

**FLATHEAD COUNTY PLANNING BOARD
WHITEFISH ZONING WORKSHOP MINUTES
MARCH 11, 2015**

**CALL TO
ORDER
7:13 pm**

A workshop of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at the Earl Bennett Building, Conference Rooms A and B in Kalispell, Montana. Board members present were Kevin Lake, Jim Heim, Greg Stevens, Jeff Larsen, Ron Schlegel, Mike Horn, Dean Sirucek, Tim Calaway and Marie Hickey-AuClaire had an excused absence. BJ Grieve, Erik Mack and Rachel Ezell represented the Flathead County Planning & Zoning Office.

There were approximately 12 people in the audience.

**PUBLIC
COMMENT ON
MATTERS THAT
ARE WITHIN
THE
JURISDICTION
OF THE
PLANNING
BOARD
(2-3-103 M.C.A.)
7:13 pm**

Kathleen Carlson, 120 K Lazy D Ranch, said all of her property was in the former donut area. Part of the property had stripes on it when it was looked at on the zoning map and she would like all of her property to be stripe free. She asked if she was making any sense.

Stevens knew where the property was located but didn't think the board could remedy the situation.

Carlson asked who could change the situation. That was the way the city of Whitefish had it set up. They were not zoned at all. She asked how they could fix the situation.

Stevens said she was under a whole new system now, not the city of Whitefish. He did not know if the lines were of any big concern to her at this point as long as she was not zoned. The board had no intention of zoning currently unzoned property.

Carlson said they had been in the Whitefish plan and didn't want the commissioners to say, 'Whitefish was going to do this, so we will now.'

The board said they would involve Grieve in discussion about her property and concerns.

The board, Carlson and Grieve discussed what process she could follow, where her property was located, what the lines possibly meant, the Whitefish land use map and if she should be concerned.

Grieve reviewed for her what would be discussed at the workshop.

Grieve and Carlson discussed the history of what had been zoned on her property.

The board and Carlson discussed what her mining permit covered, where her property was located in relation to the different maps, the history of the zoning in the former donut and what the former zoning was in correlation to current county zoning.

Carlson wanted her property to revert to unzoned as it was pre-2005 when it was originally under county jurisdiction.

The board and Carlson discussed what her comment was, where to go to voice her concerns and if she should talk to neighbors in the same situation.

Rebecca Norton, 530 Scott Ave, said Carlson's comment brought up a good point that there should be a time when a planner should be available to meet with people one on one to discuss their concerns. It would be a nice gesture. There was some discrepancy on whether or not it was possible to unzone formerly zoned property. One of the Whitefish planners did not think that was allowable. She talked about the editorial she had passed out to the board from Forrest Sanderson a former Flathead County Planning Director. It was at the county's insistence Whitefish assumed the planning and zoning over the former donut. They also assumed the financial responsibility which was an estimated three quarters of a million dollars the city had invested in what the county had insisted the city do. When you are a public servant, you also had a fiduciary responsibility so she would like them to at least consider the work Whitefish had done as a community. Also, be considerate when they were considering these decisions because it was a waste of money. She would like the editorial to be a part of the public record and offered to give members of the public in attendance a copy. Most people didn't know the county insisted Whitefish take over jurisdiction.

A member of the public asked her when that was.

Norton said it was in 2005 and proceeded to give a detailed

history of how the county asked Whitefish to take over jurisdiction, what happened after they took over jurisdiction between the city and county, what had been done concerning planning for zoning, annexing Whitefish Lake and the reason for the donut debate. What was being done now was determining the future. Whether or not people showed up and talked about the bigger picture, it was a very big issue. They were either dealing with a fair, legal, transparent, open public process where everyone was included or they condoned bathroom bullies in a nutshell. That was why she came to meetings and workshops. She wanted the board to know the public process was really important because they were deciding the future of many, many people's lives that weren't even ever going to attend a workshop or meeting. There was a fiduciary responsibility to not keep jerking things back and forth unnecessarily. As much of the Whitefish planning the board could implement into the plan she would appreciate. She thanked the board.

Michael Bode, 915 Columbia Ave, talked about 5932 US Hwy 93 S. He would like the property to have a little bit more of commercial zoning. He wanted more ability to bring in different businesses. It was limited even though some of the businesses were already there. He could not do automotive, but Hill Brothers was right across the street.

Larsen asked where the property was located.

Bode said it was a commercial building with a loading dock, but he was limited on what businesses he could run out of the location and who he could rent to.

Travis Tipton, 5944 US Hwy 93 South, explained where his property was located. He shared a lot of the concerns of Bode. The restrictions on a SAG-5 zoned area were so restricted, most of his property he could not use. Because he had frontage on Highway 93, he would like commercial zoning in the area so he could use that as commercial space.

