



# BCPOA Annual Meeting 2013

# Agenda

- Adopt the Agenda
- Minutes of Annual Meeting – May 2012
- Treasurer's Report
- Introduction of current board members
- Review of Year – Chair Tom Fiddaman
  - Theken barn
  - BPSWD
  - Zoning updates
- Current Business
  - Petty variances
  - Cell towers
  - LIDAR
  - Natural history
- Elections
  - Retiring Board members
  - Review of Board work and meeting times
  - Dues Reminder and requirement for voting
  - Board Chair election
  - Election of new Directors
- Canyon Groups
  - BCHPA
  - BCWC
  - Fire Department and Auxiliary
- Other Business
  - Fire department resignations

# Board Members (Term Ending)

- **Upper Canyon**

- Sharon Erickson (2013)
- Deb Stratford, Zoning (2013)
- Mitch Miller (2015)
- Chuck Broughton (2015)

- **Jackson Creek**

- Richard Lyon (2013)
- Rick Anderson (2013)
- Fred Leopold (2013)
- <open>

- **Lower Canyon**

- Charlie Hager (2014)
- Kent Madin, Secretary (2013)
- Colleen Carnine (2014)
- John Shellenberger, Treasurer (2015)

- **Chair**

- Tom Fiddaman

- **Bridger Bowl Representative**

- RA Schmidt

# 2012-2013

- Theken barn victory before the Supreme Court
- Bridger Pines sewer
- Drinking Horse Ranch
- Petty CUPs and variances
- Zoning updates
- Natural History Evening

# Zoning Updates

# General Plan

“ The primary objectives of this plan are to guide future physical growth within Bridger Canyon and to protect the natural beauty and agricultural open space character of the area. In order to provide the greatest opportunities for orderly growth and to retain the environmental nature, it is essential to give intelligent forethought to the design of the area.

This plan recognizes Bridger Canyon as:

- A desirable place to live and an area with an increasing growth rate.
- A place of growing recreational use and demand.
- An area where forest lands will continue to exert influence.
- A place demanding protection of its environmental beauty and agricultural open space.
- An area with strong citizen interest favoring conservation of natural resources; preservation of open space and agricultural usage; and limited, controlled growth compatible with the natural environment.

# The 1971 plan

- Maximum population of 1500
- Normal development at the underlying density of 1 dwelling per 40 acres
- Cluster development, hidden from view, at up to 1-per-20 density, with added density supplied by transfers
- High density in the Bridger Bowl Base area, supplied by transfers from the rest of the canyon

# Current practice

- Normal development at the underlying density of 1 dwelling per 40 acres
- PUDs without clustering, minimal open space preservation, with double density as a “bonus”
- Negotiated settlement for Base Area density
- No market for density transfers
- Potential population of 5000 (2400 parcels) or more (bigger than Big Sky)



