



GALLATIN COUNTY

STAFF REPORT

TO: BRIDGER CANYON PLANNING AND ZONING COMMISSION

FROM: W. RANDALL JOHNSON, ^{wj}AICP; MANAGER, SUBDIVISION AND ZONING

SUBJECT: STAFF SUGGESTED ACTION AND CONDITIONS OF APPROVAL 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 modifications and additions to the Staff Suggested Action and Conditions of Approval presented in the April 12, 2007 Staff Report for the Bridger Mountain Village Planned Unit Development and Related Conditional Use Permits.

The modifications and additions are in response to oral and written public testimony, applicant presentation and rebuttal, and zoning commission comments.

(Additions are shown as underline; deletions are shown as ~~strikethrough~~)

XI. STAFF SUGGESTED ACTION AND CONDITIONS OF APPROVAL

- A. ~~In reviewing the Bridger Mountain Village PUD and development right transfers,~~ After hearing and considering all public testimony, reviewing the entire record including the Staff Report and all submitted exhibits, the Bridger Canyon Planning and Zoning Commission needs to determine the following:

1. Does at least one of the four general conditions for a Planned Unit Development established under Section 13.5.a exist with the proposal (Staff Finding No. IX.,E, pages 24 and 25)?
2. Does the Planned Unit Development comply with the specific standards of Section 13.5.b. (Staff Finding No. IX.,E, pages 25 through 28)?
3. Does the Planned Unit Development comply with the specific standards of the Base Area PUD under Section 13.10 (Staff Finding No. IX.J, pages 30 - 35)?
4. Is the PUD consistent with the Intent of the B4 District (Staff Finding No. IV.C, pg. 7)?
5. Is the PUD consistent with the Intent of the B3 District (Staff Finding No. IV.C, pg. 7)?
6. Is the PUD consistent with the Intent of the B2 District (Staff Finding No. IV.C, pg. 7)?
7. Does the request for the transfer of 13 development rights comply with Section 13.9 (Staff Finding IV.D, pg. 9; Exhibit B)?
8. Does the Planned Unit Development substantially comply with the Goals and accompanying Objectives of the Base Area Plan (Staff Finding VIII, pgs. 22 -24)?

If the Commission approves the PUD, as required above, the Commission shall review the Conditional Use Permit applications as required below:

B. In reviewing the Phase I conditional uses (see Staff Findings No. X.A. through F., pages 35 - 36), the Bridger Canyon Planning and Zoning Commission needs to determine if each requested conditional use meets the guidelines of Section 17.3.2 of the Bridger Canyon Zoning Regulations (see below). The requested Phase I conditional uses are:

- Overnight Accommodations
- Restaurants, Cafes, Bars and Lounges, Only as Accessory to Overnight Accommodations
- Accessory Uses (Overnight Accommodations)
- Sale of Sundry Items for Patron Comfort Either by Vending Machines or Personal Sales Area Attendant
- Swimming Pools
- Detached Recreational Housing

Section 17.3.2 of the Bridger Canyon Zoning Regulation sets forth the following guidelines for issuing a conditional use permit(s):

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 County Bridger Canyon Zoning District.

- C. ~~If the Bridger Canyon Planning and Zoning Commission, after hearing and considering all testimony, finds that the planned unit development, development right transfers, and related conditional uses comply with the Bridger Canyon Zoning Regulations, the following conditions are suggested:~~ The purpose of the following staff suggested conditions is to ensure substantial compliance with the design standards of the Zoning Regulation, substantial compliance with the Base Area Plan, and to adequately mitigate all identified impacts of the PUD and approved Conditional Uses.

