

MADISON COUNTY BOARD OF COMMISSIONERS

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SPANISH PEAKS OVERALL DEVELOPMENT PLAN UPDATE APPROVAL BOARD OF MADISON COUNTY COMMISSIONERS

At a regular meeting of the Board of Madison County Commissioners held on May 11, 2021, the Board of Commissioners reviewed the plat and the Madison County Planning Board's Findings of Fact for approval of the Spanish Peaks Overall Development Plan Update.

Landowner: CH SP Acquisitions LLC
c/o Lone Mountain Land Company
P.O. Box 160040
Big Sky, MT 59716

Landowner Representative: Jon Olsen
Lone Mountain Land Company
P.O. Box 160040
Big Sky, MT 59716

PROPOSAL

The 2019 Update is similar to that approved in 2003. Some dwelling units are reallocated to different areas, with the intention of clustering development in the Southern Comfort area. Unless otherwise stated, the development proposal is specific to that portion of Spanish Peaks in Madison County. The Spanish Peaks ODP Update 2019 is being proposed under the Planned Unit Development provisions of the Madison County Subdivision Regulations 2018 (MCSR). One modification to the subdivision design standards is proposed:

- Allow white on brown instead of white on green street signs to apply throughout Spanish Peaks.

The proposed development areas and density are modified from the 2003 Spanish Peaks ODP, though the total unit count remains at 290. Of the 290 total units 90 have been platted, leaving 200 units anticipated to be specifically proposed for development through subdivision review processes. A constraints-based approach was used to identify 6 development areas in the Spanish Peaks ODP.

Andesite Ridge area is split into several development pods in the ski terrain area in the west/central north area for a total of 37 units.

- The 27 single family units are proposed in areas: between the Southern Comfort lift and the Yellowstone Mountain Club property; and a smaller area west of Lone Moose lift.
- The 10 condo units are proposed in the northwest corner adjacent to Big Sky Resorts and Yellowstone Mountain Club properties.
- The single-family development area is smaller in 2021 than in 2003. A section north of Southern Comfort lift was eliminated and the eastern section was reconfigured.

Flatiron Mountain area is at the Gallatin County line east of the Lone Moose lift. The density in this area was reduced from 75 to 35 units, with 10 intended as condo and 25 cabin units.

Golf Course area is the existing single-family platted subdivision in the southern part of the development, immediately west of the golf course. The 80 platted units are all that are planned for this area. Open space lots were created at final plat that protect the streams/wetlands in the area.

Highlands West area is a continuation of development on the Gallatin County side. Located north of the Village Area/Golf Course area, it is planned to have a mix of 8 single family and 18 condo units. Although shown as a high-density condo area, the chart on Exhibit 2A shows no density having been allocated to the site.

Southern Comfort area is at the east end of the Southern Comfort lift. The density removed from other areas is largely assigned to this site, with an increase from 40 to 100 condo units. The site is relatively close to the Village Area development. The new Montage hotel is under construction approximately 0.3 miles to the southeast on the Gallatin County side of Spanish Peaks.

Village area is north of the golf course and west of the Montage hotel. The 12 cabin units in Madison County are part of a larger development that crosses over the county line in to Gallatin County. No more development is planned for this area.

Generally, density was removed from the hillsides and shifted to the Southern Comfort and Highlands West areas. The development locations will allow ski-in/ski-out access where possible. The following table summarizes the 2003 and 2019/2021 proposed development in the Madison County portion:

Spanish Peaks ODP – 2003 to 2019 Comparison			
Area	2003	2019/2021	Comment
Andesite Ridge			
Single family	40	27	-13 single family. -35 condo Reduced by 48 units
Condo	45	10	
Total	85 units	37 units	
Flatiron Mountain			
Condo	50	10	-40 condo No change to Reduced by 40 units
Cabin	25	25	
Total	75 units	35 units	

Golf Course (platted)			No further development
Single family	75	78	+3 single family
Total	75 units	78 units	Increased by 3 units
Highlands West			
Single family	0	8	+8 single family
Condo	0	18	+18 condo
Total	0 units	26 units	New development area of 26 units
Southern Comfort			
Condo	40	100	+60 condo
Total	40 units	100 units	Increase by 60 units
Village Area (platted)			No further development
Cabins	15	12	-3 cabins
Total	15 units	12 units	Reduced by 3 units
GRAND TOTALS	290 units	288 units	Reduced by 2 units
Single Family	115	113	Small decrease
Condos	135	138	Small increase
Cabins	40	37	Small decrease

