

Lowell Cary, Bridger Canyon Property Owners' Association, board member  
Testimony regarding BCP's PUD and CUP applications, 4/17/07

As noted on page 37 of the Staff Report, in approving the area for a planned unit development, the commission must determine if at least one of the four general Standards for Development exists. Because BCP provided a CUP application for Phase 1 only, the Planning Department, Commission, and public have only been privy to the details that part of the Bridger Mountain Village development. My comments here refer to the conditions of the area planned for Phase 1 only.

The "Standards for Development" section (13.5) can be found on page 30 of the *Bridger Canyon Zoning Regulation* and lists four general criteria for evaluating the appropriateness of an area for a planned unit development. I believe that the Crosscut Ranch meadow and other Phase 1 areas do not meet any of the conditions listed. I will explain my reasoning point by point after referencing the condition.

(1) 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.

Phase 1 of the Bridger Mountain village development is situated in a meadow fully visible from Bridger Canyon Road (even with the proposed modifications). The relatively high density development is proposed for a location considered a scenic vista from Bridger Canyon Road. Rather than lessening visual impact, BCP's location site actually highlights the presence of development.

(2) The planned unit development will result in the preservation of agricultural land and/or open space.

BCP's initial phase will not preserve the open space and agricultural land present in the Crosscut Ranch area; rather it consumes it. In evaluating the proposed development in light of the alternatives to a PUD, namely 1) underlying zoning of one house per forty acres or 2) an individual PUD on Tract 2 Crosscut Ranch, I find either alternative to offer a higher quality of open space with greater benefit to residents of and visitors to Bridger Canyon than the proposed PUD's CUP for Phase 1.

In the alternative scenarios the number of overnight accommodations and residences possible in the Crosscut Ranch tract would be significantly reduced and would likely provide greater opportunity for the developer to preserve and protect the open meadow, streams, wildlife habitat, and wetlands so valued in our planning documents. The *General Plan and Development Guide*, the *Base Area Plan*, and the *Zoning Regulations* provide for protection of open meadows from residential construction. (Specifically the *General Plan* states on page 26 that "residential areas be developed in such a way as not to interfere with the open meadows, and well away from the wetland areas along the stream beds.")

(3) The parcel contains natural assets which will be preserved through the use of

the planned unit development. Such natural assets include vegetation, stands of large trees, land which serves as a natural habitat for wildlife, and streams.

As proposed, Bridger Mountain Village's Phase 1 fails to preserve important natural assets. Phase 1 construction would minimize and eliminate stands of aspen trees, surround wetland areas with paved roads and residences (which serve as barriers to the wetlands and other critical wildlife habitat), and eliminate stands of virgin tree cover. The *General Plan* sees wetlands as natural assets, stating, "residential areas be developed...well away from the wetland areas along the stream beds."(p. 26)

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

With respect to the visual impact of development, I cannot imagine a location with more visual impact than the Crosscut Ranch Meadow. Because the parcel allocated for Phase 1 is adjacent to and sits at a lower elevation than the highway, the entire length of its meadow can be viewed by everyone driving through the canyon. Rather than minimizing the visual impact of development, by placing Phase 1 in the meadow, BCP is maximizing the impact.

Because an erosion control plan had not been submitted with the CUP application, I cannot determine whether erosion can be prevented in such a sensitive area. I can speculate, however, that the constraints imposed by this parcel—wetlands and areas surrounded by watercourses feeding an "impaired" stream—will present considerable problems for BCP in their efforts to meet this condition.

For the above reason, I find that the area designated for the initial phase of Bridger Mountain Village does not meet even one of the standards for development (listed on page 30 of the Zoning Regulations) necessary for approving this area for a PUD.

In fact, last Tuesday during his presentation for Bridger Canyon Partners, I believe the speaker agreed with my assessment when he said, "there is just not enough room on this property to do a real quality job without building higher. By the time you...take out the wetlands, stream corridors, steep slopes, [and] aspen groves,...there is very little land left."

He concluded with, "We think we've done as good a job essentially, well I wouldn't say as good a job as you can do; we tried to do our best in locating our development out of these sensitive areas."

I believe BCP that they "tried to do [the] best job" they could. But the answer is not to press the environmental envelope as far as possible. The answer is to admit that this location is not the right place to cluster cabins, fourplexes, and houses

. Some Simple facts:

Map 3 (Soil Limitations) identifies much of the Cross Cut Meadow area as Sever Limitations and Least suitable, particularly in the areas along Maynard Creek, the upper central west (approximate location of the Lodge) and continuing north, the approximate location of the 25 Recreation Home sites.

