

## 2.0 COMMUNITY STRUCTURE AND SETTING

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This Part examines current and planned land uses, key demographic and socio-economic characteristics of the Whitefish community, and describes environmental considerations that could potentially influence the location or design of US 93 through the City.

### 2.1 Current and Planned Land Uses in the Corridor

This section describes the existing and likely future land uses within the US 93 corridor study area. The focus of this discussion is on land uses along Spokane Avenue, 2nd Street, and Baker Avenue and applicable land use plans and regulations.

#### 2.1.1 Existing Corridor Land Uses

Highway-oriented businesses and services generally dominate US 93 (Spokane Avenue) between Montana Highway 40 (outside the corridor study area) and 13th Street. Numerous highway-oriented businesses, hotels, restaurants, and the Mountain Mall exist along Spokane Avenue south of 13th Street. Commercial uses dominate the area between 13th and 6th Streets including various retail establishments, restaurants, casinos, professional offices, auto sales and services, several hotels and motels, a supermarket, and convenience stores with fuel sales.

Between 6th and 4th Streets, Spokane Avenue passes through a traditional residential neighborhood being redeveloped with new uses. Single-family and multi-family homes in this area are interspersed with commercial and office uses that occupy several former residences along both sides of Spokane Avenue.

North of 4th Street, Spokane Avenue enters the commercial core of Whitefish. The commercial core area includes retail commercial uses, professional and government offices, financial institutions, restaurants and taverns, hotels, and art galleries and studios. Central School is located in the northeast quadrant of the Spokane Avenue and 2nd Street intersection. A new surface parking lot was recently developed on City-owned property northwest of the same intersection.

US 93 turns west at 2nd Street and bisects Whitefish's central business district. Between Spokane Avenue and Baker Avenue, 2nd Street is flanked by retail establishments, offices, and parking lots. Retail establishments and professional offices are the primary land uses along 2nd Street west of Baker Avenue. The intersection of 2nd Street and Baker Avenue is one of the City's busiest intersections. Notable land uses at the intersection of 2nd Street and Baker Avenue include the Whitefish City Hall building on the northeast corner, First American Bank on the northwest corner, and Glacier Bank on the southwest corner.

MDT has been unsuccessful in acquiring land for highway purposes from First American Bank property. On March 22, 2006, District Court Judge Katherine R. Curtiss

entered a *Findings of Fact, Conclusions of Law and Order in Flathead County Cause No. DV-04-474(B)* that included the following determination:

“The Court determines that the use to which the MDOT seeks to apply the property of Defendant American Bank is not a necessary public use authorized by law; it is not a more necessary public use than the existing public use; and the public interest does not require the taking of said property.”

The District Court then formally dismissed MDT’s complaint with prejudice. “With prejudice” means that the right to bring a further action (i.e. condemnation) on the same property is prohibited as the Court’s determination is conclusive on the issue. Therefore, any future improvements to the intersection of 2nd Street and Baker Avenue would have to be completed without acquiring any property from American Bank through condemnation.

Baker Avenue is a major north-south roadway with the only grade-separated crossing of the BNSF Railway in Whitefish. North of 2nd Street, Baker Avenue serves public uses (Whitefish Fire Department) and commercial uses south of the Wisconsin Avenue overpass. Wisconsin Avenue provides access to residential areas, commercial uses, recreational sites, and is part of the route used to access the Whitefish Mountain Resort. Between 2nd Street and the Whitefish River, Baker Avenue serves a variety of land uses including retail and banking businesses, churches, the U.S. Post Office, and Riverside City Park. South of the river, Baker Avenue passes through a residential area before entering a newer commercial area between 10th and 13th Streets.

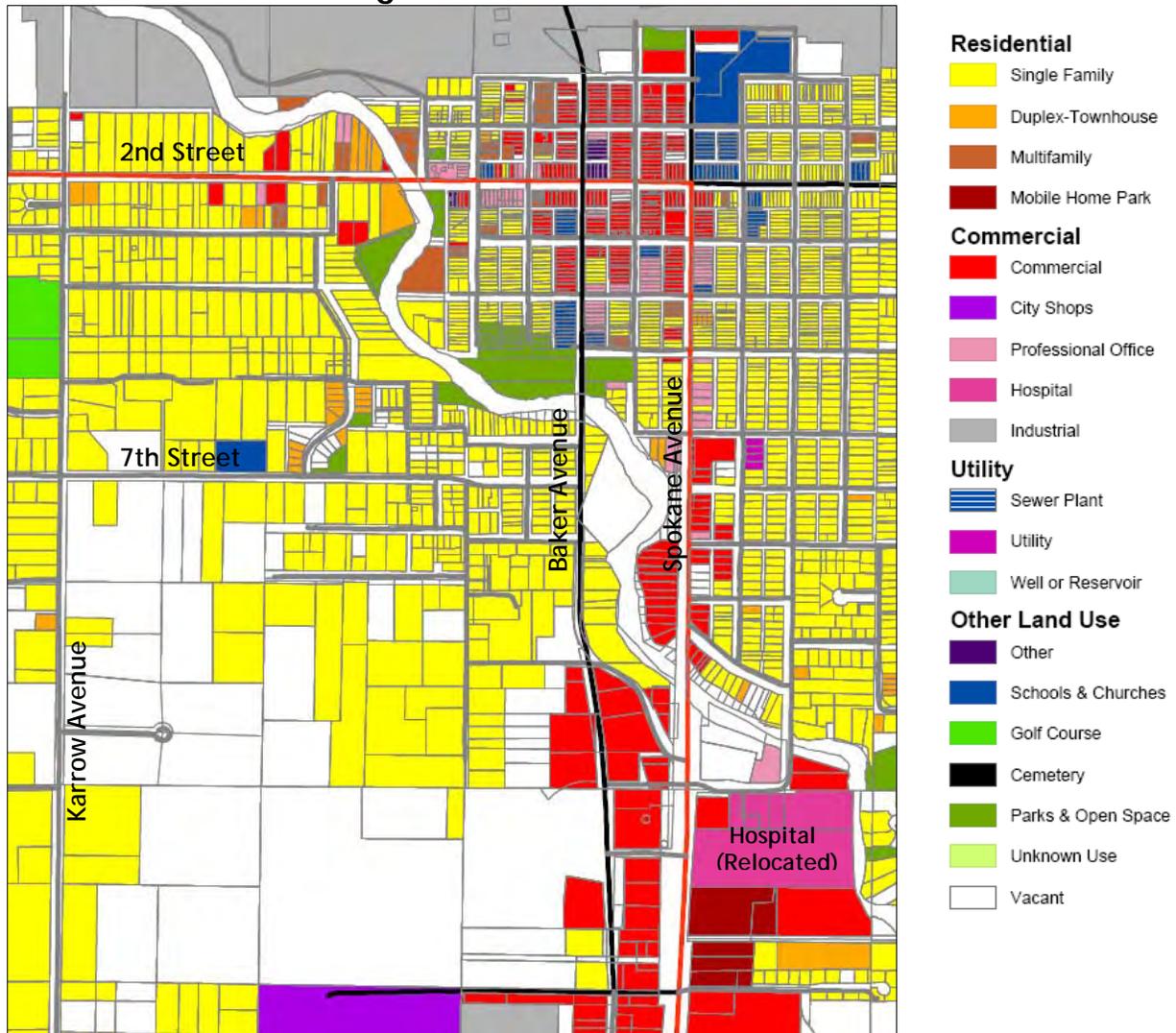
**Figure 2-1** shows existing land uses in the corridor study area. The locations of Spokane Avenue, 2nd Street, and Baker Avenue are highlighted on the map. Note the hospital shown in the lower right portion of **Figure 2-1** has been relocated to an area north of Montana Highway 40 and east of US 93. The old hospital area is being redeveloped with residential lots and townhouses.