BACKGROUND

Spanish Peaks Resort is a planned development of 3,530 acres in Madison and Gallatin Counties. The development is split into 2,560 acres of “resort” development and 970 acres classified as “estate” development. The development anticipated 750 dwelling units, village-style commercial development, ski runs and lifts, an 18-hole golf course, recreational trails, and some satellite commercial facilities. Of that, 290 residential dwelling units were anticipated for the 1,050 acres in Madison County.

In 2003, Madison County accepted an Overall Development Plan (ODP) for the development in Madison County. Of the 290 planned units, 90 have been approved. In 2013, citing bankruptcy recovery and a downturn in building and development, Spanish Peaks requested and received a five-year extension to the ODP. A further extension was granted in December 2018 to March 31, 2019 to allow time for a complete application submittal.

Development in Madison County to date consists of:

Spanish Peaks Resort Subdivision Phase 2 – Final plat date of February 7, 2005 (Book 4, Page 500) for 78 single-family residential lots, 10 open space lots and a future development tract on 296.07 acres.

Spanish Peaks Resort Phase 1 PUD Subdivision - Final plat date of July 11, 2005 (Book 4/ Page 504) for 11.61-acre condominium tract with 12 condominium cabins (Homestead Cabins/Cabins Condominiums).

The Spanish Peaks Resort Master Plan governs development in the Gallatin County portion.

Site Description

The 1,050 acres of Spanish Peaks Resort in Madison County lies east and north of Yellowstone Mountain Club. Paved access to the development is via MT Highway 64 to Ousel Falls Road and South Fork Road. A network of paved internal roads provide

access to the developed properties. Meadow Village in Gallatin County approximately 3 miles to the east of the resort has grocery, retail, medical and other services available.

The land slopes from a high of about 8,800 feet at Andesite Mountain in the northwest to about 7,400 feet at the golf course on the southeast. The site generally drains northeast to the Middle Fork of the West Fork of the Gallatin River. Terrain varies from steep sided terraces, rolling hills and drainage courses.

Ninety-two of the planned 290 units have been accounted for in the Phase 1 cabin condominium and Phase 2 single family lot subdivisions. About half of the Phase 2 single-family lots have been or are under development. The golf course crosses the county land in the southeast. Sacajawea, Lewis & Clark, Southern Comfort, Thunder Wolf, Ramcharger, and Lone Moose ski lifts are on or cross the property. Most of the ski terrain is on the northern side of the ODP site. Most of the resort development to date has been on the Gallatin County side to the east. Approximately 10 acres of trails, 246 acres of ski terrain and 181.57 acres of platted open space currently exist in the Madison County portion of Spanish Peaks.

About 60% of the Madison County portion is subalpine forest. The remaining 40% is vegetate by grasses and forbs in natural meadows, ski runs and regenerating timber harvested areas. Most of the wetland areas are included in Phases 1 and 2 and protected by buffers.

There are widespread unconsolidated landslide deposit created during the retreat of Pleistocene alpine glaciers (10-11,000 years ago). The hummocky terrain is evidence of landslides Spanish Peaks Resort is within the Intermountain seismic belt, home to the largest earthquake in the Northern Rocky Mountains and the largest resultant rockslide in North America.

Slopes within the ODP area vary to well over 25%. The development areas are generally outside of the 25+% slope areas.

A community water supply and distribution system installed and maintained by the applicant serves the existing development. System operations are managed by the Spanish Peaks Owners Association through a contract with a publicly regulated water system operator.

Sanitary sewage disposal is through a connection to the Big Sky County Water and Sewer District collection and treatment system.

The property is in the Big Sky Fire District.

Gallatin County zoning requires overnight guest accommodations. These accommodations are provided throughout the resort and managed by Spanish Peaks Mountain Club. Some of the overnight accommodations are located in Madison County. There is no employee housing located in Madison County.

