain Trails Park is a 5-acre park and the site of the Stumptown Ice Den, an indoor ice skating facility constructed in 2005. Additionally, it is the location of the Saddle Club activity building, leased to the Flathead Valley Ski Heritage Foundation, and the Warming Hut, leased to the Whitefish Sports Facility Foundation. The park area also includes a playground, an outdoor sand volleyball court, and paved parking for all facilities in the park.

Soroptimist Park

Soroptimist Park is a neighborhood park approximately 1 acre that contains a small soccer field, a half-court basketball court, and playground equipment. It serves primarily the residents of the neighborhood.

James R. Bakke Nature Reserve

The James R. Bakke Nature Reserve is 4-acres in size with a ¼ mile trail and interpretive signs, benches, picnic tables, a shed, a five-stall parking lot, and bike rack. Future improvements include irrigation and sod on the northern portion of the property.

Whitefish Park

A component of the High Point on 2nd Street subdivision, this park is a natural wetland along Cow Creek. It offers a gravel path along the upper slope of Cow Creek that accesses the subdivision's open spaces.

Whitefish Golf Club

Whitefish Golf Club is 36-hole facility with the original 18 holes located north of Highway 93, under the ownership of the City of Whitefish and leased to the Whitefish Golf Club. The facility includes a club house, pro-shop, restaurant, and driving range.

During winter, cross-country skiing is offered on the course with lights for night skiing. As a footnote to the golf course, the current lessee also maintains the City of Whitefish Cemetery, which is adjacent to the golf course.

Shared-Use Paths and Trails

Currently the City of Whitefish has approximately 13.6 miles of shared-use paths that run throughout the City. Two-and-a-half miles of the trail system runs along Wisconsin Ave. The remainder of the trail system consists of several smaller sections that serve specific areas of the community. Sections that follow the banks of the river are referred to as the Whitefish River Trail. Plans include completing the connecting sections that remain undeveloped. The City of Whitefish Parks & Recreation Department maintains these paths in accordance with the 2016 Connect Whitefish Bicycle & Pedestrian Master Plan.

The Whitefish Trail

Construction of segments of this non-motorized, multi-use trail began in 2010 west of downtown. In 2017, the Whitefish Trail (WT) consists of 42 miles of natural surface trails that can be accessed from 13 trailheads. The trail provides year-round public access for hiking, biking, and equestrian use. The WT can be readily accessed from the City's shared use paths and future proposed paths.

The City of Whitefish also has the following undeveloped facilities:

Canoe Park

Canoe Park is a 0.6-acre parcel located on Riverside Ave. and will serve as an access point to the Whitefish River. Improvements will include a ramp and dock along with supportive parking.

Creekwood Park

Creekwood Park is a 4-acre undeveloped site within the Creekwood subdivision.

Crestwood Park

Crestwood Park is a 2.5-acre facility that has two horseshoe pits and open space that is maintained by the Crestwood HOA. This facility primarily serves the residents of the northeast quadrant of the community.

Riverside at Whitefish River

Riverside at Whitefish River is a linear park that is adjacent to the Whitefish River and The Lakes subdivision.

Riverwood Park

Riverwood Park is a 4.6-acre linear park along the bank of the Whitefish River and is a companion park to the Whitefish River Trail.

River Edge Park

River Edge Park is a linear park along the bank of the Whitefish River and will support the Whitefish River Trail.

River Trails Park

River Trail Park is a 2-acre linear park along the Cow Creek drainage and will serve as a natural area and be retained as open space.