### 2.1.2 Land Use Plans

Guidance on land use planning within the City of Whitefish and its jurisdictional area is provided by the Whitefish City-County Growth Policy adopted by the City Council in November 2007. The new Growth Policy replaces the 1996 City-County Master Plan and is the result of a community-wide planning effort that began in January 2006. The Growth Policy reflects changed conditions in the Whitefish area since the 1996 Master Plan was adopted.

The City-County Growth Policy establishes a vision to guide growth and development in the community over the next 20 years. The Growth Policy addresses growth and development issues through detailed discussions of various elements including: natural resources, economic development, land use, community facilities, housing, and transportation.

**FIGURE 2-1: Existing Land Uses**



Source: Draft Land Use Element, City of Whitefish City-County Growth Policy, 2006

Two concepts apparent in the Growth Policy are the preservation of Whitefish’s “community character” and sustainability. Preservation of community character means maintaining and enhancing the qualities and resources that make Whitefish unique. With respect to land use and transportation, sustainability translates into compact growth patterns, mixed land uses, and multiple transportation choices to help reduce vehicle trips. The Growth Policy recognizes that managing growth is essential to preserving the community’s character and sustainability.

### 2.1.3 Whitefish Downtown Business District Master Plan

The Whitefish Downtown Business District Master Plan, approved by the Whitefish City Council in April 2006, outlines plans to redevelop the commercial core area of the City.

The Plan was jointly developed by the City of Whitefish and the “Heart of Whitefish” downtown business association in an effort to increase the vitality of the downtown area. The Plan identifies and evaluates the long range opportunities and needs of the downtown business district and recommends land use changes and new development ideas to ensure the long-term viability of the downtown.

The Plan is used by the City to guide the development of privately- and publicly-owned parcels and offers strategies for improving the appearance, function, and vitality of the downtown area. **Figure 2-2** shows the redevelopment concept and future land uses proposed for the downtown area of Whitefish according to the Master Plan.

The Downtown Business District Master Plan makes several recommendations that affect US 93 through downtown Whitefish including:

- Improving access and circulation by developing Spokane Avenue and Baker Avenue as a couplet with a “contra-flow” lane on Baker Avenue.
- Maintaining on-street parking along both sides of 2nd Street for a half block east and west of Central Avenue.
- Providing a two-lane facility on 2nd Street and prohibiting left turn lanes from 2nd Street onto Central Avenue.
- Providing turn lanes and improving truck-turning radii at the intersection of 2nd Street and Baker Avenue.
- Linking Spokane and Baker Avenues by providing a distinctively designed bridge across the Whitefish River at 7th Street.
- Developing a pedestrian streetscape and improving pedestrian facilities to support and improve the viability of businesses, improve safety along 2nd Street, and provide connections to adjacent neighborhoods.

It is important to recognize that MDT is the road authority for US 93 (Spokane Avenue and 2nd Street) through Whitefish. Although MDT was consulted during the development of the Downtown Business District Master Plan, it was not responsible for the recommendations included in the Plan. Some recommendations for changes on US 93 may not be consistent with MDT and FHWA requirements. Therefore, any proposed changes to these roadways will require MDT’s concurrence.

While there is no guarantee that the downtown will be developed entirely as proposed over the next 20 years, the City has begun to implement several priority (or catalyst) projects identified in the Plan. Recent actions to implement the catalyst projects identified in the Plan include:

- Development of a surface parking lot on property at the northwest corner of the intersection of Spokane Avenue and 2nd Street;
- Construction of streetscape enhancements on Central Avenue;
- Investigation of potential new sites in downtown Whitefish for City Hall; and
- Construction of a new Emergency Services Center to house the Whitefish Fire and Police Departments and the City Court.

Developing a new City Hall and relocating the Fire Department and City Court from their current locations will facilitate redevelopment of the property located on the corner of 2nd Street and Baker Avenue. However, it is uncertain when a new City Hall building will be constructed or when redevelopment of the existing City Hall property will occur.

**FIGURE 2-2: Proposed Land Use Concept from the Whitefish Downtown Business District Master Plan**



Source: Whitefish Downtown Business District Master Plan, Crandall Arambula PC, December 2005

### 2.1.4 Existing Land Use Regulations

Properties adjoining the existing US 93 corridor (Spokane Avenue and 2nd Street) have been zoned as WB-2 (Secondary Business District), WR-4 (High Density Multi-family Residential) and WB-3 (General Business District). WB-2 zones are generally intended for retail uses along highway corridors and are found along Spokane Avenue between 13th and 6th Streets. Properties along Spokane Avenue between 6th and 4th Streets are zoned WR-4 which permits higher density residential uses and other conditional uses such as professional offices, galleries, and bed and breakfast inns. Areas adjoining Spokane Avenue north of 4th Street and most of the area along 2nd between Spokane Avenue and the Whitefish River are zoned WB-3. The WB-3 district is intended for financial, retail, commercial, governmental, professional, institutional and cultural activities.

Properties along Baker Avenue between 2nd and 4th Streets fall within WB-3 (General

Business District) zone. Lands adjoining Baker Avenue between 4th and 9th Streets fall within various residential zones of various densities (WR-2, WR-3 and WR-4) before transitioning to the Secondary Business District (WB-2).

Land use changes or new developments on properties adjoining the US 93 corridor could potentially affect the operation or safety of the highway. As noted earlier, MDT's System Impact Action Process is in place to review and coordinate the potential impacts of such projects with local land use agencies, private developers, and/or other governmental agencies to ensure measures are considered and implemented to preserve the function and safety of state highways. MDT routinely considers potential environmental effects on adjacent land uses during project development activities for its highway improvement or reconstruction projects.

### 2.1.5 Future Land Use and Community Development

The Land Use Element of the City's Growth Policy provides a graphic representation of the type, density, and spatial extent of future growth in the Whitefish area. **Figure 2-3** shows a portion of the future land use map for the Whitefish area. This figure generally incorporates the proposed land use concept identified in the Downtown Business District Master Plan previously presented in **Figure 2-2**. Revisions to the City's current zoning regulations may be necessary to accommodate all of the land use changes called for in the Master Plan.

The future land use map shows the lands adjoining the US 93 corridor are primarily designated as "General Commercial" or "Core Commercial." General Commercial uses typically apply to the US 93 South corridor and include a variety of auto-oriented commercial and service uses. The primary access is by automobile with sufficient parking provided on site.