**BRIEF REVIEW
OF HISTORY OF
TRANSITION
PROCESS AND
EXISTING
PLANNING
BOARD RECOM-**

Grieve put the item on the agenda for anyone who had not been following the process from the beginning who might be in the audience. He continued to give a brief review of the history of the transition process to date and the board's recommendation.

**MENDATION
FOR
TRANSITIONING
PLANNING
AROUND
WHITEFISH
7:43 pm**

**REVIEW OF
EXISTING
PLANNING
DOCUMENTS
AND MAPS IN
AREA AROUND
WHITEFISH
7:45 pm**

Review of existing planning documents and maps in area around Whitefish.

- a. Whitefish City-County Master Plan Year 2020 (1996)
- b. South Whitefish Neighborhood Plan (1998, amd. 2000)
- c. Big Mountain West Neighborhood Plan (2003)
- d. Whitefish Area Trust Lands Neighborhood Plan (2005)
- e. Big Mountain Neighborhood Plan (2006)
- f. Whitefish City County Growth Policy (2007)

Grieve said there was a lot of information the board needed to cover for this process. He showed a diagram of the planning documents which existed for the former donut area. (See attached) He explained the diagram in detail. The details included how the plans related to each other, the timelines of the plans and which plans would possibly need to be rescinded given the current recommendation of the board to the commissioners. He explained which of the documents the office had been able to track down and which had not been able to be obtained.

Grieve and Stevens briefly discussed the boundaries of the South Whitefish Neighborhood Plan (1998).

Grieve continued to explain the plans, the timelines of the plans and how the repeal of the 1996 Whitefish City County Master Plan would affect the other plans.

Grieve and Dave Taylor, Whitefish Planning Director, discussed the South Whitefish Neighborhood Plan and the South Whitefish Transportation Plan.

The board and Grieve discussed the need to be aware of all the plans Whitefish had adopted. They also discussed if there was a plan which allowed commercial zoning on Hwy 93 south of Whitefish, what needed to be considered for commercial zoning in that area and public comment conflicting with what Whitefish wanted and the current '96 plan. They discussed options for development which included the Growth Policy.

Stevens asked for Taylor to be recognized.

Taylor said the 2007 Whitefish Growth Policy did recognize there was conflict in the Highway 93 south area and recommended a corridor plan be done. Whitefish had reached out to the county for a possible joint plan for the area. It was not that the city didn't want to do anything in the area they wanted to have a plan which specifically addressed those issues.

Grieve said the county turned down working on the corridor plan while the lawsuit was in place because they didn't know what the outcome of the lawsuit would be. Once the dust settled from doing the actions of reacquiring jurisdiction a lot of things could be undertaken such as a corridor study for this area. Right now the way the documents exist there was no plan for south of Highway 40. This was an issue identified in the report and researched. He returned to discussing the list of rural Whitefish planning documents and discussed what happened when the '96 plan was rescinded, the need to stick to the plan and to the growth policy. He spoke about goal and policy 49 of the Growth Policy, cooperating with Whitefish with zoning around the city and other plans which had been adopted into the Growth Policy involving the areas around Whitefish.

The board and Grieve talked about at what point did Kalispell's plan for Highway 93 north be considered since both cities were coming together and commercial uses on the edge of both cities, if no zoning was possible between Kalispell and Whitefish, the revision to the growth policy concerning Whitefish, policy 49.1 and how it was a link to do part two zoning to replace interim zoning.

They also discussed doing part two zoning in areas which were not in conflict and review areas of conflict to work on, if it was possible to adopt part two zoning without it being in compliance with the Growth Policy, the pros and cons of the 1996 city county master plan, the need of a plan for basing part two zoning and the recommendation they had forwarded to the commissioners. They also discussed if the areas of conflict were large concerning the 93 corridor.

Larsen said if the board could not zone based on public comment, they should forget it.

The board discussed how big the area of discussion was between Whitefish and Kalispell on 93 and how many people had commented on the section.

Sirucek and Grieve discussed what should be considered for implementing zoning around Whitefish.

Grieve reviewed the options concerning zoning for the board. They included letting interim zoning expire, rescind the '96 plan if they were not going to zone according to that plan and zone according to the growth policy looking at the plans which had been adopted.

The board and Grieve debated the pros and cons of the options which included rescinding the '96 plan, zoning to the Growth Policy and what local plans did.

Grieve reviewed the process which would need to be followed for replacing interim zoning.

The board and Grieve discussed if chapter 49 in the growth policy needed to be amended and if it was reasonable to update the '96 plan.