Map 4 (Tree Cover) maps virgin and second growth tree cover. The meadow is represented as primarily virgin trees, the north end being most suitable to accomplish “cluster development in areas of tree cover”. Where it appears, 3 recreational homes have been placed in the south western most leg, and a portion of phase 2 overnights consisting of more than 150 units. While this may be a “cluster” it may require the removal of the majority of the trees, not exactly what I think the plan had envisioned.

Map 6 (Buildable Areas) This map indicates the developers may have place 4-plex units in the least desirable place to build, the lodge, and cabins along Maynard Creek are in areas that require further study. The plan suggests that lacking demonstration by qualified detailed site studies, they should be considered on the basis of the primary zoning, one unit per 40 acres only.

Map 8 (suggested land use legend) probably the most significant map. It indicates a minimal area in the south central west section of the meadow as suitable for overnight accommodations. While this area is small, it is indicative to the Development Rights Allocation Table found on page 26 of the Base Area Plan and page 38 of the BCZ Regulations. The Cross Cut parcel is allocated 5 overnight units and 6 reserve overnight units, the least amount of density of any location in the base area. Might it be that the originators of the plan understood the sensitive nature of this property and in conjunction with the intent of the general plan, to preserve the natural beauty and rural character of the canyon, specifically set the maximum density in the meadow as low as possible. I believe it was.

	Map 8 Designated Overnight Area	Share of Map 8 Overnight Area	Total Parcel Area	Share of Total Area	Overnight Allocation	Reserve Overnight	Share of Alloc
Blesco South	32.8	25%	65.5	18%	41	47	16%
Simkins Haggerty	38.9	30%	80	22%	90	103	36%
Blesco North	11	8%	20	5%	52	59	21%
Crosscut	6	5%	61.5	17%	5	6	2%
FDC	23	18%	32.5	9%	23	26	9%
Bridger Bowl	3.5	3%	87	23%	23	25	9%
Lachenmaier	15	12%	25	7%	17	20	7%

I would also suggest that the allocation table should be used to determine the location and maximum density allowed per parcel pertain to overnight accommodations. According to section 13.1.4 Allocation of density Rights, “Regardless of basic development rights or permitted uses in the base area, recreational housing and overnight accommodations may be permitted through the PUD process of this regulation, *subject* to the following allocations.” The allocation table further notes that recreational housing for tracts 1-5 may disperse there allocated 50 units as they deem appropriate across those tracts. It does not go on to say that right is extended to the overnight accommodations. (GP, pg 37.38) the Base Area Plan elaborates further “To ensure that the Base Area does not develop exclusively for recreational housing, a cap on the number of recreational housing units is set forth in the table (78)”

DEVELOPMENT RIGHTS ALLOCATION					
OWNERSHIP	APPROX ACRES	UNITS UNDER BASIC ZONING	REC HOUSING• ( SINGLE FAMILY HOMES)	OVERNIGHT UNITS	RESERVE OVERNIGHT
360 Ranch					
Tract 1 Financial Dev. Corp.	32.5	1	50*****	23	26
Tract 2 Crosscut Ranch	61.5	1	*****	5	6
Tract 3 Simkins & Haggerty	80.0	4	*****	90	103
Tract 4 Montana Blesco North	20.0	1	*****	52	59
Tract 5 Montana Blesco South	65.5	1	*****	41	47
Bridger Bowl**	87.0	1	16	23	25
Hepburn	3..5	1	2	2	3
Lachenmaier	25.0	1	13	17	20
Bridger Pines***	29.0	1	--	--	--
**	Ownership of two separate parcels				
***	Previously developed for 60 units				
****	The 50 Recreational Housing Development Rights granted to the 360 Ranch Corporation owned properties can be used within Tracts 1-5.				
(Amended: County Commission Resolution No. 1996-4.)					
• (Amended: County Commission Resolution No. 1999-1 on January 26, 1999					

In conclusion, I would submit that the meadow as proposed by the PUD, as well as other phases, exceeds the allotted overnight accommodation allocation, and is therefore not in compliance with the governing documents.

At this time I would also like to bring your attention to the Stipulation and Settlement Agreement, exhibit A in the staff report, page 4 paragraph 4 stipulating “ that in addition to the above and foregoing, ... agree to limit the number of single-family density units that can be transferred in accordance with the zoning ordinance on the that certain 100 acres of real property ...,to 7 single-family density units, such that the maximum total number of single-family density units on such property under an approved PUD shall be 12.” Given that stipulation I submit the number of recreation homes sites located on the North Slope parcel must be reconfigured to the lower number of 12.

Based on the facts above, I respectfully request that the PUD as proposed be denied and the applicant required to re-submit in accordance with the Bridge Canyon Zoning District governing documents.