



# Bridger Canyon Zoning Updates

## Section 13 - PUDs

[bczoning.wordpress.com](http://bczoning.wordpress.com)

# Agenda

- Background
  - Zoning Advisory Board members & mandate
  - BC Zoning District
  - Update Process & Next Steps
  - Recap – March & April meetings
- Planned Unit Developments
  - History
  - Density
  - Details of the new regulation

# Zoning Advisory Board

- Bob Morton
- Deb Stratford
- Tom Fiddaman
- Richard Lyon
- Kelly Wiseman (Bridger Bowl)
- Janis Eckert (Red Lodge, Base Area landowner)
  
- Ellen Trygstad (alternate for a BCPOA member)
- Randy Elliott (alternate for Bridger Bowl)

# Update Process

- Minimal revisions to General Plan
- Create objective standards that implement the General Plan
- Start from the county's amended copy of the 2006 BCPOA draft
- Consolidate common elements of district policies for clarity
- Work through chapters roughly sequentially
- Provide a rationale for changes

# Status

- Adopted:
  - Natural Resources CUP
  - Cell tower standard
  - Height standard
  - BB parking amendments
- Essentially complete:
  - AE & RF districts
    - New Accessory Dwelling standard
  - General standards
  - Signs
  - PUD objective standards protecting views and resources
  - Definitions & formatting
- Deferred:
  - Administration
  - Base Area

# Next Steps

- Sharing & public input
- Definitions
- County legal review
- Finishing touches
  
- Separately:
  - Base Area
  - Administration

# How to comment

- In person – meeting dates are generally on the BCPOA calendar at [BCPOA.net](http://BCPOA.net)
- Via email: c/o <[Chris.Scott@gallatin.mt.gov](mailto:Chris.Scott@gallatin.mt.gov)>
- On the web: comments are open at [bczoning.wordpress.com](http://bczoning.wordpress.com)

# bczoning.wordpress.com

## Bridger Canyon Zoning Updates

Tracking the updates to the Bridger Canyon zoning regulation.

[HOME](#)   [ABOUT](#)

### May 2015 complete drafts

[Leave a reply](#)

The May 4th meeting reviews a complete set of documents for the zoning update:  
[advcomm.agenda.05.4.2015](#)

The current drafts are:

AE district (most of the residential areas on the canyon floor):

[SECTION 6 AE Edit draft](#)

RF district (forest service & Bangtails, mostly undeveloped except for Bridger Bowl and Ross Peak Ranch):

[SECTION 7 RF Edit draft](#)

Planned Unit Developments:

[SECTION 13 PUD Edit draft](#)

General Standards

[SECTION 15GENEDEV Edit draft](#)

Signs

[SECTION 16SIGNS.edit.draft](#)

This entry was posted in [Uncategorized](#) on [May 4, 2015](#). [Edit](#)

#### RECENT POSTS

[May 2015 complete drafts](#)

[Wireless amendment draft](#)

[Roof pitch amendment](#)

[Revised Cell Tower Regulation](#)

[May 21 Agenda](#)

#### RECENT COMMENTS

[Bridger Bowl Parking...](#) on [Bridger Bowl's draft par...](#)



[cdtree](#) on [Personal Wireless Ser- vices ame...](#)

[tomfid](#) on [Personal Wireless Services ame...](#)

[cdtree](#) on [Personal Wireless Ser-](#)



# Comments from public at March, 2016 meeting

Section	Comment
15.8d	Definition of guest room at B & B, Guest Ranch
15.2b, d, e, f, g	Modify/expand definition of Accessory Dwelling to take account of FROG, other locations <ul style="list-style-type: none"> <li>• As part of Accessory Building such as garage</li> <li>• Question req't of single electric meter</li> <li>• Suggest req't of single well or septic</li> <li>• Why not simply prohibit rentals?</li> </ul>
15.3d-1	15' ceiling on pole-mounted solar panel may interfere with wildlife movement
	Limit new construction to one access road per parcel
15.5	Include stormwater pollution management plan
15.2, 15.3	Include appropriate reference to General Plan
15.13	Consider sections to address VRBO, AirBnB
15.9	Exterior lighting

# Comments from public at April, 2016 meeting

Section	Topic	Issue	Action
3 - Definitions	Define Home Occupation	1. Need for more precise definition of what's allowed	Move size restriction from Definitions to General Standards Possible revision
		2. Review Montana statutes to determine limits on regulating child care, similar activities	
15.14	Waste containers	Current draft covers only individual garbage cans	Expend to cover dumpsters
15.6	Lighting	K. Keyes concern over one-year retrofit provision	
16	Signs	Supreme Court decision limiting regulation of sign content	Possible revision
	Portal		
	Helicopter pad	Not addressed; might be deemed analogous to ag airstrip, a Permitted Use	Consider how to handle

# Comments from public at May, 2016 meeting

Section	Suggestion
13	Delete PUD section and require 1:40 density throughout the District.  Informal inquiries of large landowners on subject  Poll Canyon residents on subject
7	Reduced density (1:80; 1:160) for RF
13.5a(9)	Refine definition of Geotechnical Study
13.5	Require certified expert for various studies required to be submitted
13.4	Incorporate DNRC-DEQ standards into PUD application
13.9	Require conservation easement for PUD-designated Open Space

**BACKGROUND**

# District Documents

- General Plan (Development Pattern)
  - Design Guidelines supplement
- Base Area Plan
- Zoning Regulation
- Map

