

Tom Fiddaman  
1070 Bridger Woods Rd  
Bozeman, MT 59715  
406-582-4911  
[tom@metasd.com](mailto:tom@metasd.com)

April 16, 2007

Bridger Canyon Planning and Zoning Commission  
Gallatin County Planning Department, Room 208  
311 West Main Street  
Bozeman, MT 59715

Dear Commissioners,

The attached report extends my traffic testimony to reconsider whether Bridger Mountain Village accommodations have, and will retain, the attributes needed to mitigate traffic. Briefly, it seems that the physical configuration of the Phase 1 units does not lend itself to high occupancy by skiers displacing Bozeman trips. Further, the Staff Report stipulations and the covenants and administrative plans provided in the application do not provide any real protection against conversion of the overnight accommodations to quasi-residential use, with even less potential to mitigate traffic and provide sales to Bridger Bowl. Similarly, the proposed covenants do not guarantee public access to common facilities claimed as a benefit of the project.

Correcting this deficiency likely requires more than stipulations; new ordinances enabling oversight and enforcement have often been required in similar situations in other locales, as shown by two attached articles. Absent significant controls, I encourage you to deny this application, in favor of potential future projects with a physical configuration that does not raise such concerns.

Sincerely,

Tom Fiddaman

## ***Can We Ensure that Bridger Mountain Village's Overnight Accommodations Serve the Public?***

Tom Fiddaman, BCPOA, April 16, 2007

The purpose of creating the potential for development of high density overnight accommodations and recreational homes in the Base Area was to allow Bridger Bowl to expand to its maximum capacity without exceeding the capacity of the two-lane Bridger Canyon Road.<sup>1</sup> In order to successfully mitigate traffic volume while providing needed ticket sales to Bridger Bowl, dwellings must have the right attributes in order to offset skier commute trips, rather than generating additional trips. It is not very plausible for recreational homes to provide substantial traffic mitigation or lift ticket sales, so overnight accommodations must be relied on to meet those goals. However, in order to do so, they must have the right attributes.<sup>2</sup> In particular, units must be occupied, occupants must be skiers, and skiers must be displaced from commuting from Bozeman, rather than newly attracted to the mountain.

A hotel or motel with modest rooms would likely meet these criteria (assuming it were attractive and affordable enough to have high occupancy, and recognizing that affordability and attractiveness involve tradeoffs). Rooms would compete directly with similar rooms now used in hotels in Bozeman. Without extensive living space, occupants would be there to ski, and would have minimal temptation to entertain themselves in the room, waiting for a powder day. However, the proposed accommodations in Bridger Mountain Village are quite different. They are essentially rental homes (to call a 2 to 3 bedroom structure between 1000 and 2000sf a cabin is a bit of a misnomer).<sup>3</sup> They are likely to attract a new audience (currently the rental home market in Bridger Canyon is extremely limited), to be unaffordable to many users, and to tempt users to relax around the home rather than ski every day.

There is another serious problem, though. It is evidently the intention, or at least the desire, of Bridger Canyon Partners to sell the homes as individually-owned properties. As evidence for this we point out that BCP requested a change in the zoning language describing overnight accommodations, removing the length-of-stay and central reservation restrictions (the request was withdrawn before the hearing to consider it). Even if this is not BCP's intention, we must remember that BCP could sell the project to another party with different ambitions, or seek to convert the ownership structure at a later date. Certainly the layout of the units as detached structures facilitates such a change.

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<sup>1</sup> There are various references to this goal in Bridger Canyon Zoning District documents, summarized in Kate Vargas' testimony of April 12, 2007; an excerpt is provided in Appendix 1.

<sup>2</sup> For a discussion of the effect of dwelling attributes on traffic mitigation, see Tom Fiddaman's testimony of April 12, 2007; an excerpt is provided in Appendix 2.

<sup>3</sup> We must use Phase 1 as an example, because the PUD contains no design information for subsequent phases.

