



Big Sky Architectural Committee Retreat Minutes – March 8, 2018

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1. BSAC Overview

Brian Wheeler reviewed the typical BSAC meeting flow including Staff Presentations, questions and answers and applicant participation. Brian also stressed the importance of meeting attendance.

The BSAC discussed the Staff Packets that are currently distributed at each BSAC meeting. One member commented that the Committee Packets are important and should not be changed. It was noted by members that it is important to read the Staff Reports prior to the meeting to be better prepared. The Powerpoint presentation was discussed and the BSAC felt that focused bullet points would help to streamline the meetings.

Please note that paragraph marked with an "asterisk" indicates an item that requires additional Staff follow-up.

2. Performance Deposits

Staff reviewed with the BSAC that the question of retaining Performance Deposits and the authority to do so has been raised on occasion. Staff explained that there are several BSOA Governing Documents currently in place that refer to Performance Deposits and the right of the BSAC to retain all or part of the Performance Deposit. The Committee was asked to consider if changes to the existing "Procedure Resolution" were necessary to better define when the Performance Deposit would be retained. The Committee reviewed the information prepared by Staff and discussed the role of the Performance Deposit as an incentive for the Owner to complete work.

Following discussion, the BSAC determined that the Procedure Resolution did not need to be revised to better define when a Performance Deposit would be retained.

3. Alteration Project Definitions

Staff reviewed with the BSAC that Major Alterations and Minor Alterations are the only two categories that currently exist for Alteration/Repair/Renovation projects submitted to the BSAC. The absence of a third, medium sized project was noted at a BSAC meeting this fall. The Committee was asked to consider if the Procedure Resolution needs to be revised to include a third category.

The BSAC reviewed the wording of the Procedure Resolution and noted that the Resolution states under Minor Alterations *"Projects include but are not limited to repairing siding, and decks, painting, roof repairs, landscape alterations and/or propane tank installations; however, if the improvements listed in this paragraph are deemed by Staff, in their sole discretion, to be substantial then the project may be categorized as a Major Renovation."*

but, noted that “Major Renovations” did not have similar language. The BSAC directed staff to charge the Applicant the Major Alteration review fee when the project category is uncertain and to allow the BSAC at the meeting to determine the category of the project.

*The BSAC concluded that the Procedure Resolution did not need to be revised to include a new Mid-Sized Project category. It was noted that the Review Fees should be discussed at a future BSAC meeting.

4. Phasing of Multi-Family Projects

Staff reviewed with the BSAC that currently there are 8 Multi-Family Projects that are partially completed in the BSOA Jurisdiction: Teton, The Nineteenth, The Fairways, Brownstone, Alpenglowl, Lodges at Elkhorn Creek, the Pinnacles and Cascade Ridge. Three of the projects are currently under construction, 3 are anticipated to start building again this year and the status of the remaining 2 is unknown. In addition, 2 new multifamily projects are anticipated to break ground this year.

The BSAC discussed various means of ensuring completion of projects including requiring that balance sheets be submitted to the BSAC, requiring an overview of the entire project to be submitted for sketch plan review and requiring that infrastructure be installed prior to start of building construction. Review fees and Performance Deposits were briefly discussed. The inequity between a project like Lodges at Elkhorn Creek that was charged a Performance deposit for 1 building that has multiple units and a project that has multiple single family units was discussed.

*The BSAC decided that further discussion of Multi-Family Projects would be required at a regular BSAC meeting including the review of Review Fees and Performance Deposits. In addition, the BSAC felt that it was important to define multi-family verses single-family projects and to also consider the overall size of the project.

5. Changes to Neighbor Notification Procedure

Staff reviewed with the BSAC the current Neighbor Notification policy and the process that was followed prior to the adoption. Neighbor notification was added to the Procedure Resolution adopted on May 19, 2013 and effective on May 30, 2013.

It was mentioned by a BSAC member that a neighbor told her that they have not been receiving the notifications. The BSAC discussed the possibility of expanding the area of notification but, concluded that the current notification area was appropriate. It was also noted that intent of neighbor notification is to make the adjacent property owners aware of pending construction but that it is not an invitation to comment on design. It was noted that the Procedure Resolution clearly states that there will only be one postcard notification sent.

On a separate but, related topic, the BSAC decided that Staff should include Construction Completion Extension requests on the BSAC Agenda. The Agenda should state the location of the property including the address as a means to notify neighbors of a Construction Completion Extension request.

The BSAC decided that the Procedure Resolution did not need to be revised to change the current Neighbor Notification procedure.

6. Construction Completion Extension

Staff reviewed with the BSAC the documents in place that refer to Construction Completion Extensions including individual subdivision Covenants, the Procedure Resolution and the Performance Agreement Form.

The BSAC was asked to consider several points including what would constitute an acceptable reason for an extension, if criteria to prove that construction had been "diligently prosecuted" should be developed, if Staff should monitor projects on a regular basis, if the Procedure Resolution should be revised and what would happen if an Extension was not granted.

The BSAC discussed Construction Completion Extensions and noted that the City of Bozeman requires a project to be resubmitted if it is not completed by the required date. The BSAC discussed potentially valid reasons to grant an Extension but did not direct Staff to develop criteria.

The BSAC concluded that the Procedure Resolution did not need to be revised to change Construction Completion Extension procedure.