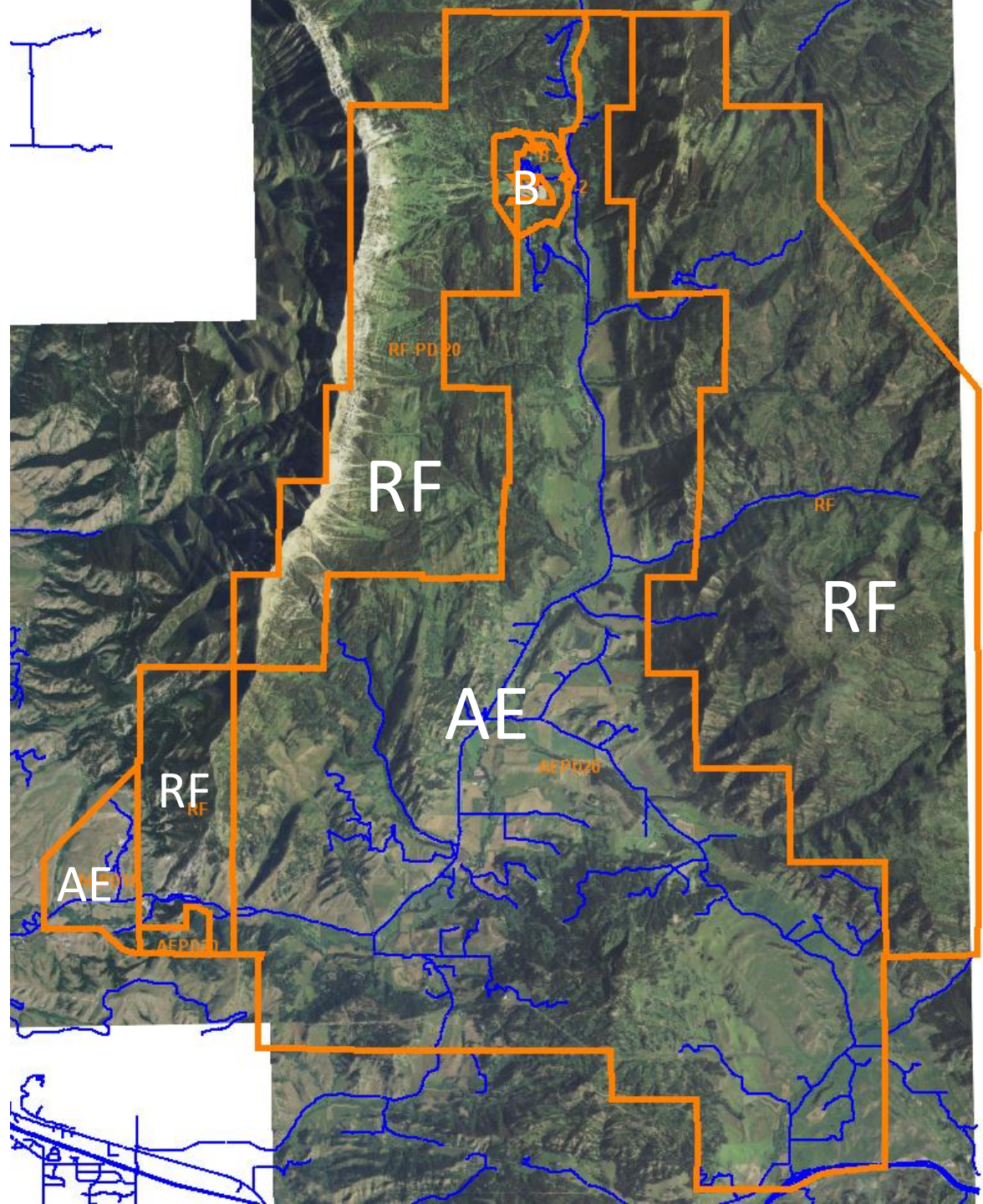
# Zoning Advisory Board

- Bob Morton
- Deb Stratford
- Dick Clotfelter
- Tom Fiddaman
- John Barkow (BCP, Base Area landowner)
- Rich Stoltzfus (Bridger Bowl)
- Janis Eckert (Red Lodge, Base Area landowner)
  
- Ellen Trygstad (alternate for a BCPOA member)
- Randy Elliott (alternate for Bridger Bowl)

# Process

- Minimal revisions to General Plan
- Create objective standards that implement the General Plan
- Start from the county's amended copy of the BCPOA draft
- Consolidate common elements of district policies for clarity
- Work through chapters roughly sequentially
- Provide a rationale for each change

# District Boundaries



# Status

- AE & RF districts rewritten
- New Accessory Dwelling standard
- PUD section rewritten with objective standards protecting views and resources
- Cell tower standard underway as a separate amendment

# Accessory Dwellings

- Problem: ambiguous language for guesthouses and caretaker residences, little commission restraint, “use creep”
- Solution: ensure that owners bear the primary burden of their own amenities and minimize incentive to rent
  - Limit size
  - Locate close to primary residence
  - Share utilities and access

# Still to Come

- PUD Density – is there a “density bonus”? Is there an incentive to transfer density?
- Administrative procedures
- Definitions
- Lots of “sweating the details”

Election

# Bylaws

The purpose of this corporation shall be to do everything in its power

- to preserve the rural character and the natural beauty and resources of Bridger Canyon and the State of Montana;
- to use its best efforts in guiding and directing orderly growth and development;
- to maintain, through organization, a definite influence in all matters which may affect residence or property rights and enjoyment thereof by its members; and
- to hold regular meetings for open discussions of problems of mutual interest and concern to those land owners.



