



GALLATIN COUNTY

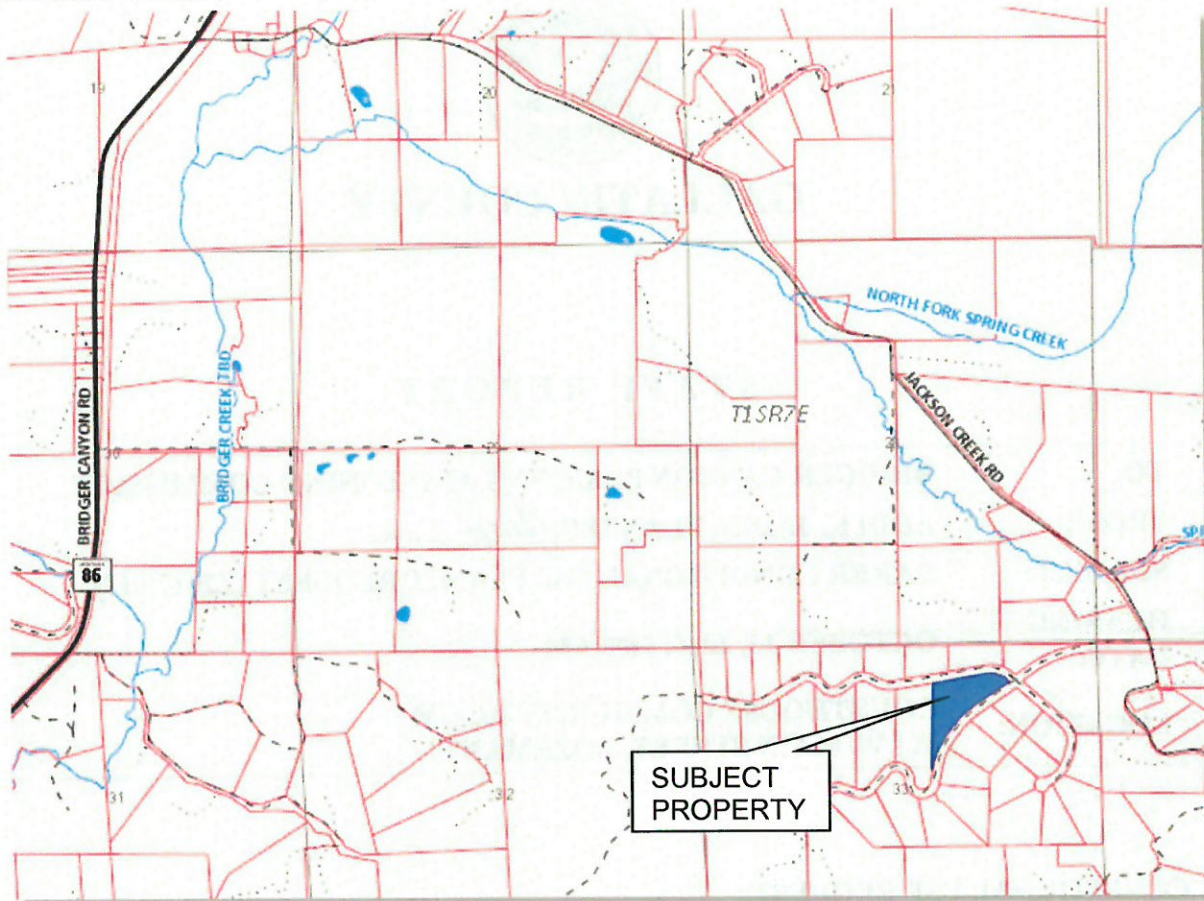
STAFF REPORT

TO: BRIDGER CANYON PLANNING AND ZONING COMMISSION
FROM: ADDI K. JADIN, PLANNER *AJ*
SUBJECT: BAKER CONDITIONAL USE PERMIT REQUEST (Z2017-017)
HEARING DATE: OCTOBER 13, 2016; 9:00 AM
LOCATION: COURTHOUSE COMMUNITY ROOM
311 W. MAIN STREET, BOZEMAN

