

**Bridger Canyon Property Owners' Association (BCPOA) Development
Committee's Comparative Analysis of Bridger Mountain Village PUD Compliance
with Bridger Canyon Zoning Regulations, Bridger Canyon General Plan and
Development Guide, the Bridger Bowl Base Area Plan, and Gallatin County
Subdivision Regulations**

WORKING DRAFT

SECTION 13 PLANNED UNIT DEVELOPMENT (PUD)

13.1 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. The purposes of this district include the following:

BCPOA Response: BCPOA is concerned that the proposed PUD does not provide "significant community benefit" to the residents and natural environment of Bridger Canyon. Based on the following analysis, we are concerned that Bridger Mountain Village does not result in a better development than the underlying zoning would allow.

a. Enhance and preserve open space and unique natural features.

BCP Response: This purpose has been met in that the project plan provides roughly 80% open space, protects wetland areas and stream corridors and protects areas with steep slopes and high visibility.

BCPOA Response: Phase 1 of the Bridger Mountain Village PUD fails to follow the intent of the Bridger Canyon General Plan and Development Guide and fails to enhance or preserve open space or unique natural features in the following ways:

UNIQUE NATURAL FEATURES: The Bridger Canyon General Plan and Development Guide states that "while vast areas of public land in Bridger Canyon are best preserved by remaining relatively undeveloped, more intensive use of the buildable forested areas is encouraged. It is proposed that the 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.*" (page 26) These remarks indicate that the General Plan sees open meadowland as a unique natural feature to be protected and preserved. BCP proposes to build out well over half of the Crosscut Ranch meadow (one of the most pristine open meadows in Bridger Canyon), historically the site

of a family-run dude ranch succeeded by a cross country ski operation. The Crosscut meadow, the centerpiece of BCP's proposed building site for Phase 1, is a narrow peninsula of meadowland surrounded on three sides by wetlands (jurisdictional) and streambeds. Bridger Creek, the stream located on the eastern boundary of the proposed development, is listed as one of Gallatin County's 11 impaired streams by the Montana Department of Environmental Quality. The meadow and surrounding riparian area serve as valuable wildlife habitat for a wide variety of species.

OPEN SPACE: Currently the Crosscut Meadow stands as open space. BCP proposes to build out the majority of the meadow with 46 structures.

b. Preserve to the maximum extent possible the natural characteristics of the land, including topography, vegetation, streams, and tree cover.

BCP Response: this purpose has been met. In general the proposed Site Plan, covenants and Design Guidelines reflects a proposal that utilizes the ground most suitable for development. It will protect areas with steep slopes, wetlands, stream corridors and tree cover. The use of central water and sewer systems adds another level of protection to the natural characteristics.

BCPOA Response:

STREAM CORRIDORS: BCPOA finds that BCP's PUD does not protect stream corridors; in fact, the development appears to have been designed to place home sites within close proximity of stream corridors and riparian areas. Further, according to the Phase 1 site plan, the proposed development would encroach upon the 150 foot stream setback requirement by locating cabins on both the north and south banks of Maynard Creek.

Page 11 of the Bridger Bowl Base Area Plan states that "floodplains which are a minimum of 50 feet (25 feet on either side of the channel) should be preserved in a natural condition along all waterways. BCP's proposed road system covers more than nine acres, and sections of Mountain Village Road and Loggers Lane appear to encroach on the required floodplain setback.

Bridger Creek, the stream bordering the eastern boundary of BCP's Phase 1 development, is classified as "impaired" by the Montana Department of Environmental Quality. Bridger Creek flows throughout Bridger Canyon. Degradation to this already fragile stream or any of its three tributaries present in the proposed Bridger Mountain Village would negatively impact many canyon residents and their agricultural concerns downstream throughout Bridger Canyon. In their PUD application, BCP requests

relaxation on the 150 foot watercourse Subdivision Regulation setback requirement. Given the fragility of Bridger Creek and its importance to the wellbeing of so many property owners in Bridger Canyon, BCPOA strongly opposes relaxing the 150-foot stream setback requirement.

VIRGIN TREE COVER: As displayed on Map 4 of the Bridger Bowl Base Area Plan, the Corral Creek and Twin Forks areas are currently forested with virgin tree cover. In addition, in the Crosscut area, portions of 2 of the 3 nonjurisdictional wetlands with mature aspen groves (as displayed on Phase 1 Site Plan, Drawing 1B) will be transformed into storm water ponds and bioswales. In Drawing 1C, it appears that the third aspen grove in the Cross Cut area will be eliminated entirely and supplanted with homes.

c. Protect areas of important wildlife habitat.

BCP Response: This purpose has been met. The Wildlife Assessment identified stream corridors, “edge areas,” tree cover and aspen stands as important to wildlife. To the maximum extent possible, while balancing the need to place development in the most suitable locations, this has been accomplished by the proposal. Roughly 1,000 feet of the lower meadow between Highway 86 and the “Crosscut” portion of Phase 1, which includes the confluence of Maynard and Bridger Creeks, has been left as open space. The other stream confluence area, which also contain wildlife habitat have been left as open space.

BCPOA Response: According to Suvy Scott, Wildlife Biologist, (see attached) “the proposed area of development contains greater variety and numbers of wildlife than almost any area in Montana outside of the national parks. The greatest threat to these wildlife species is the development of a large number of buildings and roads.”

WETLANDS: The jurisdictional (and nonjurisdictional) wetlands in the Crosscut meadow provide valuable wildlife habitat. Development in this area may block wildlife access to and between wetland areas. The Bridger Canyon General Plan and Development Guide articulates four concepts “based on the premise of maintaining the existing canyon character as much as possible.” (p. 26) In Concept D, the General Plan states that wetlands “deserve special treatment due to their sensitive qualities” and guides developers building in wetland areas to construct “1) only low density residential development...; 2) allow no dense build-up of buildings in any one place, prefer[ring] not to cluster developments; and 3) in all cases, the streamside vegetation should be left undisturbed.” (p. 27)

BCP's proposed plan, with its network of paved roads and dense development clustered around the most critical wildlife habitat (i.e., streams and wetlands), forces wildlife to interact with human development (crossing paved roads and private residential lots) in order to gain access to their natural habitat.

LOWER MEADOW: With respect to BCP's response, only the area closest to highway 86 has been left as open space – the lower meadow. This may force existing wildlife closer to highway 86 and result in loss of human and animal life.

REQUIRED MAP: We were unable to locate the wildlife habitat map required in the PUD process and by the Gallatin County Subdivision Regulations (p. 125)

QUALITY OF WILDLIFE STUDY: This is a complex issue requiring additional study. One wildlife biologist reviewing the Wildlife Assessment submitted by BCP, however, suggested that it is “disturbingly inadequate.” (See attached letter) Since the area slated for development is environmentally sensitive, BCPOA would like to formally request that a full-scale Environmental Impact Statement be required and requests that the DNRC be the lead agency conducting the study.

RECOMMENDATIONS OF THEIR OWN STUDY: Opposing their own wildlife study's recommendations 1) to prohibit horses (p. 14), BCP proposes a equestrian center located in close proximity to a jurisdictional wetland; 2) to provide for maximum possible setback of building envelopes from wetlands, riparian shrub and tree stands, and aspen groves (p. 15), BCP requests relaxation of watercourse setbacks, and plans to minimize two aspen groves and elimination of a third 3) to prohibit fences (p. 15), BCP specifies in their CC&Rs p. 48, Section 10.16 Governing Authority Restrictions (a) iii that “Fences within the Property are prohibited except (A) perimeter fencing designed to allow wildlife movement between the Property and adjacent properties, and (B) dog runs and pasture fencing, subject to approval of the CDR. *Notwithstanding the foregoing, Declarant may erect or install fencing within the Property to the extent that Declarant deems such fencing to be necessary or desirable for aesthetic purposes.*

d. Prevent soil erosion by permitting development according to the nature of the terrain.

BCP Response: this purpose has been met. The proposed development “works” with the terrain in terms of the location roads and building sites to minimize cuts and fills and thereby reduce soil erosion. Revegetation, weed control and drainage and erosion control plans are part of the overall project. Detailed plans for these will be required at subsequent levels of review. The Site plan shows the proposed locations of storm water detention ponds and “bioswales.” These are a product of storm water planning for the projects.