# 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.

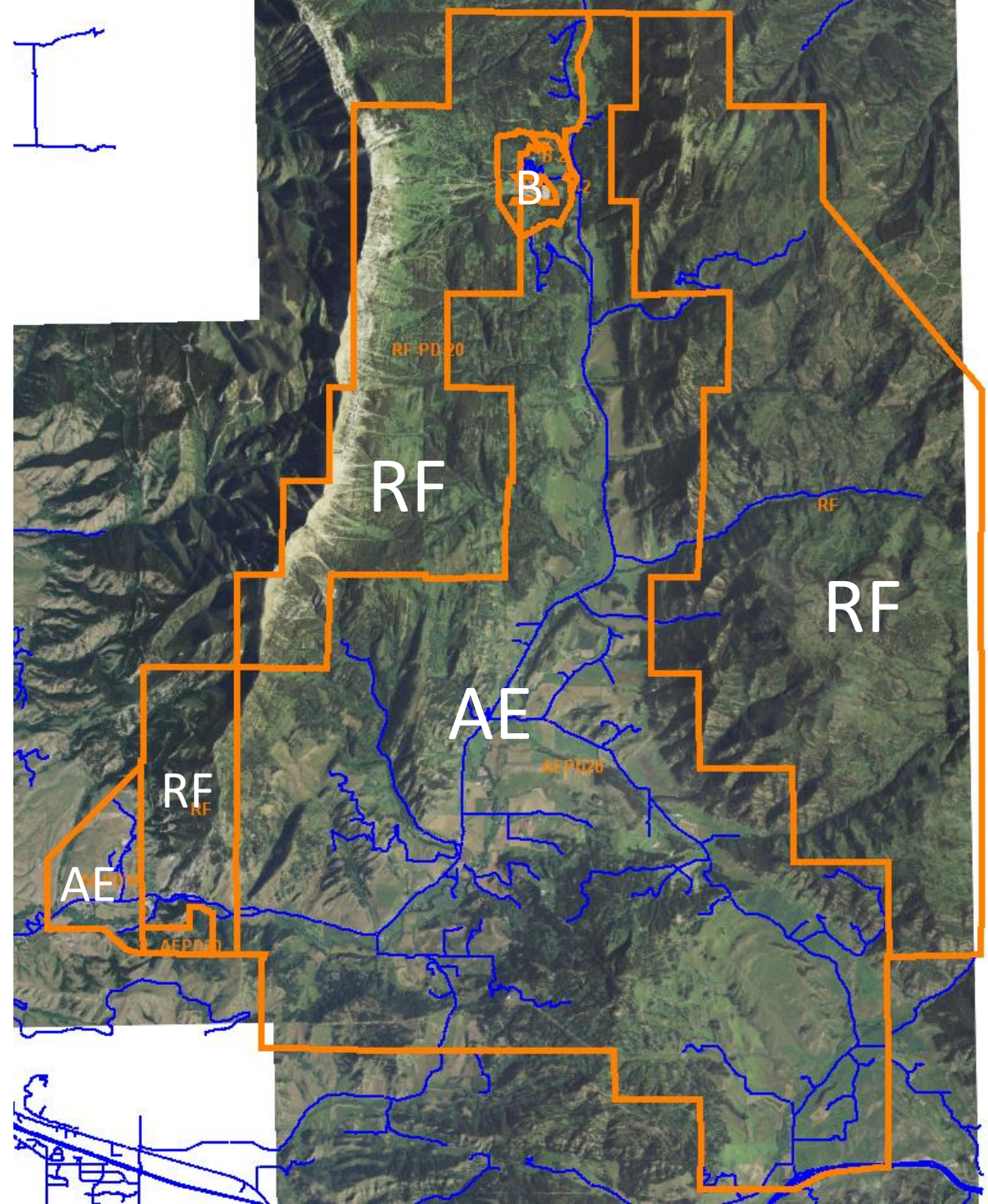
This plan recognizes Bridger Canyon as:

- 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

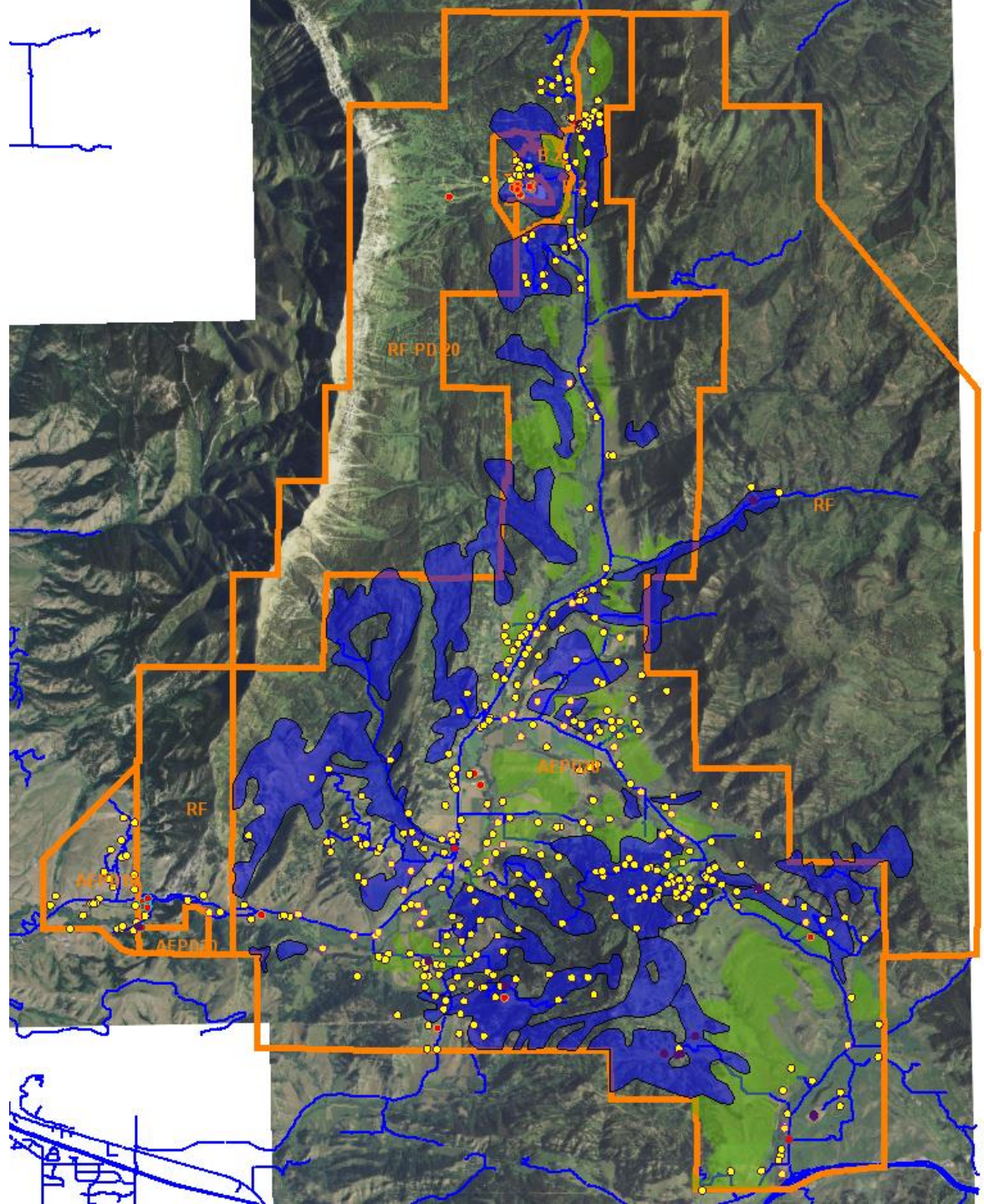
- Maximum population of 1500
- Normal development at the underlying density of 1 dwelling per 40 acres
- Cluster development, hidden from view, at up to 1-per-20 density, with added density supplied by transfers
- High density in the Bridger Bowl Base area, supplied by transfers from the rest of the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