CONDITIONAL USE REQUEST:

James Baker (Applicant) has requested approval of a Conditional Use Permit (CUP) for an Accessory Building, the principal use of which is the pursuit of non-agricultural hobby in the Agricultural Exclusive (AE) District of the Bridger Canyon Zoning District (Zoning District), pursuant to Section 18.3 of the Bridger Canyon Zoning Regulation (Regulation). Specifically, the Applicant is asking for approval of a 288-square-foot shop to be used as a reloading room and miscellaneous hobby shop (see attached Baker CUP Application #Z2017-017).

VICINITY MAP:



PROPOSED FINDINGS:

1. **Location.** The Subject Property is Lot 1, Block 2 of Aspen Meadows Subdivision, located in Section 23, Township One South (T01S), Range Seven East (R07E), P.M.M., Gallatin County, Montana. The property is addressed as 4734 Meadow Lane, Bozeman, MT which is accessed off Jackson Creek Road.
2. **Background.** On August 23, 2016, the Planning Department received a Land Use Permit (LUP) application for an accessory building on the Subject Property. The building was a garage with a shop attached via a breezeway (L2016-099). After review, the Planning Department determined that a CUP was required for the structure because it contained a shop to be used for a non-agricultural hobby. At that time, the Applicant chose to alter designs so that the garage portion could be approved as a detached residential garage and the Baker CUP Application was subsequently submitted for the shop on September 6, 2016.
3. **Topography/Site Characteristics.** The topography of the property is described as gently undulating terrain that should not pose any major problems for the construction of

driveways or buildings. The topography of the property and mature vegetation along the road and within the property screens the proposed building site from neighboring properties and the road.

Currently, the property is developed with a single-family residence, gazebo, and a detached garage. As mentioned, a land use permit was recently approved for a second detached garage. In December of 2010, CUP approval was granted to the prior property owners for a 672-square-foot accessory building that was never built (#Z2011-037).

4. **Adjacent Land Uses/Zoning.** The primary land use surrounding the property is residential. The Zoning surrounding the property is also within the AE District.

5. **Access.** Access to the property is from Meadow Lane.

6. **Applicable Requirements of the Bridger Canyon Zoning Regulation.**

A. **Intent of the Agriculture Exclusive (AE) District:**

...to preserve agriculture as one of the primary occupational pursuits and an economic endeavor in Bridger Canyon. It is further the intent of this District to protect and preserve the existing rural character of Bridger Canyon and to preserve existing developed and undeveloped farm lands from unplanned residential, commercial and industrial development. (Section 6.1)

B. **Uses Permitted After Securing Approval of a Conditional Use Permit.** Accessory Buildings “the principle use of which is the pursuit of a non-agricultural hobby” are listed in Section 6.3 as a use permitted after obtaining CUP approval.

C. **Height, Yard and Area Requirements.** The proposed building meets the following AE setback requirements:

Minimum setbacks for residential buildings shall be twenty-five (25) feet from any property line, road right-of-way or road easement; one hundred (100) feet from any creek; one hundred and twenty-five (125) feet from the right-of-way of the Bridger Canyon Road, Kelly Canyon Road, and Jackson Creek Road. (Section 6.5.b.)

D. **Conditional Use Permit Requirements.** The Bridger Canyon Planning and Zoning Commission may issue a CUP, as authorized by Section 18.3.2, for any of the uses set forth in the Regulation. The Planning and Zoning Commission should consider the application submitted by the Applicant, public testimony, and the bulleted list of proposed findings below to determine whether the application meets the following requirement for issuance of a CUP:

Such permit may be granted only if it is found that the establishment, maintenance, or operation of the use or building applied for will not under

the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort and general welfare of the Bridger Canyon Zoning District. (Section 18.3.2)

- Suggested conditions are identified on page 6 of the Staff Report and are intended to ensure that the structure will meet the requirements of the Bridger Canyon Zoning Regulation.
- No written public comment has been received by the Planning Department at the time of publication of this staff report.
- As shown in Finding 6.B. above, the conditional use permit will allow the property to be used for a purpose that is authorized within the Zoning District.
- The attached Baker CUP Application addresses all of the CUP criteria.

