

Architectural Committee Retreat Minutes – March 5, 2020

BSAC/Staff in Attendance:

Brian Wheeler
Kate Scott (joined at 9:50)
Trevor McSpadden
Maggie Good
Grant Hilton
Dan Hoadley
John Gladstein
Suzan Scott (via phone)
Jess Bevilacqua

1. BSAC Overview

Brian Wheeler called the meeting to order at 8:05 AM.

Mr. Wheeler introduced new BSAC committee member John Gladstein and noted that the expectation from the retreat was for the BSAC to provide the Board with some recommendations regarding the current topics and give current staff the tools to succeed. The regular BSAC meeting format was briefly discussed and it was noted that the process is for staff to first present each project, followed by the applicant, and then the BSAC members can ask any relevant questions and lead into discussion.

2. Review Fee Schedule

Staff noted that the intent of discussing the review fee schedule was to determine if the current project review fees are appropriate, including the exception fee and the after the fact fee.

Staff had provided the BSAC background information on the time required for staff to review project applications ranging from minor alterations to new single family residences, describing both the fixed and variable time requirements based on project type and other factors. Staff noted that the intent of providing this analysis was to help the BSAC decide if current review fees were appropriate in relation to the time requirements of each project, and also to provide potentially relevant information for the minor alterations discussion. Staff noted in the information provided that it ranges from five to fifteen hours for staff to complete the BSAC process for a project.

Staff recommended that the single family residence review fee should be \$2000 regardless of square footage, as the size of the home is not usually a factor in the time required to review and discuss it. The BSAC discussed the purpose of the review fees and it was stated that most of the homes under 3,000 square feet are in Meadow Village and are typically under \$1 million. Based on this a committee member disagreed that the fees should be the same amount and that the \$1000 review fee for homes under 3,000 square feet should remain the same.

Grant Hilton made a Motion to recommend that the review fees for single family residences remain as they currently are. Maggie Good seconded the Motion. The Motion passed unanimously.

Staff recommended that the review fee for major alterations be increased to \$500 as these projects typically take as long or longer to review than a new residence. The requirements of reviewing a major alteration were discussed. Staff noted that there is typically a substantial amount of history to review in addition to the new work being proposed.

Maggie Good made a Motion to recommend increasing the Major Alteration review fee to \$500. John Gladstein seconded the Motion. The Motion passed by a 3/2 majority.

Staff provided a brief background on the exception fee and noted its inconsistent application in regard to roof designs. Staff did not recommend a change to the fee or any governing document, but noted that the intent of the exception fee and its application in subjective cases, particularly roof lengths, was an ongoing issue and should be resolved. Staff recommended that the exception fee should only apply to clear-cut, large scale exceptions such as the Hill Condos metal siding project, and not potentially ambiguous situations such as roof design. It was agreed that the exception fee would be further discussed during the roof length discussion.

Staff provided details on the after the fact fee and how it has been applied and waived in the past 18 months. It was waived in four instances primarily due to the emergency/reparative nature of the work performed. It was agreed that ignorance would not be an excuse to waive the after the fact fee, but that staff would be given more authority to waive the fee in emergency or small scale alterations. Anything questionable will continue to go before the BSAC and Minor Alterations requiring BSAC review will continue to be presented to the BSAC. The regular review fee will continue to be charged.

No other procedural or fee changes were recommended in regard to review fees.

3. Minor Alteration Process

Staff noted that the intent of discussing the minor alteration process was to determine if staff should have the authority to approve minor alterations that are considered repairs and maintenance and are the same or similar materials, what criteria should be used in making that decision, and if based on the outcomes to those questions, if any procedural changes make sense.

Staff had provided the BSAC background information including Covenants, Design Regulations, and Procedure Resolution requirements of the application process. In 2019, staff reviewed a total of 20 minor alterations which the majority of were roof and siding replacements of similar material, or other very minor improvements. Staff noted landscape alterations as part of the discussion because they are typically the same scope as a minor alteration in terms of having little impact on surrounding properties and being property improvements.

Staff had asked the BSAC to consider the restrictive nature of the Covenants on necessary repairs and maintenance, including the removal of unhealthy trees and vegetation. Staff had also noted that the Procedure Resolution seemed to give staff some authority to approve minor alterations, but there had been a great deal of ambiguity within the BSAC regarding this in the past.

Staff recommended that the application process remain as is, but that the BSAC agree that staff should have the authority to decide that a minor alteration with the same or similar enough material does not require BSAC review. Staff provided an exhibit noting the importance of agreeing that “similar enough” would be appropriate in determining if staff could approve an application. Staff noted that staff-

approved projects would be listed briefly in each BSAC meeting in a section under Discussion Items and that the approval would be a formal letter from staff. Staff also noted that neighbor notifications would not be sent out in these instances, and asked if performance deposits should still be collected. The BSAC agreed that neighbor notifications would not be sent out because these are minor alterations.

It was noted by Executive Director Suzan Scott that the Bylaws (3.3) allows the Board to designate authority to staff and that current staff has the experience and proven ability to determine if a minor alteration requires BSAC review and approval.

The potential for some variation in finish materials was discussed and the BSAC agreed that staff should be able to exercise discretion in a reasonable manner.

Performance deposits were discussed and it was agreed that in many minor alterations deposits are necessary to ensure compliance and completion of the project. Criteria was discussed that could serve to help staff determine if a project requires BSAC review, notably the total cost of the project.