FINDINGS OF FACT

The update for the Spanish Peaks Overall Development Plan Update having come before the Board of Madison County Commissioners for consideration at a regular meeting, and the responses of local agencies and utilities and the recommendations of the Madison County Planning Board, and from the foregoing in conformity with the Montana Subdivision and Platting Act, the Madison County Subdivision Regulations, and Madison County Comprehensive Plan/Growth Policy, the Board of Commissioners makes the following specific Findings of Fact:

1. Application Completeness: Application is complete.
2. Agriculture: Acceptable as proposed.
3. Agricultural Water User Facilities: Not applicable.
4. Natural Environment: Acceptable with additional mitigation to that proposed.
 - A water and wastewater capacity analysis is required with each development submittal. The analysis is to include the number of units on the systems, the capacity remaining on existing facilities, and anticipated capital improvement requirements.
 - A water rights status summary is to be included with each development submittal which includes the water rights acquired to date, the number of units served by the rights and the remaining number of units available to be served with existing rights, and the status of additional water rights to be acquired.
 - Submit subdivision-specific geotechnical assessments with each preliminary plat application.
 - MDEQ review and approval of on-site wastewater disposal is required for lots less than 20 acres in size.
 - Provide a phase/site specific proposal to limit or prevent impacts to water quality as well as evidence of recent and current steps taken to protect water quality in the form of a MDEQ storm water management plan.
5. Wildlife and Wildlife Habitat: Acceptable with mitigation in addition to that proposed.
 - Preliminary plat Environmental Assessment submittals should include an impact analysis on wildlife and wildlife habitat of the individual development and cumulatively to the area at large. The analysis is to include how the recommended wildlife stewardship practices specified in Holocene Wildlife Assessment (Appendix G) are being addressed.
 - Preliminary plat Environmental Assessment submittals should address the year-round impacts on wildlife and wildlife habitat for the specific development and cumulatively.
 - Spanish Peaks should provide proof of efforts to develop and enforce adherence by contractors and short-term visitors as well as owners and tenants to wildlife safety, especially food storage and garbage handling.
6. Local Services: Acceptable with additional mitigation to that proposed.

- Impacts on local emergency service providers would be acceptable if the provisions outlined in the April 1, 2021 Fire Protection Plan and specifically detailed in the 'Spanish Peaks Commitment Letter' (App B) are successfully implemented and addressed accordingly within subsequent preliminary plat Environmental Assessment submittals.
 - An analysis of the public water and wastewater system capacity to serve the development is to be provided with each preliminary plat application. The analysis is to include the water and wastewater needs to serve the development and the remaining capacity of the systems.
 - An updated traffic impact assessment should be submitted with each subsequent preliminary plat Environmental Assessment submittal. The assumptions and trip generation rates used in the study should be based on the most current ITE Trip Generation Manual in reference to particular types of uses.
 - Provide updated employee housing status with each preliminary plat submittal.
7. Public Health and Safety: Acceptable with additional mitigation to that proposed:
- Spanish Peaks should provide proof of efforts to develop and enforce adherence to wildlife safety protocols, including food storage and garbage management by contractors and short-term visitors as well as owners and tenants.
 - Subdivision-specific avalanche risk is to be submitted with each preliminary plat application.
 - A water and wastewater capacity analysis including the number of units on the systems, the capacity remaining on the existing facilities, and anticipated capital improvement requirements should be submitted with each subsequent preliminary plat application.
 - Submit subdivision-specific geotechnical assessments with each preliminary plat application.
 - Supply a fire evacuation plan acceptable to the Big Sky Fire Department with each preliminary plat application, as applicable.
 - The general provisions outlined in the April 1, 2021 Fire Protection Plan should be implemented and addressed accordingly within all subsequent preliminary plat Environmental Assessment submittals.
 - The RID component of the 'Spanish Peaks Commitment Letter' plan for establishing a fire station in the Spanish Peaks development area should be included appropriately in conditions of approval in the event the Southern Comfort development area of the Spanish Peaks Resort in Madison County is granted preliminary plat approval.
8. Other Resources in the County: Acceptable as proposed.
9. Local Economy: Acceptable with additional mitigation to that proposed.
- A detailed analysis of anticipated tax revenues is to be included with each development application.
 - Include with each development application a quantified economic impact on both Gallatin County and Madison County.
10. Public Services Provided by Other Entities in the County: Acceptable as proposed.
11. Legal and Physical Access: Acceptable with mitigation in addition to that proposed.