E. Permits, Terms of Issuance. Staff suggested conditions are identified on page 6 of the Staff Report. The Planning and Zoning Commission may also consider the following:

A conditional use permit or variance may be issued for a revocable, temporary, permanent or term period. It may contain such conditions as are authorized by State statute and this Regulation, including but not limited to:

- a) Requiring dedication of right-of-way;
- b) Requiring improvements of right-of-way;
- c) Requirements for landscaping to protect adjoining property;
 1. If landscaping is required, security shall be provided to ensure that the landscaping is properly installed. Such security shall be in the form of a certificate of deposit or a certified check in the amount equal to 110% of the estimated cost of the landscaping, as approved by the Zoning Enforcement Office, to ensure that the landscaping is installed and maintained for a period of one (1) year. The security and any interest shall be returned one (1) year after the installation of landscaping, if the landscaping has been maintained. The required security shall not be reduced or paid out if the landscaping has not been maintained.
- d) Regulation of placement of uses on the property.
- e) Regulation of height.
- f) Regulation of the nature and extent of the use.
- g) Regulation of the length of time which such use or variance may be permitted. (Section 13.3.3)

F. Procedure for Issuance. Application:

The Applicants submitted their application and fee to the Planning Department on September 6, 2016 as required by Section 18.3.5.

7. **Notice.** Legal notice was published in the *Bozeman Chronicle* on September 18 and 25, 2016 and was mailed to persons owning property within 300 feet in accordance with Section 13.3.6.
8. **Public Comment.** As of the publication of this report no comments have been received.

STAFF SUGGESTED CONDITIONS OF APPROVAL:

If the Bridger Canyon Planning and Zoning Commission decides to approve the CUP request, staff suggests the following conditions of approval be attached to the approval:

1. The Conditional Use Permit authorizes the construction of the shop—an Accessory Building the principal use of which is the pursuit of non-agricultural hobbies, and shall not be utilized for any other use unless such use is permitted in conformance with the Bridger Canyon Zoning Regulation.
2. An approved Land Use Permit is required prior to construction of the Accessory Building and shall be for a structure substantially in compliance with the CUP Application materials.
3. The Applicant shall record a “Notice of Decision” prepared by the Planning Department with the Gallatin County Clerk and Recorder and provide evidence that it has been recorded to the Planning Department.

REQUIRED ACTIONS OF THE PLANNING AND ZONING COMMISSION:

1. **Sample Motions.** The role of the Planning and Zoning Commission in this instance is to make the final decision on the requested Conditional Use Permit. The following sample motions have been provided by Staff for consideration by the Planning and Zoning Commission:
 - A. **Sample Motion for Approval:** Having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 18.3 of the Bridger Canyon Zoning Regulation, I move to approve the conditional use request from James Baker for an Accessory Building the principal use of which is the pursuit of a non-agricultural hobby per the requirements of Section 6.3 of the Bridger Canyon Zoning Regulations, with approval subject to all applicable laws and regulations, and staff recommended conditions (or with staff recommended conditions with the following modifications...).
 - B. **Sample Motion for Denial:** Having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 18.3. of the Bridger Canyon Zoning Regulations, I move to deny the request

from James Baker for an Accessory Building the principal use of which is the pursuit of a non-agricultural hobby per the requirements of Section 6.3. of the Bridger Canyon Zoning Regulations.

C. Sample Motion for Continuance: Having reviewed and considered the application materials, staff report, and public comment, I move to continue the hearing of the James Baker Conditional Use Permit application for the purpose of (explain reason for continuance, and if applicable, specify any additional information that is being requested) until (state the date when the item will be heard again).