RECOMMENDED POLICIES FOR EXTENDING SERVICES

General Policies

The following general policies shall be pursued for all properties proposed to be developed within the City of Whitefish (“City”) limits or with annexation into the City:

1. It is the responsibility of the developer or property owner to construct all water lines, reservoirs, pump stations, culverts, drainage systems, sewer systems, roadways, sidewalks, curbs, gutters, street lighting, and rights-of-way in accordance to the Extension of Services Plans contained herein as well as the Subdivision Requirements of the City of Whitefish and the Engineering Standards for Design and Construction. The infrastructure improvements shall be of adequate size and design to accommodate the needs of the proposed development. If a development creates impacts requiring off-site improvements, the City Council will determine whether the developer shall wholly or partially bear the costs of such improvements.
2. The developer or property owner shall be responsible for providing fire protection appurtenances and required water flows and pressures, to the satisfaction of the City Fire Chief, based on the use of land and the type of construction employed.
3. Water systems and sewer systems shall be designed in such a manner as to avoid the provision of booster pumps or lift stations if feasible. All proposed booster pump stations and lift stations shall receive the approval of the City Engineer.
4. Before a development beyond City limits can connect to a City-owned utility, an Agreement for Annexation and City Water/Sewer Services form shall be properly filed with the City Attorney.

5. Prior to receiving services, the developer or property owner annexing must initiate and secure a rezone to appropriate City of Whitefish zoning when necessary. If the City initiates an annexation, it will assume responsibility for needed zoning map amendments.

Policies for Extension of Services to Undeveloped Areas

Each development should be considered an integral part of the comprehensive services plan of the City. Therefore, the following general policies for extension of services to undeveloped areas should be observed:

1. Any subdivision or development of property within the identified growth area should be designed in accordance with the current edition of the City's "Engineering Standards".
2. Any subdivision or development of land beyond the Whitefish City limits, but within the urban growth boundary, should be reviewed and commented upon by the City's Site Development Review Committee. For development outside the planning jurisdiction, the City shall recommend to the Board of County Commissioners that new development within the identified growth area be in accordance with the City's adopted zoning regulations, Growth Policy, transportation and utility plans, and Engineering Standards.
3. Where construction of a sewerage system is being considered, the future drainage basin of the system should be identified, and lines sized accordingly. The cost and construction of all sewerage systems are the responsibility of the developer or property owner. Under certain circumstances, the City Council will determine whether the City will participate in financing the oversizing of infrastructure.
4. It is the responsibility of the developer or property owner to have designed and constructed water mains and lines of adequate size to provide the required flows for the intended land use and fire protection.
5. It is the responsibility of the developer or property owner to provide all required infrastructure improvements, as well as rights-of-way and easements.
6. Construction of any dwelling which is not equipped with adequate facilities for the sanitary disposal of sewage is a violation of the Flathead County Regulations for Onsite Sewage Treatment Systems. If an approved publicly owned sewage collection and treatment system is readily available within 200 feet of the property line, the County will not issue a septic permit and the property owner must connect to the public system. A connection is not readily available if the cost of the connection, as determined by the County, is greater than three times the cost to install an onsite wastewater treatment system.
7. In addition to the base impact fee to connect to the public sewage or water system, requests for connection outside the City limits for constructed dwellings not previously connected to a septic system or private well will be subject to a surcharge. After-the-fact inspections may

also result in additional costs to the property owner associated with ensuring compliance with state and local plumbing codes and City engineering standards.

Policies for Services in Existing Developed Areas

As a general policy, properties within the service area with existing utilities and facilities shall be required to upgrade those improvements to City standards and specifications as a prerequisite to receiving City services or additional City utility services. In such situations, the following policies shall apply:

1. Prior to making the municipal service(s) available to an existing developed area within the service area, the City may require a report describing the following:
 - The approximate year or period in which the existing area was developed.
 - The location, size and condition of existing water lines or systems.
 - The location and condition of, the existing sewer system, including the size, material and grades of all pipe.
 - The size, location and legal purpose of all existing rights-of-way and easements.
 - The surface type, condition and width of all roadways.
 - The existing storm drainage into and out of the area.

The report shall also include the estimated costs associated with correcting the deficiencies and bringing the utility or improvement to City standards. The City may require such a report to be prepared by a professional engineer, with the cost of the report borne by the developer or property owner.

2. If the property is to be annexed, the City's annexation ordinance or resolution shall specifically state the method and time frame for bringing the existing conditions into compliance with City standards and shall identify the parties responsible for the improvements.
3. If City services are to be extended without concurrent annexation, the property owner shall sign an Agreement for Annexation and City Sewer/Water Service. The agreement shall be recorded with the County Clerk and Recorder's Office. The property owner shall also sign, and the City shall record, a waiver of the right to protest participation in and the formation of any special improvement district that may be formed to improve the existing services, utilities, streets or other improvements.

