

Stop doughnut give-away

By John Phelps

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During the 14 years I served as Whitefish City Attorney I tried to protect the City. Now that I'm retired, I believe that the greatest threat to the City comes from several City Councilors who are pushing "amendments" to the 2005 Interlocal Agreement with Flathead County. If you care about Whitefish, you need to take action.

For 40 years the City has had a zoning "doughnut" around its borders, allowing it to zone neighboring land so that development on its borders was compatible with the City's character. For 35 years the doughnut was 1 mile in depth. It was never controversial. In 2005, at the request of Flathead County, the depth was increased to 2 miles, through an Interlocal Agreement. The County wanted to avoid the cost of administering the larger area. The City welcomed the opportunity to protect its fringe.

The City's involvement in the expanded doughnut was controversial. Some doughnut residents welcomed it, some opposed it. No one knows the numbers on each side. Some persuaded the County Commissioners to try to back out, although the Agreement didn't allow withdrawal. So far the Supreme Court has backed the City's position, and the doughnut remains in place. The litigation continues.

Now a group of City Councilors (3 of them brand new) have proposed to give the County control of the entire doughnut, leaving the City with virtually no control over development on its edges. Here's what their amendments to the 2005 Interlocal Agreement will do.

- 1.) Any City land use action affecting the doughnut can be vetoed by the Commissioners.
- 2.) The Commissioners can go back 5 years and invalidate any City land use action (including its new Growth Policy) affecting the doughnut.
- 3.) With one year's notice, the Commissioners can completely eliminate the doughnut, including the 1 mile portion that has existed since 1970.
- 4.) The City's taxpayers must pay to administer the doughnut, but the Commissioners have control.

Consider the Evergreen commercial strip beside Kalispell as an example of County land use policies. There are plenty of other examples. Take a drive between Snappy's and the Blue Moon. Is that desirable beside Whitefish?

I have read the proposed "amendments" to the 2005 Interlocal Agreement. You should read them. They are devastating to the City. Although proposed as a "settlement" with

the County, they are a complete surrender. The City gives up everything. The County gains complete control. Why would any City Councilor support them? Election politics is the answer.

During last fall's election, a handful of wealthy doughnut residents (who wanted the doughnut eliminated) spent a small fortune promoting the 3 new Councilors. Last December I was informed by a County official that the new Councilors (who hadn't yet taken office) were negotiating with the Commissioners to return the doughnut. The amendments now under consideration will fulfill that pledge. Is this how your City government should operate?

Some doughnut residents clamor for greater representation. There are ways to satisfy their need without giving control to the Commissioners. The City Councilors pushing the amendments won't look at any other options until they have given control to the Commissioners. Only then will they consider other ideas. Then it will be too late.

There is still time. The City Council has a public hearing on the amendments this Monday, October 4, at their regular 7:10 PM meeting. Without a strong public response, they'll give the doughnut away. If you can't attend, write the Council c/o City Manager Chuck Stearns, [cstearns@cityofwhitefish.org](mailto:cstearns@cityofwhitefish.org). If you do nothing, the Commissioners will change the face of Whitefish.