



GALLATIN COUNTY

MEMORANDUM

TO: BRIDGER CANYON PLANNING AND ZONING COMMISSION

FROM: W. RANDALL JOHNSON, AICP; MANAGER, SUBDIVISION AND ZONING *WRA*

SUBJECT: STAFF RESPONSE TO PUBLIC HEARING ISSUES PRESENTED TO THE COMMISSION FOR THE BRIDGER MOUNTAIN VILLAGE PLANNED UNIT DEVELOPMENT AND RELATED CONDITIONAL USE PERMITS

BOARD DISCUSSION

DATE: MAY 15, 2007

As requested by the Planning and Zoning Commission in their board discussion of the Bridger Mountain Village PUD and CUP requests, staff has prepared the following responses to issues presented to the Commission during the public hearings of April 12 and 17:

1. **Spot Zoning.** Testimony was presented to the Zoning Commission stating that the PUD proposal, if approved by the Planning and Zoning Commission would constitute illegal spot zoning. The application before the Planning and Zoning Commission is not for a zone map change or amendment, and therefore does not constitute illegal spot zoning.
2. **Contiguous Parcels.** Section 13.2.f. of the Bridger Canyon Zoning Regulations provides the following definition of a 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.

Oct 31 2007
[Signature]

Testimony was presented to the Zoning Commission stating that Phases I and II of the proposed PUD are not contiguous with Phase III. The Planning Staff's findings are that Phases I and II of the proposed PUD are contiguous with Phase III, for the following reasons:

- a. The PUD application includes a request for the transfer of development rights within the Bridger Bowl Base area. The parcel (*Bridger Bowl ski area facilities and parking*) situated between Phase I and Phase III, and which shares a common boundary with Phase I and Phase III, is transferring nine (9) development rights to other areas within the PUD, and is therefore part of the PUD as required under Section 13.9.d. and 13.9.e. of the Bridger Canyon Zoning Regulations (*see below*).

13.9 Transfer of Development Rights

- d. *General: Base area development rights shall only be transferred within the boundaries of the Bridger Bowl Base area.*
- 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 Regulations and the 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.

- b. As required under Section 13.10.1.a.(1) of the Bridger Canyon Zoning Regulations, a ski run is delineated within the Bridger Bowl property, providing a ski return to the overnight accommodations in Phase I (*see PUD Master Plan, Drawing No. 12A*).
- c. As shown in the PUD application, Bridger Bowl Road is the primary access road serving Phases I and II. The PUD application includes the extension of Bridger Bowl Road through the parcel situated between Phase I and Phase III. Bridger Bowl Road is an integral component of the PUD by providing the required physical and legal road access and connection between Phases I and III. The PUD conditions of approval, and the Gallatin County Subdivision regulations require Bridger Bowl Road to be extended to provide access to Phase III and be improved to county standards for paved

roads. As shown in the PUD application, the parcel situated between Phase I and Phase III will not be subdivided, nor will it contain any overnight accommodations or recreational housing units.

- d. Sewer and water lines will extend through the Bridger Bowl property. Fire hydrants will be installed in specific locations to provide fire protection water for the existing Bridger Bowl ski lodges and structures. The sewer and water lines will also be designed to accommodate future connections from the Bridger Bowl facilities.

3. **Minimum Continuous Boundary Length.** Section 13.5.b.(3) of the Bridger Canyon Zoning Regulations states that 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. Testimony was presented to the Zoning Commission stating that the PUD submittal does not comply with this design standard.

The Planning Staff's findings are that this design standard only applies to PUD's outside of the Bridger Bowl Base Area, for the following reasons:

- a. The standard refers to the minimum parcel width contained in Section 6.5.a. of the Zoning Regulations. Section 6.5.a. is the minimum parcel width for the AE District, which is established at 660 feet. The AE District is located outside of the Bridger Bowl Base Area, and is not relevant to the Base Area zoning districts.
 - b. The B-2, B-3, and B-4 Districts, all located within the Bridger Bowl Base Area, have no minimum lot width standards.
 - c. Thirteen (13) of the 18 existing parcels within the Bridger Bowl Base Area share common boundaries of less than 660 feet. The current PUD proposal consists of five existing parcels with common boundaries of less than 660 feet, and would therefore have to be reviewed as five separate PUD applications.
4. **Approval Criteria; PUD vs. CUP.** A planned unit development does not require conditional use permit approval, nor is a planned unit development listed as a conditional use within any of the zoning sub-districts. The approval criteria for a planned unit development is established under Section 13.5 of the Bridger Canyon Zoning Regulations. According to Section 13.8, the method for considering a planned unit development is the conditional use procedure.
 5. **CUP Approval Criteria; Zoning District vs. County.** Section 17.3.2 of the Zoning Regulations sets forth the following guidelines for issuing of a conditional use permit:

Conditional Use Permits shall be issued only by the Bridger Canyon Planning and Zoning Commission and may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Regulation. Such permits may be granted only if it is found that the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the Bridger Canyon Zoning District.