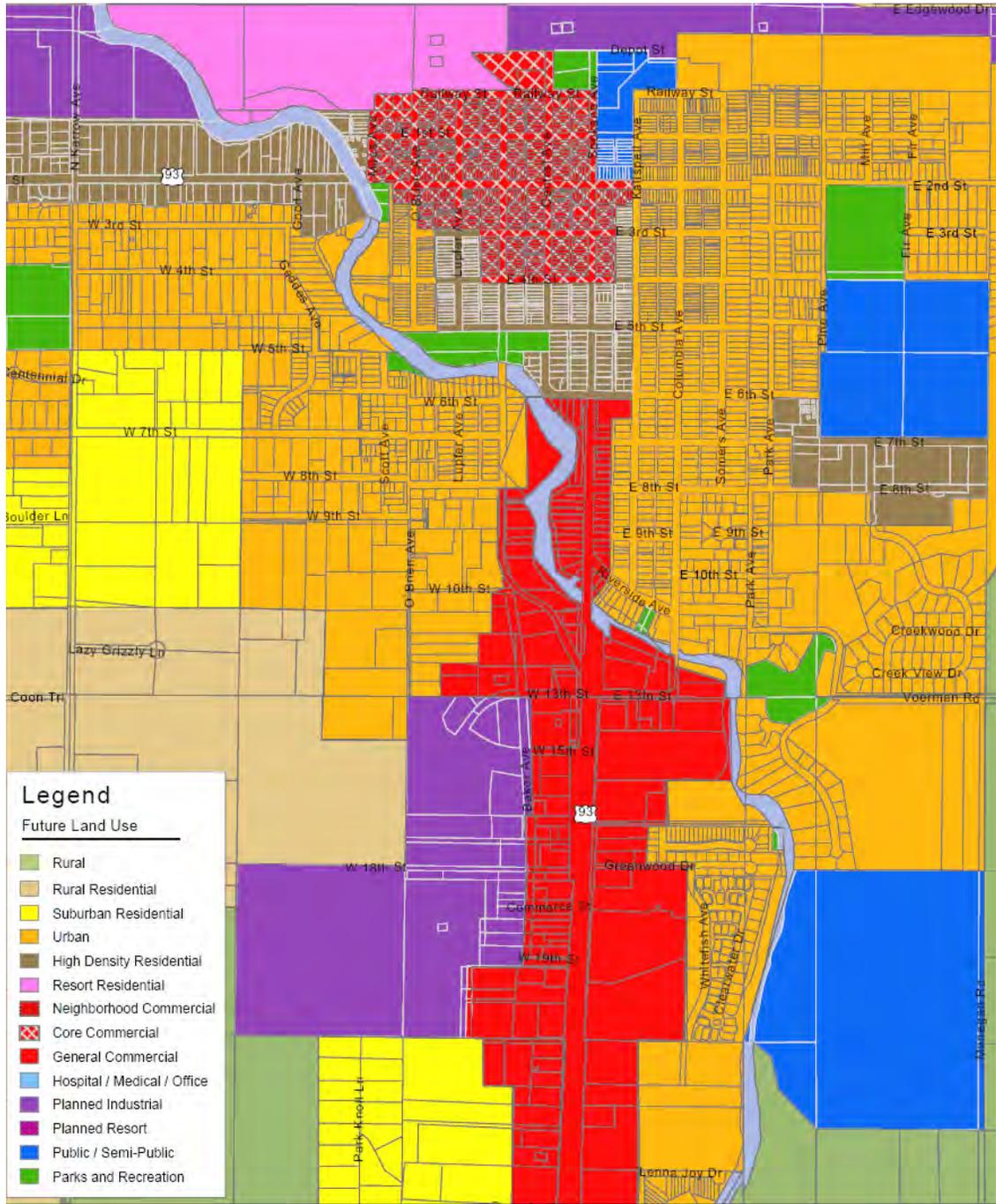
The Core Commercial designation applies to the downtown area of Whitefish and surrounding transitional and mixed use areas. The major uses in such areas include retail commercial, professional and government offices, financial institutions, restaurants and taverns, hotels, and art galleries and studios.

Lands along Baker Avenue have been designated for "High Density Residential", "Parks and Recreation", "Urban", "General Commercial" and "Planned Industrial Uses."

The City of Whitefish has examined areas within the community with development potential as a way to gauge where the community may grow in the future. The Growth Policy indicates more than 2,400 new housing units could potentially be developed on the identified properties. Of these new potential new housing units, approximately half exist in already approved developments that are either partially built out or have not yet begun construction. The City estimates at least 1,200 housing units could be built on other vacant and/or underdeveloped lands in the planning area. The general corridor study area contains several parcels with development potential, most notably along the Karrow Avenue corridor southwest of the downtown area and at the former North

Valley Hospital site (east of Spokane Avenue) where a redevelopment proposal was approved in 2009.

**FIGURE 2-3: Future Land Use Map for the City of Whitefish**



Map Source: Whitefish City-County Growth Policy, Future Land Use-Detail Map #2 (South Section) adopted November 19, 2007. Available at: [http://planitwhitefish.com/pdf/growth\\_policy/FutureLandUse\\_CoreDetail\\_South.pdf](http://planitwhitefish.com/pdf/growth_policy/FutureLandUse_CoreDetail_South.pdf)

## 2.2 Community Socio-Economic Characteristics

Population growth trends, household characteristics, and employment patterns are key factors in gauging transportation needs in Whitefish and the corridor study area. This section provides an overview of demographic characteristics in the City of Whitefish including data on population growth trends, race, age, and ethnicity, household income, and community travel characteristics. These statistics are compared with those for Flathead County and the State of Montana where possible to identify relevant trends.

### 2.2.1 Demographics and Socio-Economic Conditions

**Historic Population Trends.** Historically, the City of Whitefish’s population fluctuated until 1960 when the community began a period of sustained growth. These changes in population directly corresponded to economic conditions and employment associated with the railroad.

**Table 2-1** presents population data and growth rates for the Cities of Whitefish, Flathead County, and the State of Montana over the 1960 to 2000 period.

Beginning in 1960, the City’s population showed stable and positive growth posting population increases ranging from 10% to 18% during successive decades to the year 2000. Over this 40 year period, the City’s population increased by 70% from 2,965 to 5,032 residents. This sustained growth can be attributed to the City’s economic base becoming more diversified and the community’s emergence as a year round resort area. As **Table 2-1** shows, the City of Whitefish grew at a rate almost twice that experienced by the State of Montana during the 1960 to 2000 period. The table shows Flathead County’s population increased by about 125% over the 1960 to 2000 period.

**Table 2-1: Historic Population Growth in Whitefish, Flathead County, and the State of Montana (1960-2000)**

US Census Population Data						
	1960	1970	1980	1990	2000	% Change 1960-2000
City of Whitefish	2,965	3,349	3,703	4,368	5,032	+70%
Flathead County (Total)	32,965	39,460	51,966	59,218	74,471	+126%
Flathead County (Rural) *	17,717	22,933	34,462	40,012	51,571	+189%
State of Montana	674,767	694,409	786,690	799,065	902,195	+34%
Population Change by Decade (% change)						
	1960 -1970	1970-1980	1980-1990	1990-2000		
City of Whitefish	+13.0%	+10.6%	+18.0%	+15.2%		
Flathead County (Total)	+19.7%	+31.7%	+14.0%	+25.8%		
Flathead County (Rural)*	+29.4%	+50.0%	+16.1%	+28.9%		
State of Montana	+2.9%	+13.3%	+1.6%	+12.9%		

Source: US Bureau of the Census, Census of Population (1960-2000)

\* Rural Flathead County Population = Total County Population minus populations of incorporated cities in County

Much of the population growth seen in Flathead County has occurred outside of the major cities in the county. From 1960-2000, the rural population of Flathead County increased by nearly 190%. This long-term growth rate is substantially higher than those experienced in all of the cities in Flathead County over the same period. Development trends on rural lands surrounding the City of Whitefish were generally similar to those experienced in other areas of Flathead County over the 1960-2000 period.

The population of the City of Whitefish increased by an average of about 1.7% per year over the 1960-2000 period. During this same time, the population of Flathead County increased at an average rate of about 3.1% per year.

**Population Trends Since 2000.** As shown in **Table 2-2** below, the U.S. Census Bureau estimates the current (2008) population of the City of Whitefish at 8,281. This represents a total population change of more than 64% between 2000 and 2008 and translates to an average growth rate of 8% per year over the period. This rate is significantly higher than that experienced over the 1960-2000 period when the City’s population increased by about 70% over the four decade period. The population estimates show Whitefish was the fastest growing incorporated area in Montana over the 2000 to 2008 period.