Larsen said a decision had been made as far as what the board was going to do which was to rescind the '96 master plan and consider whether or not to do zoning. The decision was whether or not to proceed with zoning and Grieve had presented what would need to be done concerning zoning. They had not decided to do part two zoning, that was part of the process. He thought that it would not be difficult to zone using the interim zoning in place now with the current documents. If big changes were to be made, then there would be issues to deal with. They had two options. One was to comply with the interim map if they did not have the '96 plan in place. If they wanted to do a wholesale change on the corridor of 93 south, then they may have some issues there. The choice was they could try to work on the 93 corridor and do a study in the process or they could try to comply with the zoning now and have people deal with the corridor after the zoning was in place. He did not say they were going to do the zoning, but he felt that was their options. If they were to wholesale change the area, they were going to have difficulties complying with the plans.

Grieve agreed. If the interim zoning in place was based on Whitefish zoning, Whitefish's zoning was based on their plan. If they were to do part two zoning, it had to be based on the Growth Policy and coordinate with Whitefish. In doing so, they were going to wind up with something similar to what was in place now. They were not going to get 20 percent different zones because it defied the logic of what they were doing. They were transitioning over and there were some hot spot areas where there were issues, but was the board going to be able to fix the issues in the next year and a half.

Larsen did not think they could. There were two options. The only real option was make the interim zoning permanent. If the interim zoning was changed a lot, it might not comply with all the applicable plans. The other option was to let interim zoning expire. What was worse for the people of Flathead County? Letting it go might be worse because it would throw the whole thing into turmoil. If they made the interim zoning permanent, then the people could come in and do a corridor study, present the information and redo the zoning. It gave them a place to start.

Grieve said from a processing point of view, what had been identified as a minimalist solution to get things moving with zoning would be a master plan amendment to revise the designated land use map with the land use categories which currently exist under interim zoning and to take the '96 plan off the list of existing plans, table 11.1. Because it was not a neighborhood plan, that was a major hurdle which had been avoided. If it was a neighborhood plan, there were all kinds of policies involved where it would have had to be addressed. It was clearly not a neighborhood plan in his opinion at this time. There were a million reasons why it was not a neighborhood plan

Stevens said it had no legal standing as a neighborhood plan.

Grieve said when you look at the document when it was adopted, there was nowhere it said it was a neighborhood plan. Neighborhood plans needed to be adopted into master plans. Because it was not a neighborhood plan, repealing it was doable with a fairly minimalist amendment to the Growth Policy. Once that was done, if the board took a minimalist approach to simply say what Whitefish had, had become interim, what was interim was now land use categories in the designated land use map. It

might not be perfect but it could be adopted in a reasonable amount of time. That master plan and zoning district could be done by the end of the calendar year if the will was there to move forward on it.

Larsen said then corridor plans could be done. That was one option. The other option was to let the interim zoning expire. He wondered what the ramifications of that action were. There were legal questions.

Grieve reviewed the history of the reacquisition of the donut since the grand jury decision.

The board and Grieve discussed what happened to the zoning when the zoning layers of different times were peeled back and who adopted what zoning on the surrounding areas.

Grieve said part two zoning was called part two zoning because it was adopted under the procedures and requirements of part two under the zoning statutes which was the county.

Larsen said to cut to the chase. There was a legal argument about the area around Whitefish that the city might have a different position than the county as to what the land was zoned.

Horn said when Whitefish relinquished authority to the county, from the county's perspective they were to operate under the documents in place when Whitefish took over jurisdiction.

Larsen said that was the county's argument, but the city had a different argument.

Grieve said it could be helpful if the board asked Taylor if he was aware of the city's position.

Taylor said all he could tell them was if it was zoned, legally under state law, they did not believe it would go unzoned. The zoning would stay in place because it was zoned under M.C.A. zoning under zoning districts whether the city or county adopted it. There was county zoning Whitefish administered that the county adopted that Whitefish did not. There was city zoning that FRDO used to administer that Whitefish adopted. If it was zoned, it was zoned and not meant to go unzoned. That was their view.

The board and Taylor discussed if Whitefish had the authority to enforce zoning outside city limits.

Grieve struggled with the mechanics of the different zoning and enforcing zoning the county had not adopted.

The board and Grieve discussed what FRDO did in this situation, if it was possible for the county to enforce city zoning and the need to look at the hierarchy of decisions the board needed to make.

Calaway said that if there came to be a major argument, could the county revert to the zoning which was in place before Whitefish took over jurisdiction. Or the other option was there was a compatible zoning map which was pretty good.