Individual ownership could take several forms – timeshare, fractional ownership, or condo-hotels. While such facilities sometimes provide high occupancy, this is by no means assured. Research for BCP, conducted by PKF Consulting, illustrates both successful and unsuccessful applications, with rental and owner occupancy from 30% (Moonlight Basin and Big Mountain) to 61% (Teton Mountain Lodge).<sup>4</sup> Regulators and planners have encountered many difficulties ensuring that facilities serve transient visitors and provide amenities, rather than exploiting their surrounding community. Two articles (attached) document some of the problems. For example,

*The Coastal Act provides for visitor-serving use as a higher priority land use than residential, and also states a preference for lower cost visitor-serving accommodations. This is the key public policy issue presented by these development proposals. Because hotel condos are proposed without restrictions on the owners' use of the units, the burden is placed on the Commission to devise enforceable conditions that insure that the hotel condos are truly visitor-serving and that limit private residential use of the units.*

*Condition compliance of past projects continues to be a challenge for staff. The average number of total permits acted on annually by the Commission in the last five years is close to 1,000. When the sheer number of permits issued by the Commission is considered with staffing and travel budget reductions, it is understandable why it has not been feasible to consistently monitor permit conditions, especially those of complex projects. Because compliance with use restrictions of hotel condos is not externally visible and requires constant monitoring and the good faith of hotel management and the numerous owners of condo units, hotel condos present particularly difficult enforcement issues.<sup>5</sup>*

The creation of a vacation home tract is clearly contrary to the letter and the intent of the Base Area Plan. Strict stipulations must be put in place to ensure adequate oversight and enforcement, so that Base Area overnight accommodations remain available for public use. Even if properties are not sold to individuals at this time, protections must be put in place in order to ensure that future conversion of the ownership structure benefits the community. Otherwise, Bridger Mountain Village is just a stealthy way to create a high-density residential subdivision where none should be.

It is troubling that the proposed covenants and administrative plans do not address management of overnight accommodations, so far as we can determine. Therefore we have no guarantee that the provisions of the Base Area Plan for individually owned overnight accommodations (availability for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check-in service)<sup>6</sup> will be met. Covenants or bylaws that can be amended or rescinded by the developers or owners are not adequate. In many cases local ordinances are required in order to enable adequate controls.<sup>7</sup> Absent that, the best defense against inappropriate use is probably a physical configuration that does not lend itself to residential use, e.g., limited unit size.

It is also worrying that the covenants include easements for utilities, developer access, owner use of common area, and similar purposes, but do not grant access to the general

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<sup>4</sup> BCP Memorandum Re: Bridger Bowl Base Area – Text change amendment for overnight accommodations

<sup>5</sup> California Coastal Commission memorandum, Addendum sections I & II

<sup>6</sup> Bridger Canyon Zoning Regulation, 3.34

<sup>7</sup> A number of options are described in the D'Arelli article, page 25, attached

public for use of ski and hiking trails, common area, or other amenities. Stipulations P6 and P22 of the Staff Report must be much more specific about the provision of easements or other guarantees of public access in order to address this concern. Stipulation P11, page 40, should also refer to lifts. Without specific, permanent protections, there is no guarantee that Bridger Mountain Village won't devolve into a private playground for a few.

## **Appendix 1 – Excerpt from Testimony of Kate Vargas, April 12, 2007**

**Why was the base area allotted the high density PUD allocation of one unit per half acre, unprecedented elsewhere in the canyon?** The *General Plan* recognized the recreational potential of Bridger Bowl and estimated that it could expand to include 7000-8000 skiers. Planners and residents were very concerned that the existing highway would not be able to handle traffic generated by that many skiers. Constructing a four-lane roadway that could handle such traffic was considered contradictory to the intent of the General Plan. As a means of resolving this expected future traffic problem, the plan allowed for a high density PUD in the base area of one *overnight* unit per half acre (two density units per acre or a total of 800 units) *if* an acceptable PUD application was approved.