Policies for Areas Annexed as Wholly Surrounded Land (M.C.A. 7-2-45)

Properties that are wholly surrounded by the City generally have been receiving City services such as police and fire protection, access to parks and recreation facilities, and road maintenance (roads leading to property and those throughout the City that homeowners use frequently) for no cost. Once annexed, access to those services continues. Payment for these services is shared by all City taxpayers. Extension of sewer and water infrastructure and connection to City service shall be at the expense of the homeowners, though the cost of maintaining sewer and water facilities, once constructed, is shared by all City taxpayers. A homeowner may continue to rely on private wells and septic sewage systems after annexation and is not required to connect to City water and sewer services until such time as the septic sewage systems or private wells require expansion, upgrading, or replacement.

Policies for Meeting the Cost of Services

1. For the purpose of setting aside adequate funds to replace components of the physical infrastructure, the following shall be considered as the estimated life of each of the components:

Structures	30 Years
Pipelines	50-100 Years
Stationary Equipment (motors, pumps, conveyors, etc.)	10 Years
Asphalt Surfaces:	
• Local Streets	20 Years
• Collector Streets	15 Years
• Arterial Streets	10 Years

The amount to be set aside each year for the replacement of municipal infrastructure components shall be the cost of construction, if new, or the total estimated replacement cost divided by the remaining- number of years of the life of the component.

2. It shall be the responsibility of the developer or property owner to extend all roadways and utilities from the existing City facilities to the site of development in accordance with all City standards and specifications and provide appropriate easements. It shall further be the responsibility of the developer or property owner to construct all streets and utilities to the furthest boundary of the property to be developed in order to facilitate future development.
3. The ability of the City to increase existing utility line capacities to meet the demands of growth is dependent upon the availability of funding. If the City's ability to finance the

necessary enlargement cannot keep pace with development, or if the improvements schedule does not mesh with that of the developer, it shall be the responsibility of the developer to finance and construct City-approved alterations to the existing infrastructure sufficient to accommodate the development. In the event of this occurrence, the developer may be reimbursed by the City through utility service connection fees for said development. Said reimbursement shall not exceed the cost, including interest, of the improvements to the existing City system, nor shall the reimbursement exceed the value of the connection fees collected from the specific development.

4. If the developer bears the costs of extending services and/or utilities, the developer may, with the approval of the City, enter into a "Latecomer's Agreement" with the City. The Latecomer's Agreement, with a term not to exceed ten (10) years, allows the developer to be reimbursed for that portion of the construction cost that benefits the adjoining properties and/or is in excess of the minimum standard. Cost apportionment for a Latecomer's Agreement may be based on lot area, front footage, or any other equitable means. The Latecomer's Agreement shall include a list of those properties which will benefit from the extension, the length of the Agreement, a map outlining and designating properties, legal descriptions as required by the City, and backup data supporting both the costs submitted and cost apportionment. The developer is responsible for initiating, executing, and, after City approval, filing the Latecomer's Agreement and providing the City with a copy of the recorded Agreement. A proposed Latecomer's Agreement must be submitted within 90 days of acceptance of the project by the Public Works Department. Acceptance of the project may occur once the design Engineer has certified to the City that the facilities are complete and installed in substantial compliance with the approved plans and specifications. Approval of a Latecomer's Agreement is at the City's sole discretion. The City will exercise good faith efforts to collect the latecomer's fee from persons wanting to connect to the utility extension or street improvement and remit payment to the developer.
5. The late-coming customer shall pay the extender a pro-rata share of the extension costs, including design and inspection fees. The pro-rata share may be based on lot area, front footage, or other means agreeable to both the City and the developer which is equitable to both parties as well as future customers.
6. If the City requires the customer or developer extending a sewer or water line to install a larger size than that required by City standards for a particular project, the City will determine whether the City will participate in financing the oversizing of infrastructure.
7. The City reserves the right to further extend sewer or water mains installed by the preceding developer or property owner without paying compensation. The City also reserves the right to charge future sewer or water utility users beyond those areas identified in the Developer's Extension Agreement, if applicable, for their pro-rated share of the City's cost for the oversizing of the line. This in no way shall diminish the preceding developer's right to collect service line connection fees within the limits of a Developer's Extension Agreement. In the case of water lines, the pro-rata cost shall be based on the domestic

capacity plus fire flow capacity existing at the point of extension as opposed to the domestic plus fire flow capacities required by the development.