2. **Required Findings.** The Planning and Zoning Commission's decision must be supported by findings related to the below determination.

A. **Whether the Conditional Use Permit request meets the criteria of Section 18.3.2. of the Zoning Regulation (See Proposed Finding 6.D on pages 3 and 4).**

- To provide findings in support of the above determinations, the Planning and Zoning Commission may wish to adopt in whole or in part the proposed findings presented in the staff report (if the Proposed Findings are adopted in part, please specify which findings are omitted).
- The Planning and Zoning Commission also should make original findings based on other relevant information entered into the record during the hearing, including the Applicants' presentation and public comment.

3. **Motion for Issuance of Findings of Fact, Conclusions of Law, and Order.** I move to authorize the Chair of the Planning and Zoning Commission to sign and issue written Findings of Fact, Conclusions of Law and Order that incorporate all of the findings and conclusions entered into the record in this manner.

Attachments:

Baker CUP Application (#Z2017-017)

CC:

County Attorney
James Baker, via email
Peter M. Weber, via email

F:\Development Review\Projects\Zoning\Z2017-017 Baker Accessory Structure CUP (BC)\Baker.CUP.sr.docx



GALLATIN COUNTY

FILE NO. 2017-017

DATE 09-06-2014

Conditional Use Permit Application Form

The Undersigned hereby makes application for a **CONDITIONAL USE PERMIT** pursuant to the requirements as outlined in the County Zoning District Regulation.

- 1. Name of Applicant: JAMES BAKER
- 2. Address of Applicant: 4734 MEADOW LN, BOZEMAN MT
59715
- 3. Phone Number of Applicant: 301-461-7192
- 4. Email: jjbaker@nrahq.org
- 5. Legal Description of Subject Property: SEC 33, T15 R7E
ASPEN MEADOWS SUBDIVISION BLOCK 2 LOT 1
- 6. DOR#: 06 0906 33 1 02 01 0000
- 7. General Location: ASPEN MEADOWS IS LOCATED UP JACKSON CREEK RD
IN BRIDGER CANYON. PROPERTY IS 10.76 ACRES @ JUNCTION OF
MEADOW LAKE & ASPEN LAKE
- 8. Zoning District: BRIDGER CANYON Current Zoning: AE PD2C
- 9. Conditional Use to consist of the following: CONSTRUCT A SMALL 18' FT X
16' FT HOBBY SHOP ADJACENT TO EXISTING HOME.
- 10. Are any variances being requested? Yes No
If Yes, please explain: _____
- 11. Are there any covenants or deed restrictions on the property? Yes No
If Yes, Please Include Copy _____

I understand that the filing fee accompanying this application is not refundable. I hereby certify that the above-listed information is true and correct.

James Baker
Applicant's Signature

9-6-14
Date

FOR OFFICE USE ONLY

Date Filed: _____ Filing Fee: _____
Zoning Commission Hearing Date: _____
Action Taken: _____

Planning Department • 311 West Main, Room 108 • Bozeman, MT 59715
Phone (406) 582-3130 • Fax (406) 582-3135 • Email: planning@gallatin.mt.gov

Proposal _____



GALLATIN COUNTY
Certification of Property Owners List

I, JAMES BAKER, applicant for the attached proposal,
hereby certify that:

- To the best of my knowledge, the attached list shows all property owners and purchasers under contract for property:
Adjacent to the proposal site (and across watercourses, roads, etc.).
Within 300 feet of the proposal site.
- The names on the list are from the Gallatin County Clerk and Recorder's most recent records.
- The addresses on the list are from Montana Departments of Revenue's most recent tax records, available on the internet at <http://svc.mt.gov/msi/mtcadastral>.
- I understand that an inaccurate list may delay review of the project.

James Baker
Signature

9-6-16
Date

Proposal _____

Property Owners

Adjacent to proposal site and across watercourses, roads*, etc.