The board and Grieve discussed at length the pros and cons of doing a hybrid of the zoning and the options of letting interim zoning lapse, taking the interim zoning or doing a hybrid of zoning. They discussed specific problem areas where hybrid zoning would apply and processing time for the options. They also discussed the amount of people who had attended the October workshops, the challenges of changing zoning in certain areas and leaving interim zoning in others and the benefits of having all permanent zoning in place. They talked about the benefits of having a timeline of when permanent zoning would be in place.

Grieve asked for clarification on what the board was discussing.

Sirucek said they would wind up with a map that had the interim zoning and holes where the board would create other zoning in preparation of the results of various studies. There would still be interim zoning.

Grieve said the processes for the two different things would take longer than two years. Grieve said it was enough of an effort to run through the main zoning district, then try to run through the other one or two problem areas, the process alone was chewing up all the available time.

Taylor wanted to mention Highway 93 south wasn't in interim zoning, it was all SAG-5. It was already permanent zoning.

Larsen said that area would not play into this scenario. He was not saying he was in favor of what Calaway was saying. He was just saying there were three options. The board had never said they were going to do type two zoning. They were going to consider doing type two zoning.

Grieve, Taylor and the board discussed the east side of the highway which appeared to be in interim zoning, what was interim zoned and what was permanently zoned.

Larsen said Calaway had identified some areas which they would work on in the interim which would still be interim zoning and the rest would be permanent zoning.

The board and Grieve discussed the timeline to accomplish the scenarios, the challenges of adopting the zoning district and processing zoning as people in the problem areas came in with what they wanted for zoning. They also discussed how to identify the 'holes' in the zoning and the need to do a zone change on the permanently zoned areas particularly on Highway 93 south.

Heim asked Grieve to finish his comments on the process the board would need to follow for moving ahead which included part two zoning.

Grieve said if the determination was made part two zoning was desirable, then the board could pursue a master plan amendment to revise the Flathead County Growth Policy to modify the designated land use map within the former donut area with land use categories which mimicked the interim zoning, go into table 11.1 remove the Whitefish City-County master plan and pass a resolution of rescission for the '96 plan. While that was being processed you could start, or wait until the process was done to keep things neat, then do a zoning district using the current interim zoning as the guideline, the plan would be amended to reflect that and you could adopt part two zoning based on the growth policy because of goal and policy 49.1. The board would want to double check the policies so there wasn't a huge problem. The document was general enough the board could rely on coordination with the city and consideration of and reference to the city's plan. He showed the board the list of rural Whitefish planning documents so they were clear on what they needed to be aware of and review in the process of writing a

report of the zoning district they were adopting. The board could pursue an FZD, a new zoning district.

Mack said they would also need a text amendment under the new zoning.

Grieve reviewed what the board needed to do which was a creation of a zoning district to be put on the map, a zoning text amendment because the WBMRR, WBMV, WRR-1 and WBSD needed to be put into the Flathead County Zoning Regulations to properly implement Big Mountain Village, Big Mountain resort residential, business service district and the WRR-1.

Mack suggested the WB-2 could be looked at as well.

Grieve said they could adopt WB-2 just like WBMR so the people in Whitefish who had been under that type of B-2 go back to being under the same type of B-2. It was different to have the B-2 and WB-2 or a text amendment could be done to B-2 to allow residences. The zoning district and text amendments could be processed concurrently, agency comments would be received from Whitefish, public notice would be done, and comments would be received. The board could choose to continue based on that input. There would be a plan amendment, a big zoning district and a text amendment which would be processed. That scenario, if the board was moving forward may be done by the end of calendar year 2015. Based on how much public outreach and public comment the board would receive, a more reasonable time would be late winter, early spring of 2016 if it moved forward. At that point, they would have the zoning district in place prior to the 2016 deadline. If there were other processes considered, he was not sure they would make the deadline just by processing time alone.

Calaway said he understood that. That was why he was saying if they solved a majority of the zoning then they would leave the rest in interim zoning until they worked it out. Then they could concentrate on the tough stuff.

Sirucek asked Grieve to review the process again.

Grieve said the board process would be a plan amendment and a zoning district which would essentially be a map amendment. Zoning basically consisted of two parts. The text and maps. The text was the permitted uses, conditional uses, etc. The map was

where the permitted and conditional uses were applied in what regard. Both needed to be changed. The text amendment was to accommodate Big Mountain's neighborhood plan. It was tidier to get their zoning into the county's zoning regulations than zone that area in accordance with the Big Mountain plan which Whitefish had adopted. The county had not adopted the Big Mountain plan but they had a growth policy which said they should coordinate with Whitefish.

The board and Grieve discussed if Big Mountain was a zoning district or a PUD, if Big Mountain could do part one zoning, what it was currently zoned and possible ways to handle the zoning.