BCPOA Response: The impact of development on soil erosion cannot be fully determined at this time as we were unable to locate an erosion control plan. This plan would serve as an important evaluative element and. BCPOA recommends that BCP be required to submit such a plan during this review process. BCPOA is also concerned about the sufficiency of BCP’s proposed bioswales given the amount of terrain to be covered in roads and buildings and the extraordinarily high volume of spring runoff.

e. Encourage the development of more attractive site design.

BCP Response: This has been met. The Design Guidelines specify an architectural and landscaping theme for the entire project that focuses on a low key, traditional western, mountainous type of site landscaping and buildings that emphasize wood and stone exterior finishes. The Design Guidelines are enforced through the covenants and the overall PUD. Maximum building heights have been maintained at 35 feet. The proposed road system serving overnight accommodations are proposed to be of a narrower width to minimize impact on the setting. This along with reduced building setbacks in certain locations allows for a more compact, informal and human-scale development form.

BCPOA Response: Most of the housing in Phase 1 will be visible from Bridger Canyon Road. A large portion will not be “under cover of trees” and will be visible from the highway and adjacent properties. BCP has requested setback reductions on major tributaries to Bridger Creek, an “impaired stream” that supports agriculture, recreation (fishing), and private property uses throughout Bridger Canyon. The stream setback reductions requested by BCP are inconsistent with the intent of Bridger Canyon’s General and Base Area Plans as well as Zoning Regulations requiring the preservation and protection of Bridger Canyon’s watercourses and wetlands.

f. Reduce the cost and physical impact of public and private services.

BCP Response: This has been met. By using central sewer and water services and roads that utilize terrain advantages, the physical impact on the site is reduced. Public service functions (wastewater treatment and disposal facilities, employee housing and the proposed fire station site are all located in the center of the overall project with direct access off the road to the current Bridger Bowl Base area. The centralized location will contribute to reduced costs for expansion

to the future phases.

BCPOA Response: Because BCP's PUD application only refers to a site for a future fire station, a major portion of the development's fire protection costs will be borne by the Bridger Canyon Rural Fire Department and not BCP. Use of individual propane tanks as proposed by BCP is inefficient and poses a serious fire hazard.

g. Lessen the visual impact of development and preserve the scenic vistas and rural atmosphere.

BCP Response: This has been met. Overall and specifically for Phase 1, the bulk of the proposed development is centered in the middle of the property allowing for visual setbacks from Highway 86 and reserving the highest portions of the site as open space. A buffer of 1,000 feet has been left between Highway 86 and nearest cabins in the Crosscut portion of the phase. All building heights will be kept at 35 feet, as stipulated in the Regulation. The central services area with the wastewater treatment and disposal area, future fire station, parking, and employee housing is located on a bench south of the Bridger Bowl road that has minimal visibility. The area is screened from view by existing tree lines. All utilities will be located underground.

BCPOA Response: Because Bridger Canyon Road is located at a higher elevation than the Crosscut Ranch meadow, the entire length of the Crosscut Ranch meadow is visible from the road. Residents and visitors passing through have enjoyed this scenic piece of our Canyon for generations. If built per BCP specifications, 46 structures (1 lodge, 40 cabins, and 5 chalets) located in the meadow will be visible from Bridger Canyon Road. The Bridger Base Area Plan (pg. 15) states that the Bridger Canyon General Plan and Development Guide "recommends that visual aesthetics be preserved through the clustering of development in areas of tree cover." As stated earlier, the General Plan reserves a high level of protection for meadows, stream corridors and wetlands from residential building and encourages building in areas with tree cover. Contrary to the Zoning District's intentions, BCP has chosen to locate most of the first phase's density in an open meadow while reserving the lower density single-family homes sites to tree-covered areas.

h. Preserve agricultural lands.

BCP Response: there are no agriculturally significant properties in the Base Area.

BCPOA Response: While there are no designated agricultural lands in the base area, there are significant agricultural lands down stream that rely on the availability of water from Bridger Creek (classified as an "impaired"

stream by the DEQ). Cattle permitted in the area (free range forestry grazing) frequently graze in or move through the meadow. Once developed, this agricultural land will be lost.

i. Provide economies in the provision of public services.

BCP Response: This purpose is met. Clustering of development in the most suitable locations, choice of appropriate road standards and utilization of central water and sewer systems all contribute to economies in the provision of public services.

BCPOA Response: Currently the costs of public services (fire protection, security, and county government) are minimal to Bridger Canyon residents due to low population density. The growth in population as a result of the proposed development (equal to or greater than the entire population of the zoning district) concerns BCPOA because we anticipate increased costs associated with emergency services, security, and fire protection. In addition, BCP proposes using individual propane tanks. A centralized distribution source for overnight accommodation pods would provide a more efficient economy in the provision of public services, substantially reduce the risk of household explosions and other fire hazards, and reduce the number of propane tankards driving Bridger Canyon Road (improving the welfare and safety of canyon residents). Underground storage tanks and delivery for overnight accommodation pods should also be considered.

13.2 Special Definitions

a. Common Open Space: A parcel or parcels of land, or an area of water, or a combination of land and water within the site designated for a Planned Unit Development and designated and intended for the use or enjoyment of residents of the Planned Unit Development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Planned Unit Development.

b. Development Rights: The potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.

c. Landowner: The legal or beneficial owner or owners of all of the land proposed to be included in a Planned Unit Development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than twenty (20) years or other persons having an enforceable proprietary interest in such land, shall be deemed to be a Landowner for the purposes of these provisions.

d. Open Space: Land subject to valid restriction against housing development, the maintenance of which in its natural or agricultural state is necessary for the enhancement

of living conditions in Planned Unit Developments.

e. Plan: The provisions for development of a Planned Unit Development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, and a general layout of water and sanitary facilities. The phrase "provisions of the plan", when used in these provisions, shall mean the written and graphic materials referred to in this definition.

f. Planned Unit Development: An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, the Plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in the underlying zone. Multiple parcels within a Planned Unit Development must be contiguous or share a common boundary.

(Amended: County Commission Resolution No. 1997-34).

BCPOA Response: BCP's proposed PUD does not meet this definition with respect to parcels being contiguous (or sharing a common boundary) because Phase 3B is separated from other phases by property owned by Bridger Bowl and Lachenmaier. (See Master Plan site plan Phase 3B.)

g. Residential: Single family dwelling units, condominiums, and town houses.

h. Transfer of Development Rights: The conveyance of development rights by deed, easement, or other legal instrument, authorized by the Bridger Canyon Zoning Regulation, to another parcel of land and the recording of that conveyance at the Office of the Gallatin County Clerk and Recorder.

BCP Response: This section is germane to administration of the PUD section, there is nothing to be responded to relative to the Phase 1 application.

13.3 Uses Permitted

Any use permitted in the underlying zone classification, including single family dwelling units, condominiums and townhouses.

BCP Response: The uses proposed in Phase 1 are consistent with the permitted uses in the Base Area B-4 and B-2 zones. The Phase 1 Site Plan shows the existing 0.25 acre B-2 zone located along the Bridger Bowl access road as being relocated west to the intersection of the Bridger Bowl access road and High Traverse Drive, which loops back to Mountain Village Road, is the main entry to the overall project. There is an additional discussion in Part III describing the permitted and conditional uses proposed in Phase 1.

13.4 Land Use Intensity Factor

The land use intensity factor for each district shall be as shown following the PUD symbol on the official Bridger Canyon Zoning Map.

BCP Response: The PUD land uses intensity factor for the Base Area is .5 acres per dwelling unit. The Phase 1 application is consistent with (less than) the land use intensity factor.

13.5 Standards for Development

a. General: In approving an area for a planned unit development, at least one (1) of the following conditions shall exist:

(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.

BCPOA Response: Although the BCP's parcel contains many areas which are suitable for minimizing the visual impact of development (tree cover), Phase 1 of their development is situated in a meadow fully visible from Bridger Canyon Road. BCP has chosen to begin their development and create an area of high density in 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.

BCPOA Response: The proposed PUD will not preserve (rather consume) the open space and agricultural land present in the Crosscut Ranch area. In evaluating the proposed development in light of the alternatives to an overall PUD, namely 1) underlying zoning of 1 house per 20 acres or 2) an individual PUD on Tract 2 Crosscut Ranch, we might find either alternative could offer a higher quality of open space with greater benefit to residents of and visitors to Bridger Canyon than the proposed PUD. 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.