**Table 2-2** also shows that notable growth continued in Flathead County with the annual rate of growth being about three times higher than that of the State of Montana for the 2000-2008 period. The data shows the population of the rural areas in Flathead County grew by about 4% over the same period. The population increases shown for Whitefish and other incorporated cities in the County since 2000 are likely due to recent annexations and the establishment of residences in previously approved developments in the communities.

**Table 2-2: Current Population Estimates and Growth Rates**

Geographic Area	2000 Census	2008** Estimate	% Change 2000-2008	% Annual Growth 2000-2008
City of Whitefish	5,032	8,281	+64.6%	8.1%
Flathead County (Total)	74,471	88,473	+16.6%	2.4%
Flathead County (Rural)*	51,571	53,749	+4.2%	0.5%
State of Montana	902,195	967,440	+7.2%	1.0%

\* Rural Flathead County Population = Total County Population minus populations of incorporated cities in County.

\*\* Population data for 2008 are estimates as of July 1, 2008. Annual Estimates of the Population for Incorporated Places in Montana, by County: April 1, 2000 to July 1, 2008. Source: Population Division, U.S. Census Bureau Release Date: July 1, 2009

**In-Migration.** As noted in previous sections, the populations of the City of Whitefish and Flathead County have increased notably since 1960. Migration into the Whitefish area and Flathead County has played a significant role in this growth.

According to the data from the 1980 Census, 25% of the City of Whitefish’s residents (excluding children 5 years of age or under) were not living in Flathead County in the 5-year period prior to the Census. In 1990, the number of Whitefish residents who had

moved from outside Flathead County in the previous 5 years had increased to 27% and half of those new residents had lived in another state. These migration trends continued and became more pronounced by the year 2000. Data from the 2000 Census showed the number of residents who moved to Whitefish from outside Flathead County increased to 33% and about 24% of the City's population had moved in from out of state within the previous 5 years.

The 2000 Census data showed similar trends for Flathead County with 22% of the county's population having migrated to Flathead County during the previous 5 years. The Flathead County Growth Policy suggests natural increases account for only about 18% of total population increase seen in the county since 2000. These migration trends are due in part to the growing popularity of Whitefish and Flathead County as year round tourist and retirement destinations. New development in the County has also created year-round construction employment opportunities and encouraged the in-migration of new permanent residents.

**Seasonal Residents.** There is a strong demand in Flathead County and the Whitefish area for second home ownership and for occasional use and vacation housing. Housing units dedicated for seasonal, recreational, or occasional use have been identified and quantified in the Census. In 2000, 267 housing units in the City of Whitefish were occupied for occasional use, an 8% increase over the number of such housing units reported in the 1990. Similar data for Flathead County showed a 42% increase over the number of such housing units reported in 1990.

**Ethnicity.** The City of Whitefish and Flathead County have very homogeneous racial populations. The 2000 Census indicates that about 96% of the total population of Whitefish and the County identified themselves as Caucasians (white). The State of Montana is more diverse with about 91% of the population in 2000 identifying themselves as being of the white race.

**Age Distribution.** Census data on the age of the population since 1980 within in the City of Whitefish, Flathead County and the State of Montana was reviewed to identify notable trends. This review showed the following trends for the City of Whitefish and Flathead County:

- The number of pre-school age residents and school age residents (5-17 years old) declined in the City of Whitefish and Flathead County between 1980 and 2000.
- Notable declines in the number of persons between 18 and 24 of age were apparent in both the City and Flathead between 1980 and 1990. However, that trend also appears to have stabilized and population increases in this age group were realized by 2000.
- The number of retirement age residents has increased in the City and County since 1980.
- As the population of the City of Whitefish and Flathead County has continued to grow, it has also aged considerably since 1980.

**Environmental Justice Considerations.** Title VI of the Civil Rights Act of 1964 and related statutes assure that individuals are not excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, national origin, religion, age, gender or disability. Executive Order 12898 directs Federal agencies to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

“Disproportionately high and adverse effect” on minority and low-income populations means an adverse effect that:

- Is predominately borne by a minority population and/or a low-income populations; or
- Will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Executive Order 12898 identifies minority communities as “Black, Hispanic, Asian, American Indian and Alaskan Native, Native Hawaiian or other Pacific Islander.” The 2000 Census shows these ethnic groups accounted for 3.8% of the City’s population and 3.2% of the County’s population at the time of the census. These minorities accounted for 9% of the State’s total population in 2000. A review of detailed population data for the City of Whitefish shows the overall percentage of minority populations is very near the County average and does not suggest that minority populations would be disproportionately affected by corridor improvements.

The Executive Order defines low income as a person whose median household income is at or below the U.S. Department of Health and Human Services poverty guidelines. The median household income levels reported in the 2000 Census for Flathead County and the City of Whitefish were \$34,466 and \$33,038, respectively. Both of these income levels were slightly higher than the median household income for the State of Montana (\$33,024) at the time of the 2000 Census.

A recent 3-year (2006-2008) estimate of median household income prepared by the U.S. Census Bureau American Community Survey shows that median household income levels in Flathead County (\$44,867) are slightly above the statewide median household income (\$44,042). However, similar data for 2008 shows the median household income in the County (\$41,110) was notably below the statewide median household income (\$43,654). Current estimates of median household income for residents of the City of Whitefish from the Census Bureau or State of Montana are not available for comparison.

According to 2000 Census data, the number of residents living below the poverty line was higher for the City of Whitefish than for the State and Flathead County. About 14.2% of all individuals living in Montana were below the poverty line in 2000. Census data shows 13.0% and 18.2% of the individuals living in Flathead County and City of Whitefish, respectively, were living in poverty in 2000. Estimates of the numbers of residents in Montana and Flathead County living below the poverty line for 2008 from the US Census Bureau shows little change since 2000 – 14.1% for the state and 12.1% for Flathead County. Comparable 2008 poverty data for the City is unavailable.

The available data on income and poverty levels does not suggest that the effects of corridor improvements would be disproportionately high and adverse to low income persons.

**Traditionally Underserved Populations.** Not all groups are specifically identified as being “environmental justice” populations but they may be traditionally underserved populations. For example, an elderly or a disabled person who is not low-income or a minority would not be considered among the environmental justice population. Therefore, two other traditionally underserved populations were identified – the elderly (age 65+ at the time of the 2000 Census) and residents with sensory, physical, mental, self-care, “go-outside-the-home,” and employment disabilities. **Table 2-3** shows the percentages of elderly and disabled populations in Whitefish and compares them with similar populations within the County and State of Montana.

**Table 2-3: Underserved Populations in Whitefish as Compared to County and State Averages**

Area Considered	Percent of Population (Age 65+)	Percent of Elderly Population with Disability	Percent of Population Age 5+ with Disability
State of Montana	13.4%	9.4%	28.7%
Flathead County	13.0%	8.5%	27.7%
City of Whitefish	14.4%	7.6%	21.1%

Source: US Bureau of the Census, Census of Population (2000)

As **Table 2-3** shows, with the exception of percentage of elderly residents, the percentages of City residents in the identified underserved population groups were below those for the County and State in the City of Whitefish at the time of the 2000 Census.

### 2.2.2 Personal Travel and Commuting Characteristics

**Household Vehicle Ownership.** About 95% of the households in the City of Whitefish and Flathead County owned at least one vehicle at the time of the 2000 Census. More recent (2005) data from the U.S. Bureau of the Census American Community Survey shows 98% of the households in Flathead County owned at least one vehicle. Updated information on vehicle ownership in the City is not available.