Trever McSpadden made a Motion to recommend that staff would collect and review minor alteration applications as usual, but would have the authority upon review to determine that the alteration would not require BSAC review and approval. Staff would approve the project via a formal letter to the applicant and the BSAC would be notified of all staff approved projects at regular BSAC meetings. In these instances, neighbor notifications would not be sent. In cases where the project cost was estimated by staff to be less than \$2500, a performance deposit would not be required. Dan Hoadley seconded the Motion. The Motion passed by a 3/2 majority.

4. Design Regulation Updates

Staff noted that the intent of discussing the design regulations, particularly roof lengths, was to determine if and how design regulation 5.9 regarding roof length should be updated, and referred also to the exception fee discussion and history in regard to roof lengths. Staff noted that other areas of the design regulations would be discussed if time permitted.

Staff had provided the BSAC with a detailed exhibit on ten single family residences that had been reviewed in the past twelve months that had all contained roof exceptions or potential roof exceptions, including the decisions that had been made for each one.

Staff recommended that design regulation 5.9 regarding roof lengths be updated to allow more design flexibility and subjectivity on overall architecture. Staff also reiterated the recommendation made previously regarding exceptions. Staff proposed new language for the design regulation.

Grant Hilton proposed alternative language for revising the same design regulation, noting consistency with the subdivision. The history of the 40' roof length requirement and the types of design it was intended to prevent were discussed. The examples given by staff in the retreat packet were reviewed and discussed.

The BSAC discussed roof length and design in depth. The variety of current architecture in Cascade and Meadow Village subdivisions, including older homes as well as the new contemporary mountain look, was noted as somewhat favorable. The BSAC discussed the importance of giving guidance to architects.

It was agreed that the intent of updating the design regulation was to continue to give some guidance to architects while also allowing some subjectivity based on overall design. The numeric requirement, currently 40 feet, was discussed in depth and increasing it was considered. The BSAC agreed upon new proposed design regulation language that will be reviewed by the Board and again at a later BSAC meeting. Staff will record and distribute the new proposed language. Commercial requirements were also discussed. There was limited time to discuss any other areas of the design regulations at this time but it was agreed that it would be revisited in the future.

Maggie Good made a Motion to recommend the new proposed design regulation language as recorded by staff and agreed on by the BSAC during the meeting, excluding the issue of an exact length requirement. Grant Hilton seconded the Motion. The Motion passed unanimously.

The numeric length requirement was further discussed.

Grant Hilton made a Motion to recommend that the 40 foot length requirement would remain part of the design regulation. Maggie Good seconded the Motion. The Motion passed by a five/one majority.

Grant Hilton made a Motion to recommend that the sentence regarding Commercial roof lengths be followed by the same revised language as the regulation pertaining to single family residences. Kate Scott seconded the Motion. The Motion passed by a five/one majority.

5. Landscape Performance Deposits

Staff noted that the intent of discussing landscape performance deposits was to determine if landscaping work needed to be established or just installed in order for a landscape performance deposit to be released, and what criteria and additional requirements should apply to better define the expectation for both staff and property owners.

Staff had provided the BSAC with background information on several issues regarding landscape performance deposit release. There were two instances when a performance deposit was released and the property was not maintained after, and complaints were received. This led to staff withholding other landscape deposits in the fall when the work had clearly been installed but would not be established until the following year. Staff had asked the BSAC to consider the challenges associated with getting a landscape plan “established” in such a short window in Big Sky, and the implications that this could have on owners if that were the agreed upon standard. Staff also noted that the Procedure Resolution which used terms such as “complete,” “substantially complete” and “installed” seemed to imply that the work needed to be completed with permanent features installed in order for the landscape performance deposit to be released, without being fully established.

Staff recommended that based on that interpretation of the Procedure Resolution, if landscape work was installed according to plan, the deposit should be released to avoid punishing the majority of homeowners who maintain their property, and that weed and other maintenance issues should be treated as a separate compliance issue. Staff also asked the question of what, if any, additional requirements should be defined to set the expectation if installation was not a sufficient level of completion.

A BSAC member described instances in which the ground was seeded late in the year, did not establish itself in the spring allowing for weeds to grow. As a result, the weedy seeds blow into neighboring properties causing the spread of weeds. It was noted that installing sod would prevent this. The need for

irrigation along with the potential implications in regard to water usage and sustainability were briefly discussed.

The BSAC discussed several options for eliminating the situations mentioned. One was to split the landscape performance deposit and another was to require a follow up check on the property the next year to be sure the landscaping is healthy. Staff noted the requirements and administrative complications associated with splitting a performance deposit. Another option noted was to require that the landscaping be established before the landscape performance deposit could be released.

Kate Scott made a Motion to recommend that if grass seed is planted, the landscape plan should be required to be established before the landscape performance deposit can be released, but if sod had been installed, the performance deposit could be released immediately upon completion. Dan Hoadley seconded the Motion. The Motion passed unanimously.

6. Discussion

The BSAC discussed communication between the BSAC and the BSOA Board. The BSAC requested months ago that a meeting be held with the BSOA Board to discuss BSAC concerns about communication between the two organizations. Suzan Scott responded that the Board had made a Motion for all of the BSOA committees to meet to review the new Code of Conduct and Conflict of Interest policies. Several of the BSAC members expressed concern that this did not address their issues and again asked for a brief meeting on specific issues.

Maggie Good mentioned that she believes it is time to review and update the Design Regulations sometime in the near future. It was agreed that they would be sent out to the BSAC for everyone to review and make recommendations. This would include commercial design regulations.

a. Adjourn

The meeting adjourned at 11:55 AM.

Brian Wheeler, BSAC Chairman