BCPOA Response: Bridger Mountain Village's Phase 1 fails to preserve important natural assets. Phase 1 construction would minimize and eliminate stands of aspen trees, encroach on watercourses and riparian areas, 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 open meadows and wetlands as natural assets, stating, "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.*"(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.

BCPOA Response:

VISUAL IMPACT: Although BCP's total property contains areas with topography suitable for minimizing the visual impact of development, they have selected an area (an open meadow entirely visible from the nearby highway) to begin their four phase project that one might say maximizes the visual impact of their development.

EROSION PREVENTION: Because an erosion control plan has not been submitted, BCPOA cannot determine whether erosion can be prevented in such a sensitive area—wetlands and areas surrounded by watercourses feeding an "impaired stream."

BCP Response: The Phase 1 PUD site meets all of the above criteria.

b. Specific: In approving a site for a Planned Unit Development, the following specific standards shall be met:

(1) Determination of Density: Interpolation is permitted by rounding-off to the nearest dwelling unit permitted (due to size of whole parcel.) Example:

minimum = 1 DU/20 acres

actual property survey - 389 acres

maximum number of dwelling units permitted would equal 20 units (by rounding off to the nearest unit.)

BCP Response: Not applicable to the Base Area.

(2) Parking and Open Space: Parking and open space requirements are set forth in the following table. Open space shall not include areas devoted to public or private streets,

parking, or areas covered by buildings. Open space may include natural or agricultural ground, landscaped areas, recreational areas, and water surfaces.

BCP Response: This standard has been met. Parking spaces for the Recreational (single family) dwelling units will be provided for on the individual lots at the Building Permit (Land Use Permit) stage. Parking spaces for the overnight accommodation units in Phase 1 (trapper cabins and chalets) will be provided for as illustrated in one of the options as shown in Typical Parking Details. Each option shows a minimum of 1.5 parking spaces per dwelling unit. A minimum of 1.5 parking spaces shall be required for each dwelling unit or overnight accommodation. Specific locations will be determined at the Building Permit (Land Use Permit) stage.

Required open space is 75 percent as per the table Section 13.5 b. (2). More than 75% is provided, as will be discussed later.

BCPOA Response:

PARKING: BCP should be required to provide specific locations for all potential parking spaces at this phase of the evaluation process to determine feasibility and specificity so that we may fully weigh the impact of parking on the entire project.

OPEN SPACE: In section 13.2 Special Definitions of the Bridger Canyon Zoning Regulations, item d. Open Space is defined as "land subject to valid restriction against housing development, the maintenance of which in its *natural or agricultural state* is necessary for the enhancement of living conditions in Planned Unit Developments." BCP's figures, however, are based on the definition located in 13.5 Standards for Development item b. (2) Parking and Open Space which defines open space as not including "areas devoted to public or private streets, parking, or areas covered by buildings." Further "open space may include natural or agricultural ground, landscaped areas, recreational areas and water surfaces." In keeping with the Gallatin County Subdivision Regulation precedence of favoring the more restrictive regulation, BCPOA requests that BCP recalculate its open space figures using the more restrictive definition.

LAND USE INTENSITY (ACRES/DWELLING UNIT)	OFF-STREET PARKING REQUIRED/DWELLING UNIT	OPEN SPACE REQUIRED AS % OF LAND
80	2.0	99
40	2.0	98
20	2.0	95
10	2.0	90
5	2.0	90
2	2.0	85
1	1.5	80
0.5	1.5	75
0.3	1.5	70

(3) Continuous boundaries for multiple parcels: The minimum continuous boundary length to be shared by multiple parcels in a PUD shall be equal to the minimum parcel width contained in 6.5(a).

BCP Response: Section 6.5 is applicable to the AE District, therefore not applicable to the Base Area District.

(Amended: County Commission Resolution No. 1997-34).

c. Dwelling Unit Design: Harmonious variations in materials, textures, and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual unit.

BCP Response: This standard has been met. As noted above regarding the Design Guideline and as illustrated in the concept sketch plans included, the architectural theme will use building forms and exterior finishes that are harmonious and compliment the natural setting as well as the architecture of the existing Bridger Bowl facilities. All future residential construction will be required to adhere to the Design Guidelines. The service facilities and structures will be required to adhere to the general intent and theme of the Design Guideline. Adherence will be assured through the architectural review function in the covenants and future Building Permits.

d. Common area Access: Each building site shall have ready access to any common areas and facilities.

BCP Response: This standard has been met. All units and uses have access to the open spaces to be owned by the Owners Association, trail systems and via the proposed roads.

e. Car Circulation and Access: Road design should reflect the following factors:

(i) Dwelling areas shall only have limited access to major traffic arteries. Common access roads should be used when possible.

BCP Response: This standard is met. None of the proposed lots or overnight accommodation areas has direct access off Highway 86 or the road to Bridger Bowl. Direct access off High Traverse Drive and Mountain Village Road, which is the beginning of the overall traffic circulation system for the entire Mountain Village project, is limited. Access is provided by the internal road system.

BCPOA Response: This is a complex issue requiring additional study.

(ii) Collector roads of ample width and flowing alignment shall feed traffic between the arterial streets and to a network of minor access streets on which most of the home sites are located. Streets and roads shall meet the design standards contained in the Gallatin County Subdivision Regulations.

BCP Response: This standard is met. A hierarchy of roads is proposed to provide for traffic collection and lot access. Two road widths are proposed. Bridger Bowl, High Traverse, the extension of Wedeln Drive, Corral Creek, Montague, Twin Forks, Loggers Lane, and Spotted Pony are intended to provide the circulation system to move traffic in and out of the project and would have a 24 foot paved surface. They will be located within 60 foot wide, dedicated rights-of-way.

Maynard Creek, Joy Yellowtail, Forsythe and Coombs Cutoff, serving the overnight accommodation units, are proposed to have a paved surface of 20 feet with 2 foot gravel shoulders. These roads are intended to serve as, essentially, driveways which will allow for a more compact and human scale form of development. Reduced, 20 foot structural setbacks are proposed adjacent to these roads. They will have light traffic loadings and will be located in a minimum 20 foot wide public access easement that will be specified during subsequent site plan review at the Building Permit stage for the different development pods in Phase 1. A copy of the preliminary road plans and profiles is provided in the application. These illustrate that the proposed roads have been designed to Gallatin County standards.

BCPOA Response: We were not able to locate a snow removal plan in materials provided. Concern: Will snow be directed toward creek bed off of Mountain Village, Twin Forks, Loggers Lane, and Spotted Pony?

(iii) Where terrain permits short loop streets and cul-de-sacs should be used for minor streets.

BCP Response: This standard is met. Loop streets and cul-de-sacs have been used where the terrain permits and in keeping with good design standards for daily and emergency access.

BCPOA Response: This is a complex issue requiring additional study.

f. Parking: Parking shall reflect the following factors:

(i) Occupant and guest car parking should be located so home sites are conveniently served.

BCP Response: This standard is met. As illustrated in the Typical Parking Details for the trapper cabins and chalet units, the proposed parking is conveniently located. For the Crosscut Lodge complex, general parking areas, located for convenient access to the Complex, are shown on the Phase 1 Building Footprint Concept Plan. These will need to be specified in the Building Permit process. Parking for the Recreational lots [single family homes] will be provided for on an individual basis in the Building Permit process.

BCPOA Response: Building envelopes and designated parking spaces (for both overnight and residential) should be required and submitted for review before BCP can proceed through the PUD evaluation process. This information will help to determine the feasibility of this project.

(ii) Parking areas should be designed so that not more than an average of five (5) spaces shall adjoin each other without intervening landscaped areas, except in the Base Area where snow removal necessitates alternative landscape schemes.

BCP Response: This standard is met. While the expressed standard may not be applicable because Phase 1 is in the Base Area, the parking configuration options for the trapper cabins and the chalets none the less adheres to the standard. The larger proposed parking areas near the Crosscut Lodge Complex and the services area south of the Bridger Bowl access road will be reviewed during the Building Permit process. These parking spaces will need to have alternate landscaping treatments as noted in (ii), above. The location of the larger parking spaces in Phase 1 have been selected for convenience of use and for their screening potential.