**Mode of Transportation to Work.** Information about the modes of transportation to work by residents in the City of Whitefish, Flathead County, and the State of Montana is shown in **Table 2-4**. The table shows the majority of residents in all geographic areas rely on personal vehicles or carpools for transportation to work destinations. The data shows that about 83% of Whitefish residents used personal vehicles or carpooled to work as compared to nearly 90% of county residents and about 86% of state residents in 2000. A higher percentage of Whitefish residents also rely on buses for transportation to work and walk or bicycle to work than do Flathead County or Montana residents at the time of the 2000 Census.

**Table 2-4: Mode of Transportation to Work**

Transportation Mode	City of Whitefish	City of Whitefish %	Flathead County	Flathead County %	Montana	Montana %
Drove Alone	1,576	69.4%	26,229	77.0%	311,872	73.9%
Carpool	307	13.5%	4,139	12.2%	50,192	11.9%
Bus	54	2.4%	114	0.3%	2,441	0.6%
Streetcar	0	0.0%	0	0.0%	96	0.0%
Railroad/Subway	0	0.0%	4	0.0%	79	0.0%
Ferry	0	0.0%	0	0.0%	29	0.0%
Taxicab	0	0.0%	18	0.1%	167	0.0%
Walk	172	7.6%	1,373	4.0%	23,336	5.5%
Motorcycle	0	0.0%	14	0.0%	338	0.1%
Bicycle	27	1.2%	201	0.6%	4,049	1.0%
Other	0	0.0%	232	0.7%	2,649	0.6%
Work at Home	135	5.9%	1,721	5.1%	26,911	6.4%
<b>Average Travel Time</b>	14.6 minutes		19.0 minutes		17.7 minutes	

Source: U.S. Census Bureau, 2000, STF-3

### 2.2.3 Current Economic Conditions

**Flathead County Economy and Employment.** Flathead County has a diverse economic base, which includes: manufacturing (primary metals, wood products, and high-tech), transportation (railroads), tourism and travel, the federal government (including the USDA Forest Service and the National Park Service), growing areas of healthcare, specialized services, construction, and retail trade. Flathead County was historically a natural resource based economy; however, the economy has changed and diversified over the last twenty years with strong growth in retail trade and service industries.

Between the years 1970 and 2007, the number of jobs in Flathead County more than tripled, from 15,627 jobs in 1970 to 63,320 jobs in 2007. Job growth in Flathead County steadily increased between 1970 and 2007 with the largest increase occurring during the 1990 to 2000 period. Between 1990 and 2000, the number of jobs in the county increased by nearly 16,000 representing an increase of nearly 50%. In 2007, the Flathead County economy supported an estimated 63,807 jobs, an increase of more than 14,500 jobs since the year 2000.

The five private industries with the largest increases in the number of jobs over the 1970 to 2000 period were (in order): services; retail trade; construction; finance, insurance, and real estate; and local government. Employment data shows the service industry provided the largest number of jobs in the county during 2007 with health care, accommodations, and food services accounting for nearly 45% of the jobs within the service industries. It is important to note that the number of jobs in Flathead County between 1970 and 2000 reflect Standard Industrial Classification (SIC) codes to identify a firm's primary business activity and that the numbers of jobs for 2007 are based on North American Industrial Classification System (NAICS) codes. NAICS codes provide a greater level of detail about a firm's activity than SIC codes.

The economy of Flathead County, like much of the rest of the nation, has slowed considerably since 2008. The County has seen unemployment rates that were some of the highest in Montana beginning in late 2008. The downturn of the local economy is related to significant declines in the construction and real estate industries, cutbacks and reductions in the wood products industry, and layoffs and cutbacks in manufacturing industries and nearby mining operations. The county has also felt the effects of the national economy on the nonresident travel industry. The 2009 Economic Outlook for Flathead County prepared by the Bureau of Business and Economic Research from the University of Montana-Missoula suggests the county's economy will recover relatively quickly and resume growing by 2012.

**Whitefish Area Economy and Employment.** Historically, the economic foundation of Whitefish was based on timber, agriculture, and the railroad. However, during the 1950s and 1960s the local economy began an evolution toward an economy based on tourism, outdoor recreation, and service industries. The community has become a desirable location for new residents and visitors and resort development. Whitefish experienced a surge in new housing construction in the early 1990s, which created a construction boom in the city and surrounding area. Although construction activity declined during the mid-1990s and activity is presently slowing, the community is still seeing notable construction and new development activity. The increase is not limited to new housing units, but includes new commercial development, and expansion of resort development.

**Table 2-5** presents employment data by industry for the City of Whitefish over the 1980 to 2000 period. The table shows that by 2000, more than 2,350 jobs existed in Whitefish and that 760 jobs were added to the local economy between 1980 and 2000. The table also indicates that significant increases in employment occurred in the entertainment and recreation sector, the finance, insurance and real estate industry, and construction industry. Health and professional services, retail trade, and services associated with the tourism industry constitute the primary employers. More than half of the employment within the City during 2000 occurred in the professional services industry, the entertainment and recreation industry, and the retail trade industry. The only industries showing declines in employment during the 1980 to 2000 period were agriculture and forestry and transportation (largely reflecting decline in railroad employment).

**Table 2-5: City of Whitefish Employment By SIC Industry (1980-2000)**

Sector	1980	1990	2000	Net Change 1980-2000 (# jobs/percent)
Agricultural, Forestry, Fisheries, Mining	76	47	25	(51)/-67%
Construction	114	136	180	66/+58%
Manufacturing	202	194	171	(31)/-15%
Transportation	260	199	138	(122)/-47%
Communication, Other Public Utilities	33	27	64	31/+93%
Wholesale Trade	12	22	49	37/+308%
Retail Trade	253	400	314	61/+24%
Finance, Insurance & Real Estate	50	106	200	150/+300%
Business and Repair Services*	8	42	182	174/NA*
Personal, Entertainment, & Recreation	160	288	449	289/+180%
Professional Services	320	385	529	209/+65%
Public Administration	40	18	53	13/+32%
<b>Totals</b>	<b>1,528</b>	<b>1,864</b>	<b>2,354</b>	<b>760/+54%</b>

Source: U.S. Bureau of the Census, 1980, 1990, 2000

\* Business and Repair Services category changed to Professional, scientific, management, administrative and waste management services.

The U.S. Bureau of the Census compiles an Economic Census that profiles the economy every five years, from the national to the local level. The 2002 Economic Census provides the most recent, but partial, employment data for the City of Whitefish. This data shows the five NAICS industries with the largest number of employees within the City were (in order): accommodation and food services (952 jobs); retail trade (624 jobs); health care and social assistance (475 jobs); arts, entertainment, and recreation (316 jobs); and professional, scientific, and technical services (135 jobs). Full data from the 2002 Economic Census is not released or available for Whitefish.

Whitefish has not escaped the effects of the recent economic downturn. Like the remainder of Flathead County, the Whitefish area has seen notable declines in the construction and real estate industries and felt the broad effects of less recreational travel to the area.

## 2.2.4 Population Projections

**Flathead County Population Projections.** Projections are estimates of the population for future dates. They illustrate reasonable courses of future population change based on assumptions about current or expected demographic trends. Population projections (along with forecasts of future households and employment conditions) are used to predict future travel patterns, and to analyze the potential performance capabilities of the Whitefish area transportation system.

The Montana Department of Commerce Census and Economic Information Center (CEIC) provides population projections through the year 2030 for all counties in the state. The projections available through the CEIC are developed by NPA Data Services



Inc. and presented in 5-year increments and annually adjusted based on US Census Bureau estimates of county population.