# BCPOA Board

- Chairman
  - Non-voting, except in ties
- Directors:
  - 4 each from Upper Canyon, Lower Canyon & Jackson Creek
  - ~ Monthly meetings (summer off, if possible) – 4th Mondays at 7:00
  - Secretary, Treasurer

# Petty Variances

# Context

- Fall 2012: Permits sought for home addition, greenhouse, rec room and guesthouse reusing existing barns
- Barns lie within the setback protecting Bridger Creek
- Construction proceeds without permits; BCPOA files complaint
- Jan. 2013: CUPs for rec room and guesthouse approved; variances denied due to floodplain concerns
- April 2013: variances approved, based on new information

# Issues

- Commission sets aside an objective standard in favor of its preferred solution
- False pretense of agricultural nature of residential project
- Failure to sanction construction without permits
- Variance standards of hardship and deprivation not met

# Appealing

## Pros

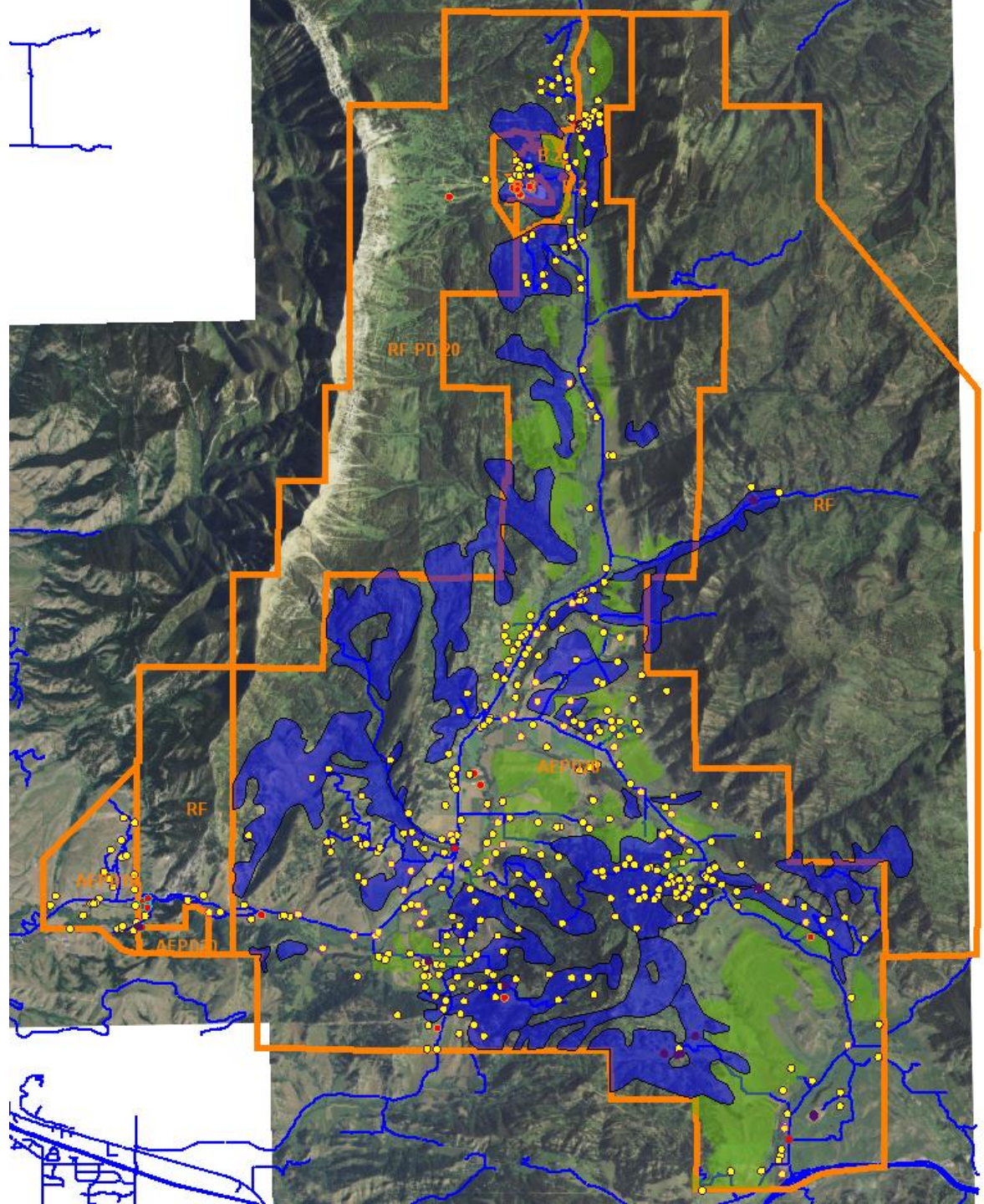
- Important principles
  - Objective standards
  - Procedures
  - Staff errors
- Good odds of success

## Cons

- Cost - \$20,000?
- Tough burden of proof
- Little basis for settlement
- Possible pyrrhic victory

Thanks!