BCPOA Response: Because parking requirements are important in evaluating the overall feasibility of the project, BCPOA requests that parking for the Crosscut Lodge Complex and service areas be specified before BCP can proceed with the PUD evaluation process. BCPOA wonders about the need for anything but minimal parking at the Crosscut Lodge Complex; from the maps provided, it appears that employees and patrons should be within walking, skiing, or shuttle distance to the facility.

g. Walks and Service Circulation: Walks and service circulation should reflect the following factors:

(1) Walks should be designed to provide convenient access to recreation, service, parking and other common areas.

BCP Response: This standard is met. Owing to the limited intensity and road circulation network in Phase 1, pedestrian accommodations are anticipated to be adequately served by the roads and trails. Additional sidewalks for pedestrian accommodations are not anticipated to be needed and would add an additional set of impacts to the site.

h. Setbacks: Front, side and rear setback requirements for structures shall be those of the

district with which the Planned Unit Development is combined or as established by the approved plan.

BCP Response: The following is a description of the setbacks proposed for the Phase 1 PUD and shown on the Site Plans.

Setbacks and other design standards proposed for the overall Bridger Mountain Village PUD and Phase 1 are shown in the Summary Table provided in Appendix B of the Design Guidelines. The Phase 1 building setbacks are as follows:

All Phase 1 uses:

- Adjacent to Lachenmaier and Bridger Pines: 25 foot setback.

BCPOA Response: The WWTF will be located 25 feet from the Lachenmaier property. What is the required setback for such a facility from a home? If the required setback is more than 25ft, then isn't BCP reducing the buildable acreage on the adjacent property?

Overnight accommodations:

-Front and rear yard: 20 feet from an interior property line, right-of-way or public access easement (Note: Corner lots are required to have two, 20 foot front yard setbacks. Porches may protrude 5 feet into the front or rear setback.)

-Side yard: 10 feet from interior property lines or a total of 20 feet between structures.

-Wetlands: Detached units (trapper cabins): 12 feet. Attached units (chalets): 12 feet.

BCPOA Response: With regards to building setbacks from wetlands, BCPOA recommends the most restrictive regulation be applied because the Bridger Canyon General Plan and Development Guide specifically directs us (as mentioned earlier) to protect and preserve wetland areas and build "well away" from these sensitive areas (p. 26).

-Watercourses: 50 feet from high water mark.

BCPOA Response: Given the sensitive nature of the watercourses, the protections offered through the subdivision review process, the County's own standards, and our proposed updates for the Bridger Canyon Zoning Regulations (which will be a 150-foot setback from the watercourse high water mark), BCPOA requests that no reduction in the 150-foot watercourse setback be granted along Bridger Creek (currently listed as "impaired" by the Montana DEQ), any of its tributaries, or any other watercourses.

SUBDIVISION REGULATIONS: A 150-ft setback shall be provided from the ordinary high water mark of all other watercourses. (p. 86 Section 6 Design and Improvement Standards, General A. General Standards 5.)

BCPOA does not believe that a mitigation plan allowing a lesser setback would provide adequate protection.

Recreational Lots:

- Front yard: 30 feet from property line or public access easement.
- Side yard: 10 feet for lots less than 0.75 acres. 15 feet for lots greater than 0.75 acres.
- Rear yard: 25 feet.
- Wetlands: 12 feet.
- Watercourses: 50 feet from high water mark.

BCPOA Response: Given the sensitive nature of the watercourses, the protections offered through the subdivision review process, the County's own standards, and our proposed updates for the Bridger Canyon Zoning Regulations (which will be a 150-foot setback from the watercourse high water mark), BCPOA requests that no reduction in the 150-foot watercourse setback be granted along Bridger Creek (currently listed as "impaired" by the Montana DEQ), any of its tributaries, or any other watercourses.

SUBDIVISION REGULATIONS: A 150-ft setback shall be provided from the ordinary high water mark of all other watercourses. (p. 86 Section 6 Design and Improvement Standards, General A. General Standards 5.)

BCPOA does not believe that a mitigation plan allowing a lesser setback would provide adequate protection.

All other uses:

- Front, rear, and side yard: 20 feet from interior lot lines, public rights-of-way, public access easements or other structures.
- Minor reductions are proposed over the setback standards in the Regulation. The objectives are to allow for a more compact, human-scale form of development, reduce the overall footprint of development and to encourage clustering.

BCPOA: Due to the environmentally sensitive nature of the site, unless specifically spelled out for evaluation, BCPOA objects to any reduction in setback standards from the most restrictive standard available from an applicable regulating body or ordinance.

i. Open Space Areas: Open space areas should be situated in such a manner as to avoid the crowding together of building uses and parking uses or to enhance visual or recreational pursuits of residents.

BCP Response: This standard has been met. The Site Plan illustrates that open spaces are used to break up the massing of the overall project and create clusters of development strategically separated by open spaces that have a

specific purpose and relationship to the natural landscape.

BCPOA Response:

COMMON OPEN SPACE: "Open Space Area" as referred to above more accurately describes Common Open Space (as defined in the Gallatin County Subdivision Regulations, p. 5, number 10) because the language above refers to benefiting recreational pursuits of the residents of the development. BCP's response to this item does not address the issue of Common Open Space. BCPOA requests that Common Open Space designation take place during this phase of the PUD evaluation process.

OPEN SPACE DEFINITION: In section 13.2 Special Definitions of the Bridger Canyon Zoning Regulation, item d. Open Space is defined as "land subject to valid restriction against housing development, the maintenance of which in its *natural or agricultural state* is necessary for the enhancement of living conditions in Planned Unit Developments." BCP's figures, however, are based on the definition located in 13.5 Standards for Development item b. (2) Parking and Open Space which defines open space as not including "areas devoted to public or private streets, parking, or areas covered by buildings." Further "open space may include natural or agricultural ground, landscaped areas, recreational areas and water surfaces." In keeping with the Gallatin County Subdivision Regulation precedence of favoring the more restrictive regulation, BCPOA requests that BCP recalculate its open space figures using the more restrictive definition.

Furthermore, the intent of open space is to contribute to the betterment of the entire community. By clustering intense development in a primary, existing view shed of Bridger Canyon, BCP is not contributing to the betterment of the district.

SUBDIVISION REGULATIONS: BCPOA finds that BCP has not addressed the issue of common open space requirements as outlined in the Subdivision Regulations on page 143 C. PUD Criteria 3. Open Space: "Each PUD shall provide an area for dedicated park or common open space appropriate...see page 94 section G for size requirements."

j. Sanitary and Water Facilities: The general layout of sanitary and water facilities shall reflect that it is the intent of the plan to protect the environment, encourage efficient use of land in the general area and comply with the requirements of County subdivision and State health requirements.

BCP Response: This standard has been met. The location of the wastewater treatment and disposal facility is situated on the portion of the overall property

most suited to meet State and County health requirements. The location was determined by extensive engineering investigations which considered soil types and conditions, slopes, proximity to surface water, visual screening capability and the need for a centralized location to provide optimum service to the entire project area. The wastewater treatment process will provide for advanced treatment, including nutrient removal and protect the environment. Starting with Phase 1, the proposed wastewater treatment system is designed to be constructed in stages and will be expanded incrementally to accommodate all future phases. The water supply system is also designed to be installed in increments to provide for domestic and fire protection water supplies. Gravity flow, augmented by new production wells, from the existing 350,000-gallon reservoir will provide for Phase 1.

BCPOA Response: This is a complex issue requiring further investigation and review. Our lay response, however, questions the availability of an alternate discharge plan as required by the DEQ. There does not appear to be a location for the biosolids generated by the WWTF. According to section 12 in BCP's Appendices Documents, "digested sludge will be dewatered in the container filter and hauled to the County landfill in Logan. Currently, the landfill does not receive any dewatered sludge. Based on a conversation with a landfill board member, the landfill is willing to accept dry solids (passing the paint filter test) in the future." A written commitment (i.e. contract) from the facility accepting biosolids should be a requirement for approval of the proposed PUD. In looking at the building of membrane bioreactor treatment trains illustrated in Table 5-1, it appears that the build out of the trains does not keep pace with the housing development build out. While 73% of the housing units will be complete at the end of Phase 2, only 33% of the treatment trains will be complete. BCPOA would like an explanation for this discrepancy.

k. All condominium and townhouse planned unit developments shall have and use bear proof refuse containers.

BCP Response: This standard has been met. The covenants require all uses to provide and use animal proof refuse containers.