The NPA population projections for Flathead County show a continuation of significant population growth in the county over the foreseeable future and show the county's population could approach 126,000 by the year 2030. This projection suggests nearly 37,500 more people will reside in Flathead County in 2030 and represents a 42% increase in population over the 2008 estimate of population for the county (88,473).

**Population Projections for the City of Whitefish and Surrounding Area.** The City of Whitefish and its planning jurisdictional area comprise only a small portion of Flathead County. Although County level population projections are indicative of overall growth rates and trends for future population, they are not sensitive enough to the unique growth characteristics of individual municipalities or other subareas of the County.

The 2006 Resource Analysis for the City's Growth Policy presents population projections for the City of Whitefish and its planning jurisdictional area. Generally, these projections put the year 2025 City of Whitefish population at between 8,439 and 12,649 depending on the assumptions and projection methods used. The total population projected for the planning jurisdictional area in 2025 ranged from 14,065 to 23,348. A continuation of the high and low growth rates used for the Growth Policy projections shows the City's population could range from 8,800 to 14,600 residents and the City's planning jurisdictional area could have between 14,800 and 27,800 residents by the year 2030. As noted earlier, the City's population in 2008 was estimated to be 8,281.

It should be noted that projections of growth and development for the Whitefish area are based on historic trends and the community experienced an unprecedented period of growth during the 2000-2006 period. Recent economic conditions have slowed growth and development within the Whitefish area, Flathead County, and nationwide. While these conditions have and will negatively affect the rate of growth in the Whitefish area in the short-term, it is unknown how long the economic slowdown will persist. There are few applicable statistics that can be relied upon to temper population and growth forecasts at this time. For this reason, it is important to keep in mind the population projections represent what might reasonably be expected within the next 20 to 25 years and that community growth could happen at a slower (or faster) rate depending upon the many factors that influence growth.

## 2.2.5 Future Household and Employment Projections

As part of the Whitefish Transportation Plan, future housing units and retail and non-retail employment for the Whitefish planning jurisdictional area were projected and allocated for each Census Tract and Census Block to facilitate the modeling of travel demands to the year 2030. The allocations of population and employment are consistent with assumptions about future land uses and growth outlined in the Whitefish Growth Policy Update. During the development of the travel demand model employed in the

Whitefish Transportation Plan, Flathead County and Whitefish area planners, engineers, school officials, and other interested representatives met to identify areas of known planned developments and assign anticipated future growth within the community. The anticipated locations for future growth were then transferred to corresponding traffic analysis zones to facilitate travel demand modeling.

The forecasts of additional dwelling units and employment used in the Whitefish Transportation Plan and considered in the corridor study were presented to the Citizens Advisory Committee and the public for comments and input during July 2007.

The travel demand model used for the Whitefish Transportation Plan projects the number of housing units in Whitefish Planning Jurisdictional Area will increase by nearly 6,900 and more than 5,700 jobs will added by the year 2030. This represents an increase in numbers of households of about 94% over existing levels in 2003 (the base year considered by the travel demand model). Similarly, retail employment and non-retail employment in the Whitefish area were projected to increase by about 80% and 74%, respectively, by 2030.

While the downturn in the national economy in recent years has slowed growth and economic development, it is very likely that Flathead County and the City of Whitefish will remain among the state's top growth areas over the long term.

## 2.3 Environmental Setting

An environmental scan was conducted to identify environmental issues with the potential to influence the type, location, or design of improvements to US 93 considered in the corridor study and in future environmental evaluation processes under the National Environmental Policy Act (NEPA) and Montana Environmental Policy Act (MEPA). The environmental scan also documents the concerns of environmental, regulatory, and resource agencies early in the process so that these issues can be considered during the development of recommendations for highway improvements. Topics addressed in the environmental scan are listed below:

- Geology and Soils
- Important Farmlands
- Water Resources and Water Quality
- Floodplains
- Fish and Wildlife Resources
- Wildlife Species of Concern
- Threatened and Endangered Species
- Wetlands
- Air Quality
- Noise
- Hazardous Materials
- Cultural Resources
- Section 4(f) Resources
- Section 6(f) Properties
- Environmental Justice
- Utilities
- City of Whitefish Critical Areas

The major findings of the environmental scan are discussed below.

### 2.3.1 Geology and Soils

The underlying geology and surface soils in the Whitefish area pose no limitations to highway development.

### 2.3.2 Important Farmland

While several soils in the Whitefish area are classified as “Prime Farmland” or “Farmland of Statewide Importance” by the Natural Resources Conservation Service, future improvements to US 93 corridor would likely occur entirely within existing highway rights-of-way and on lands already developed or committed to urban uses. As such, the Farmland Protection Policy Act does not apply since improvements to US 93 would not convert “farmland” to nonagricultural uses.

### 2.3.3 Water Resources

The Whitefish River is the only surface water within the corridor study area that would likely be impacted by improvements to US 93. The highway currently crosses the river on Spokane Avenue and on 2nd Street west of the downtown. Another crossing of the river exists on Baker Avenue. The Whitefish River is considered an “impaired water” by the Montana Department of Environmental Quality (MDEQ) because metals and other pollutants, nutrients, and undesirable water temperature changes limit two beneficial uses of the river (aquatic life support and the cold water fishery). The MDEQ is in the process of developing Total Maximum Daily Loads (TMDLs) for pollutants in impaired waters in the Flathead-Stillwater Planning Area, including the Whitefish River.

If future corridor improvements affect surface waters, the actions would be subject to the provisions of Sections 402 and 404 of the Clean Water Act, the Montana Stream Protection Act, and other state or local laws protecting water quality. Depending on the proposed scope of corridor improvements, the following water-related permits may need to be obtained for future projects:

- “Nationwide” or Individual Section 404 Permit (U.S. Army Corps of Engineers)
- Stream Protection Act - SPA 124 Permit (Montana Fish, Wildlife & Parks)
- Short-term Water Quality Standard for Turbidity - 318 Authorization (MDEQ)
- Section 401 Certification (MDEQ)
- Exemption to Critical Areas Ordinance (City of Whitefish)

Storm water issues include storm water runoff control during and after construction. Construction projects will be subject to the requirements of the Montana Pollutant Discharge Elimination System (MPDES) General Permit for Storm Water Discharges.

The Whitefish River is considered commercially navigable from Whitefish Lake to its confluence with the Stillwater River. As such, the project sponsor would need to obtain a Land Use License or Easement from the Montana Department of Natural Resources and Conservation (DNRC) for work in or above the river.

Although areas of seasonally high groundwater may be encountered within the corridor, this condition would not be a limiting factor to improving US 93 in the City.

### **2.3.4 Floodplains**

Floodplains delineated by the Federal Emergency Management Agency occur along the Whitefish River. US 93 encroaches on the floodplain of the Whitefish River at crossings on Spokane Avenue and 2nd Street west of the downtown area. Baker Avenue crosses the delineated floodplain of the river. Improvements to US 93 would likely require one or more crossings of the river and minor encroachments on its delineated floodplain. Such encroachments would be subject to local Floodplain Management regulations.

### **2.3.5 Wetlands**

Wetlands within the Whitefish corridor study area exist along the Whitefish River and its tributaries. Wetlands within the existing highway corridor, delineated during project development activities for MDT highway projects, consist of narrow wetland fringes along the banks of the Whitefish River vegetated by emergent and scrub-shrub species. Impacts to delineated wetlands could occur due to the placement of minor amounts of fill associated with work at existing highway crossing structures or by building new bridges. Work in jurisdictional wetlands would be subject to the conditions associated with a “Nationwide” or Individual Section 404 Permit from the Corps of Engineers.