# District Boundaries

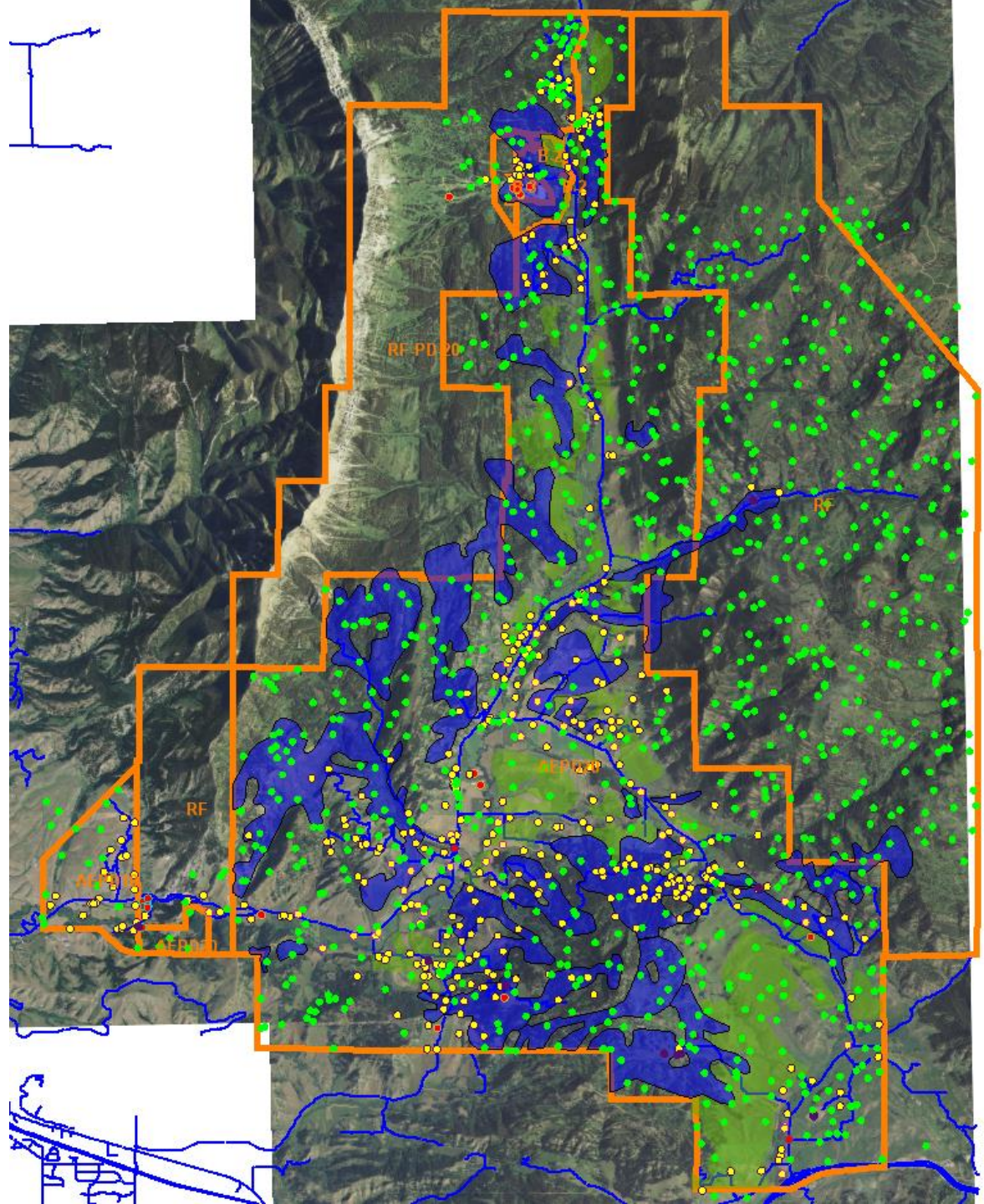




# Existing Structures



# + Potential Dwellings at 1-in-40 Density



# Types of Control & Permits

- Out of jurisdiction
  - Agricultural lands
  - State highways
  - Aspects of mineral exploration, water, wildlife
- Exempt uses
- Matter-of-right uses
- Conditional uses

# **13. PLANNED UNIT DEVELOPMENTS (PUD)**

# Original Design

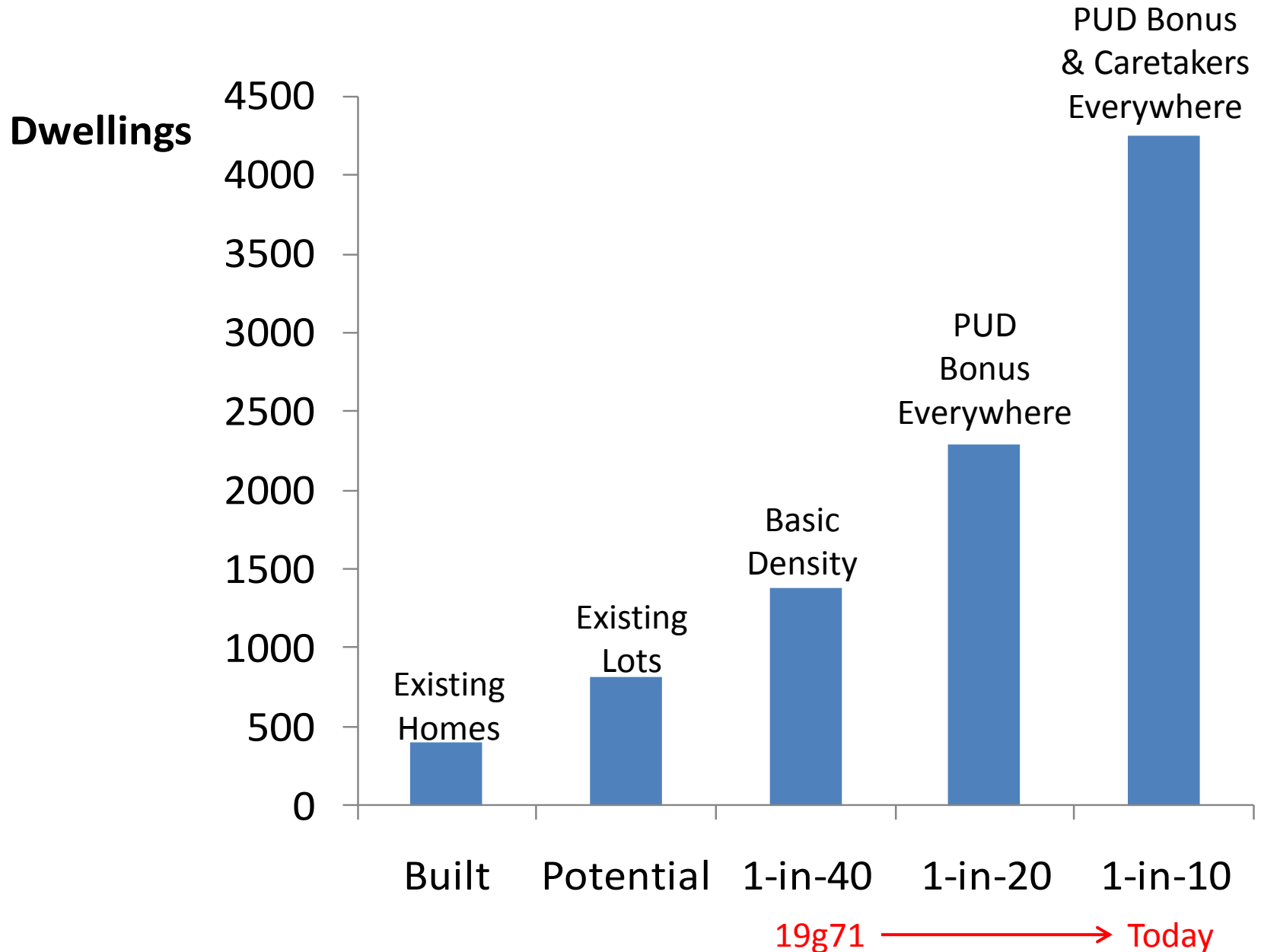
(as in the 1979 Base Area Conceptual Plan)