BCPOA Response: Although BCP's CC&Rs (10.16 (ii)) state that "open garbage containers are prohibited within the Property. All garbage receptacles shall be of a type designed to prevent access by wildlife, including, without limitation, bears," the master PUD states "open garbage containers will be prohibited. Regular garbage pick-up from all accommodations will be provided and collection areas will use bear proof containers" (p. 16, item 10). The master PUD's statement implies that only the centralized collection area will require bear proof containers while residences and overnight

accommodations will not be required to do the same. BCPOA regulations require that ALL garbage containers be bear proof, not just those located in a central collection area.

13.6 Procedure

a. Required Information: The developer shall submit to the Gallatin County Zoning Office ten (10) copies of the following information:

(1) Number and types of proposed dwelling units

BCP Response: As shown on the Phase 1 Site Plan, a total of 117 dwelling units are proposed as follows: Maynard Creek Pod, 10 trapper cabins, detached overnight units; Crosscut Pot, 30 trapper cabins, detached overnight units; Crosscut pod, 20 Chalet units, attached overnight units in 5-fourplex units; Joy Yellowtail pod, 32 Chalet units, attached overnight units in 8-fourplex units; Corral Creek pod, 12 recreational lots [single family homes]; Twin Forks pod, 3 recreational lots [single family homes]; Spotted Pony pod, 7 recreational lots [single family homes]; and Loggers Lane pod 3 recreational lots [single family homes].

BCPOA Response: In order to effectively evaluate the feasibility of this project, we request specific information (such as is provided above regarding Phase 1) on all phases of the proposed development.

(2) Number of off-street parking spaces

BCP Response: The numbers of off-street parking spaces are provided for on an individual basis and will be enforced in the Building Permit process. Parking for the individual uses will be required to meet the standards set forth in the Regulation and the Design Guidelines. Overnight accommodation units will be required to have a minimum of 1.5 spaces per unit. Recreational lots [single family homes] will be required to have a minimum of 2 spaces. In total, the overnight accommodation units will be required to have a minimum of 138 spaces (92 x 1.5 spaces per unit = 138 spaces). These will be located in and around the separate units to the maximum extent possible as opposed to within centralized parking areas. The recreational lots [single family homes] will be required to have a minimum of 50 spaces, located within the individual lots. Parking spaces for the other uses, such as the wastewater treatment facility or the Crosscut Lodge, will be determined based on need and compliance with the Regulation during the Building Permit process.

BCPOA: Because parking requirements are important in evaluating the overall feasibility of the project, BCPOA requests that parking for the Crosscut Lodge Complex and service areas be specified before BCP can proceed further with the PUD evaluation process. BCPOA wonders about the need for anything other than minimal parking at the Crosscut Lodge Complex; from the maps provided, it appears that employees and patrons should be within walking, skiing, or shuttle distance to the facility.

(3) Amount of open space or land to be left in agricultural production by acreage.

BCP Response: The amount of open space provided in Phase 1 is between 100.59 and 98.39 acres, 82.1% and 80.3%, respectively (out of a total of 122.5 acres in Phase 1). Seventy-five percent open space is required. The range is provided to provide for expansion of services such as the wastewater treatment plant and the Crosscut Lodge, that will initially serve Phase 1 but which may need to be expanded to serve future phases. A detailed description of the open space accounting is an Open Space Analysis in the Appendix.

BCPOA Response: In section 13.2 Special Definitions of the Bridger Canyon Zoning Regulations, item d. Open Space is defined as "land subject to valid restriction against housing development, the maintenance of which in its *natural or agricultural state* is necessary for the enhancement of living conditions in Planned Unit Developments." BCP's figures, however, are based on the definition located in 13.5 Standards for Development item b. (2) Parking and Open Space which defines open space as not including "areas devoted to public or private streets, parking, or areas covered by buildings." Further "open space may include natural or agricultural ground, landscaped areas, recreational areas and water surfaces." In keeping with the Gallatin County Subdivision Regulation precedence of favoring the more restrictive regulation, BCPOA requests that BCP recalculate its open space figures using the more restrictive definition.

(4) Amount of land, by acreage, to be covered by buildings.

BCP Response: The total amount of land to be covered by buildings in Phase 1, including potential expansion of initial facilities, is estimated to be 320,140 square feet, or 7.35 acres. The amount of land to be covered by buildings is less than the area that is not considered to be open space. The information detailing this is provided in the Open Space Analysis in the Appendix.

(5) Materials, textures and colors of structures, if proposed.

BCP RESPONSE: All structures in the Phase 1 PUD will be subject to additional building permit review. The materials, textures and colors for the lodge and residential structures are illustrated by the architectural concept plans and Design Guidelines but by necessity will be allowed some deviations.

(6) A location map showing the project in relation to the surrounding area.

BCP Response: This has been provided with the Bridger Mountain Village Overall development plan application for the entire property.

(7) A site plan showing:

(a) Property lines and easements, with dimensions and areas;

(b) Location, size, spacing, setbacks, and dimensions of all existing and proposed

buildings, structures, improvements and utilities;

BCPOA Response: *Building envelopes were not found* for single family dwellings or any specific information regarding the overnight accommodations' building envelopes.

(c) Topographic information showing existing features and any proposed grading;

(d) Existing vegetation, wildlife habitat, and water courses, floodplain, and any proposed alterations;

BCPOA Response: *No map found specific to wildlife habitat.*

(e) Existing land use;

(f) Existing access to the project, proposed roads, and parking layout, all with dimensions;

(g) Soil types, wetlands, and natural drainages.

BCPOA Response: *No map found delineating natural drainages..*

BCP Response: All of these mapping requirements have been provided. In order to enhance clarity for understanding, the Phase 1 Site Plan does not show all of these

mapping requirements on one map. Other exhibits are provided to illustrate all of the above information.

8) Legal Requirements: All Planned Unit Developments which contain areas of common ownership or access shall submit covenants and other legal documents which:

(a) Legally create automatic-membership, non-profit homes association or similar instrument.

(b) Place title to any common property in the homes association, and limit title to residual lands so that residential use in excess of that permitted in this Regulation may not be made thereon.

(c) Restrict title to required open space (whether held in common or not) so that residential buildings or uses detrimental to the residential portion of the Planned Unit Development may not be conducted thereon.

(d) Appropriately and permanently limit the uses of common property, open space, and residual agricultural lands.

(e) Give each lot owner the right to use and enjoyment of the common property.

(f) Place responsibility for operation and maintenance of the common property and roads in the home association.

(g) Place an association charge on each lot which will:

(1) Be a lien on the property;

(2) Assure sufficient funds for maintenance of common property;

BCPOA Response: We recommend that Gallatin County require BCP to post a bond guaranteeing available funds to maintain the common property until such time as the home owners association is financially able to do so.

(3) Provide safeguards against unreasonably high charges and a method to adjust assessments.

(h) Provide for weed control in accordance with Gallatin County Regulations.

BCPOA Response: We recommend that Gallatin County require BCP to post a bond guaranteeing available funds to control weeds on the entire property until such time as the home owners association is financially able to do so.

All legal documents required under this section shall not be acceptable until approved by the County attorney when required by the County Commission; all deed restrictions and association rules and regulations may be enforceable by the County of Gallatin as well as by the association.

BCP Response: Bridger Canyon Partners have submitted draft covenants and administrative plan for the entire Bridger Mountain Village project. The covenants and administrative plan were submitted with the Master PUD application and provide for each of the eleven items noted in Section 13.6 (8).

BCPOA Response: CC&Rs do not have specific information regarding the conditions of and restrictions on the overnight accommodations.

13.7 Staged Development

If the sequence of construction of various portions of the development is to occur in stages, then the open spaces and the recreational facilities proposed for the entire development shall be developed, or committed thereto, in proportion to the number of dwelling units constructed. At no time during the construction of the project shall the number of constructed dwelling units exceed the overall density per acre established by the Land Use Intensity Factor.

BCP Response: The Bridger Mountain Village project will be constructed in stages, or phases. The Master Site Plan shows at least 3 phases, with Phase 3 completed as two sub phases. Phase 1 will provide open spaces, trails and incidental services and dining in the Crosscut Lodge for the overnight accommodation units (cabins and chalets). Phase 1 will provide the minimum of 75 % open space and is anticipated to provide more than required (see previous discussion in Section 13.6 a. 3). However, it is the intent of the applicant to consider open space for the Master Planned Unit Development on an overall basis as the project proceeds. Therefore if additional area is needed for facilities in future phases the applicant requests that excess open space provided in this phase would be available for use in future phases. To enhance recreational opportunities, the trails indicated on the Phase 1 Site Plan would be provided along with the open spaces. The open space parcels would be created through the future subdivision process and protected by access and maintenance easements.