**DISCUSSION OF
HOW TO
PROCEED WITH
PLANNING IN
THE RURAL
AREA AROUND
WHITEFISH
8:09 pm**

Larsen asked if the board was to a point to where they wished to discuss how to proceed.

Grieve said they could start to schedule things and start to prepare an FPMA.

Heim said what Grieve had explained was understandable to him. He felt Grieve should start the process laid out and if there were wrinkles, they could iron them out as they went. If Grieve could keep things moving, the board would keep giving him input.

Grieve said he could not promise someone would not sue, it was a path to dealing with the situation around Whitefish and getting something permanent in place and moving forward in a process that met the requirements of the applicable statutes and there was defensible linkage between all the steps.

Heim said with the information Grieve had given them, it made sense to him.

Schlegel agreed with Heim. He said it would also be nice to hit some of the hot spots, if possible, during this whole process. It might help some of these people out.

Grieve said he could not agree with Schlegel more. He would love to solve some of the issues and not have to come back to them later. The thing he saw was this. If staff took three of these hot spots and based on the research paper they had done, any one of those hot spots ballooned into controversy, it drug down the entire boundary of the project because it was all rolled into one project. If the board moved forward all at once, then

later the board could come back to an individual hot spot. If things went badly and they could not come up with any consensus in the area and the project gets drug down, they had transitioned back to county jurisdiction and that part had been done. They would not be in danger of the two years expiring and permanent zoning not in place.

Schlegel said Carlson, who had made a comment earlier, could come in after permanent zoning was in place and get things straightened around.

Grieve said the office would reach out to the people who had voiced concerns, explain the process to them, let them know the board may be able to do something about their concerns and what could be done.

Schlegel did not think it made any difference what the board did, somebody was going to sue. He felt they should get over that and move forward.

Grieve said another idea was the areas which were unzoned prior to 2005. The interim zoning just preserved what was there. Permanent zoning would be looking to replace zoning in place prior to 2005 adopted by either Whitefish or the county. The board said the areas which were previously unzoned before 2005, they didn't want zoning there. He did not think Whitefish would be a big fan of that option because some of those areas were within their plan boundary. It was an option.

The board discussed everyone was trying to work with Whitefish but the people who lived in the area didn't want what Whitefish wanted.

Grieve said the relations with Whitefish were as good as they had ever been. They were trying to work with the county as much as the county was trying to work with them.

Sirucek liked Grieve's plan with one difference. He thought where they were going, with the amount of cooperation with Whitefish, there needed to be an agreement put together, a memorandum of understanding (MOU), between the commissioners and the city council saying they were going to ask for Taylor's time or somebody else's time to work along with the board on the process. They would be working with the board the whole time through the whole process so they understood what happened,

why it happened, and they didn't wind up a year from now beating heads against the wall which was a very real possibility in his mind. Grieve had a good working relationship but when the board started to ask for more time or more effort, that may rub the city council the wrong way. It would be a benefit to both parties to agree they were going to have give and take to do the process. He had gone through the process several times before on different projects and it only took one person to derail the whole train. Because of all the issues on this project, he thought it was very foolish to not have the county or the city council not agree for a little give and take.

Stevens said he had three main areas he wanted to talk about. One was Big Mountain and he felt the board could handle that area ok. The second was the people on Karrow Avenue which may need some relief from some inappropriate zoning. Those were the people who had taken time to come to the workshops and give public testimony. He would like to keep them in mind because it had been a big enough issue for them to come. He was concerned about what kind of impact people like the board members were having on an individual and his family. He asked Grieve to bring up a map on the visual aid. He asked Grieve how there could be no zoning on one side of Highway 93 south and on the other side it was zoned.

Taylor said it was Blanchard Lake zoning district.

Grieve agreed with Taylor and said it was the boundary of the district when they adopted it. He explained the map further.

Stevens said to disregard his last comment. He thought if they were going to have a MOU, they should have Mayre Flowers (Citizens for a Better Flathead) in it so she could come and participate. If they were going to have the city of Whitefish in the MOU, they should have Flowers as well. He thought they were figuring out things ok.

Larsen asked Stevens what he thought the process should be moving forward.

Stevens said he liked Grieve's plan so long as it conformed to Calaway's or some variation thereof. He was amenable to moving forward with the project. It was the same old situation between the state legislature and the courts. This whole situation had become untenable at this point. If it all wound up unzoned, he

would think the general welfare of a lot of people would be increased. He didn't think that would happen so let's proceed down the line and not hurt anyone more than we had to.

Heim asked Stevens to elaborate his comment concerning Lamb's property.

Stevens said Lamb was stuck in a situation where one side of Karrow Avenue was zoned differently than the other. He explained the difficulties of the difference in zoning. He had told the people who had commented, their issues were of importance to the board.