- Basic density: 1 dwelling per 40 acres
- PUD provides:
  - Design flexibility
  - Higher density *exclusively via transfer* from less-suitable to more-suitable locations
- PUD requires:
  - Cluster development to preserve open space
  - Good visual concealment
- In this way, the whole canyon can benefit (by selling density rights) from high density in the Base Area

# Current practice

- Normal development at the underlying density of 1 dwelling per 40 acres
- PUDs
  - The good:
    - building envelopes protecting open space
    - HOAs organizing maintenance, weed control, etc.
  - The bad:
    - double density as a “bonus” in exchange for unspecified “community benefit”
    - non-functional open space preservation
    - endless tinkering with building envelopes
    - ineffective administration of density transfers
  - The ugly:
    - you have to *have* visual screening from topography and vegetation, but you don’t have to *use* it
- Negotiated settlement for Base Area density
- No market for density transfers
- Potential population of 5000 households on (2400 parcels) - bigger than Big Sky

# Lot Size & Development Potential



# Improvements

- Explicit consideration of purposes for approval
- Require functional, contiguous open space
- Minimize post-approval tinkering
  - Larger building envelopes as platted parcels
  - Standards for modification
- Avoid slope cutting and skylining structures
- Formal criteria for density bonus
- Implementation of density transfers



# Purposes

- i. Enhance and preserve open space and unique natural features.
- ii. Preserve to the maximum extent possible the natural characteristics of the land, including topography, vegetation, streams, meadows, wetlands, and tree cover.
- iii. Protect areas of important wildlife habitat, such as fawning areas and migration / wildlife movement corridors.
- iv. Prevent soil erosion by permitting development according to the nature of the terrain.
- v. Encourage the development of more attractive site design.
- vi. Reduce the cost and physical impact of public and private services.
- vii. Lessen the visual impact of development and preserve the scenic vistas, ridge lines, and the natural appearance of hillsides.
- viii. Preserve agricultural lands and rural atmosphere.

# Standards

- Calculation of density
  - Objective criteria for density bonus
  - Provides for density transfers
  - Absolute limit of 1-in-20
  - Improved handling of roundoff
- Minimum acreage increased to 80
- Building lots must be parcels
- Parking requirements eliminated (subject to general standards)

# Standards Cont'd

- Slope and cut/fill requirements for roads
- Continuity required for open space
- Clustering of dwellings encouraged, subject to scale limitations
- Density bonus requires high quality open space, with explicit criteria to prevent fragmentation by roads and structures

# Procedures

- Many clarifications
- Submission requirements include:
  - Site plan
  - Density & open space calculations
  - Weed plan
  - Wildlife study/plan
  - Traffic analysis
  - Geotechnical study for steep areas
- Improved legal protections for open space
- Extended public notice provisions
- Explicit density transfer procedures