Within _____ feet of proposal site.

	Legal Description of Property	Property Owner's Name	Mailing Address of Property Owner from Montana Dept. of Revenue
1	Aspen Meadows Sub, S33, T01S, R07E, Block 2, Lot 13A AC. 7.5, PLAT H-50	NELSON, CLAYD SUSAN	4782 ASPEN LN BOZEMAN MT 59715
2	Aspen Meadows Sub, S33, T01S, R07E, Lot 14, AC 5.19, PLAT H-50	EISELE TRUST RON & JUDITH RISELE	4786 ASPEN LN BOZEMAN MT 59715
3	Aspen Meadows Sub, S33, T01S, R07E, Block 2, Lot 15, AC 5.54, PLAT H-50	JOHN GOODMAN	4790 ASPEN LN BOZEMAN MT 59715
4	Aspen Meadows Sub, S33, T01S, R07E, Block 2, Lot 16 AC 5.47 PLAT H-50	RICHARD LYON	4794 ASPEN LN BOZEMAN MT 59715
5	Aspen Meadows Sub, S33, T01S, R07E, Block 2, Lot 17, AC 5.08 PLAT H-50	JOHN & VIRGINIA CADA	4778 ASPEN LN BOZEMAN MT 59715
6	Aspen Meadows Sub, S33, T01S, R07E, Tract A, AC 29.99 PLAT H-50	LAURON CUMMINGS	2329 BRYAN RD BOZEMAN MT 59715
7	Aspen Meadows Sub, S33, T01S, R07E, Block 1, Lot 1, AC 5.18 PLAT H-50	ELLEN TRYGSTAD RICHARD BURKE	4801 ASPEN LN BOZEMAN MT 59715
8	Aspen Meadows Sub, S33, T01S, R07E, Block 1, Lot 2, AC 5.01, PLAT H-50	VICTOR & SIBBLEX LUTES	4725 MEADOW LN BOZEMAN MT 59715
9	Aspen Meadows Sub, S33, T01S, R07E, Block 1, Lot 3 AC 5.12 PLAT H-50	JACK & VALERIE OLSON	819 S. GRAND AVE BOZEMAN, MT 59715
10	Aspen Meadows Sub, S33, T01S, R07E, Block 2, Lot 2, AC 13.46, PLAT H-50	CONSTANCE PALMER	7218 WEST MCDONALD ST. LOUIS, MO 63130

* If road is a state highway, also include Montana Department of Transportation in property owner list.

Page _____ of _____

(If additional pages of this form are needed, download the file entitled "Adjainer List".)

Planning Department • 311 West Main, Room 108 • Bozeman, MT 59715
Phone (406) 502-3130 • Fax (406) 582-3135 • Email: planning@gallatin.mt.gov

Gallatin County Department of
Planning and Community Development
311 West Main, Room 108
Bozeman, MT 59715

**Re: Conditional Use Permit for James Baker Hobby Shop located at 4734 Meadow Lane,
Bozeman, MT 59715**

Introduction

We are applying for a Conditional Use Permit (CUP) to construct an 18 foot by 16 foot timber frame constructed hobby shop. The structure will be 15 feet tall with an 8:12 pitch roof. Purpose of the shop is a reloading room and miscellaneous hobby shop (light wood working, painting, etc). The structure will be built entirely of wood, with rough-sawn fir board and batt exterior surfaces and a steel roof to match the existing structures on the property. Interior of the building will have wood floors, wood work benches, cabinets and shelves. It will be heated with propane stove. No water will be plumbed into the building.

The shop will be located adjacent to the existing 4 bedroom log home on the property.