8. Financing the construction of new streets in a proposed development, or the upgrading of streets in an existing developed area, shall be accomplished in one, or a combination of, the following methods:
 - a. The developer shall provide all necessary right-of-way, or additional right-of-way if less than adequate right-of-way exists.
 - b. The developer shall bear the cost of constructing all improvements within the right-of-way in accord with this Plan, the City's Standards for Design and Construction, and the City of Whitefish Subdivision Regulations.
 - c. Through the formation of a Special Improvement District (S.I.D.).
 - d. Federal or State grant funds.
 - e. State Fuel Tax monies.
9. Connection and user fees for properties located outside the City limits for sewer and water services shall be charged in accordance with rates, charges and tariffs adopted by ordinance or resolution by the City Council.
10. As new City streets are constructed, and as existing streets are improved, storm drainage infrastructure shall be installed or improved to City standards. It is the responsibility of the developer to convey storm water from their property to an appropriate point of disposal. The quantity and rate of runoff from a developed parcel cannot exceed that which would occur had the property remained undeveloped.
11. For the purposes of fire, police, and all general government services, the tax burden for these services shall be shared by all taxpayers in the Whitefish Fire Service District (for fire services only) or the City.

EXHIBIT A – ANNEXATION FORMS

After Recording Return to:
Michelle Howke, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

PETITION
BEFORE THE CITY COUNCIL
OF THE
CITY OF WHITEFISH

PETITION FOR ANNEXATION TO CITY

Dated this _____ day of _____, _____.

The undersigned Property Owner hereby petitions the City Council of the City of Whitefish, pursuant to Section 7-2-4601 (3)(a), MCA, requesting annexation of the following real property into the City of Whitefish and to remove the following real property from the Whitefish Fire Service Area.

This petition is pursuant to the Contract Agreement for Annexation and City Water and/or Sanitary Sewer Service dated the _____ day of _____.

Petitioner agrees that this annexation petition is irrevocable, and that the City may act on this petition, and actually accomplish the annexation of such real property, at any time in the future, without limitation. Petitioner has had an opportunity to review the City of Whitefish Plan for Extension of Services applicable to such real property, and Petitioner is satisfied with such Plan.

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED:

PROPERTY ADDRESS: _____

ZONED AS: _____

{Printed Name}

{Printed Name}

= _____)
County _____) :ss STATE OF
of _____)

On _____, _____ this day of _____, 20 before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

After Recording Return to:
Michelle Howke, City Clerk
City of Whitefish
PO Box 158
Whitefish, MT 59937-0158

**CONTRACT AGREEMENT FOR ANNEXATION AND
CITY WATER AND/OR SANITARY SEWER SERVICE**

THIS AGREEMENT is entered into as of ____ day of _____, 20____, by and between the City of Whitefish, a municipal corporation ("CITY") as grantor of City water and/or sanitary sewer services, and _____ ("OWNER"), as grantee recipient(s) of City water and/or sanitary sewer services, whose mailing address is _____ with respect to the following facts:

- A. CITY owns and operates a municipal water and sanitary sewer system.
- B. OWNER is the sole owner of the real property that is legally described below, or as fully disclosed and shown on Exhibit "A" attached and made a part of this Agreement ("OWNER'S REAL PROPERTY"):

LEGAL DESCRIPTION

- C. OWNER'S REAL PROPERTY is located outside of the current corporate limits of the CITY.
- D. OWNER desires to obtain municipal water/sewer service from the CITY to serve OWNER'S REAL PROPERTY.
- E. The parties desire to enter into an Agreement pursuant to MCA §§7-13-4312 and 7-13-4314, for the CITY to furnish municipal water and/or sanitary sewer service at rates adopted in accordance with Montana State Law in return for OWNER'S agreement that OWNER'S REAL PROPERTY may be annexed to the corporate limits of the CITY at any time.