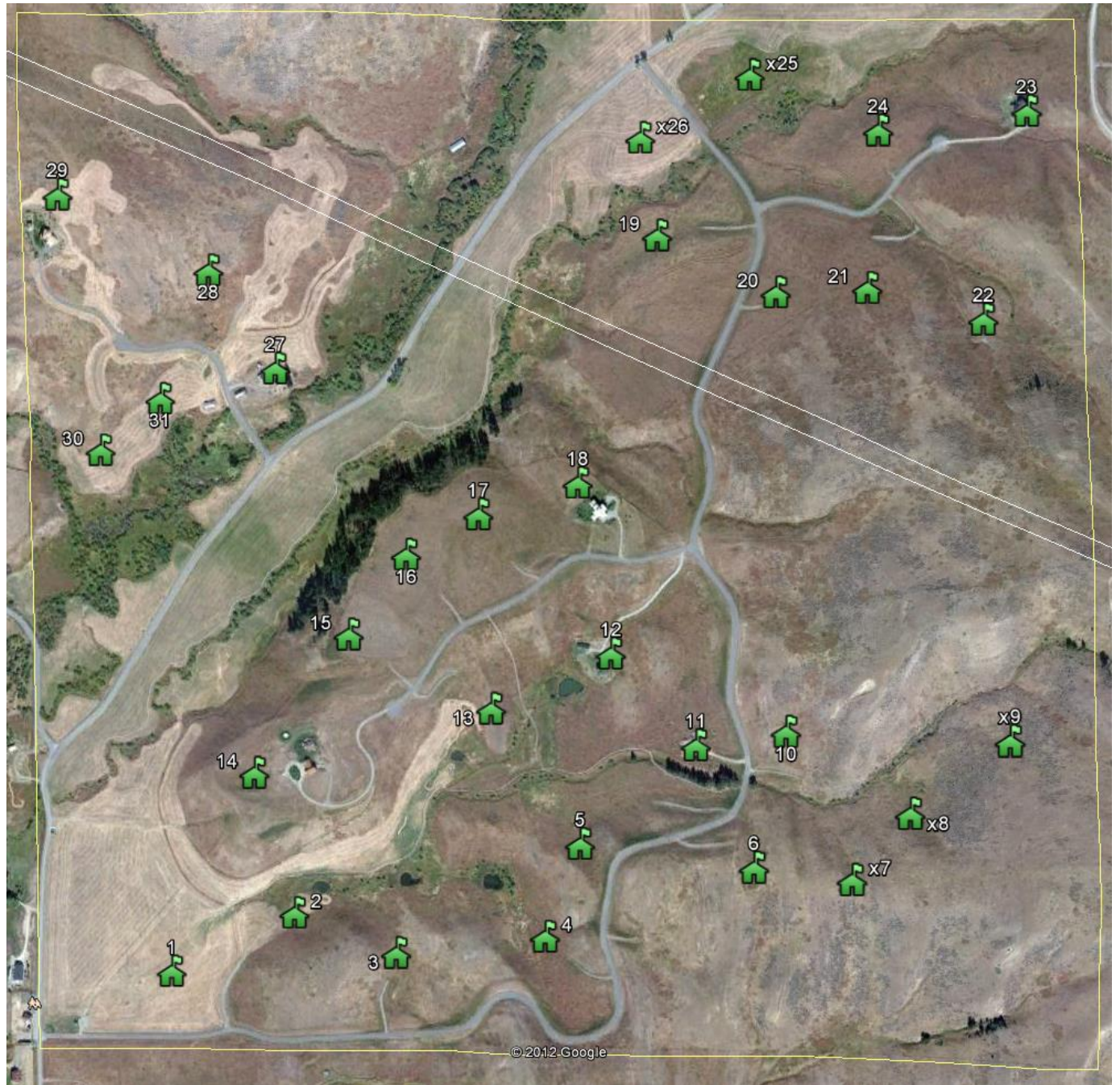
# Density Bonus

- Additional density rights available for creating large, contiguous tracts of protected open space.
- One unit for each 30 acres that is
  - At least 660ft distant from building lots, roads or driveways, or at least 330ft from exterior boundaries, or
  - Contiguous with adjoining open space, or includes watercourses, wetlands, or public trails and parks

Example:  
Jackson  
Creek Hills



1. As  
applied  
for  
(31)



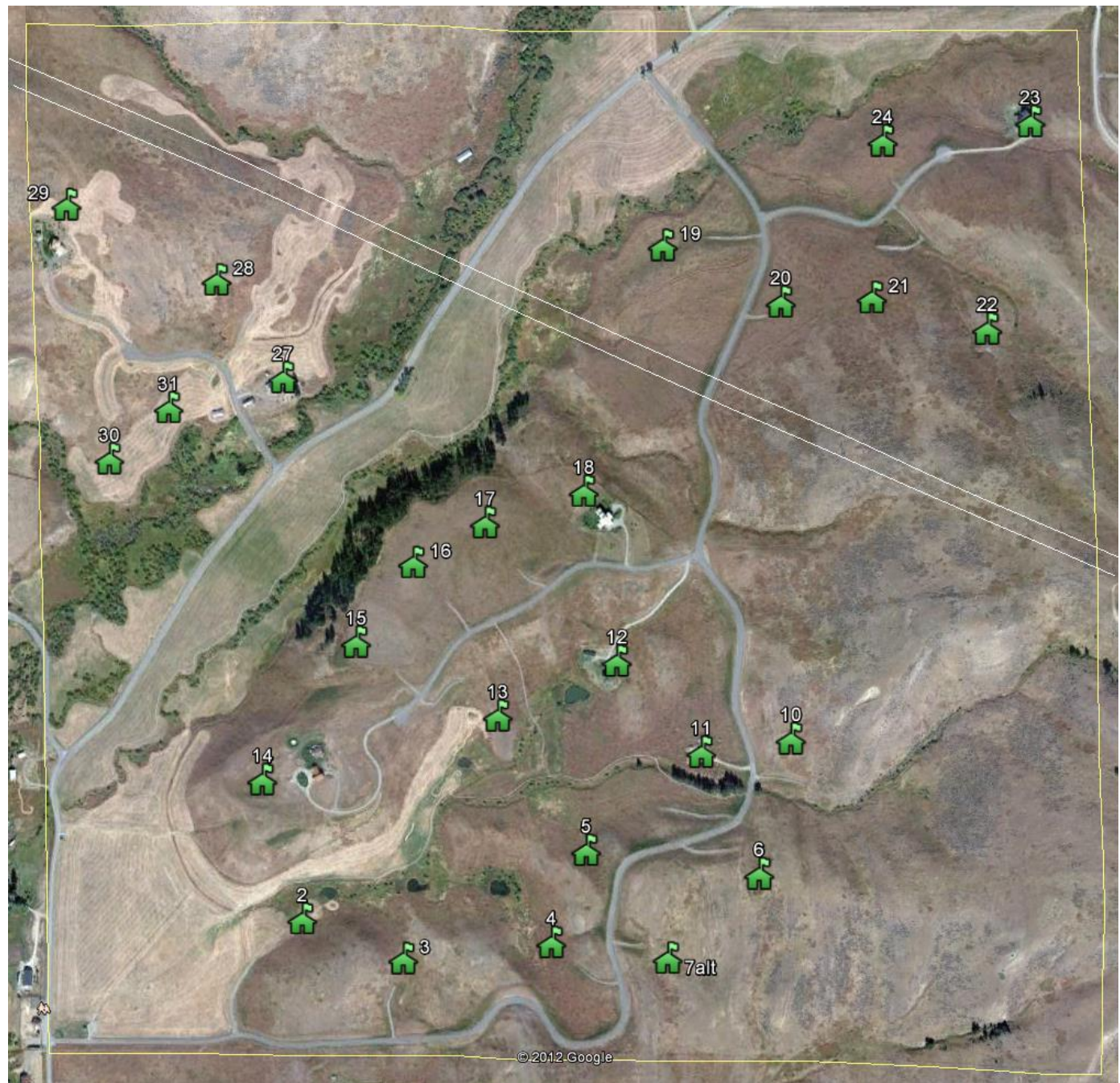
## 2. As approved (26)

Roughly 1 acre building envelopes

Roughly 2 ½ miles of road, not counting Jackson Creek and driveways

~330 acres common open space, noncontiguous

(as far as I know, this is a 63% density bonus, no transfers)