BCPOA Response:

OPEN SPACE: Of the two definitions of Open Space presented in the Bridger Canyon Zoning Regulation, BCP has chosen to use the least restrictive definition to include all privately owned landscaped areas. Again, in keeping with the Gallatin County Subdivision Regulation precedence of favoring the more restrictive regulation, BCPOA requests that BCP recalculate its open space figures using the more restrictive definition. If

BCP is allowed to use the less restrictive language, BCPOA would not favor allowing them to consider open space for the Master PUD on an overall basis; rather on a phase by phase basis only.

COMMON OPEN SPACE: The amount and location of Common Open Space should be defined at this stage of the PUD evaluation process.

STAGED DEVELOPMENT: Because the proposed development is to be constructed in stages or phases, BCPOA requests that plans for the complete project be submitted for review prior to approval of any portion of the project. Further we recommend that Gallatin County require BCP to post a bond guaranteeing build out of the complete project.

Section 13.8 Procedure for Approval

The method for considering a Planned Unit Development shall be the Conditional Use Permit Procedure.

BCP Response: The Phase application has been submitted for review as a Conditional Use Permit request.

BCPOA Response: To evaluate the viability of this project, BCPOA requests specific information on all phases of the development during this evaluation period.

b. If the Planned Unit Development is considered a subdivision according to the definitions contained in 76-3-101 et seq., M.C.A., the development shall also be subject to review as set forth in the Gallatin County Subdivision Regulations.

BCP Response: Phase 1 will be submitted for subdivision review following the zoning applications.

BCPOA Response: To accurately evaluate the feasibility and impact of the proposed PUD in its entirety, all relevant documents must be submitted during this evaluation process.

13.9 Transfer of Development Rights

a. Purpose: To provide a procedure under which land may be developed by transfer of permitted dwelling units to locations suited for such development.

BCP Response: All development right transfers applicable to the Base Area and Phase 1 have been completed. There are no transfers applicable to this phase.

BCPOA Response: Development Transfer Rights from Doren Holdings to HMR Joint Venture recorded December 9, 2005 (4 or 8 development rights) and those recorded from Bridger Bowl to Bridger Canyon Partners on September 7, 2006 (13 development rights) and from Bridger Bowl to Bridger Canyon Partners on the same date of September 7, 2006 (2

development rights) do not appear to have been transferred in accordance with the procedures set forth in the Bridger Canyon Zoning Regulations Section 13.9 d. and e. which state that development transfers are approved in conjunction with a preliminary PUD approval, requiring an open hearing. It's our understanding that the *only* time development rights can be transferred is in conjunction with the PUD process.

b. Assignment of Density Rights:

Bridger Canyon, AE and RF Districts: Density rights are as officially designated on the Bridger Canyon Zoning Map, adopted February 23, 1989.

Bridger Bowl Base Area: Density rights are as originally designated in the Bridger Base Area Conceptual Plan, adopted May 22, 1979, and include subsequent transfers of development rights as approved by the Bridger Canyon Planning and Zoning Commission.

Base area owner density rights amended by Resolution 1999-01 on January 26, 1999.

BCP Response: The density proposed in Phase 1 is consistent with the densities proposed in the Bridger Bowl Base Area Conceptual Plan and subsequent transfers.

BCPOA Response: We do not believe that the three development rights transfer transactions mentioned above in item a. were approved by the Bridger Canyon Zoning Commission as required by the Zoning Regulation.

c. Record: A current record of available and transferred development rights shall be maintained by the Subdivision Review Office. Any transfer of development rights shall be recorded with the Office of the Gallatin County Clerk and Recorder and notification shall be provided to the Subdivision Review Office.

BCP Response: (This item indicates that the Subdivision Review and Clerk and Recorders office shall maintain a record of development right transfers; there is no action required by this application.)

d. General: Base area development rights shall only be transferred within the boundaries of the Bridger Bowl Base area. In the remainder of the Zoning District, development rights may be transferred between and among the AE and RF districts. Development rights are valued by the private market and may be conveyed and reconveyed. The use of development rights is subject to the procedures set forth in Section 13.9 (e).

BCP Response: (This item addresses the transfer of development rights within districts; there is no action required by this application.)

BCPOA Response: Two of the three density rights transfer transactions mentioned in item a. (from Doren Holdings to HMR Joint Venture recorded December 9, 2005 (4 or 8 development rights) and from Bridger Bowl to Bridger Canyon Partners on September 7, 2006 (2 development rights) were transfers of Bridger Canyon property *outside* of the base area to property *within* the base area, which is specifically prohibited by our Zoning

Regulation.

e. Procedure: Application shall be made to the Bridger Canyon Planning and Zoning Commission for the use of the development rights. The application shall consist of a document indicating the ownership or contract to purchase development rights and the necessary submittals for review as a Planned Unit Development, as required by the Bridger Canyon Zoning Regulation and Gallatin County Subdivision Regulations.

Upon approval of the transfer of development rights and preliminary approval of the Planned Unit Development, the applicant shall record the approved development rights transfer document with the Office of the Gallatin County Clerk and Recorder.

BCP Response: (This item addresses the application process for transferring development rights; there is no action required by this application.)

BCPOA Response: This procedure was not followed by BCP for the transfer of development rights within the base area. (See full explanation under items a., b., and d.)

13.10 Base Area Planned Unit Development

It is the intent of the Base Area Planned Unit Development to allow for a variety of overnight accommodations and recreational housing in the Base Area, and to require the most dense development near the Ski Base facilities. It is further the intent of this section to ensure that water, sewer, and land capabilities are adequate for proposed uses. The following additional standards apply only to planned unit developments in those areas zoned B-2, B-3 or B-4

BCP Response: The Phase 1 application meets these intents. A variety of overnight accommodations are proposed (trapper cabins, detached units and Chalets, attached units) nearest the new Ski Base facility to be located in Phase 2. The overnight units are still within walking distance of the existing Bridger Bowl Ski Base. Central water and sewer systems are proposed based on updated engineering analyses and are designed to use the most suitable locations for wastewater treatment and disposal.

BCPOA Response:

DENSITY: Unless BCP can guarantee that all phases of the project will be completed as proposed, there is no way to ensure that the greatest density will occur near the Ski Base facilities.

ADEQUACY OF WATER, SEWER, AND LAND CAPABILITIES: Unless BCP can demonstrate the adequacy of water, sewer, and land capabilities by obtaining required permits for the entire project, they should not be allowed to proceed with Phase 1. (See attached MDEQ document)

PROXIMITY TO SKI BASE FACILITIES: This regulation requires the most

dense development near the Ski Base facilities. BCP's Phase 1, however, represents the phase of development furthest from the existing and proposed base areas. Furthermore it is designed to promote Nordic skiing rather than the intended alpine ski area. It is unreasonable to conclude that vacationers will walk from their phase 1 lodgings to Bridger Bowl through the snow with gear in hand. A shuttle system should be in place coincident with the development of overnight accommodations on a stage-by-stage basis.

13.10.1 Uses Permitted. The following uses shall be permitted.

a. Any use permitted in the basic zone classification, subject to the following criteria:

(1) All overnight accommodations and recreational housing shall be clustered and include either ski-in/ski-out trails or other transportation to the ski hill.

BCP Response: This standard has been met. The housing units have been clustered to the maximum extent possible, considering other locational requirements embedded in the Regulation. Ski-in/ski-out trails are available to a number of the units and shuttle services, as a component of the community transit system, will be provided.

BCPOA Response: Ski-in/ski-out trails are not available to Bridger Bowl or the proposed second base area in Phase 1 of Bridger Mountain Village. Shuttle services (within Bridger Mountain Village) have not been clearly defined as to which phase of development services will begin.

(2) Trash receptacles shall be bear-proof and screened.

BCP Response: This standard has been met. The use of screened, animal proof receptacles is required by the covenants and Design Guidelines.

(3) Parking lots and streets for overnight accommodations and attached recreational housing shall be built to County gravel standards. Parking lots shall be screened from view or located to the rear of structures.