PLANNED UNIT DEVELOPMENT:

- P1. Overnight accommodations shall be limited to 452 190 units. Reserve overnight accommodations shall be limited to 241 units. Recreational housing shall be limited to 75 units.
- P2. The transfer of thirteen development rights shall be recorded with the Gallatin County Clerk and Recorder's Office at the time of final plat recording.
- P3. Total open space within the PUD shall not be less than 251.25 acres. Total impervious surface areas designated for buildings, roads, and parking areas shall not exceed 83.75 acres.
- P4. The PUD Phase boundaries shall be as submitted. Phases shall be completed in sequence or concurrently.
- P5. Any use or structure requiring conditional use approval by the Bridger Canyon Planning and Zoning Commission may not commence within the PUD until approval has been obtained.
- P6. The following conditions shall be specific to Phase I:
- a. Overnight accommodations shall be limited to 92 71 units, and be distributed as follows:

Maynard Creek	40 4 units
Crosscut	50 35 units
Joy Yellowtail	32 units

- b. Recreational housing shall be limited to 25 units, and be distributed as follows:

Corral Creek	12 single-family lots
Twin Forks	3 single-family lots
Spotted Pony	7 single-family lots
Loggers Lane	3 single-family lots

- c. Total open space shall not be less than 91.88 acres.
- d. Total impervious surface areas designated for buildings, roads, and parking areas shall not exceed 30.62 acres.
- e. The pedestrian and nordic ski trails shall be provided as depicted in the PUD application. ~~The nordic trail system shall be developed in cooperation with the Behart Ranch Cross Country Ski Center.~~ Trail locations shall be designed to avoid designated wetland areas, except in areas where a stream or wetland crossing is necessary. All trails shall be available for public use.
- f. All buildings and fencing shall have a minimum setback of 150 feet from the mean high water mark of Bridger and Maynard Creeks.
- g. A revised site plan shall be prepared which delineates the reduced building area for the Crosscut Cabins, and the corresponding elimination of Coombs Cutoff road and the relocation of the Forsythe Road cul-de-sac (approximately 500 feet west of the current location).
- h. Prior to the issuance of any required Land Use Permit for the new alpine base facilities, Bridger Canyon Partners must obtain conditional use approval to provide on mountain housing for at least 10% of the Bridger Mountain Village employees.

P7. The following conditions shall be specific to Phase II:

- a. Overnight accommodations, including reserve rights, shall be limited to 243 units, and be distributed as follows:

West Base	45 units
Base	197 units

- b. Recreational housing shall be limited to 26 units, and be distributed as follows:

Area A	3 single-family lots
Area B	3 single-family lots
Area C	5 single-family lots
Area D	8 single-family lots
Area E	7 single-family lots

- c. Total open space shall not be less than 93.75 acres.

- d. Total impervious surface areas designated for buildings, roads, and parking areas shall not exceed 31.25 acres.

- e. The new alpine ski trails, lifts and services shall be developed in conjunction and in agreement with the Bridger Bowl Ski Area Management and Board of Directors. At minimum, alpine ski returns to the new base area shall be developed concurrently with the construction of the mountain village facilities.

- f. The pedestrian trails shall be provided as depicted in the PUD application. ~~The nordic trail system shall be developed in cooperation with the Bohart Ranch Cross-Country Ski Center.~~ Trail locations shall be designed to avoid designated wetland areas, except in areas where a stream or wetland crossing is necessary. All trails shall be available for public use.

- g. An internal shuttle bus service, providing service between the existing Bridger Bowl day skier base facilities and the new Bridger Mountain Village alpine base area, shall be established.

- h. ~~Prior to the issuance of any required Land Use Permit for the new alpine base facilities, Bridger Canyon Partners must obtain conditional use approval to provide on mountain housing for at least 10% of the Bridger Mountain Village employees.~~

- P8. The following conditions shall be specific to Phase III:

- a. Overnight accommodations, including reserve rights, shall be limited to 117 units, and be distributed as follows:

Bridger	85 units
Meadow	32 units

- b. Recreational housing shall be limited to 24 units, and be distributed as follows:

Morning Glory	4 single-family lots
Overlook	6 single-family lots
Slushmans	10 single-family lots
Meadow	4 single-family lots