# Existing Structures

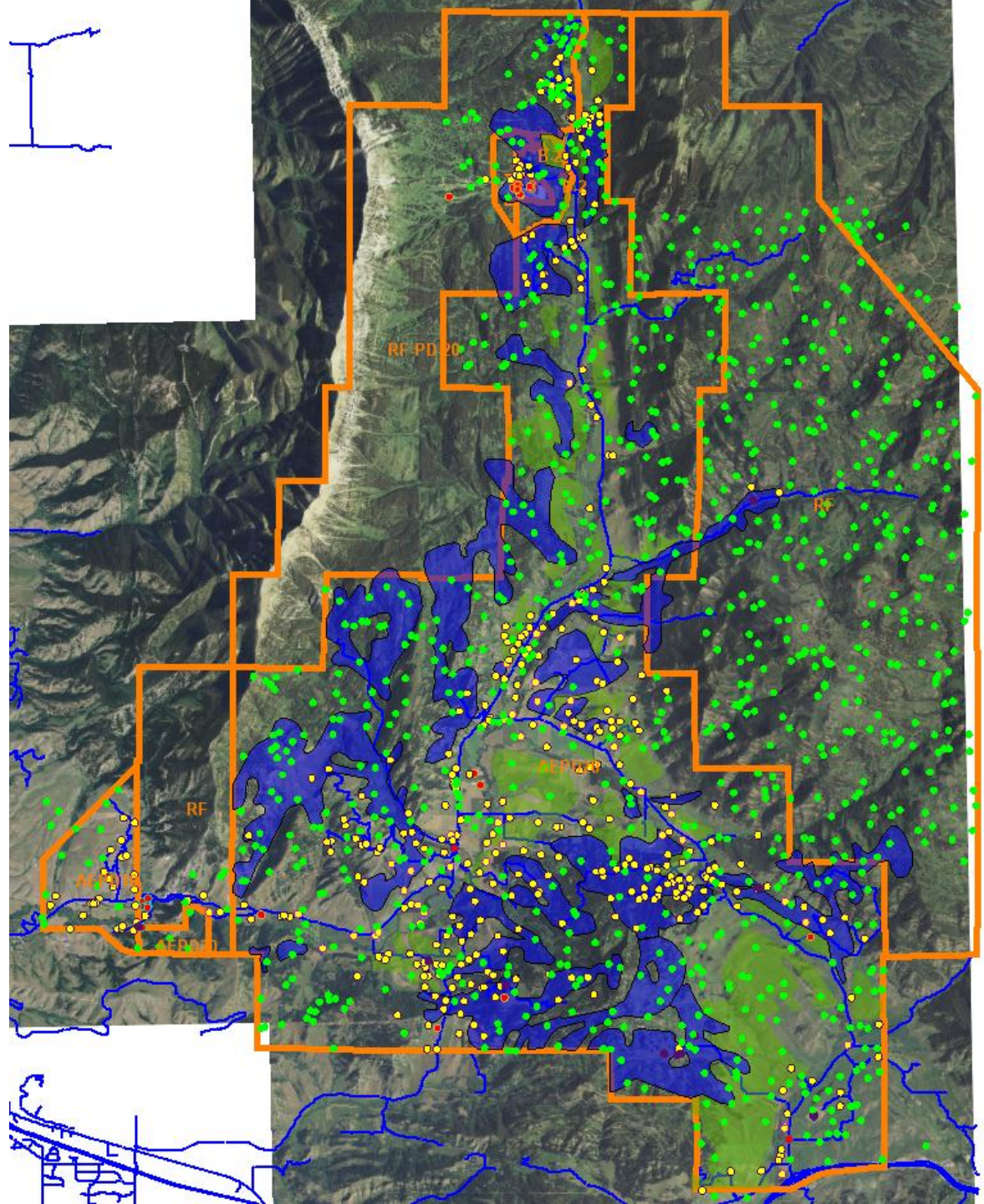




+ Potential  
Dwellings at  
1-in-40  
Density



PUDs would  
permit roughly  
twice as many





# Lot Size & Development Potential