The board discussed if it was possible to deal with the issues in the timeframe given and the difficulties of applying for a zone change.

Larsen asked Horn for his comments.

Horn agreed with Stevens comment. If a member of the public came before the board and had made a strong case, then they should try to accommodate them. He had a compromise with Grieve's plan. In regard to Calaway's plan or comments on Highway 93 south, if they understood that they had a plan ready to go or at least in a draft form, instead of having three different spots they could compromise...

Grieve said he was not aware of a plan which had been developed for the area.

Calaway said Dave DeGrandpre had talked to the board about a plan. There had been three or four people who had talked about a plan.

Grieve said it was his understanding they had wanted to do a plan and the money was there, but they hadn't actually done one. They had inventoried land uses.

Grieve and the board discussed which property they were discussing and what it was zoned.

Horn didn't think they needed to get involved with any more entanglements, especially with a MOU. The working arrangement they had was perfectly fine. He reiterated people had come forward to voice concerns and the board should

consider their requests.

Grieve said the office could take a crack at fixing the Karrow Avenue and Houston Tracts issues. The issues had been identified and included in the report. They were pretty sure it was an issue of tweaking the densities of the zoning around the area. They would want to make sure the designated land use map was correct first as part of the plan amendment. He didn't think they could take a crack at a fix for the Highway 93 south corridor study. That issue was really hot, a lot of people in Whitefish and the surrounding area felt very strongly about the area one way or the other. He didn't think the Karrow Avenue and the Houston Tracts issue were as sensitive. There would be some controversy in the area but if they were able to communicate a handful of times more with those residents, it would not be prohibitively resource consumptive. If private resources had indicated they were willing to help with a corridor study that could be an opportunity once permanent zoning was in place to immediately pivot and start to work on a corridor study in conjunction with Whitefish. He thought the people they had heard from had all kind of said 'I want a few more options'. He said they did not have time to solve the 93 South issue before the time expired. What he heard from the board was it would be nice to take a crack at fixing some of the other things which had been brought to the board's attention. WB-2 vs. B-2 could be solved with a text amendment, Karrow and Houston Tracts they could take a crack at with a map amendment. If they got it wrong, they would hear about it at the public hearing for the zoning district and the board could tweak it and get it right, if it was able to be made right or at the last minute they could say they couldn't do it and they would go to something else.

Larsen asked Horn if he had any other comments.

The board briefly discussed if Grieve had the process established to take care of Big Mountain.

Horn said he liked Calaway's idea, but for the sake of time, he thought they had better run with Grieve's plan. The only question he had was what happened if the interim zoning expired.

The board and Grieve discussed briefly what happened if interim zoning expired.

Horn said the sooner they could get people where they wanted to be, the better. He understood the timeframe, what Calaway was saying and he agreed there were some hot spots. With Grieve saying they didn't have the time, he said the board should do what they could and let the people come in and try to fix it later.

Larsen said the planning office had done a good job with the interim zoning map but that did not mean it was absolutely perfect. It was done pretty fast and there were people who had brought in some comments. If they had zoning in one area which was different from across the street, that meant there was a little bit of flexibility. He thought they could work on Karrow and Houston a little bit. He agreed with Grieve on the corridor study. It was a pretty big project and was controversial. They needed to listen to the people who took the time to comment. They needed to look at the issue, look at the planning documents and ask if it made sense. There ought to be a little bit of wiggle room so that they could tweak this thing and still be in compliance with the plans. He thought they owed it to people who commented. He didn't want to bog down the whole process, but he thought they owed it to the people who commented. As far as a MOU, he thought it would be a difficult thing to pull off because they were just out of the lawsuit. It would be a good idea under normal circumstances. They did want comment from Whitefish and Taylor had been good at giving input. He did want to take into consideration some of the comments. They could work within the planning documents. The biggest decision for him was do they do the part two zoning or not do the part two zoning. That was a tough question for him to answer. He thought he weighed on the side of doing it so people were locked in and could move on with their lives. If they didn't do it, they would throw it into turmoil for a longer period of time and there would be more legal wrangling. If he didn't think that was the case, he would probably be more inclined to not do it. He thought they should move forward pretty much with Grieve's plan and add a little bit of what Calaway had said and look at some of the areas where they had comments. That didn't mean they had to let it bog down. If it started to bog down, they could move on. He didn't want to have a huge, controversial fight which derailed the project but he did think they could look at the area. Staff had done a pretty good job, but that did not mean that every little thing they had done was perfect. There could be the possibility for some tweaking. They owed it to the people

who commented to at least look at it.

Heim agreed with Larsen concerning the different zoning across the street.

The board briefly discussed how the street could be a boundary.