- c. Total open space shall not be less than 65.63 acres.
 - d. Total impervious surface areas designated for buildings, roads, and parking areas shall not exceed 21.87 acres.
 - e. County standard right-of-way and road design standard shall be provided to the adjacent U.S. Forest Service Property.
 - f. The pedestrian trails shall be provided as depicted in the PUD application. ~~The nordic trail system shall be developed in cooperation with the Bohart Ranch Cross Country Ski Center.~~ Trail locations shall be designed to avoid designated wetland areas, except in areas where a stream or wetland crossing is necessary. All trails shall be available for public use.
- P9. The pedestrian and nordic ski trails within Phase I shall be constructed and operational, or committed thereto, prior to the issuance of any Land Use Permits for overnight accommodations or recreational housing within Phase II.
- P10. All pedestrian and nordic ski trails, and alpine ski trails and lifts within Phase II shall either be constructed and operational, or committed thereto, prior to the issuance of any Land Use Permits for overnight accommodations or recreational housing within Phase III.
- P11. The pedestrian and nordic ski trails within Phase III shall be constructed and operational, or committed thereto, prior to the completion of the construction of the overnight accommodations and recreational housing within Phase III.
- P12. Prior to the issuance of a Land Use Permit for any reserve overnight accommodation units, all overnight accommodation units shall be constructed. No Land Use Permits for reserve overnight accommodation units shall be issued until all necessary water and sewer permits have been obtained, and all water and sewer infrastructure has been installed.
- P13. Bridger Canyon Partners shall work with the Bridger Bowl Ski Area, the Bridger Canyon Property Owners Association, and Streamline Transit System to establish bus service between the Bridger Bowl Base area and Bozeman during the ski season. Bridger Canyon Partners shall enter into an agreement with Gallatin County which states that Bridger Canyon Partners will provide sufficient funds to a public transportation system to

accommodate 10 % of the ski season trips generated from the 75 recreational homes and 452 overnight accommodations on a phase by phase built out basis.

- P14. All sewage generated from the Bridger Mountain Village PUD shall be treated and disposed by a central sewer system. The wastewater disposal system shall be designed to treat the wastewater generated from all phases of the PUD, and be designed to have the added capacity to accommodate future wastewater generated from the Bridger Pines subdivision, the Bridger Bowl Ski area, and the Lachenmier, Heburn, Gorman and Scott properties.
- P15. No installation of the water system and sewer system infrastructure shall take place until subdivision preliminary plat approval has been obtained.
- P16. Geotechnical foundation studies for all commercial and residential structures shall be prepared and submitted with all Land Use Permit applications. The geotechnical foundation studies shall be prepared by a licensed professional engineer.
- P17. All multiple off-street parking spaces and parking lots for commercial uses shall be screened from view with the use of natural landscaping materials. The parking lots shall be paved.
- P18. A Parking Management Plan shall be prepared which includes provisions addressing adequate number of spaces, shared use, screening and landscaping, maintenance, and snow removal for multiple off-street parking spaces and parking lots for commercial uses.
- P19. All applications for Land Use Permits shall adhere to the locational requirements (separation of uses) of Section 13.10.2 of the Bridger Canyon Zoning Regulations.
- P20. During construction of the entire development, an erosion control plan and appropriate best management practices shall be utilized to completely control visible or measurable erosion.
- P21. A Property Owners' Association for the Bridger Mountain Village PUD shall be created. Articles of Organization or Incorporation for the property owners' association shall be approved by the Secretary of State of the State of Montana.
- P22. The covenants and design guidelines shall include the following provisions:
- a. 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.

- b. 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.
- c. Appropriately and permanently limit the uses of the common property, open space, and residual agricultural lands.
- d. Give each lot owner the right to use and enjoyment of the common property.
- e. Place responsibility for operation and maintenance of the common property and roads in the association.
- f. Place an association charge on each lot which will:
 - i. Be a lien on the property;
 - ii. Assure sufficient funds for maintenance of common property;
 - iii. Provide safeguards against unreasonably high charges and a method to adjust assessments.
- g. Provide for weed control in accordance with Gallatin County Regulations.
- h. All trash receptacles shall be animal proof, and be screened from view.
- i. All landscape plant materials shall have a low to moderate demand for water.
- j. Landscape water features such as ponds, fountains, and re-circulating streams shall be kept to a total minimum of 100 square feet per recreational home site.
- k. All supplemental watering of landscaping shall be by drip irrigation.
- l. Building design shall include an architectural theme that uses building forms and exterior finishes that are harmonious and compliment the natural environment as well as the architecture of the existing Bridger Bowl Base Area facilities.
- m. Snow storage areas shall not be located within any public road right-of-way.