### **2.3.6 Biological Resources**

With the exception of riparian habitat and wetlands along the Whitefish River, residential and commercial development has eliminated most natural wildlife habitat within the city limits of Whitefish. However, wetlands and riparian lands along the Whitefish River do provide locally important habitat for some migratory birds, waterfowl, small mammals, and both white-tailed and mule deer. Urban landscaping and boulevard trees provide habitat for some small mammals and song birds.

Common loons, LeConte’s sparrow, olive-sided flycatchers, and bobolinks, are wildlife species of concern that may occur in the Whitefish area. Since most of these species favor lake areas and wetland habitats, improvements to the existing corridor would be expected to result in minimal impacts to these sensitive wildlife species.

Eleven fish species can be found in the Whitefish River including three species of trout and several warm water species. Modifying existing structures or building new structures on US 93 would cause minor impacts to aquatic resources due to encroachments upon and/or require work within the Whitefish River.

Information obtained from the Montana Natural Heritage Program (MNHP) reported occurrences of 11 plant species of concern in the Whitefish area although none are in the corridor study area. No plant species of concern observed during field reviews for

MDT's Whitefish-Urban and Whitefish-West reconstruction projects on US 93. From this information, the likelihood future highway improvements would affect sensitive plants appears low.

Canada thistle and spotted knapweed were commonly observed noxious weeds along the US 93 corridor in the Whitefish area along with scattered populations of ox-eye daisy, houndstongue, and orange hawkweed. Ground disturbances, such as those associated with highway construction, often present opportunities for the spread of noxious weeds.

### 2.3.7 Threatened and Endangered Species

Based on literature reviews and coordination with the U.S. Fish and Wildlife Service (USFWS), it was concluded that two threatened species – bull trout and grizzly bears – could potentially occur in the Whitefish area.

Bald eagles (formerly listed as a threatened species) may occasionally be seen foraging for fish or waterfowl along the Whitefish River or lakeshore areas. The bald eagle was officially delisted on June 28, 2007; however, the species is still protected under the federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The gray wolf, once listed as an endangered species, could potentially occur in the greater Whitefish area. However, the gray wolf was delisted by the USFWS in January 2009. On March 6, 2009, the Secretary of the Interior reaffirmed the decision by the USFWS to remove gray wolves from the list of threatened and endangered species in the Montana.

**Bull Trout.** Bull trout occur in Whitefish Lake and in the Whitefish River. Whitefish Lake and tributaries above the lake have been designated as critical habitat for bull trout by the USFWS. Although the Whitefish River is within bull trout range, it provides poor quality habitat for the species and is not considered critical habitat for the species. Modifying existing crossing structures or building new structures at roadway crossings may encroach upon and/or require work within the Whitefish River. Construction activities could temporarily affect bull trout habitat and there may be potential for taking an individual fish. Due to these potential adverse effects to bull trout and its habitat at US 93 crossings of the Whitefish River, formal consultation with the USFWS may be required.

**Grizzly Bears.** The City of Whitefish is located just outside the boundaries established for the Northern Continental Divide Ecosystem (NCDE), a designated grizzly bear recovery zone. Mapping information from the USFWS indicates grizzly bears could occasionally occur in Whitefish area. Improving US 93 is unlikely to result in a notable loss of habitat or cause other adverse effects to the species.

### 2.3.8 Air Quality

The only air pollutant of concern within the Whitefish area are particulates – specifically PM-10 (particulate matter ranging in size from 2.5 to 10 micrometers). The Whitefish



area was designated as a “moderate” PM-10 Non-attainment Area by the U.S. Environmental Protection Agency (EPA) in 1992. Whitefish continues to be classified as a Non-attainment Area, even though air quality standards have been met through local efforts to control PM-10.

PM-2.5 (particulate matter smaller than 2.5 micrometers) is an emerging issue in Whitefish and air quality monitoring data suggests the community may be at risk of exceeding federal standards for 24-hour PM-2.5 averages.

An air quality impact analysis must be completed during the NEPA/MEPA environmental review to demonstrate that any recommended improvements to US 93 will not cause or increase PM-10 violations within the Whitefish area. MDT and the FHWA will ultimately be required to make a conformity determination based on a regional PM-10 emissions analysis and a qualitative localized (hot-spot) PM-10 analysis for improvements to the US 93 corridor.

Although Mobile Source Air Toxics (MSATs) do not pose a major concern in Whitefish, the pollutant must be considered in a future NEPA/MEPA document for US 93 improvements.

### **2.3.9 Noise**

Residences located along Spokane Avenue, 2nd Street, and Baker Avenue represent the most sensitive noise receptors in the corridor study area. Concentrations of residences exist along Spokane Avenue between 4th and 6th Streets; along the east side of Baker Avenue between 3rd and 4th Streets; along most of Baker south of the Whitefish River; and along 2nd Street west of the Whitefish River between Baker and Karrow Avenues. City park areas are present along both sides of Baker from 5th Street to the Whitefish River.

Traffic on roads and streets within the Whitefish area will likely continue to increase with or without improvements to US 93, and this would likely increase the traffic noise levels on neighboring properties. Any changes to the road system that would increase traffic volumes or move travel lanes closer to current receivers would also likely increase the traffic noise at the receivers. Such changes are most likely along the existing US 93 corridor or other new arterial connectors.

Noise modeling conducted for the Somers-Whitefish West Final EIS in 1993 predicted noise levels at numerous receptors along existing sections of US 93 and Baker Avenue would approach or exceed the Noise Abatement Criteria (NAC). The 1993 evaluation predicted that no receptors would experience a “substantial increase” in noise levels (defined as 10 dBA or greater in the Final EIS) by the project design year (2015). Although this conclusion appears reasonable, there have been no recent measurements of ambient (existing) noise levels or noise modeling using the FHWA’s current Traffic Noise Model to verify if this is the case.

### 2.3.10 Hazardous Materials

During the preparation of the environmental scan for this study, on-line data bases of federal, state, and local agencies were searched for information on regulated facilities within the Whitefish area that could potentially be affected by corridor improvements.

The database search did not identify any facilities listed on the Environmental Protection Agency (EPA) Toxics Release Inventory or generators, receivers, and transporters of hazardous waste listed on the EPA's RCRA Information System (RCRIS). However, the search identified a Comprehensive Environmental Cleanup Responsibility Act (CECRA) Priority Site (State Superfund Site) – the Burlington Northern Fueling Facility – near Railway Street and Spokane Avenue at the north edge of downtown Whitefish. The site is not adjacent to US 93 and there appears to be a low potential for encountering such contamination within the existing highway right-of-way.

Databases listing identifying hazardous materials sites such as registered underground storage tank (UST) locations, leaking underground storage tank (LUST) sites, and petroleum release sites were also reviewed. This review identified 24 such sites within the corridor study area.

A Phase II Hazardous Materials Assessment was prepared for MDT's Whitefish Urban and Whitefish West project areas during 2005. The assessment identified numerous sites in the Whitefish Urban project area with documented or potential hazardous material contamination issues. These sites included locations on underground storage tank lists; observed commercial users with a moderate to high potential of using, storing or generating hazardous materials/wastes; and sites where potential concerns exist due to past and/or present land uses.