In consideration of the performance of the terms and conditions of this Agreement on the part of each party, and pursuant to MCA §§7-13-4312 and 7-13-4314, it is hereby agreed as follows:

(1) **Furnishing of Sewer Services:** The CITY hereby agrees to furnish municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY. Unless otherwise agreed in writing between the parties, OWNER shall be solely responsible for all costs involved in extending municipal water and/or sanitary sewer service to OWNER'S REAL PROPERTY and connecting OWNER'S REAL PROPERTY to the municipal water and/or sewer system. Nothing in this Agreement shall obligate CITY to pay the costs of right-of-way acquisition, engineering, construction and other related costs involved in extending or connecting municipal water and/or sewer service to OWNER'S REAL PROPERTY.

(2) **Municipal Water and/or Sanitary Sewer Connections:** Upon approval by the CITY Public Works Department of the design and construction of all the municipal water and/or sanitary sewer lines and other facilities necessary to serve OWNER'S REAL PROPERTY, and acceptance of all of such water and/or sewer facilities by the CITY, OWNER will be given permission to connect no more than _____ connection to the CITY'S municipal water and/or sanitary sewer system. Any additional water and/or sewer connections shall require a new application for service and approval obtained from the CITY Public Works Department.

Upon approval by the CITY Public Works Department, OWNER will be given permission to extend _____ water and sanitary sewer stubs from the municipal sanitary main to the property line of the property described herein. Any additional water and/or sanitary sewer stubs shall require a new application for CITY water and/or sanitary sewer service. Prior to connecting any residential or commercial building or any other structure to the water and/or sanitary sewer service stub-out(s), a request must be submitted to CITY for municipal water and/or sanitary sewer service describing the use of the building proposed to be connected. Any connections must comply with the Rules and Regulations for the City of Whitefish Water, Wastewater and Garbage Utility. The request is to be reviewed and approved by CITY prior to any connection of a residential or commercial building, or other structure. No residential or commercial building or any other structure shall be allowed to connect to the municipal water and/or sanitary sewer service extension unless approval has first been obtained from the CITY Public Works Department.

(3) **Transfer of Title:** Within thirty (30) days of the completion of the construction and CITY acceptance of the said water and/or sanitary sewer extension, OWNER hereby agrees to transfer, or cause to be transferred to CITY by appropriate documents any right, title and interest that OWNER may have in the municipal water and/or sanitary sewer lateral and main extensions to be built by OWNER to provide service to the herein described property.

OWNER agrees that the municipal water and/or sanitary sewer line extension to the property shall be constructed in a public right-of-way or on land either owned by OWNER or subject to an appropriate easement approved by CITY, granting OWNER, CITY, and their successors and assigns the right to construct, repair, and maintain the sanitary sewer extension lines. If any portion of the lateral extension is constructed on land owned by OWNER at the time OWNER transfers their interest in the sanitary sewer extension line to the CITY, they shall also grant the CITY an appropriate easement for construction, repair, and maintenance of the municipal water and/or sanitary sewer extension lines. The CITY shall not be required to

accept any previously constructed water or sewer lines unless they are properly located in the right-of-way or a valid easement.

(4) **Maintenance**: Upon completion and acceptance of construction and the approval of access to the municipal water and/or sanitary sewer lines constructed in easements, maintenance, and repair of the mains servicing OWNER'S REAL PROPERTY shall become and remain the responsibility of CITY. Maintenance and repair of the lateral service lines serving the OWNER'S REAL PROPERTY shall become and remain the responsibility of the OWNER.

(5) **Rates, Rules and Policies**: OWNER agrees to pay to the CITY such charges, rates, and fees, including but not limited to connection fees and impact fees, as are established by the CITY in accordance with Montana Law. In addition, OWNER agrees to comply with and be subject to all of the CITY'S rules, regulations and policies, as amended from time to time, with respect to the operation of the CITY'S municipal water and/or sanitary sewer system.