- n. Commercial buildings shall be designed to account for snow loads of up to 200 pounds per square foot.
 - o. All utilities shall be installed underground.
 - p. Flashing and interior lighted signs shall be prohibited.
 - q. All outside trash containers shall be animal proof.
 - r. Fencing of lot lines shall be prohibited.
 - s. Wood burning fireplaces and stoves shall be prohibited within the overnight accommodation units. Gas, electric or propane fireplaces shall be permitted.
- P23. The Bridger Mountain Village Resort Administration Plan shall include language imposing restrictions on individually owned overnight accommodation units ensuring that they are available for overnight rental use by the general public for at least 48 weeks per calendar year, and that no unit shall be occupied as a permanent residence.
- P24. The Resort Administration Plan and the Covenants and Design Standards shall be reviewed and approved by the Gallatin County Attorney's Office prior to submitting an application for subdivision preliminary plat approval.
- P25. No amendment or variance to the Resort Administration Plan, Covenants or Design Standards shall be granted which are in conflict with the conditions of approval for the Planned Unit Development or the Bridger Canyon Zoning Regulation.
- P26. No structure, including fencing, shall be located in any designated wetland.
- P27. The proposed equestrian center shall be eliminated from the Planned Unit Development.

CONDITIONAL USES:

- C1. The Crosscut overnight accommodation units shall be subject to the following stipulations:
- a. Trapper Cabin A
 - 20 cabins
 - 1,300 square feet
 - 1 bedroom
 - loft

- 2 baths
- b. **Trapper Cabin B**
- 20 cabins
 - 1,890 square feet
 - 2 bedrooms
 - 1 bunk room
 - loft
 - 3 baths
- c. **Chalet Lower**
- 26 chalets
 - 1,650 square feet
 - 1 bedroom
 - 1 bunk room
 - 2 baths
- d. **Chalet Upper**
- 26 chalets
 - 1,500 square feet
 - 2 bedroom
 - 1 bunk room
 - 3 baths
- C2. A reservations and check-in services front desk for all Crosscut overnight accommodations shall be located in the Crosscut Lodge.
- C3. The Crosscut Lodge shall be subject to the following stipulations:
- a. The habitable floor area of the lodge shall not exceed 9,000 square feet.
- b. The use of the Lodge shall be limited to include:
- Check-in Facility
 - Lobby Area
 - Recreation Room
 - Restaurant/dinning room for a maximum seating of 75 persons
 - Lounge for a maximum seating of 40 persons
 - Snack bar area for a maximum seating of 40 persons
 - Men and women's locker room

- Sauna, steam room and service area
 - Sales of sundry items
 - Swimming pool
- C4. The Crosscut Lodge shall be constructed concurrently with the Crosscut overnight accommodations.
- C5. Exterior accessory uses are limited to: garages, single level, not to exceed 500 square feet per unit; bus shelters, not to exceed 150 square feet; two gazebo structures, not to exceed 400 square feet; and a fishing/warming hut, not to exceed 800 square feet, located near the pond for ice-skating and summer use.
- C6. The necessary health and food licenses shall be obtained prior to opening restaurants, lounges, health facilities, and pools to the public.
- C7. All public facilities shall be approved by the State Fire Marshal prior to opening for business.
- C8. Land Use Permits shall be obtained prior to the construction of any structure within the Planned Unit Development.
- C9. The covenants shall include the following provisions:
- a. Restrictions shall be imposed on individually owned overnight accommodation units to ensure that they are available for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check-in service.
 - b. Individually owned overnight accommodation units are limited to owner use of four weeks per year.
 - c. Overnight accommodations cannot be used as a residence.
 - d. All overnight accommodation and recreational housing construction shall adhere to the Bridger Mountain Village Design Guidelines.
- C10. The covenants shall be reviewed and approved by the County Attorney's Office.
- C11. The Crosscut Lodge swimming pool shall have a minimum surface area of 800 square feet of and a maximum surface area of 1,500 square feet.
- C12. A minimum of three overnight accommodation units shall have commenced construction prior to the issuance of a Land Use Permit for each recreational housing unit. Any Land Use Permit for a recreational housing unit may be

issued after construction has commenced on 69 or more overnight accommodation units.