Conditional Use Permit Application Questions:

- 1. Does the use conform to the objectives of the Growth Policy, neighborhood plan or development plan and the intent of the regulation?*

Yes, we believe this proposal conforms to the intent of the Bridger Canyon General Plan. The proposed shop will match the character of the existing structures using natural materials that fit into the rural setting of the home and neighborhood. The structure will be built immediately adjacent to the existing structure, maintaining the maximum amount of open space on the approximate 11 acre property. The use of the shop (reloading, light wood work, painting) does not involve any loud machinery or equipment that will create an unnatural noise to the area. No additional pavement is required, only a 12 foot long stone walkway to connect the shop to the existing driveway. In addition, no trees or native vegetation will be removed for the shop construction. We believe this fits well into the General Plan that protects the natural beauty and open space character of the area.

- 2. Will the proposed use adversely affect nearby properties?*

No, nearby properties will not be affected adversely. The closest neighboring property is forested without any structures or improvements. Visibility of the structure from Meadow Lane is limited due to a screening of trees. The shop will match the character of

the existing structures and be built immediately adjacent to them to reduce the developed footprint of the property. The structure will result in no loss of grazing land.

3. *Does the proposed use meet all the other regulations of the district, such as density, coverage, yards, heights?*

Yes. The structure is well away from all property boundaries (40 feet from the west boundary, 300 feet from Meadow Lane, greater than 400 feet from the rear property line and greater than 800 feet from the east property line). The height of the building, 15 feet, is well below the existing structures. No water or septic additions are planned, thereby making it a "dry" building. No waterways or streams are in the general area. Runoff from the roof will drain naturally to the existing ground with good drainage and recharge area. The small foot print of the shop (only 288 square feet) will not increase the area of existing structures very much on the 11 acre lot.

4. *Have the public notification and hearing requirements been satisfied?*

These requirements will be met when the CUP is legally noticed and a hearing has occurred.

CUP Requirements of Bridger Canyon Zoning Regulation

The circumstances under which a CUP can be granted in the Bridger Canyon Zoning District are essentially the same as those specified in the questions required by the Gallatin County CUP application form. However, the Zoning Regulations note that to grant a CUP the use or building must not "be detrimental to the health, safety, peace, morals, comfort, and general welfare of the Bridger Canyon Zoning District."

Since the shop is located immediately adjacent to the existing structures and will match the existing structures in style and color, visibility of the structure is limited due to vegetation, is well within the area setbacks from property lines, and will not have water or septic requirements, we believe it meets all of the Zoning District CUP and intent of the Bridger Canyon Zoning Plan criteria noted above.

Project Description

Purpose of the shop is a reloading room and miscellaneous hobby shop (light wood working, painting, etc). The hobby shop will have dimensions of 18 feet by 16 feet, with a overall height of 15 feet. The shop will be of timber frame construction to provide an open-space feel inside. The roof will have an 8:12 pitch to shed snow well and be of steel to match existing structures. The structure will be built entirely of wood, with rough-sawn fir board and batt exterior surfaces and cedar shingles under the soffit. Interior of the building will have wood floors, wood work

benches, cabinets and shelves. It will be heated with propane stove. No water or septic will be plumbed into the building.

Conclusion

We believe this shop project meets the criteria for approval of a CUP. The addition of this shop will enhance the beauty of the property and meet the intent of the Bridger Canyon Zoning General Plan objective.

