

Madame Chair and members of the Commission,

As Chairman of the Bridger Canyon Property Owners Association's Planning and Zoning Committee, I have spent a great deal of time trying to come to terms with Bridger Canyon Partner's proposed PUD. I have studied their plan for the base area in great detail, discussed their proposal in face to face meetings, and tried to reconcile their approach with my primary responsibility which is to insure that the intent of our district's planning guides and the letter of our zoning regulations are met. I understand as well as anyone that growth is inevitable. At the same time, as a result of my extensive experience with zoning issues in our district, I have a unique appreciation for the role our zoning documents play in protecting our district from the negative impacts of growth. It is that perspective I would like to share with you today.

Bridger Canyon Zoning District has 3 unique documents which control development within the district. The Bridger Canyon General Plan and Development Guide is the cornerstone of these documents. It provides a clear and concise description of the objectives of the residents of the district:

*-The primary objectives of this plan are to guide future physical growth within Bridger Canyon and to protect the natural beauty and agricultural open space character of the area.*

In terms of recreational development, our General Plan has this to say:

*-It is an underlying objective of canyon residents to support the establishment of recreational uses in harmony with the natural setting, while insisting upon limitations to prevent damaging environmental effects. These limits are designed to prevent any significant change in the environmental character of the canyon. Access control provides the basic limiting element. Any increase in traffic movements, resulting in the need for a four-lane roadway, would be considered a major detriment to the canyon. All proposed development should be reviewed in terms of: its sensitivity to surrounding uses, its influence on water quality, its access and traffic generation potential, and its overall effects on the environmental quality.*

It is clear that protecting residents from the adverse impacts of development is a primary concern of our General Plan.

From these general guidelines we move on to more specific requirements including:

*-It is proposed that the residential areas be developed in such a way as not to interfere with open meadows, and well away from the wetland areas along the stream beds.*

Concerning wetland areas in particular, the General Plan has this to say:

*-Only low density residential development will be allowed, no more than one unit per 40 acres.*

*-Allow no dense build-up of buildings in any one place, prefer no cluster developments.*

*-In all cases, the streamside vegetation should be left undisturbed.*

The General Plan also offers specific development criteria concerning Ski Base Facilities:

*-Hide buildings from view of motorists on Bridger Canyon Road by retention of natural vegetation or installation of landscaping.*

Amazingly, the proposed PUD begins construction in an open meadow which is visible from Bridger Canyon Road and clusters development adjacent to wetland areas. It would appear that Bridger Canyon Partners failed to consider our General Plan when designing the first phase of their PUD.

As commissioners, you do not have that luxury. While some have suggested that the provisions of our General Plan are merely guidelines and do not have to be followed, the Montana State Supreme Court has made it abundantly clear that zoning commissions must make their decisions in accord with the intentions of a district's General Plan. The reason this document is so critical to today's hearing is because it spells out, in no uncertain terms, the intent of the residents of the district to preserve our rural quality of life, and every decision you make must reflect that intent.

That intent carries through to our 2nd regulating document, the Bridger Bowl Base Area Plan, which states:

*-When drafting a plan for the Bridger Bowl Base Area, it is necessary to consider the intents and purposes of the General Plan and Development Guide adopted for the entire Canyon. The emphasis of the Bridger Canyon General Plan is to favor "the conservation of natural resources, the preservation of open space and agricultural usages, and limited, controlled growth".*

Along those lines, among the goals and objectives given for determining the merits of a base area development proposal are:

*-Conserve the natural resources within the Base Area and Bridger Canyon in general.*

*-Provide for the preservation of stream areas and wetlands, and protect the water quality of Bridger Creek.*

*-Minimize soil erosion by requiring erosion control plans for all construction.*

*-Maintain as much of the natural environment as possible by encouraging cluster development.*

*-Allow the expansion of recreational facilities to their ultimate capacities without exceeding vehicular capacity of two-lane road.*

It should also be kept in mind that the Base Area Plan was created in an effort to encourage the development of overnight accommodations, concentrated around the base facilities, with sufficient commercial support to make them self sustaining. This would provide Bridger Bowl ski area with increased revenue during the weekdays, minimize the impact of high density development by concentrating it near the lifts, and prevent overnight guests from driving into Bozeman for supplies, thereby reducing overall traffic on Bridger Canyon Road.

Unfortunately, because the focus of Phase One of this PUD is on individually owned homes and overnight accommodations, widely dispersed away from the base facilities, and it lacks sufficient commercial support to keep people from driving to town, the intent of our regulation has once again been ignored. I realize some of these issues may be addressed by the overall plan but there is no guarantee that the subsequent phases will ever be built and as a result, the critical amenities and benefits necessary to justify this application would never be provided. The applicant should have begun with Phase Two of the plan which provides those benefits right from the start of the project.