- C13. Crosscut cabins visible from Bridger Canyon Road shall be landscaped with mature trees and other plant materials in order to create a natural vegetative visual buffer as seen from Bridger Canyon Road. A landscape plan shall be prepared and submitted to the Gallatin County Planning Department for review and approval. Landscaping shall be installed or financially secured prior to the issuance of a Land Use Permit for any Crosscut cabin visible from Bridger Canyon Road.

IN ORDER FOR AN APPLICATION FOR SUBDIVISION TO BE IN COMPLIANCE WITH THE APPROVED PLANNED UNIT DEVELOPMENT, THE FOLLOWING INFORMATION SHALL BE SUBMITTED WITH AN APPLICATION FOR SUBDIVISION REVIEW:

- S1. An Open Space Management Plan addressing: ownership, use, maintenance, wildlife mitigation, wildfire mitigation, weed control, landscaping improvements, and enforcement provisions.
- S2. A Trails Plan addressing trail locations and use, construction standards, enforcement and maintenance.
- S3. In Phase I, the preliminary plat application shall include county standard right-of-way and road design standard to the adjacent U.S. Forest Service Property in Phase III. The road access shall be a continuation of Bridger Bowl Road, through the Bridger Bowl property. Forest Service access signage shall be provided along Bridger Bowl Road.
- S4. Pertaining to the requirements of the Bridger Canyon Rural Fire District.
- a. An agreement to annex properties into the Fire District.
 - b. An agreement to transfer the fire station site (Phase I) to the Fire District.
 - c. Plans for adequate water storage and the location of fire hydrants.
 - d. A Fire Protection Plan prepared in cooperation with the Fire District.
 - e. Thirty percent of water storage tank shall be reserved for fire use. Fill levels of tank shall be reported to the Fire District. The fire District shall be notified if tank level drops below 70%. Tanks shall be inspected annually by the Fire District.

- f. Bridger Canyon Partners shall donate a one-acre site for a fire sub-station, construct a fire sub-station, and provide a fire engine for the Fire District.
 - g. A detailed written agreement between Bridger Canyon Partners and the Bridger Canyon Rural Fire District shall be provided.
- S5. An infrastructure phasing plan addressing the timing and installation of the following improvements:
- a. Access and highway improvements.
 - b. Internal roads and bridges.
 - c. Recreational trails.
 - d. Ski lifts.
 - e. Community water system.
 - f. Community wastewater system.
 - g. Storm water facilities.
 - h. Utilities.
 - i. Emergency service facilities.
- S6. ~~A Watercourse Mitigation Plan prepared in accordance with the Gallatin County Subdivision Regulations (Section 6.A.5.b). The Plan shall address the necessary design and mitigation measures to substantiate a 100 foot reduction from the required 150 foot watercourse setback.~~
- S7. A Wildlife Management Plan which incorporates all wildlife mitigation recommendations provided in the Wildlife Assessment.
- S8. An Erosion Control Plan to DEQ standards and Best Management Practices shall be prepared for all construction projects within the PUD.
- S9. The subdivision preliminary plat application shall be prepared and submitted to include all phases of the PUD.
- S10. Roadways shall be located so as not to be within 25 feet of any designated watercourse.

- S11. A geotechnical engineering study addressing the stability of the wastewater treatment and disposal site.
- S12. A Construction Management Plan providing measures which: place limits on hours of construction activities during the day and week; restrict construction traffic to utilize the northern property access; require construction worker car pooling; prohibit dogs; control dust and noise; and, require construction site clean-up.
- S13. The preliminary plat shall designate wetlands within each private recreational housing lot. Each lot shall delineate a building envelope, outside of any wetland.
- S14. The preliminary plat shall designate all common and private open space areas.