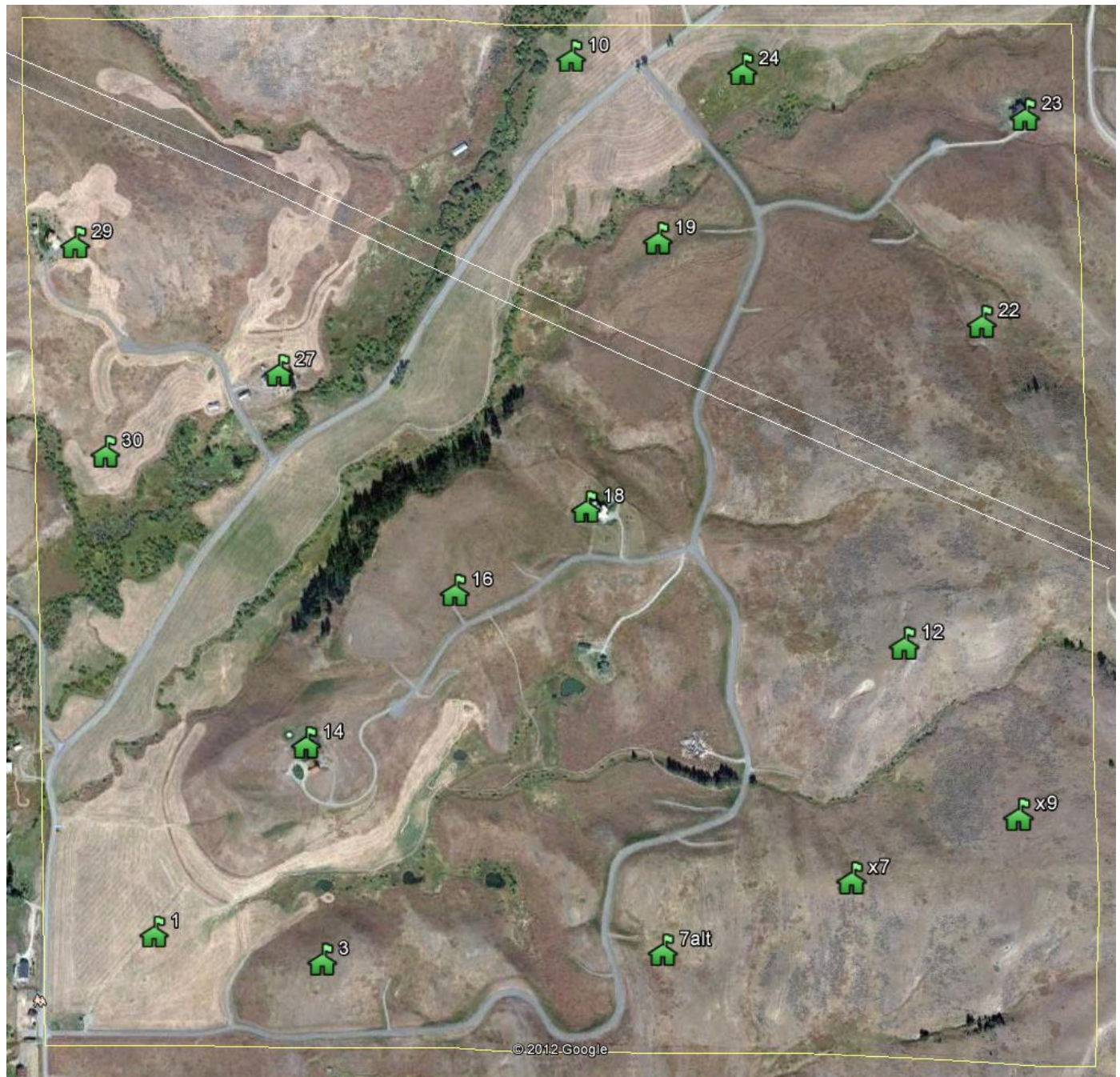
### 3. No PUD (16)