- An updated traffic impact assessment should be provided with each subsequent preliminary plat application. The assumptions and trip generation rates used in the study should be based on the most current edition of the ITE Trip Generation manual for particular types of uses with consideration given to the Gallatin County/Big Sky Capital Improvement Plan to account for local demographics for second home resort developments.
12. Park Dedication: Not applicable at this time.
 13. Growth Policy: Substantially complies with the growth policy.
 14. Condos: Not applicable as no specific development is proposed at this time.
 15. PUD:
 - Four of the 5 purposes of a planned unit development are met by the ODP.
 - Waiver to allow street name signs of white/silver letters on a brown background instead of white letters on a green background as described in Appendix Q of the ODP application would apply to all future subdivisions in Spanish Peaks.
 16. ODP: Acceptable with recognition of ODP values and limitations.
 - After review and evaluation of the 2019 Spanish Peaks ODP application and the 2021 Updated Information (April 1, 2021 letter), the proposed Spanish Peaks Overall Development Plan 2019/2021 Update is found to comply with applicable standards and regulations, have an acceptable impact on each of the seven public interest criteria, plus other resources in the County, the local economy, and public services provided by other entities in the County, and to be in substantial compliance with the Madison County Growth Policy.
 - Recommendations/guidelines associated with approval and acceptance should be addressed as applicable in each subsequent preliminary plat application within the ODP boundary.

Waiver

W1. Street name signs may be reflective white/silver letters on a brown background instead of white letters on a green background as described in Appendix Q, Typical Street Sign, of the application. IV-A.9.j, IV-B.b(5), MCSR 4/2018; 76-3-608, MCA

APPROVAL CONDITIONS

Based on the preliminary findings of fact and the Planning Board recommendations the final plat approval is subject to the following conditions:

ODP Conditions

- 1 - ODP Any and all adopted State and County requirements and standards which apply to this proposed ODP must be met unless otherwise waived for cause by the governing body. *II-H and Chapter IV, MCSR 4/2018*
- 2 - ODP The general provisions outlined in the April 1, 2021 Fire Protection Plan shall be implemented and addressed accordingly within all subsequent preliminary plat Environmental Assessment submittals. *IV-A.14, MCSR 4/2018; 76-3-504, 608, MCA*

- 3 - ODP To assist the Department in the construction of a new fire station, Spanish Peaks has agreed to the following pursuant to the specific measures outlined in the Letter of Commitment in Appendix B of the 2021 Fire Protection Plan: Spanish Peaks will donate an approximate one (1) acre parcel of land to the Department for the future construction of a fire station; Spanish Peaks will consent and seek the support of other necessary property owners for the creation of an RID to fund the construction and operation of a third fire station on the afore mentioned parcel, and; Upon successful creation of the RID, Spanish Peaks will make a cash contribution towards the construction of the fire station. A portion of the cash contribution will be used to assist the Department with site planning and preliminary design efforts. IV-A.14, MCSR 4/2018; 76-3-504, 608, MCA
- 4 – ODP Once accepted, an ODP remains in effect for ten years. The developer may amend the ODP as part of any future subdivision review application. II-C 6, MCSR 4/2018
- 5 - ODP Future modification of any elements of the ODP cannot be made without County review and approval. II-C 6, MCSR 4/2018

Subdivision Specific ODP Conditions

- 6 - ODP With each proposed subdivision, address how the recommendations and/or conditions of approval referenced in the technical appendices are followed. II-C, IV-B.20, IV-B.22, IV-B.23, MCSR 4/2018; 76-3-501, 504, 608, MCA
- 7 - ODP Provide a water rights status summary with each subdivision application showing current water rights, the number of units served by the rights, the remaining number of units available to be served with the existing rights, and the status of additional water rights to be acquired. IV-A.14.c.(2), 16, MCSR, 4/2018; 76-3-504, 608, MCA.
- 8 - ODP Provide MDEQ review and approval of on-site wastewater disposal on lots less than 20 acres in size. IV-A, MCSR 4/2018 76-3-504, 79-3-608 and 622, MCA
- 9 - ODP Provide subdivision specific proposal to limit or prevent impacts to water quality as well as evidence of recent and current steps taken to protect water quality in the form of a DEQ stormwater management plan. IV-A.13, 16 MCSR 4/2018; 76-3-504 and 76-3-608 and 622, MCA
- 10 - ODP Provide a subdivision specific and cumulative evaluation with each preliminary plat/plan application of anticipated impacts on wildlife and wildlife habitat as well as evidence of current and proposed steps taken to limit impacts to wildlife and wildlife habitat. The assessment is to consider the year-round impacts on wildlife and wildlife habitat and include how the recommended wildlife stewardship practices specified in the Holocene Wildlife Assessment (Appendix G) are being addressed. IV-20 MCSR 4/2018; 76-3-504 and 76-3-608, MCA