7. Exceptions to Design Regulations

Staff reviewed with the BSAC the Governing Documents that created the BSAC and gives the BSAC the authority to write and enforce the Design Regulations. The stated intent of the Design Regulations is to *"enhance the overall aesthetics of the BSOA's Jurisdiction."*

Staff stated that the BSAC regularly receives applications for projects that are not in compliance with the Design Regulations. The projects then require an Exception or multiple Exceptions to receive approval. The typical requested exceptions include wall and roof lengths, areas of exposed concrete that exceed 12", areas of metal siding that are larger than an accent, retaining wall length or height, dark sky compliant light fixtures with seeded glass. The BSAC was asked to consider if changes to the Design Regulations are needed to reduce the number of projects that required exceptions.

The BSAC discussed the items typically requiring Exceptions and focused on metal siding. A straw poll was taken to determine if the language of the Design Regulations should be changed to allow metal siding on a "case by case basis". The vote was tied. The BSAC felt that, due to the language associated with granting Exceptions, that an exception could be granted to allow metal siding.

The BSAC decided that the Design Regulations did not need to be revised to change the allowable wall and roof lengths, areas of exposed concrete, areas of metal siding that are larger than an accent, retaining wall length or height. The BSAC did ask Staff to issue a statement revising the Design Regulations deleting the statement "Clear or seeded glass is prohibited" from the Design Regulations.

8. Aggregation of lots/maximum home sizes

Staff reviewed the background on the aggregation of lots noting that individual subdivision Covenants allow aggregation. Staff also explained that in Cascade Subdivision lot aggregation requires BSAC approval. Staff noted that, while there is a minimum square

footage size for homes is stated in the Covenants, a maximum size is not included. The BSAC was asked to consider if denying an application for a home that was similar in size to the Cascade LLC size due to inconsistency with the neighborhood was appropriate. The BSAC was also asked to consider amending the Covenants to include a maximum allowable finished square footage.

The BSAC discussed Boundary Line adjustments, amending the Design Regulations to include a maximum square footage size and amending the Covenants. After discussion, the BSAC determined that 8,000 square feet of finished space should be the maximum allowed.

* The BSAC decided that the Cascade, Meadow Village and Sweetgrass Hills Covenants should be amended to include a Maximum allowable finished square footage of 8,000 s.f. per home.

9. Driveway slope and home height Verification

Staff reviewed the background of driveway slope and home height verification with the BSAC. It was noted that driveway slope is stated in the Design Regulations and the height of a home is determined by the Individual Subdivision Covenants. The Design Regulations allow the BSAC to determine maximum height if the Covenants do not include this information.

Staff continued by stating that height and driveway slope verification, if required by the BSAC, would cost Owners approximately \$800 to \$1,200. The quote was provided by the estimator for a Bozeman engineering company.

The BSAC discussed both building height and driveway slope and determined that verification was not necessary. Staff was directed to visually verify height at "Aesthetic Review". If Staff noted an obvious discrepancy between the drawings approved by the BSAC and the built home Staff is required to notify the BSAC. The BSAC would determine the next step to take.

10. BSOA Bylaw Review

Staff reviewed the section of the BSOA Bylaws pertaining to the BSAC noting that the BSOA Bylaws dovetail nicely with the Covenants and the Procedure Resolution. The discussion was prompted by the current BSOA subcommittee review of the Bylaws.

The BSAC determined that they currently do not have any amendments to suggest to the Bylaws Subcommittee.

11. Recommendation to Amend Covenants

Staff reviewed with the BSAC Meadow Village and Sweetgrass Hills Covenants were rewritten in 2008 and the language to allow variances was intentionally removed. The absence of the opportunity to apply for a Variance creates a hardship on the owners as, in some cases, a variance is necessary and justified. The BSAC was also asked to consider raising the maximum allowable height and maximum home size in Cascade, Meadow Village and Sweetgrass Hills subdivisions.

The BSAC discussed raising the maximum height from 25' to 28' in Meadow Village and Sweetgrass Hills Subdivisions and 30' in Cascade Subdivision. The BSAC felt that 30' in

Cascade was too tall. Revising the Covenants to limit the maximum house sizes was also discussed. A member felt that larger homes on the larger lots in Sweetgrass Hills would be appropriate.

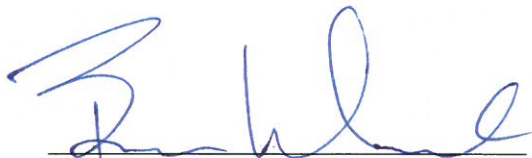
*The BSAC decided to initiate the process to amend the Meadow Village, Sweetgrass Hills and Cascade Subdivisions to include the 8,000 square foot maximum square footage for homes. In addition, the BSAC decided to initiate the process to amend the Meadow Village and Sweetgrass Hills Covenants to include Variances. Staff was directed to prepare the language for the BSAC to review, revise and then to present the request from the BSAC to the BSOA Board of Directors.

12. Summary & Conclusion

The BSAC discussed several additional topics including the use of tablets or laptops at the BSAC meetings instead of printing paper copies of the Committee Packets, the use of "Dropbox" verses emailing staff reports and minimizing landscaping to reduce water use. A Committee Member suggested that a new landscape policy be developed. The BSAC felt that a presentation by Executive Director the Gallatin River Taskforce, Kristin Gardner, PhD, about water sustainability would be helpful.

The BSAC directed Staff to reach out to the Kristin Gardner, PhD to invite her to come to a BSAC meeting to review sustainable water use.

13. Adjourn –The BSAC Retreat adjourned at 12:40 pm.



Brian Wheeler, Committee Chair