Grieve asked for guidance concerning areas which were unzoned prior to 2005 and Whitefish had zoned.

Schlegel said it should go back to being unzoned.

The board and Grieve discussed if the people wanted to be unzoned or zoned and progressive zoning. They also discussed at length what needed to be done at this workshop and a timeline to proceed.

The board took a poll of who would like to put a master plan amendment together and who would like to work on type two zoning and the hot spots.

**SCHEDULING
OF NEXT
WORKSHOP OR
MEETING
9:46pm**

Grieve asked if the board wanted to have a workshop on April 8, 2015.

Larsen said there were still some questions on the zoning which needed to be hashed out.

The board and Grieve discussed having an update workshop.

Grieve said they could use the April workshop to run a draft by the board for the Karrow and Houston Tracts areas.

The board discussed the benefits of having the workshop.

Sirucek asked Taylor if he was on track when he suggested an MOU with Whitefish for the process.

Taylor said he had been directed by the Whitefish City Council to attend the meetings and keep track of what was going on and offer the city's input, be a resource when needed. He would be coming to the meetings anyway. As far as outside of the Planning Board workshops and meetings, he was willing to work with Grieve. He thought at some point the city and county should have some sort of agreements such as on the lakeshore where there were two different permits required for a dock on

Whitefish Lake. That was somewhere they should have an agreement. They should also work together in the future on a corridor plan.

Larsen said they would have another workshop and bring in some other options on the hot spot areas.

Grieve said in very draft form for discussion, they could rough up some maps for the hot spots.

Larsen said that was what he was looking for was some options.

Grieve said they could bring a few maps, the impact of the areas which had been unzoned and options for the Karrow and Houston Tracts areas. They would not be able to fix the 93 issues.

The board and Grieve discussed brainstorming for fixes for the issues and the option of calling the people who commented.

Larsen confirmed the next workshop would be on April 8, 2015.

Grieve said before they went to public comment, he wanted to put a little more thought on the Big Mountain issue. It was a tossup between going with the Big Mountain neighborhood plan, zoning in accordance with that and the county adding the neighborhood plan to the Growth Policy with the other neighborhood plans. He wanted to do some more research on those options then report back in April.

Stevens asked Grieve keep another option in mind as well. Big Mountain could keep their text and maps and do part one zoning and forget about the board.

Calaway said one of the comments from Big Mountain was they had put a lot of time and effort into what they had done. He thought that was part of the deal. They could do part one zoning because they had already invested a lot of time and money into the plan.

The board and Grieve briefly discussed if part one zoning was possible in that area.

Larsen said he was in favor of Grieve bringing back information for the board to consider at the next workshop.

**PUBLIC
COMMENT ON
MATTERS THAT
ARE WITHIN
THE
JURISDICTION
OF THE
PLANNING
BOARD
(2-3-103 M.C.A.)
9:55 pm**

Rebecca Norton, 530 Scott Avenue, had heard that week that Big Mountain had in their plan to annex into the city within the next ten or fifteen years. She asked Taylor if he knew that to be true.

Taylor said when they signed the sewer agreement with the city of Whitefish, there was a contingency within that agreement that within twenty years, at that point, as soon as city limits became contiguous with Whitefish Mountain Resort, the city could annex. Whether or not the city would want to annex them at that time was the question.

Norton continued to say some of the study which had gone on about Whitefish's history of its relations with the city and what had been decided on growth... She thought it was great they were willing to meet people who were concerned about their own property but she also thought they should be careful of spot zoning because it had gone to the supreme court. If the adjacent neighbors had damage to their property by this because of what the board just decided, they could actually put the county at risk. So that was why big zoning things are important not just individual meeting people sometimes. The board may or may not know the county did not have a building department. If you had anything related to Whitefish, it boosted the property values by 20 percent. If you were in the county, you paid 22 percent less in taxes. So, anyone who was in the county areas directly adjacent to Whitefish was boosted because of that. So, because of that, people were very conscious of the impact on their own property when anything changed. There was a neighborhood group which had been very, very active for twenty years all down the corridor of Karrow for instance. Every time something had come into their awareness about building infrastructure down seventh, they showed up and they usually stopped it. So there were a lot of very invested people in Whitefish so even if you had the best intentions to the people who showed up here, don't forget you might also be adversely hurting someone right next door if you listen to just one person. Don't forget the whole mix of the people who lived in the city and county as well. That was one part of Whitefish she really loved. She loved that people cared enough about where they lived to show up and be actively engaged but sometimes they were very engaged and so she would say if they were going to this spot zoning type of discussion, they be aware there might be some quasi-judicial kinds of things where other people might find that they had devalued their property values. Just a thought. Otherwise she thought they