(6) **Consent to Annexation**: OWNER acknowledges and agrees that the CITY is willing to provide municipal water and/or sanitary sewer services only if OWNER provides all of the promises and representations contained in this Agreement. Pursuant to MCA §7-13-4314, the CITY requires that any person, firm, or corporation outside of the incorporated CITY limits is required, as a condition to initiate such service(s), to consent to and petition for annexation of the tract served by the CITY, and in consideration for the CITY'S agreement to provide municipal water and/or sanitary sewer service, OWNER agrees to consent to annexation under the following conditions and in the following manner:

- a) OWNER hereby irrevocably consents to the annexation of OWNER'S REAL PROPERTY, and OWNER irrevocably waives any right of protest to any annexation proceedings initiated by the CITY. OWNER agrees that the CITY may initiate annexation of OWNER'S REAL PROPERTY, relying upon this consent and waiver of protest, at any time in the future, without limitation. OWNER acknowledges that, but for this waiver, OWNER would have a right to protest the annexation of OWNER'S REAL PROPERTY.
- b) OWNER hereby petitions to have OWNER'S REAL PROPERTY annexed to the CITY, pursuant to MCA §7-2-4601, *et seq.* OWNER agrees that the CITY may act on this petition at any time in the future, without limitation. OWNER furthermore expressly waives the provisions of MCA §7-2-4608, which provides, in effect, that no property used for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purposes or for any purpose incident thereto shall be annexed pursuant to the provisions of MCA §7-2-4601, *et seq.*
- c) OWNER hereby signs the petition requesting annexation attached to and made a part hereof under this Agreement for municipal water and/or sanitary sewer services at the time of signing this Agreement. Such Petition shall be filed with the City Clerk.
- d) OWNER acknowledges and agrees that OWNER has had an opportunity to inspect the contents of the CITY'S Plan for Extension of Services, as adopted by the CITY, and which describes the manner in which CITY services may be extended to properties annexed by the CITY. OWNER acknowledges and agrees that OWNER is satisfied with the CITY'S Plan for Extension of

Services, and that the CITY'S Plan for Extension of Services adequately provides for the extension of CITY services to OWNER'S REAL PROPERTY. OWNER hereby waives the right to object or otherwise challenge the CITY'S Plan for Extension of Services.

- e) OWNER hereby irrevocably waives for all time the right to file an action in court to challenge, for any reason, the CITY'S annexation of OWNER'S REAL PROPERTY, whether such annexation occurs now or in the future.
- f) OWNER acknowledges and agrees that all of OWNER'S REAL PROPERTY, as described above, will clearly and immediately, and not merely potentially, be serviced by the municipal water and/or sanitary sewer service to be provided by the CITY pursuant to this Agreement.
- g) OWNER agrees that if ever OWNER, their heirs, assigns, successors, purchasers, administrators, personal representatives or subsequent holders of title to OWNER'S REAL PROPERTY, breach, challenge, disregard, or otherwise violate any of the terms of this Agreement, the CITY may, after providing twenty (20) days written notice, terminate water and/or sanitary sewer services to OWNER'S REAL PROPERTY, in addition to any other remedies that the CITY may have.
- h) OWNER agrees that if OWNER, in violation of this Agreement, submits a protest to the annexation of OWNER'S REAL PROPERTY, the CITY may disregard such protest, in addition to any other remedies that the CITY may have.
- i) The promises, covenants, representations, and waivers provided pursuant to this Agreement are voluntarily and knowingly given, with full knowledge of the OWNER'S legal rights. OWNER acknowledges and agrees that it is has had an opportunity to consult with legal counsel of its choice regarding the provisions of this Agreement.

(7) **Recording; Binding Effect:** OWNER agrees that this entire Agreement shall be recorded in the office of the Clerk and Recorder of Flathead County, and OWNER agrees that this Agreement shall run to, with, and be binding upon OWNER'S REAL PROPERTY and OWNER'S title to such real property, and shall be binding upon the OWNER'S heirs, assigns, successors, administrators, personal representatives and any and all subsequent holders or owners of OWNER'S REAL PROPERTY.