This goal of traffic alleviation is reiterated in the 1979 *Bridger Bowl Base Area Conceptual Plan* and the current *Bridger Bowl Base Area Plan*. Both state that “the rationale for creating this high density allocation with overnight qualification (the balance of the Bridger Canyon area has an allowable PUD density of only one unit per 20 acres...) was to allow for the expansion of the Bridger Bowl Ski Area to its ultimate capacity without exceeding the vehicular capacity of the two-lane Bridger Canyon Road” (p. 1 Conceptual Plan; p. 3 Base Area Plan). *The purpose of the high density PUD allowance in the base area, then, was to solve a traffic problem for canyon residents that was anticipated to occur as Bridger Bowl expanded to its full capacity.*

**If Bridger Bowl was to provide overnight accommodations, how is it that they’re now allowed to build single-family homes?** In 1989 over the objections of property owners in the canyon, the Commission approved an amendment to the *Bridger Canyon Zoning Regulation* allowing 25 percent of all existing overnight density rights to be allocated to single family homes, for a total of 182 homes in the base area around Bridger Bowl. This action was based on the assertion that overnight accommodations for Bridger Bowl would never be built unless a developer could be assured a larger profit margin through sales of single-family homes.

## Appendix 2 – Excerpt from Testimony of Tom Fiddaman, April 12, 2007

Whether Bridger Mountain Village increases or decreases peak winter traffic hinges primarily on whether users of the overnight accommodations and residences are new, or displace existing users who now stay in Bozeman and commute to ski. Whether users are new or displace existing users in turn depends on several factors, including:

- a) whether Bridger Bowl is constrained by lift capacity, parking capacity, snow, or other factors
- b) the nature of overnight accommodations: permissible duration of stay, size, parking
- c) availability and relative attractiveness of accommodations in Bozeman
- d) availability and convenience of transport from Bozeman
- e) the existing balance between local and long distance skiers

Other considerations likely apply as well.

The TIS assumes, conservatively, that all users are new, hence the increased traffic in its results. However, it asserts in the conclusion that, “the trip pattern of the proposed development will help balance the directional traffic within the canyon and allow the roadway to carry more daily traffic with better operations than without the development.” This conclusion rests on the assumption that development users will displace some existing trips, which is contrary to the model assumptions and neither quantified nor demonstrated with comparable data from other sites.

We believe that it is essential to quantify these effects in order to demonstrate benefits, if they exist. Hope is not an adequate justification for this project. While it is not practical for us to build a trip generation model in this review, it is worth considering the criteria that could contribute to greater displacement of existing traffic, and hence ease peak hour congestion.

Referring to the list above, it seems plausible to assume that, all else equal,

- a) When Bridger Bowl is constrained by parking or lift capacity, BMV trips are more likely to displace existing trips, as BMV users will have more ready access to the mountain.
- b) Shorter stays and smaller units are likely to favor displacement, because users are likely to be there to ski, rather than to pursue other recreation. Also, large units have little equivalent in the Bozeman hotel market, and thus are likely to attract a new user population.
- c) More attractive units are likely to favor displacement, because they will out-compete off-mountain alternatives.
- d) Ready availability of alternative transport (e.g. buses) reduces displacement, because there are fewer passenger vehicle trips to begin with
- e) The higher the share of locals in the skier mix, the less potential for displacement, as locals are not likely to pay to stay on the mountain when they can stay at home for free

Of course, all else is not equal, and some of these effects are complex – size, for example, can have multiple conflicting effects that are difficult to sort out verbally, requiring a formal model.

If we apply some of these principles to dwelling types in the proposed development, it is evident that not all are created equal. Using the trip generation figures in the TIS, a recreational home creates about .3 PM peak hour trip ends and 3 total trip ends. If there are 4 occupants skiing 2 days a week, the peak trips are equivalent to slightly more than one skier commuting per day. However, it’s unlikely that the rec home is displacing trips from Bozeman homes or hotels. Even if 25% of rec home skiers are displacing Bozeman skiers (which seems implausibly high), there is no net improvement in peak trips, and there are more than twice as many total trips.

For comparison, an overnight accommodation generates .4 peak trip ends and 6 total trip ends. If there are 2 occupants skiing 5 days a week, and 2/3 displace Bozeman trips, each unit displaces .5 peak trips (a 50% reduction), but triples total trips. Thus it appears to be possible to mitigate peak traffic, but only if the characteristics of the accommodation are appropriate, and only at the expense of total traffic. Accommodations that resemble recreational homes (favoring low skier utilization and appealing to new users) could easily fail to provide benefits.