Work completed for the assessment also involved drilling and sampling to verify the extent of subsurface contamination within the highway right-of-way at several locations. Subsurface petroleum impacts were identified at the following areas along the existing US 93 corridor:

- Intersection of Spokane Avenue and 8th Street
- Intersection of Spokane Avenue and 3rd Street
- Intersection of Spokane Avenue and 2nd Street
- Intersection of Baker Avenue and 2nd Street

Contaminated sediments along the Whitefish River were identified at the existing highway culverts on Spokane Avenue, at existing bridges on 2nd Street and Baker Avenue, and in the vicinity of 7th Street where a new bridge across the Whitefish River was proposed in the US Highway 93 Somers to Whitefish West Final EIS.

A gasoline seep along the Whitefish River within the limits of the corridor study has resulted in environmental concerns regarding contaminated soils and affected water quality. Efforts are underway by MDEQ's Petroleum Release Section to assess the

problem and determine how to address the gasoline seep.

The EPA recently ordered the BNSF Railway to begin removing contaminants from the Whitefish River and work to accomplish this cleanup was initiated in September 2009. The first stage of the work focuses on removing contaminants from the BNSF Railway's upstream property boundary to the 2nd Street Bridge. The second phase would cleanup areas downstream of the bridge to JP Road. MDEQ is also reviewing a remedial investigation report from the BNSF Railway. After the remedial investigation is reviewed, a feasibility study would be conducted in preparation for a large-scale cleanup of the BNSF Railway facility which has affected groundwater and contaminated soils in the area.

### **2.3.11 Historic and Archaeological Resources**

Previous cultural resources inventories of properties adjoining Spokane Avenue, 2nd Street, and Baker Avenue identified numerous historic buildings and several neighborhoods adjoining US 93 that could potentially comprise a historic residential district. The cultural resource surveys have identified 30 individual properties determined to be eligible for the National Register of Historic Places and/or contributing properties to a potential historic residential district. However, no formal boundaries for a historic residential district in Whitefish have ever been established.

Historic properties could be directly affected if improvements require expanding existing rights-of-way. Improving the existing highway could also indirectly alter the visual and aesthetic character of the areas surrounding these resources. Although improvements within the existing US 93 corridor could cause minor impacts to historic properties, it is unlikely that such improvements would jeopardize a future nomination of this possible residential historic district.

The original cultural resource survey was done in 1994 and there may be other properties that are now old enough to qualify for the National Register of Historic Places. For these reasons, the cultural resource survey will need to be updated when a project scope is developed for corridor improvements.

### **2.3.12 Section 4(f) Resources**

Section 4(f) of the U.S. Department of Transportation Act of 1966, protects public parks and recreation lands, wildlife habitat, and historic sites of national, state, or local significance. Improvements to US 93 or Baker Avenue would not affect any wildlife or waterfowl refuges. However, the improvements could potentially affect several City parks, portions of the City's trail system, or historic properties.

Two City-owned parks – Riverside Park and Baker Park – could potentially be affected by improvements to US 93 or Baker Avenue within the corridor. The permanent use of land from these parks is unlikely, but reconstruction of the existing US 93 corridor or new construction on Baker Avenue could result in minor, temporary effects to these



parks during construction. Improvements to US 93 would not affect the playground at Central School.

Several existing or planned segments of the City of Whitefish's pedestrian and bicyclist trail system could be affected by improvements to US 93. In general, highway improvements should be designed and implemented to maintain the continuity of existing trails and facilitate the future development of planned trails where practicable. The FHWA has developed guidance for the applicability of Section 4(f) to trails and the statute may or may not apply depending upon the primary use and purpose of the trail and whether the trail exists on public or private land. The applicability of Section 4(f) to affected trail segments will need to be reviewed and coordinated as projects to implement corridor improvements are developed.

Reconstruction of US 93 could result in minor Section 4(f) effect at some known historic properties along Spokane Avenue, 2nd Street, or Baker Avenue that are individually eligible for the NRHP or are contributing elements to a potential historic residential district in Whitefish. An updated cultural resource survey for the corridor may also identify other properties that are now old enough to qualify for the National Register of Historic Places and subject to Section 4(f) provisions.

### **2.3.13 Section 6(f) Properties**

The City of Whitefish, Flathead County, and the Montana Department of Fish, Wildlife & Parks (MDFWP) have completed ten projects in the community with funds made available through the National Land & Water Conservation Fund Act. Kay Beller City Park is the only Section 6(f) property in the corridor study area. Improvements to the Whitefish Urban corridor would not affect Kay Beller Park.

### **2.3.14 Utilities**

City of Whitefish water and sewer infrastructure is extensive within the corridor study area. Municipal water and/or sewer lines exist beneath portions of Spokane Avenue, 2nd Street and Baker Avenue and cross these streets at numerous locations. Reconstruction along the existing US 93 corridor or Baker Street could conflict with municipal water or sewer lines at numerous locations.

Overhead power lines, overhead and underground telephone cables and fiber optic lines, and natural gas distribution lines cross or exist adjacent to the Spokane Avenue, 2nd Street and Baker Avenue. Some of these utilities may be in conflict with future improvements to US 93.

BNSF Railway facilities would not be affected by improvements to the US 93 corridor.

### **2.3.15 Whitefish Critical Areas**

On March 3, 2008, the Whitefish City Council approved the Critical Areas Ordinance

(Ordinance No. 08-04) to regulate development in “critical areas” within the community. Under the ordinance, critical areas are defined as “a critical stormwater conveyance, stream, lake, wetland, or a slope with potential for erosion hazard or instability.” The ordinance also establishes buffers (setbacks) for each type of critical area. Buffers are areas contiguous to a critical area determined to be needed for the continued functioning and/or structural stability of that critical area. The stated purposes of the ordinance are to:

- Maintain the community’s ability to manage stormwater through protection of “critical conveyances.”
- Protect and improve the quality of the Whitefish area’s water bodies, including lakes, streams, and the Whitefish River, which are central to the community’s identity and values.
- Protect public safety, public and private property, and water quality from threats of landslides and other geologic instability.
- Protect property from damage due to high groundwater levels or changes in natural groundwater levels.
- Protect and preserve the lawful use and enjoyment of private property.

The Critical Areas Ordinance sets forth standards and regulations to meet these purposes and procedures that must be followed for applicants (property owners or their agents) to document compliance with the ordinance.

Future reconstruction of US 93 through Whitefish could require encroachments or crossings of the Whitefish River and its associated riparian zone and could impact wetlands. Previous discussions in this Part have generally addressed these “critical areas.” Several federal and state regulations (i.e., Sections 402 and 404 of the Clean Water Act, Montana Stream Protection Act, and Floodplain Management regulations) will apply if these “critical areas” are affected by future highway construction.

MDT is not exempt from compliance with the Critical Areas Ordinance and would have to follow the City’s procedures if road, bridge, or trail construction encroaches on critical areas. Section 2.F of the Ordinance indicates public agencies and utilities may apply for a Reasonable Use Exception if the application of the ordinance would prohibit a development proposal. This section also indicates the public agency or utility is also required to demonstrate that the application of the ordinance would unreasonably restrict the ability to provide services to the public. Section 2.D.1 through 2.D.5 of the ordinance outlines the procedures and requirements for a Reasonable Use Exception.

Section 2.C.2 of the Critical Areas Ordinance includes an exemption for the “operation, maintenance, repair, modification, or addition to existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, if the activity applies best management practices and does not further encroach within a critical area or buffer and there is no increased risk to life or property as a result of the action.”

### 2.3.16 Summary of Environmental and Community Resources

**Figure 2-4** illustrates environmental conditions and community resources that have the potential to affect planning and decisions for improvements to the US 93 corridor through Whitefish. Conditions depicted on the figure include surface waters and floodplains, known wetlands, hazardous materials sites, public recreational lands, and historic properties.