BCP Response: This standard has been met. The proposed roads will be paved to enhance snow removal and long term maintenance and built to County standards. Screening of all parking lots will be assured through the Building Permit process. Where possible, parking for the overnight accommodations has been located adjacent to the units in small clusters to avoid the necessity of building and screening large surface areas.

(4) Sewage shall be disposed of through a central system or on site.

BCP Response: This standard has been met. A central system is proposed.

(5) Water conservation methods shall be encouraged.

BCP Response: This standard has been met. Water conservation within the units

and surrounding landscaping is mandated by the covenants and Design Guidelines.

(6) Adequate fire protection is provided.

BCP Response: No response present.

BCPOA Response:

FIRE STATION AND EQUIPMENT: BCPOA fully concurs with the all of the provisions requested by the Bridger Canyon Rural Fire Department.

ROAD GRADES: BCPOA is especially concerned with development of road grades that exceed 6%. Road grades exceeding 6% have proven inaccessible to fire trucks responding to calls in Bridger Canyon, especially in inclement weather. For this reason, BCPOA requests that road grades be kept to 6% or less.

PROPANE: BCP's intended plan to use individual propane tanks is inefficient and poses a serious fire hazard. BCPOA recommends a centralized distribution source for overnight accommodation pods with underground tanks and delivery system. A centralized distribution source would substantially reduce the risk of household explosions and other fire hazards and reduce the number of propane tankards driving Bridger Canyon Road (thus improving the welfare and safety of canyon residents).

FIRE PROTECTION PLAN: According to the Bridger Mountain Village PUD Application Fire Risk Assessment and Protection Plan, "Bridger Mountain Village poses a major fire suppression problem" in the event of a "significant wild land or a wild land-urban interface fire which is not controlled by the initial attack forces." Given the high density of the proposed development and its location within a wild land fire area, BCPOA strongly supports strict adherence to the recommendations outlined in the Fire Protection Plan with particular emphasis on water availability and accessible roads. Further BCPOA recommends that the design guidelines and standards and CC&Rs be thoroughly reviewed for compliance with the Fire Protection Plan outlined in the CUP binder, Fire Plan tab.

SUBDIVISION REGULATIONS: Gallatin County requires that BCP have a fire protection plan that is approved by Bridger Canyon Rural Fire Department. (p. 91) No such plan has been approved.

b. 1.5 motel/hotel units are permitted for each allowable dwelling unit where all of the following conditions apply:

BCP Response: This is not applicable to Phase 1. No motel/hotel units are proposed.

- (1) There exists at least 2,000 square feet of retail commercial floor area within one mile;
- (2) Recreation facilities on-site including a swimming pool with a surface area of at least 800 sq. ft. or a game room of comparable size; and,
- (3) No such unit shall have cooking facilities unless said unit including the cooking facility is less than 500 sq.ft. in gross floor area.

c. In addition to the requirements set forth in Section 13.6(a), the developers shall submit ten (10) copies of the following information:

- (1) Drainage and storm water runoff plans.

BCP Response: This requirement has been met. The anticipated locations of storm water conveyance systems (swales and culverts) and detention facilities are shown on the Phase 1 Site Plan. These were determined based on engineering analysis and the road Plans and Profiles.

- (2) Floodplain delineation.

BCP Response: This requirement is not applicable to Phase 1. There are no FEMA mapped floodplains on the property. None of the drainages transecting the property have a drainage area greater than 5 square miles, which would qualify them for a floodplain analysis according to the Gallatin County Subdivision Regulations. All of the streams traversing the property are small in size with entrenched and identifiable channels.

- (3) Traffic circulation and trip generation data.

BCP Response: This requirement has been met. A Traffic Impact Assessment has been conducted for the entire project and was submitted with the Master PUD application. A hierarchy of roads are designed for the project to provide for general traffic circulation, lot and unit access and a new connection to Highway 86.

BCPOA Response: Traffic Impact Assessment needs further study. BCPOA will respond fully at a later date. From a lay perspective, however, BCP anticipates 2060 vehicle approaches daily at the new connection (a secondary entrance at the intersection of Bridger Canyon Road and Mountain Village Road) to Highway 86 (State of MT, Department of Transportation, Driveway Approach Application located in the Appendices section 15). In that BCP anticipates approximately 70% of guests and residents will use the new Mountain Village Road approach, the number of vehicle approaches on Bridger Canyon Road would indicate that each guest will be making multiple trips on Bridger Canyon Road throughout the day. The purpose of providing a

high-density development in the base area was to ensure adequate commercial activity so that guests and residents would stay on the hill and off of Bridger Canyon Road. In conclusion, BCPOA is concerned that the Bridger Mountain Village will contribute to overcapacity on Bridger Canyon Road.

(4) Development time-table, not to exceed the time limits provided for in the Gallatin County Subdivision Regulations.

BCP Response: This requirement has been met as indicated below. Interim Development Plan and Project Timeline:

The development time line for Phase One of the Bridger Mountain Village Planned Unit Development consists of two parts. These consist of an initial interim phase followed by completion of the infrastructure and build out of the phase. It is the applicant's intent to submit a preliminary plat application upon obtaining approval of this planned unit development application. Construction of a majority of the Phase 1 infrastructure will not be allowed under the subdivision regulations until additional permits are obtained. Due to the anticipated long lead times in obtaining the necessary permits, it is the desire of the applicant to begin limited construction prior to that time.

An interim phase is proposed in order to begin construction of the project in 2007. The construction would be limited to 12 overnight accommodations units in the Forsythe Road area and potentially a portion of the Crosscut Lodge. Infrastructure for this limited development would consist of the following:

⇒Roads:

Forsythe Road would be constructed to a gravel standard. Access would be from existing Bridger Bowl Road and Welden Drive.

⇒Wastewater:

Collection system would consist of a sewer main in Forsythe Road, a lift station east of Forsythe Road and an on-site wastewater treatment and disposal system located south of Bridger Bowl Road. This system would require permitting through the Gallatin County Environmental Health Department and the Montana Department of Environmental Quality prior to construction.

⇒Water:

Water system would consist of two small water systems that utilize the existing wells east of Forsythe Road. The pressure tanks and control system would be located in the Crosscut Lodge and/or one of the Trapper Cabins. The water system would require approval of the Gallatin County Environmental Health Department and the Montana Department of Environmental Quality prior to construction.

⇒Fire Protection:

An extension of the existing Bridger Base Water System will be made to provide fire protection service to the interim development area. In addition, each unit will include fire sprinkler systems. This extension of the water system to provide only fire protection would require approval of the Montana Department of Environmental Quality.

The remainder of the Phase 1 improvements would be constructed over an estimated time period of 24 to 48 months with build out of the recreation sites and overnight accommodations dependent on market demand. In addition to the required infrastructure such as roads, water lines and the wastewater system, the Nordic ski trails will be constructed in a phased manner. The phasing plan will be provided in detail as part of the subdivision preliminary plat application.

BCPOA Response: BCPOA **STRONGLY** objects to allowing BCP to begin development prior to obtaining the proper permits as required by the Gallatin County Subdivision Regulation; without proper permitting there is no way to guarantee the feasibility of the entire project. We are absolutely opposed to the interim development plan suggested by BCP in the material above.

(5) For overnight accommodations:

(a) number of rooms and estimated ultimate guest capacity shall be supplied. The rationale for estimating the ultimate guest capacity shall also be provided.

BCP Response: The overnight accommodations would provide for roughly 270 bedrooms, bunk rooms and lofts, depending on the mix of Cabin units constructed. The proposed mix will accommodate 592 guests, as detailed below.

BCPOA Response: BCP does not explain their rationale for estimating ultimate guest capacity for their overnight accommodations.

PHASE I CROSSCUT – Overnight Accommodations:

TRAPPER CABIN A

-1300 sq ft
-1 bedroom
-Sleeping Loft (2 beds)
-2 Baths
-Sleeps 4
20 cabins=80 beds

TRAPPER CABIN B

-1890 sq ft
-2 bedrooms
-sleeping lofts (2 beds)
-3 baths

- 1 jack and Jill bath
- 1 bunk room (2 beds)
- sleeps 8
- 20 cabins=160 beds

CHALET/LOWER

- 1650 sq ft
- 1 bedroom
- 1 bunk room (2 beds)
- 2 baths
- sleeps 4
- 26 chalets = 104 beds

CHALET / UPPER

- 1500 sq ft
- 2 bedrooms
- 1 bunk room (2 beds)
- 3 baths
- sleeps 6
- 26 Chalets = 156 beds

*Number of bedrooms, bunkrooms or lofts = 250

*Total number of beds (guests 80+ 160+ 104+ 156) = 500

(b) Information as to how the reservations and check-in will be managed.