more  
dispersed, with  
ridgetop  
development &  
longer roads

fewer houses

odd lot shapes

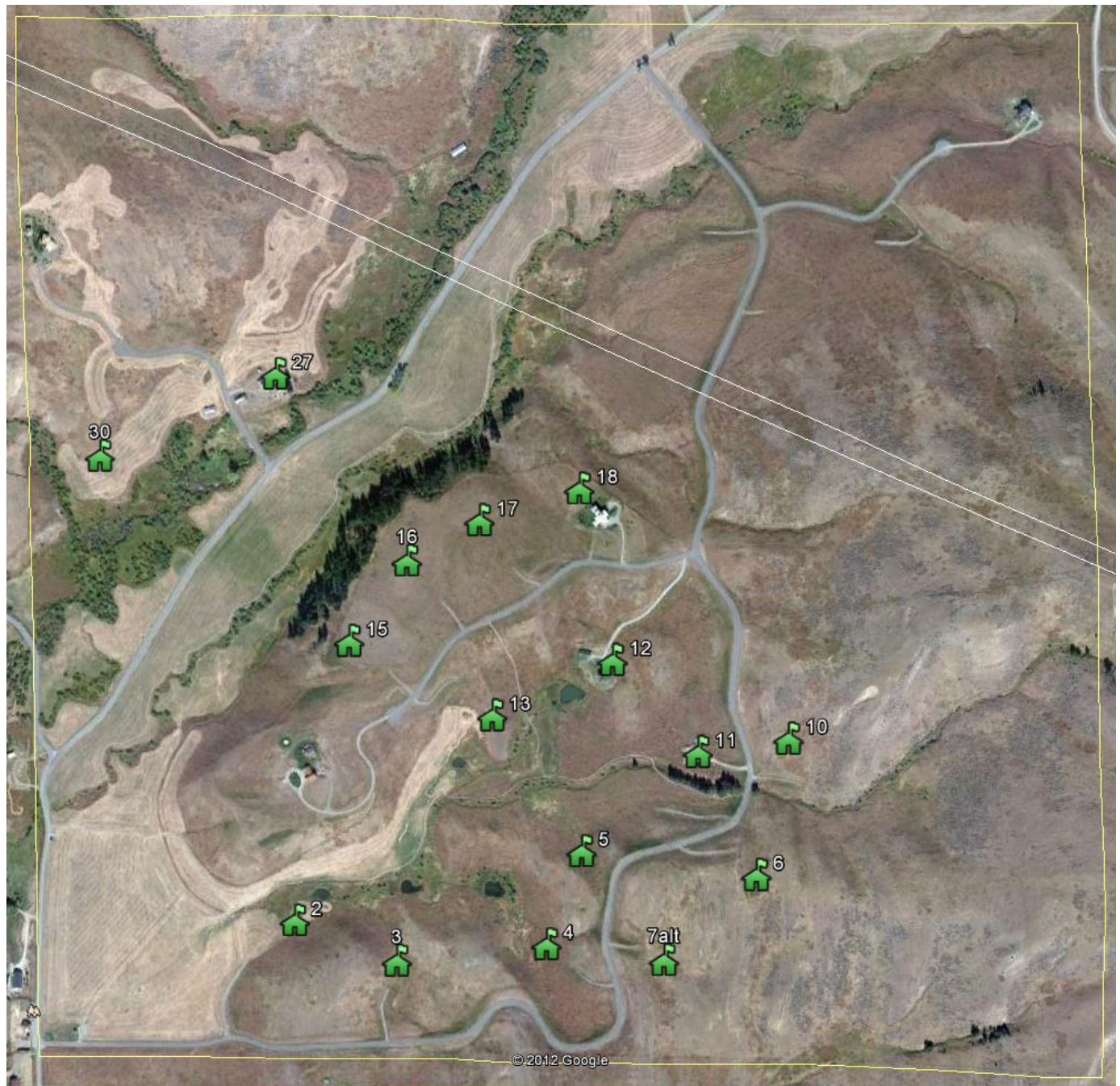
no building  
envelopes



# 4. Loosely Clustered No bonus (16)

could eliminate  
about 1/3 of road  
length, more  
contiguous open  
space

greater home  
spacing than  
approved design  
and Eagle Rock



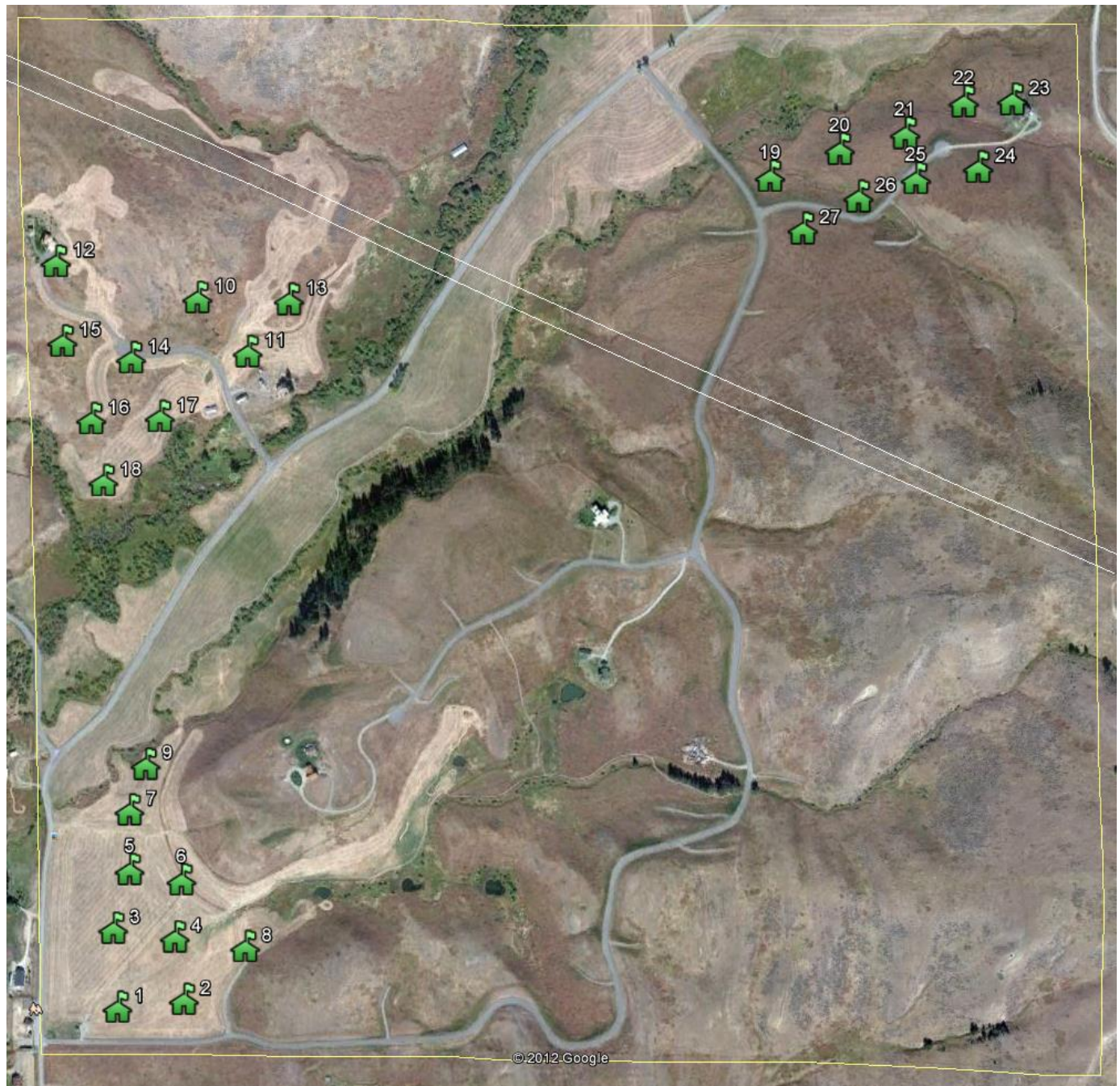
# 5. Clustered w/Bonus or xfer (27)

eliminate majority  
of road length,  
much more  
contiguous open  
space

slightly greater  
home spacing than  
Triple Tree

more density near  
Jackson Creek

transfers would  
leave undeveloped  
land elsewhere



# What's best? (Notional)

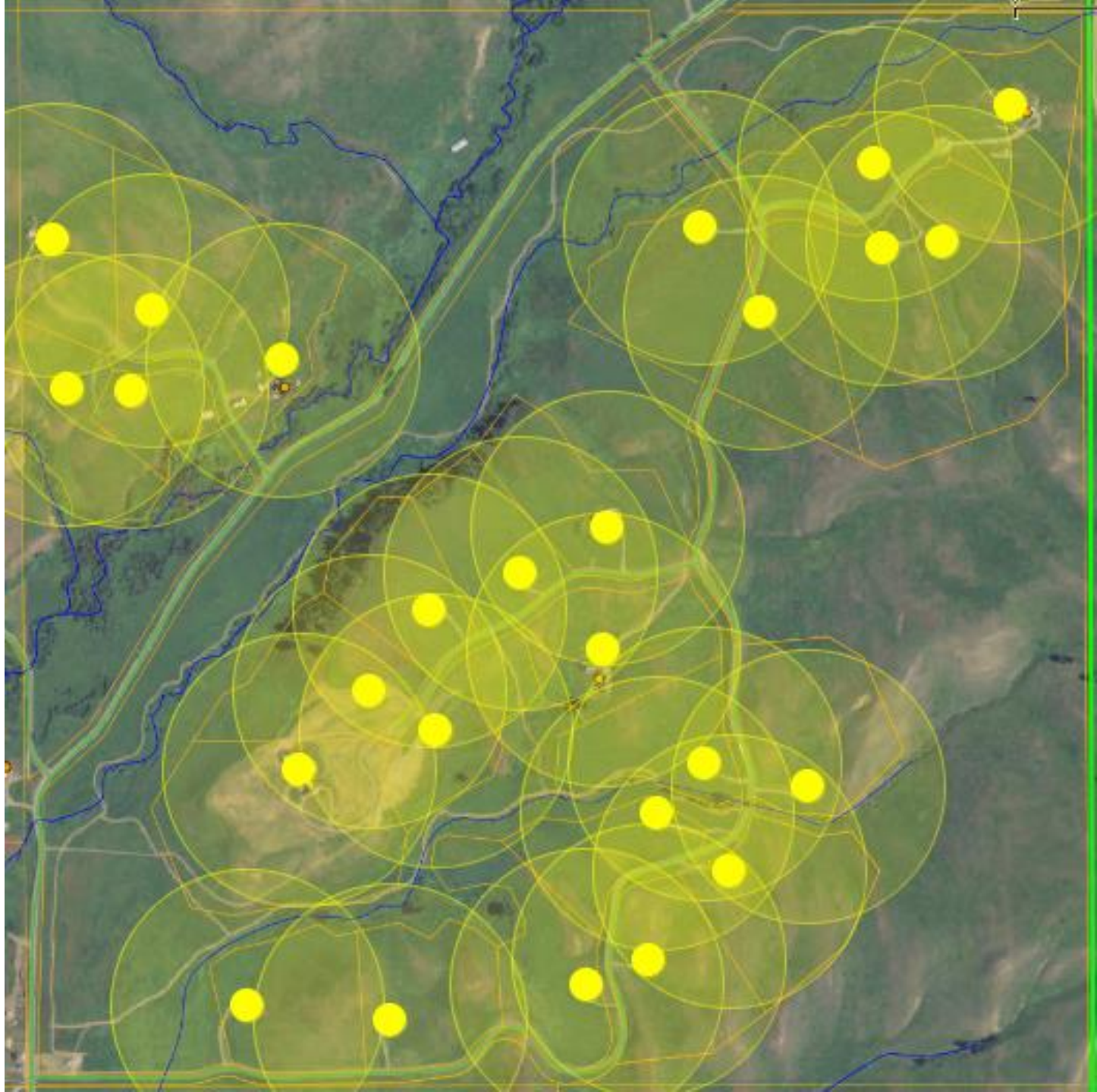
Criteria	#1 – Applied	#2 – Approved	#3 – No PUD	#4 – Loosely clustered	#5 – Densely clustered
Density	31	26	16	16	27
Traffic	--	-	+	+	-
Water quantity	--	-	+	+	-
(Other density-driven impacts)	--	-	+	+	-
Wildlife (contiguous open space)	--	-	-	+	++
Views	(Beauty is in the eye of the beholder, but certainly #2 is better than #1, and #4 is better than #3)				
Market value	(Debatable – probably #1 > #2 > #4, but not clear where #3 and #5 come in)				