(8) **Future Deeds:** Subsequent to this Agreement all deeds to parcels of land within the property subject to this Agreement granted by OWNER shall contain the following consent to annexation and waiver:
The Owner hereby covenants and agrees that acceptance of this deed does constitute a waiver of the statutory right of protest against any annexation procedure initiated by the City of Whitefish with respect to the property described herein. Owner also agrees that acceptance of a deed constitutes an obligation on the part of Owner to initiate annexation procedures per the Petition to Annex on file at the City Clerk's Office.

This consent to annexation and waiver shall run with the land and shall forever be binding upon the Owner, transferees, successors and assigns.

OWNER agrees that this Agreement shall be binding even if OWNER fails to include the language set forth above in future deeds. After annexation of OWNER'S REAL PROPERTY, future deeds need not contain the language set forth above.

(9) **Term:** This Agreement shall be in perpetuity.

(10) **Entire Agreement:** This Agreement contains the entire agreement between the parties and any additional agreement hereafter made shall be ineffective to alter, change, modify or discharge it in whole or in part, unless such additional agreement is in writing and signed by the parties hereto.

(11) **Partial Invalidity:** Each term, covenant, condition or provision of this Agreement shall be viewed as separate and distinct, and in the event that any such term, covenant, condition or provision shall be held by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

(12) **Necessary Acts:** Each party to this Agreement agrees to perform any further acts and execute and deliver any further documents that may be reasonably necessary to carry out the provisions of this Agreement.

OWNER(S)

OWNER(S)

-

-

[Printed Name]

[Printed Name]

CITY OF WHITEFISH

ATTEST:

By: _____

Adam M. Hammatt, City Manager

Michelle Howke, City Clerk

STATE OF _____)

) ss.

County _____ of)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the state aforesaid, personally appeared _____ and



City of Whitefish

Date:

Planning & Building Department

PO Box 158
418 E 2nd Street

Whitefish, MT 59937

Phone: 406-863-2410

Fax: 406-863-2409

File #:

Intake Staff:

Date Complete:

ZONING MAP AMENDMENT - ANNEXATION

INSTRUCTIONS:

- Submit the completed application with annexation form and appropriate attachments to the Whitefish City Clerk's Office.
- After annexation, the rezone application will be scheduled at the next available meeting of the City Planning Board, which meets on the third Thursday of each month at 6:00 PM at City Hall at 418 E 2nd Street.
- After the Planning Board hearing, the application is forwarded with the Board's recommendation to the next available City Council meeting for hearing and final action.

A. PROJECT INFORMATION:

_____ Lot No(s) _____

_____ Subdivision Name _____

Project Address:

Assessor's Tract No.(s)

Block #

Section _____ Township _____ Range _____

I hereby certify that the information contained or accompanied in this application is true and correct to the best of my knowledge. The signing of this application signifies approval for the Whitefish staff to be present on the property for routine monitoring and inspection during the approval and development process.

Owner's Signature¹

Date

Print Name

Applicant's Signature

Date

Print Name

Representative's Signature

Date

Print Name

¹ May be signed by the applicant or representative, authorization letter from owner must be attached. If there are multiple owners, a letter authorizing one owner to be the authorized representative for all must be included.

1

Revised 4-12-17

APPLICATION CONTENTS:

Attached ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

- Zoning Map Amendment – Annexation Application
- Map showing the location and boundaries of the property
- Copy of Approved Resolution annexing property into City limits
- Electronic version of entire application such as .pdf
- Certified adjacent owners list for properties within 150-feet of subject site

When all application materials are submitted to the Planning & Building Department, the application will be scheduled for public hearing before the Planning Board and City Council.