Finally we come to our 3rd regulatory document, the Bridger Canyon Zoning Regulation, which is intended to help implement the intent of our General Plan and the Base Area Plan. The following statement of purpose relates directly to the current application:

*-To promote business, residences, tourism and recreational uses but not to the point that they destroy the character of the area or threaten water quality, traffic, or fire safety.*

The Zoning Regulation goes on to specifically address PUDs in our district with the following statement of purpose:

*-The planned unit development designation is intended to provide for alternative forms of development which may include a density bonus in exchange for development quality that is of significant community benefit.*

First of all, there can be no doubt that the community referred to here is Bridger Canyon Zoning District. These are our regulations, written for the benefit of the residents of our district, and everything else in them pertains to our district, not Big Sky or the city of Bozeman, so the benefits must apply to us. Secondly, the whole idea of our PUD regulation is to offer an increase in density in exchange for a development plan which is so much better for our community than the normal approach that it can outweigh the negative impacts associated with an increase in density. The important thing to remember is that a PUD is not available as a matter of right. It must be earned by demonstrating that the plan will be better for our community than developing the same lands according to the underlying zoning. In the case of the current PUD application, the comparison is between developing 9 single family residences on 345 acres in the base area vs. 527 structures on that same land. Keep in mind that, under a normal PUD, the maximum

density bonus a developer could be awarded for an outstanding plan would be 17 single family homesites on those 345 acres. Because this particular PUD is being submitted under the Base Area PUD provisions, and the developer is seeking the maximum density allowed there, the requested density bonus is almost 60 times times as high! To put this in perspective, when fully built out, this PUD would concentrate 527 residential structures on 345 acres whereas, currently, there are only 388 residential structures in our entire district which contains over 50,000 acres! This unprecedented level of development means the applicants have an extraordinary challenge before them if they are going to justify the increase in density our district will have to bear.

What criteria should be used to judge the quality of their proposed development? The same section of the regulation containing the statement of purpose goes on to provide the following:

- Enhance and preserve open space and unique natural features.*
- Preserve to the maximum extent possible the natural characteristics of the land, including topography, vegetation, streams, and tree cover.*
- Protect areas of important wildlife habitat.*
- Prevent soil erosion by permitting development according to the nature of the terrain.*
- Encourage more attractive site design.*
- Reduce the cost and physical impact of public and private services.*
- Lessen the visual impact of development and preserve the scenic vistas and rural atmosphere.*
- Preserve agricultural lands*
- Provide economies in the provision of public services.*

These are the specific purposes of the PUD and the applicant must demonstrate, at the very least, significant community benefits in some of these areas to qualify for a density bonus. If this is not done, the application should be denied. The PUD you are considering does not demonstrate significant benefits to our community in any of these areas, nor does the Staff Report explain how the applicant met these requirements. I believe this is a major omission and should be enough to disqualify the application.

Next comes the basic standards for development, one of which must exist for a PUD to be approved:

- The parcel is situated such that the planned unit development will allow flexibility of design for the protection of scenic vistas or will lessen the visual impact of development.*

*-The planned unit development will result in the preservation of agricultural land and/or open space.*

*-The parcel contains natural assets which will be preserved through the use of the planned unit development. Such natural assets include vegetation, stands of trees, land which serves as a natural habitat for wildlife, and streams.*

*-The parcel contains topography that is suitable for minimizing the visual impact of the development. The planned unit development shall prevent erosion and result in development more suitable to the nature of the terrain.*

The intent expressed in our General Plan is reflected in these standards, all of which demand extra protections for the environmental and aesthetic qualities we hold so dear. When considering this particular PUD application, it is imperative to keep in mind that the developers must do more than just, let's say, preserve open space. Instead, they must demonstrate that their approach does a better job of preserving open space than development according to the underlying zoning would. Without that standard of comparison, there is no beneficial reason to offer the alternative approach of a PUD. To think otherwise is to make a mockery of the intent of our General Plan as well as the purpose of the PUD regulations.

In conclusion, the reason Bridger Canyon has remained such a desirable place to live is because our zoning regulations were designed to protect residents from the adverse effects of uncontrolled growth, with the primary emphasis on preserving the environmental and aesthetic qualities we all cherish. In my opinion, the PUD application before you does not meet the requirements for approval because it does not meet the intent of our regulations. The negative impacts to our rural community stemming from this development will far outweigh any conceivable benefits associated with the plan. For example, approval of this application would result in a substantial reduction in visible open space, impaired viewsheds (particularly from Bridger Canyon Rd.), heightened visual impacts from unnecessarily disperse development, encroachment into fragile wetlands areas, unprecedented levels of water consumption with unknown long term implications for residents of the district, an undesirable increase in skier and construction traffic on the primary arterial roadway of the district, reduced wildlife habitat, preclusion of agricultural lands and activities, increased fire danger due to an unprecedented number of dwellings in a wildland fire area, extreme residential population increases, and no guarantee that all of the proposed amenities would be constructed due to the phasing of development.

I am aware that there may be some benefits to our community stemming from the development of overnight accommodations in the base area, however, the strong financial position of Bridger Bowl no longer warrants such a major development for its benefit and the proposed PUD does not offer low-cost hotel, motel, or hostel accommodations as envisioned by the authors of the Base Area Plan which would be more in keeping with the low key nature of a community-based ski area like Bridger Bowl and have real

potential to achieve the desired reduction in traffic on Bridger Canyon Rd. A smaller scale PUD with an emphasis on concentrated overnight accommodations would substantially reduce the overall footprint of the development, lower negative impacts on the fragile environment, and make it much easier to blend the project into its surroundings. The proposed PUD appears to be an attempt to maximize high-cost residential and overnight development which will only benefit the developer's bottom line and is in direct conflict with the expressed intent and requirements of our zoning regulations.

While the PUD process remains the best option for insuring a high quality development in the base area, and I can envision a more appropriate plan being supported, the current application does not reflect the intent of our regulations, does not address the specific purposes of the PUD regulation, does not provide significant community benefits that would outweigh the considerable negative impacts of this project, and does not represent a more desirable approach to development than the underlying zoning would allow. As a result, and in the strongest terms possible, I urge you to uphold the intent and purpose of our regulations and deny this application.

Respectfully submitted,

Bruce Jodar