# Example Open Space Calculation

Start with  
640 Acres



Subtract  
the area  
around  
homes



Subtract  
roads and  
boundary



## Not shown ...

- Add back trails and stream corridor

## Net result ...

- Qualifying Open Space = 120 to 160 acres
- Density bonus = 3 to 4 homes (vs. 10)



# Outline

- 13.1 Purpose
- 13.2 Uses Permitted.
- 13.3 Calculation of Development Rights
- 13.4 Standards for Development
- 13.5 Procedure
- 13.6 Phased Development
- 13.7 Procedure for Approval
- 13.8 Transfer of Development Rights
- 13.9 Density Bonus and Density Bonus Space
- 13.10 Post-Approval Modification after PUD Approval
- 13.11 Approval Time Period and Extensions
- 13.12 Base Area Planned Unit Development

**OTHER SECTIONS**

# 6. AE District

- Modify intent to recognize residential use
- Changes to uses
  - Eliminate ag worker housing, feedlots, schools
  - Add wind & solar energy provisions
  - Recognize emergency & essential services
- Accessory structures exceeding 2500 sq ft are conditional
- Improved parcel size roundoff calculation and lot shape restriction
- Property line setback increased to 50 ft
- Watercourse setback increased to 150 ft, with provision for mitigation
- Move parking and other standards to General Standards
- Accessory Dwelling (see next)

# 7. RF District

- Changes largely parallel AE district
- Airports and lumber milling restricted to noncommercial use
- No Accessory Dwelling (previously, no Caretaker or Guesthouse provision)

# Permitted Uses

## AE

- a. Agriculture
- b. One (1) Principal Dwelling on each parcel created in conformance with or in existence at the time of original adoption of the Zoning Regulation.
- c. Essential Services Type I
- d. Domestic Wireless Equipment.
- e. Signs in accordance with Section 16.
- f. Accessory Buildings and Structures equal to or less than 2,500 square feet.
- g. The sale on the premises of products produced thereon.
- h. The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required therefore.
- i. Home Occupations.
- j. Accessory Dwelling Unit.
- k. Solar Energy Systems

## RF

- a. One (1) Principal Dwelling on each 40-acre parcel created in conformance with or in existence at the time of original adoption of the Zoning Regulation.
- b. personal milling of lumber not for commercial purposes
- c. Essential Services Type I.
- d. Domestic Wireless Equipment.
- e. Signs in accordance with Section 16.
- f. Accessory Buildings and Structures equal to or less than 2,500 square feet.
- g. Home Occupations
- h. Solar Energy Systems

# Conditional Uses

## AE

- a. Non-commercial airstrips for the use of aircraft used for agricultural purposes, together with accessory buildings and structure required therefore.
- b. Religious Organizations and Places of Worship.
- c. The development and processing of natural resources in accordance with Section , *Natural Resources Conditional Use Permits*;
- d. Guest Ranches;
- e. Bed and Breakfast Inns.
- f. Accessory Buildings and Structures greater than 2,500 square feet.
- g. Special Event Facilities.
- h. Personal Wireless Service Facilities, subject to Section 17.
- i. Essential Services Type II
- j. Emergency Services
- k. Small-scale Wind Energy Systems.

## RF

- a. logging camps
- b. the development and processing of natural resources in accordance with Appendix A, *Natural Resources Conditional Use Permits*
- c. seasonal recreational campsites;
- d. ski lift facilities
- e. pack stations
- f. personal airstrip
- g. guest ranches
- h. cross country ski facilities
- i. Accessory Buildings and Structures greater than 2,500 square feet.
- j. Essential Services (Type II)
- k. Personal Wireless Service Facilities, subject to Section 17
- l. Emergency Services
- m. Small-scale Wind Energy Systems.

# 15. General Standards

1. Guest ranches
2. Accessory Dwelling
3. Accessory Buildings & Structures
4. Buildable Area
  - Exemptions for roads, driveways and small structures
  - Portals and solar systems
5. Hillside Standards
  1. No roads or structures on slopes  $> 30\%$
  2. No skylining of structures, as seen from major roads

# 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
  - Require proximity to primary residence
  - Share utilities and access
  - Limit to one
  - No rental (as for caretaker & guesthouse facilities previously)



# 15. General Standards Cont'd

6. Temporary Occupancy - RVs, yurts, etc.
7. Sight Distance at Intersecting Roads
8. Bed & Breakfast Inns
9. Exterior Lighting (Dark Skies)
  1. Requires shielded down-lighting
  2. Forbids beacons, flashing lights and allways-on lighting
  3. Limits height

# 15. General Standards Cont'd II

## 10. Building Height

- Refined height calculation, following natural grade
- Provision for (lower) flat roofs
- Provision for small projections

## 11. Setbacks

- Property and watercourse setbacks increased
- Watercourse mitigation standard (corresponding with Subdivision regulations)

## 12. Watercourse Mitigation Plan

## 13. Home Occupation, limiting size, traffic, employees, noise and waste

## 14. Refuse storage standard

## 15. Parking

# 15. General Standards Deletions

- Bridger Bowl employee housing standard eliminated
- Work Camps eliminated

# 16. Signs

- Limit size and placement, according to purpose (e.g., political vs. commercial)
- Includes a standard for ranch portals
- Due to a recent Supreme Court decision, this will have to be revisited