The April 12, 2007 Staff Report inadvertently miss-quoted the Regulation by making reference to the "County", not the Bridger Canyon Zoning District. However, any decision of the Planning and Zoning Commission should consider the benefit and welfare of the County, as stipulated under Montana statutes governing planning and zoning districts, specifically:

76-2-103. Development pattern. (1) For the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district.

76-2-107. Preparation of resolutions and other materials. The planning and zoning commission may, for the benefit and welfare of the county, prepare and submit to the board of county commissioners drafts of resolutions for the purpose of carrying out the development districts or any part thereof previously adopted by the commission, including zoning and land use regulations, the making of official maps, and the preservation of the integrity thereof and including procedures for appeals from decisions made under the authority of such regulations and regulations for the conservation of the natural resources of the county. The board of county commissioners is hereby authorized to adopt such resolutions.

6. **Insufficient Application Submittal.** Testimony was presented to the Zoning Commission stating that the PUD submittal omitted the required information and details pertaining to Phases II and III.

Specific building plans and details for overnight accommodations, recreational housing, alpine base facilities and accessory structures within Phases II and III are conditional uses and require conditional use permit approval from the Planning and Zoning Commission. The Bridger Mountain Village PUD application submittal only included conditional use permit requests for Phase I, therefore no building plans and details for Phases II and III were provided.

7. **Accessory Uses.** The Bridger Mountain Village PUD/CUP application included a conditional use permit request for accessory uses within Phase I. The conditional use permit request for the accessory uses included little detail as to the specific uses and structures within the PUD. Staff requested the applicant to provide the Planning Department with additional information regarding the requested accessory uses (see Letter from Prugh and Lennon Architects, attached as Exhibit "A"). The additional information regarding the accessory uses, as provided by the applicant, was included in the legal notice and staff report for the Bridger Mountain Village PUD and CUP's.

8. **Construction Timing.** Testimony was presented to the Zoning Commission stating that the developers will begin construction without receiving all necessary permits. If the requested planned unit development and related conditional uses are approved by the Bridger Canyon Planning and Zoning Commission (Zoning Commission), this development will be required to be reviewed as a subdivision, subject to the requirements of the Gallatin County Subdivision Regulations. The subdivision review procedure addresses the division of land into lots and related public improvements. Subdivision review will require approval of the sewer and water systems by the Department of Environmental Quality; water right permits from the Department of Natural Resources and Conservation; phasing of development improvements; review of internal road design/improvements; development access and off-site highway improvements; and, consideration of impacts on local services, wildlife habitat, the natural environment, agriculture, and public health and safety.

As stipulated under Section 2.A. of the Gallatin County Subdivision Regulations, construction work of any kind shall not take place within the proposed subdivision, including grading and excavating relating to improvements, until the County Commission has given preliminary plat and only if the construction is in accordance with the conditions of preliminary plat approval. Additionally, no installation of infrastructure improvements shall take place within the site until all applicable agency permits (i.e., MDT, DEQ, DNRC) have been issued. The Bridger Canyon Zoning Regulations also require conditional use and land use permit approval prior to any building construction.

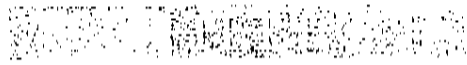
9. **PUD Modifications.** Testimony was presented to the Zoning Commission questioning if the applicant's proposed modifications to the PUD, as introduced by the applicant to the Zoning Commission at the hearing, would require a new PUD application.

The applicant's modifications to the PUD are in response to testimony presented by the Bridger Canyon Property Owner's Association. Proposed modifications include the elimination of 21 overnight accommodation units, increase in the stream setback from 50 feet to 150 feet, reduction of the development envelope in the Crosscut meadows, addition of open space in the Crosscut meadows, and the elimination of unnecessary interior roads. Staff's position is that the proposed PUD modifications would result in a reduction in development intensity and impacts on the natural

environment, and therefore does not constitute a significant change to necessitate a new PUD submittal.



**PRUGH
AND
LENON**



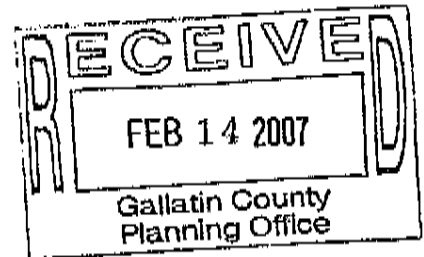
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27 East Main Street
Bozeman, Montana 59715-4775

13 February 2007

Mr. Randy Johnson
Gallatin County Planning Office
311 West Main Street, Room 208
Bozeman, MT 59715

Re: Bridger Mountain Village PUD
Bridger Canyon Partners (BCP)



Dear Randy:

Pursuant to our discussion yesterday, we have put together the following information that will help you understand, organize and put conditions on our overall PUD and definitions for Phase 1 accessory uses.