Very truly yours,

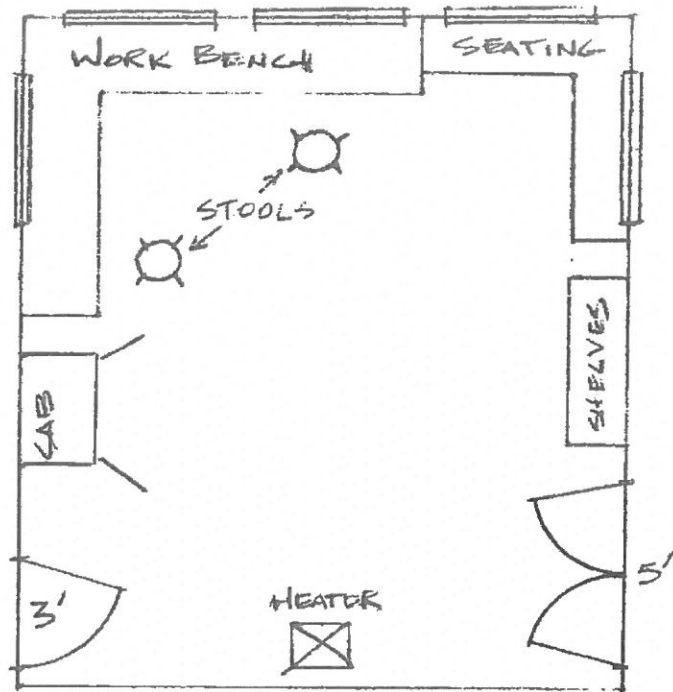
James J. Baker - Owner

JIM BAKER PROPERTY

4734 MEADOW LANE
BOZEMAN, MONTANA 59715

LOCATED IN THE NE 1/4 OF SECTION 33,
T 1 S, R 7 E, LOT 1, BLOCK 2, ASPEN MEADOWS
SUBDIVISION, M.P.M. GALLATIN COUNTY, MONTANA