were doing a nice job and it was a hard issue. It had been hard on her whole city. The only other thing she would say was the city had sincerely tried to do corridor planning on 93's behalf at least twice that she knew of and she thought it was three times. It had been blocked every single time by the contingency of the people who wanted to take away the donut and deregulate it. So, the people in the corridor, she thought, would have their highest property values if it looked similar to the transition they were going to create going into Whitefish because like she had said, there was a 20 percent boost in property values if it was associated with Whitefish. She thought that was the main enhancement to their value if, besides turning commercial, which it should probably be commercial...a lot of times people did not know what larger planning of a resort looked like. They just want to do what they wanted to do. That was why Whitefish had been successful and an asset to the valley. It was because of the planning and the long term vision they had. She hoped they would keep in mind that corridor planning was probably essential for that part of the area they were going to be looking at. Not just because people don't know what they could benefit from it but because it had been blocked so many times in this discussion repeatedly. She thanked the board.

Dave Taylor, Whitefish planning director, had two things. The first was he thought the board moving forward with making the interim zoning permanent was the least invasive for the property owners. They would be able, at some point, to have some consistency and know what they could do with their property. The quicker that happened, the better. It had been the way it was for twenty years. He didn't think they needed to mess with it. The other thing was, with what Grieve was talking about for the next workshop, what he was thinking was the last time the board had met, there was a conversation they were going to look at the specifics of the individual zones and match them to Whitefish's zones. That was what he thought the next workshop was going to be. They certainly supported the board doing that. Individually, if they were talking about properties on Karrow and Houston Point, if they were looking at a zoning change, he would encourage them to also notify the neighboring property owners because if something changed without them knowing about it, the board was definitely going to hear about it later. Those areas were hot spots with a lot of property value invested. Everybody had different opinions about their neighborhood but he would look at it more cohesively as a neighborhood not just a couple of properties.

Grieve asked Larsen if he could ask a question of Taylor.

Grieve and Taylor discussed the differences in zoning in the Houston and Karrow area, if it was possible to go into the areas and fix the issues of the people who had commented and which spots would be better not to disturb. They also discussed the possibility of a neighborhood plan for Karrow, if Karrow was within the urban growth boundary and the possibility of going back after permanent zoning was in place.

The board and Grieve discussed the issues of Karrow, the information the board wanted Grieve to bring to the next workshop and what options they would discuss at the April workshop.

ADJOURNMENT The workshop was adjourned at approximately 10:06 pm.
10:06 pm

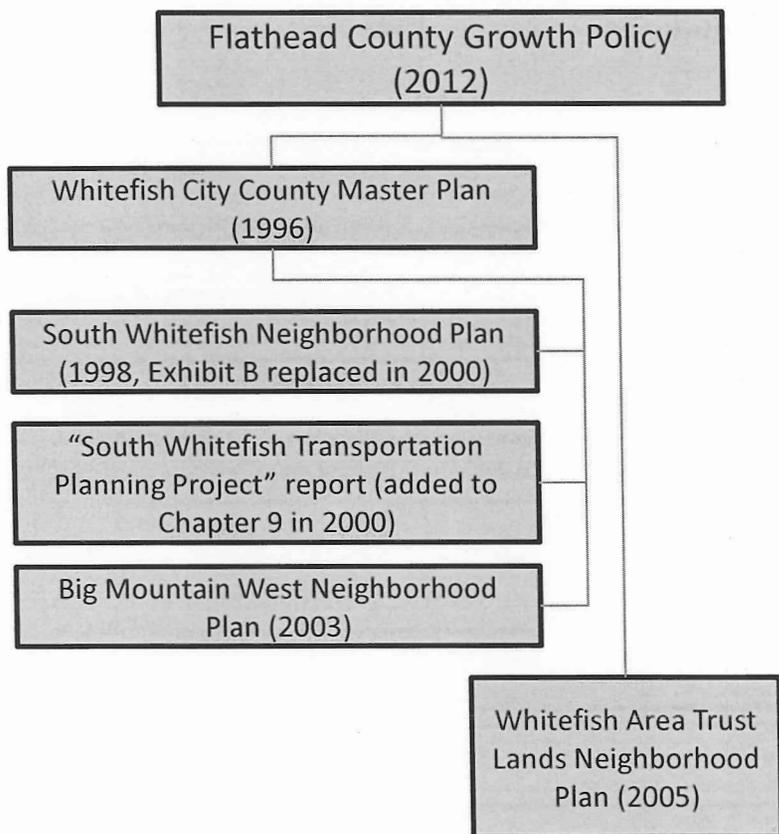
Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 5 / 13 / 15*

Rural Whitefish Planning Documents

County adopted



City adopted (those relevant outside city)