As you know our application request is for a PUD that includes all of BCP's land. We have provided planning documents that show 3 phases. Our primary reason for this is to develop this project in smaller, responsible steps. The future phases are subject to outside influences such as changing market demands, development costs, Bridger Bowl Ski Area development plans, Bohart Ranch development plans and local input for the project.

Following is a description of Phases 2 and 3, which are parameters for development. We expect that this future development will be subject to similar PUD requirements discussed in more detail for Phase 1. Also, we expect that Phases 2 and 3 will need to be presented for county review in the future. At that time refined plans and statistics will be provided.

In Phase 2, the existing B2 zoning will be relocated. Enclosed is Exhibit Z-1 that shows the existing B2 zoning. Currently there is 1-1/4 acres of B2 zoning on Bridger Bowl's property. That B2 zoning by agreement belongs to BCP. Also there is 1/2 acre of B2 zoning located adjacent to the Bridger Bowl Road, 1/3 acre at the Round House and 3 acres generally located at the future north Alpine base.

These areas will need to go through a zone map amendment. Note: No B2 zoning uses are proposed in Phase 1. See enclosure Z-2 for the proposed Phase 2 zoning.

Randy Johnson - Bridger Base Area PUD

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The service area requirements are figured into the Phase 1 calculations. Employee housing, fire protection services, security, water and wastewater and road maintenance, transportation and recreational facilities will be specifically designed in Phases 2 and 3.

Following is a list of areas (acres) proposed to be developed in the 3 phases. See the enclosed exhibits A-1 and A-2 for locations of these areas.

Phase 1 (see Phase 1 PUD submittal for details)

- **Current and future development within the Phase 1 boundary = 24.11 acres**

Phase 2

- Alpine base B2 Zoning, 4 additional acres allowed with 3.75 developed = 3.20 acres

- Public (county) roads = 4.88 acres

- Additional service area accounted for in Phase 1.

- Overnight accommodations:

 West Base 4.00 acres

 Base 9.00 acres

- Recreational Housing:

 Area A 3 units

 Area B 3 units

 Area C 5 units

 Area D 8 units

 Area E 7 units

 26 units @ 10,100 SF / Unit 6.03 acres

Total Phase 2 27.11 acres

Phase 3

- No additional B2.

- Additional Service Area accounted for in Phase 1

- Public (county) roads = 2.63 acres

- Overnight Accommodations:

 Bridger 5.00 acres

 Meadow 2.50 acres

- Recreational Housing:

 Morning Glory 4 units

 Overlook 6 units

 Slushmans 10 units

 Meadow 4 units

 24 units @ 10,100 SF / Unit 5.56 acres

Total Phase 3 15.69 acres

Randy Johnson - Bridger Base Area PUD

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Total Open Space Calculation

	<u>Total</u> <u>Area</u>	<u>Developed</u> <u>Area</u>	<u>Open</u> <u>Space</u>	<u>% Open</u> <u>Space</u>
Phase 1	122.50	24.11	98.39	80.30 %
Phase 2	125.00	27.11	97.89	78.30 %
Phase 3	<u>87.50</u>	<u>15.69</u>	<u>71.81</u>	<u>82.10 %</u>
Total	335.00	66.91	268.09	80.00 %

The required open space in this PUD is 75%. We have shown that the master PUD contains 80% open space. In the approval of this PUD, we request that in future phases the developed space may vary but never allow the open space to drop below the 75% allowable.

In approval of this PUD the developed area may change. We request that we be allowed to provide updated calculations for consideration. We understand that the total open space required is 75%. We have left a 5% difference of 16.75 acres of allowed developable space for future consideration.

Also of note is the fact that the estimate of total open space in the Base Area Zoning including all property owned by others plus Bridger Bowl's parking lot is approximately 81.9%.

Phase 1 - Accessory Uses

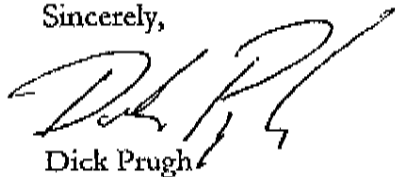
There are a number of potential accessory uses that may occur as the project is built out. Accessory uses are defined by the Zoning Regulations as "A building or use which: (1) is subordinate in area, extent or purpose of the principal building or principal use served; (2) contributes to the comfort convenience, or necessity of occupants of the principal building or principal use."

To clarify our application for Phase 1, BCP defines additional accessory uses as:

1. Bus shelters as needed- single level not to exceed 150 square feet each.
2. A fishing / warming hut not to exceed 800 square feet near the pond for ice-skating and summer use.
3. Attached or detached garages for overnight accommodations – single level not to exceed 500 square feet per each overnight accommodation.
4. 2 gazebo structures not to exceed 400 square feet each.

Please let me know if you have any questions or concerns.

Sincerely,



Dick Prugh

DP/cs

Encls.