BCP Response: Reservations and check-in service will be located in the Crosscut Lodge. A front desk will handle reservations and check-in services for all overnight accommodations. There will be a professional management company on site to oversee operations, guest services, housekeeping, maintenance and repairs.

(6) For recreational housing, the estimated ultimate population and number of bedrooms shall be supplied. The demographic information and rationale for estimating the ultimate population shall be supplied.

BCP Response: the estimated ultimate population is 63 residents based on the typical permanent occupancy rate of 2.5 residents per dwelling unit (2.5 residents x 25 units = 62.5). The total number of bedrooms is unknown at this time but is estimated to be 5 per dwelling unit.

(7) Fire protection measures.

BCP Response: Fire protection for the Bridger Canyon Area is provided by the Bridger Canyon Volunteer Fire Department (BCVFD). The water system at the Base Area will provide adequate storage and dispersed hydrants for fire protection. Sprinklers will be employed for all dwelling units within the project boundaries. A site for a future fire station is proposed as part of the project. The Protective Covenants and Design Guidelines will also include provisions to help

prevent fires such as fire resistant shingles and fire-wise landscaping. A fire risk assessment and fire management plan is included in the Appendix of this document specific to Phase 1. This important element to the project design has been prepared by Bruce Suenram of Fire Logistics, Inc.

BCPOA Response:

FIRE STATION AND EQUIPMENT: BCPOA fully concurs with the all of the provisions requested by the Bridger Canyon Rural Fire Department.

ROAD GRADES: BCPOA is especially concerned with development of road grades that exceed 6%. Road grades exceeding 6% have proven inaccessible to fire trucks responding to calls in Bridger Canyon, especially in inclement weather. BCPOA requests that road grades within Bridger Mountain Village be kept to 6% or less.

PROPANE: BCP's intended plan to use individual propane tanks for the overnight accommodations is inefficient and poses a serious fire hazard. BCPOA recommends a centralized distribution source for overnight accommodation pods with underground tanks and delivery system. A centralized distribution source would substantially reduce the risk of household explosions and other fire hazards and reduce the number of propane tankards driving Bridger Canyon Road (thus improving the welfare and safety of canyon residents).

FIRE PROTECTION PLAN: According to the Bridger Mountain Village PUD Application Fire Risk Assessment and Protection Plan, "Bridger Mountain Village poses a major fire suppression problem" in the event of a "significant wild land or a wild land-urban interface fire which is not controlled by the initial attack forces." Given the high density of the proposed development and its location within a wild land fire area, BCPOA recommend strict adherence to the recommendations outlined in the Fire Protection Plan with particular emphasis on water availability accessible roads. Further BCPOA recommends that the design guidelines and standards and CC&Rs be thoroughly reviewed and comply with the Fire Protection Plan outlined in the CUP binder, Fire Plan tab.

SUBDIVISION REGULATIONS: Gallatin County requires that BCP have a fire protection plan that is approved by Bridger Canyon Rural Fire Department. (p. 91) No such plan has been approved.

(8) Number and type of development rights to be used.

BCP Response: the development rights for Phase 1 are a portion of those allocated through the PUD process to the entire BCP property as per the Table provided in Section 13.10.4 of the Regulation and will be subtracted from the overall allocations for the BCP properties. Out of a total of 75 recreational lot rights, 25 are used in Phase 1. Out of a total of 211 overnight accommodation rights, 92 are used in Phase 1.

BCPOA Response: As stated in Section 13.10.4 Allocation of Development Rights, "overnight accommodations may be permitted through the PUD process of this Regulation subject to..." the allocations set forth in the Development Rights Allocation table. According to this Zoning Regulation, only 5 overnight units have been allotted to Tract 2 Cross Cut Ranch. BCP proposes 60 overnight units for the same tract.

13.10.2 Locational Requirements. The following separation of uses is required. These distances are not setbacks of structures from lot lines, but are minimum distances of the following uses from one another. All principal structures and related facilities, such as garages, parking lots, swimming pools, etc., must meet the requirements for minimum separation of uses.

BCP Response: These have been met. The table provided in Section 13.10.2 provides structural separation requirements for Overnight Accommodations, Attached Recreational Housing and Detached Recreational Housing. There are no Attached Recreational Housing units in Phase 1 therefore setbacks pertaining to these will not be discussed.

General: The 3-acre B-2 zone representing the new Alpine Base shown on the Master Site Plan for Bridger Mountain Village and in the Phase 1 exhibits is an approximate location. The actual location will be determined in the Phase 2 application. However, the separation requirements of Section 13.10.2 will be accommodated.

Separation of Overnight Accommodations (Trapper Cabins and Chalets) from adjacent RF and AE zoned uses: The 500-foot requirement is met; more than 25% of this is vegetated.

Separation of detached Recreational lots from adjacent B-2 zone uses: The required 500-foot separation is provided. Building envelopes for two Recreational lots proposed in Phase 1 will be provided at the subdivision preliminary plat stage to assure the 500-foot separation stipulated. These would be Lot 7 in the Corral Creek cluster and Lot 1 in the Spotted Pony cluster. All of the remaining Recreational lots in Phase 1 will meet the 500-foot separation requirement from B-2 uses. More than 20% of the separation is vegetated.

Separation of detached Recreational lots from adjacent RF and AE zones: The 100-foot separation is met and shown as a setback line on the Phase 1 Site Plan.

More than 20% of the separation is vegetated.

	Overnight Accommodations	Attached Recreational Housing	Detached Recreational Housing
Adjacent to B-2	None	200 ft; 10% of which is vegetated	500 ft; 20% of which is vegetated
Adjacent to RF and AE	500 ft; 25% of which is vegetated	250 ft; 25% of which is vegetated	100 ft; 20% of which is vegetated

13.10.3 Use of Reserve Development Rights. To use reserve development rights, the following information must be submitted:

BCP Response: Phase 1 does not require the use of Reserve Development Rights therefore Section 13.10.3 is not applicable.

- (a) Plans which prove an adequate water supply and sewage disposal system.
- (b) Land capability testing and analysis which details slope and soil conditions.
- (c) Information to show that all recreational housing and overnight development rights for that particular property have been used.
- (d) Analysis of the use of recreational housing development rights. The analysis shall include the population and number of units used on a temporary basis and the number used as year round residences.

13.10.4 Allocation of Development Rights.

Section 9 establishes the Base Area Business District (B-2). A conditional use of the B-2 District is overnight accommodations and attached recreational housing. Section 10 establishes the Recreational Business District (B-3). A conditional use of the B-3 District is overnight accommodations and attached recreational housing, subject to the requirements of Section 13.10. Section 11 establishes the Base Area Recreation and Forestry District (B-4). A permitted use in the B-4 District is one dwelling unit per forty (40) acres. A conditional use of the B-4 District is overnight accommodations and detached and attached recreational housing subject to the requirements of Section 13.10. 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 allocation:

BCP Response: The development rights for Phase 1 are a portion of those allocated, through the PUD process, to the entire BCP property as per the Table provided in Section 13.10.4 of the Regulation and will be subtracted from the overall allocations for the BCP properties. Out of a total of 75 Recreational lot rights, 25 are used in Phase 1. Out of a total of 211 overnight accommodation rights, 92 are used in Phase 1. A more detailed review of the development rights associated with the overall Bridger Mountain Village PUD was provided in the

Overall PUD application.

BCPOA Response: As stated above, "overnight accommodations may be permitted through the PUD process of this Regulation subject to..." the allocations set forth in the following table. According to this Zoning Regulation, only 5 overnight units have been allotted to Tract 2 Cross Cut Ranch. BCP proposes 60 overnight units for the same tract.

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)					

Public lands shown on any map as being in the Base Area do not have any development rights of one (1) dwelling unit per one-half (0.5) acre. Public lands shown on any map as being in the Base Area are classified as RF and have a basic development right of one dwelling unit per forty (40) acres as allowed in the Regulation.

(Amended: County Commission Resolution No. 1995-25).