B. OWNER(S) OF RECORD:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

APPLICANT:

Name: City of Whitefish Phone: 406-863-2410

Mailing Address: P.O. Box 158

City, State, Zip: Whitefish, MT 59937

C. State the changing conditions that make the proposed amendment necessary:

----- For City Staff Use Only -----	
PROPOSED ZONING:	
CURRENT ZONING DISTRICT:	_____
PROPOSED ZONING DISTRICT:	_____

Revised 4-12-17

EXHIBIT B – WHITEFISH URBAN GROWTH BOUNDARY

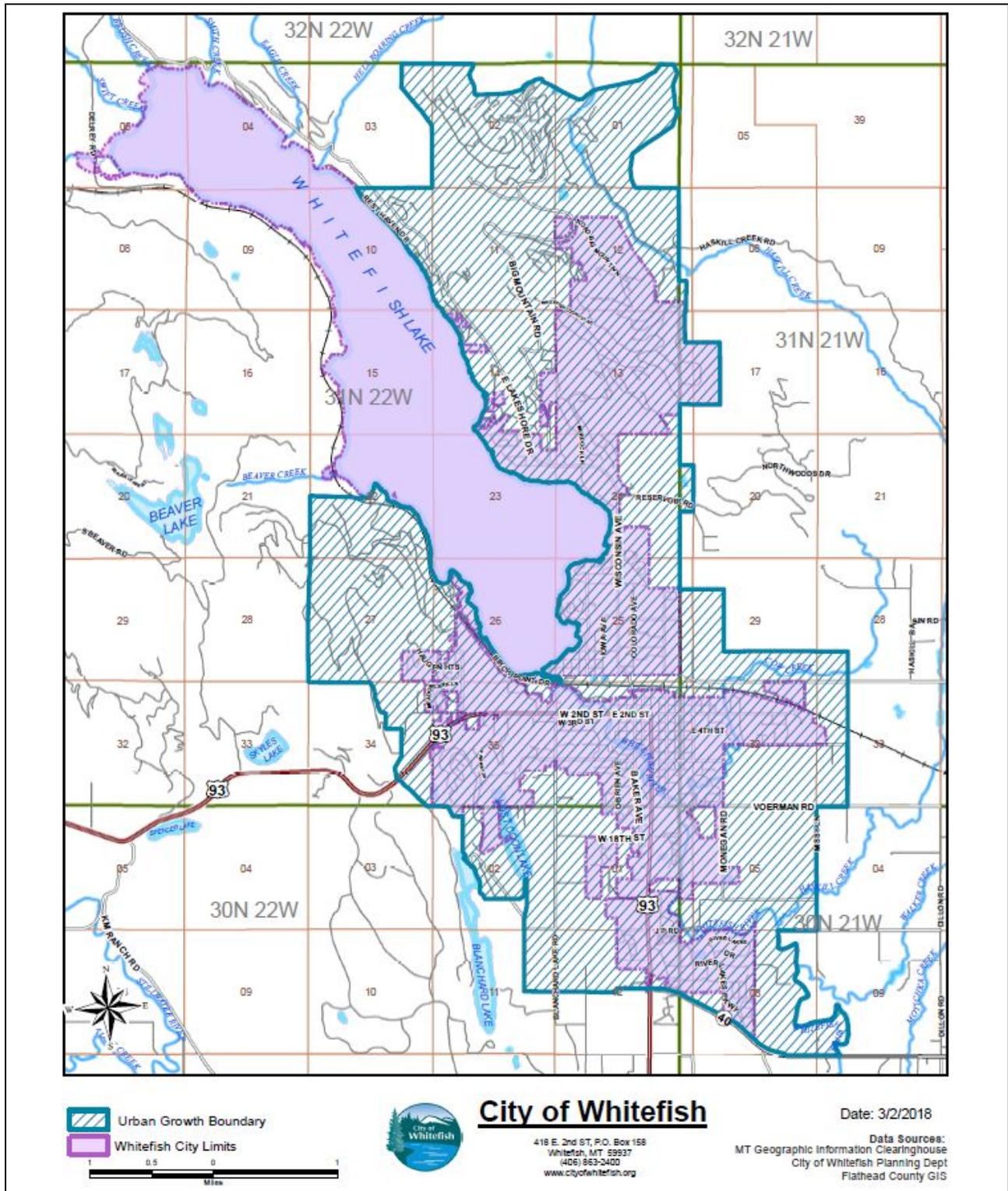


EXHIBIT C - ZONING JURISDICTION AND ZONING DESIGNATIONS