- 11 - ODP Submit with each subdivision application proof of efforts to develop and enforce adherence by contractors and short-term visitors as well as owners and tenants to wildlife safety, especially food storage and garbage handling. IV-20, MCSR 4/2018; 76-3-504 and 608, MCA.
- 12 - ODP Submit with each subdivision application a water and wastewater capacity analysis, including number of units on the systems, capacity remaining on the existing facilities, and anticipated capital improvements to the systems. IV-A.16, MCSR, 4/2015; 76-3-504, 608, MCA.
- 13 - ODP Provide updated employee housing status with each preliminary plan/plat submittal. IV-B.5, MCSR 4/2018; 76-3-504 and 76-3-608, MCA.
- 14 - ODP Submit a subdivision specific geotechnical assessment with each preliminary plat/plan application. IV-A 3 and 21, MCSR 4/2018; 76-3-504 and 76-3-608, MCA
- 15 - ODP Address the condominium development standards and the provisions of the Montana Unit Ownership Act are with each preliminary plan/plat application that includes condominium development. IV-B.6, MCSR 4/2018; 70-23-102 through 70-23-703, MCA.
- 16 - ODP A waiver of the right to protest creation of specifically identified RIDs for road and/or public health and safety improvements serving the development will be required with each plat, as applicable. IV-A.9.a-h, MCSR 4/2018; 76-3-608 MCA
- 17 - ODP A notarized declaration of "Right to Farm and "Emergency Services Information" must be filed with each final plat. II-H.2 and II-H.4.a-c, MCSR 4/2018; 76-3-611, MCA
- 18 - ODP Provide a subdivision-specific traffic impact study/assessment which addresses the cumulative impacts of the ODP development on the need for traffic improvements. The assumptions and trip generation rates used in the study shall be based on the most current ITE Trip Generation Manual. IV-A.9.b, MCSR 4/2018; 76-3-608, MCA
- 19 - ODP Provide a site specific fire evacuation plan acceptable to the Big Sky Fire Department with each preliminary plat submittal, as applicable. IV-A.14, MCSR 4/2018; 76-3-504, 608, MCA.
- 20 - ODP Provide a subdivision-specific avalanche risk assessment or statement acknowledging no risk based on terrain and location with each preliminary plat application submitted. IV-A.3, MCSR 4/2018; 76-3-504, 608, MCA

Suggestions to Subdivider:

1. Developer should provide a copy of the Code of the New West to all new Lot and Condominium Unit buyers.

2. Continue education and enforcement activities to reduce potential negative wildlife/human interactions.

To ensure compliance with the conditions listed above, the final plat and accompanying documents shall be submitted to the County Planner, prior to final plat approval by the Board of Madison County Commissioners and recording by the Madison County Clerk and Recorder.

The landowner shall have three calendar years from the date of County Commission approval to apply for final plat approval. The landowner may request a time extension of preliminary plat approval, but such request must be received in writing thirty (30) days prior to the three-year expiration date, in accordance with Section II-F of the Madison County Subdivision Regulations.

In accordance with Montana state law, the subdivider may appeal Madison County's decision on this overall development plan within 30 days of the written decision by the Madison County Commissioners.

The Board of Madison County Commissioners has granted approval for the Spanish Peaks Overall Development Plan Update.

Dated this 28th day of May 2021.

 
Dan W. Allhands, Chairman
Board of Commissioners
Madison County

- c: Alex Hogle, Planning Director
Paula McKenzie, Clerk and Recorder
Joseph Brummell, Director of Emergency Management
Van Puckett, Sanitarian