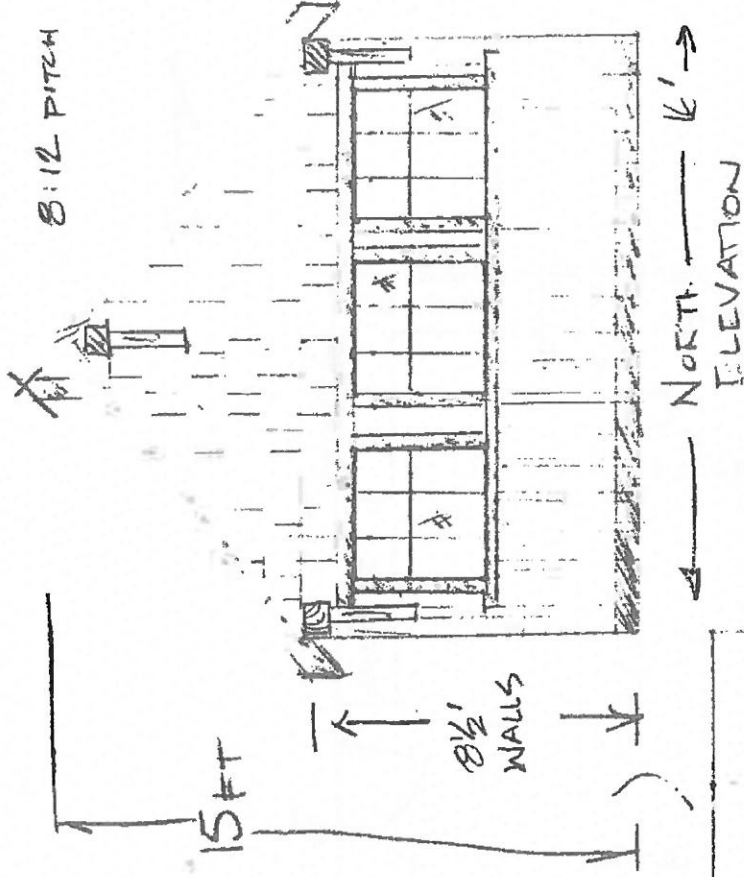


PLAN VIEW - SHOP
18 FT X 16 FT

SHOP ELEVATIONS

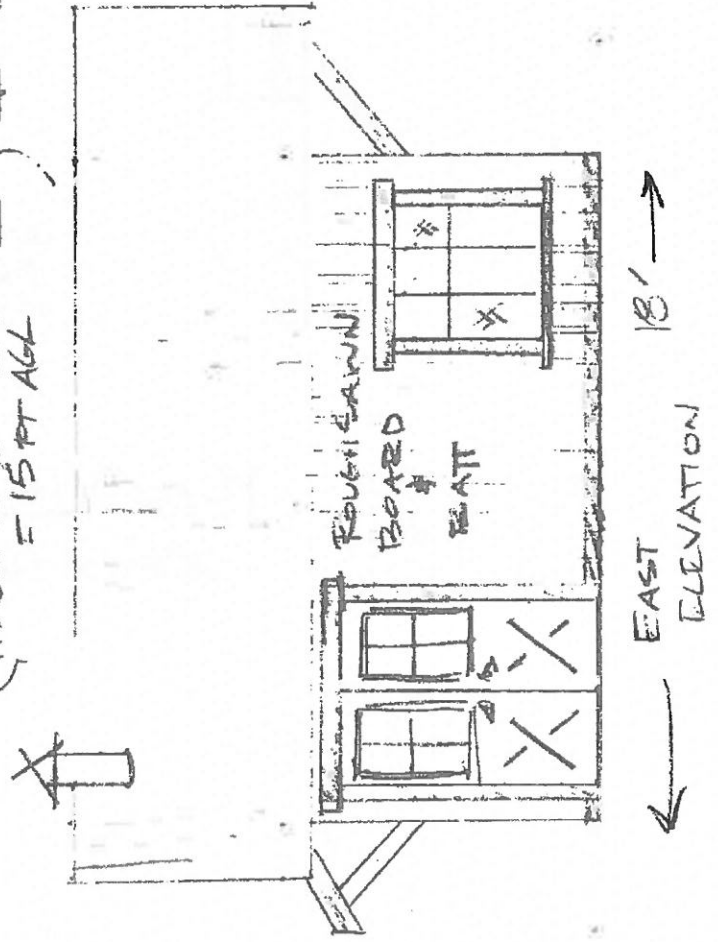
DIMENSIONS: 18FT X 16FT

HEIGHT: 15FT



SHOP - ELEVATIONS

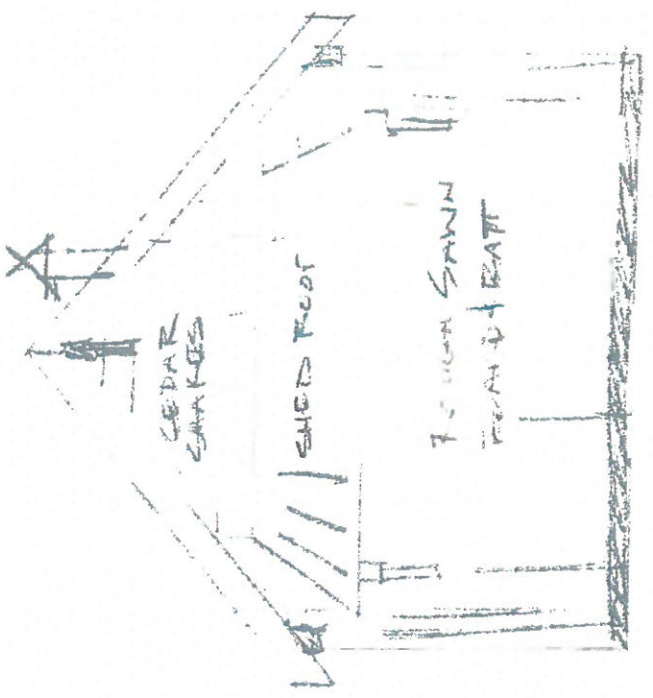
(HEIGHT OF BUILDING = 15 FT AGGL)



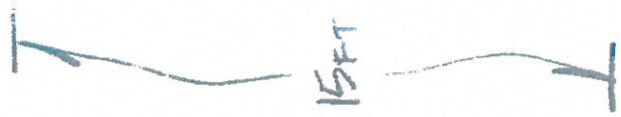
SHOP ELEVATIONS

DIMENSIONS: 18FT X 16FT

HEIGHT 15FT



16' -
SOUTH ELEVATION SHOP



15FT

15FT HEIGHT FOR AGL



18' -
WEST ELEVATION SHOP

