



## GALLATIN COUNTY

### STAFF REPORT

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**TO: BRIDGER CANYON PLANNING & ZONING COMMISSION &  
GALLATIN COUNTY COMMISSION**

**FROM: SEAN O'CALLAGHAN, AICP, DIRECTOR  
DEPT. OF PLANNING & COMMUNITY DEVT.**

**SUBJECT: TEXT AMENDMENT TO THE BRIDGER CANYON ZONING  
REGULATION**

**HEARING**

**DATE: February 14, 2019**

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**DESCRIPTION:**

The Bridger Canyon Planning and Zoning Commission (Planning and Zoning Commission) previously passed P&Z Resolution No. 2018-010 (Exhibit 1) on December 13, 2018, recommending approval of certain amendments to the text of the Bridger Canyon Zoning Regulation (Zoning Regulation). The County Commission considered the proposed text amendments on January 8, 2019, and remanded the portion of the proposed text amendments concerning non-conforming lots (Section 14.2 of the Bridger Canyon Zoning Regulation) back to the Planning and Zoning Commission for further consideration. The Planning and Zoning Commission is being asked to discuss the proposed text amendments related to non-conforming lots again and make a recommendation to the County Commission.

**STAFF FINDINGS:**

1. **Background.** On June 5, 2018, the County Commission approved an Agreement and Stipulation of Dismissal of Actions for the case of the Bridger Canyon Property Owners, Inc. vs. Bridger Canyon Zoning Commission and Gallatin County Commission, DV-13-310A, 18<sup>th</sup> Judicial Court (Settlement Agreement). Pursuant to this Settlement Agreement the County committed to considering specific amendments to sections 3 (Definitions) and 18 (Administration) of the Zoning Regulations.

The Planning Department also became aware that the requirements of the Bridger Canyon Zoning Regulations pertaining to non-conforming lots (Section 14.1 and 14.2) are significantly different than the non-conforming lot requirements included in most of the County's other zoning regulations (see Exhibit 2). The Planning Department desires insofar as possible to standardize such provisions, and for the sake of efficiency, included amendments to Section 14.2 in with the other text amendments that were being processed pursuant to the Settlement Agreement.

On October 23, 2018, the County Commission passed Resolution No. 2018-105 (Exhibit 3), a Resolution of Intention to initiate amendments to sections 3 (Definitions), 14 (Non-Conforming Rights), and 18 (Administration) of the Zoning Regulation. The Planning and Zoning Commission and County Commission held a joint public hearing on December 13, 2018 to consider the proposed text amendments and voted 5:1 to pass P&Z Resolution No. 2018-010, recommending approval of the proposed text amendments to the County Commission. In a public hearing on January 8, 2019, after considering public comment, the County Commission decided to remand the portion of the text amendments pertaining to non-conforming lots back to the Planning and Zoning Commission. The text amendments to sections 3 and 18 of the Zoning Regulation were approved by the County Commission on January 22, 2019 via County Commission Resolution No. 2019-013 (Exhibit 4).

2. **Proposal.** The specific amendment to Section 14 of the Zoning Regulation is shown below. This is consistent with amendments depicted in strikeout and underline fashion that were attached to the Planning and Zoning Commission Resolution of Recommendation, P&Z Resolution No. 2018-010 (Exhibit 1).

#### ***SECTION 14 NON-CONFORMING RIGHT***

*14.1 Non-conforming Lots. The following regulations shall apply to non-conforming lots:*

- a. In any zone notwithstanding other limitations imposed by these regulations, structures permitted in said zone may be erected on any single lot of record on the effective date of this regulation.*
- b. A non-conforming lot shall not be divided or changed in any way to reduce the area of the original lot or increase its non-conformity.*
- c. The boundaries of a non-conforming lot shall not be changed or adjusted for the purpose of relocating a residential building site outside the original exterior boundaries of that non-conforming lot of record.*

~~14.2 Building Sites Which do Not Conform to the General Regulations.~~

~~a. In any district, notwithstanding other limitations imposed by this Regulation, structures permitted in said district may be erected on any single lot of record on the effective date of this Regulation. Such lot must be in separate ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.~~

~~If two (2) or more lots and portion of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this Regulation, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Regulation. Where lots are larger than required by this Regulation, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this Regulation.~~

**Staff Response:**

- In most of the County's zoning regulations, each lot in existence at the time of adoption of the zoning regulation may be developed in compliance with the development standards applicable to the property (e.g. use, building size, building location on the property, building height). The Bridger Canyon Zoning Regulation is different than most of the County's other zoning regulations in that it requires multiple existing non-conforming lots to be treated as a single merged parcel in certain circumstances. This is done without the filing of deed restrictions or other legal instruments that would be on record in the Clerk and Recorder's Office and show up on title reports to provide notice to landowners. Staff recommends that the County revise the requirements of the Zoning Regulations pertaining to non-conforming lots such that those requirements are substantially consistent with the requirements for non-conforming lots included in the majority of the County's other zoning regulations.
- Staff conducted a GIS analysis to identify parcels that Section 14.2 of the Zoning Regulation would apply to, based on present property ownership. The limitations and results of that analysis are described in detail in Exhibit 4. In conclusion staff found that the impact of striking Section 14.2 of the Zoning Regulation appears to be the potential for 24 additional lots being developed across the Bridger Canyon Zoning District, which is approximately 51,573 acres in size. In this instance "additional lots" means parcels that already exist but arguably could not be developed under Section 14.2 of the Zoning Regulation.
- The Planning and Zoning Commission should be aware that the topic of how non-conforming lots are treated in the Zoning Regulation is relevant to a compliance case currently pending before the Code Compliance Officer. In summary that complaint

alleges that the Planning Department issued a Land Use Permit in spring of 2018 contrary to the requirements of Section 14.2 of the Zoning Regulation where a landowner owned more than one non-conforming lot or portion of lots with continuous frontage. As part of looking into that matter, the Planning Director identified how different the language of Section 14.2 of the Zoning Regulation is from most of the non-conforming lot provisions of our other zoning regulations (see Exhibit 2), and since we were already undergoing text amendments to the Zoning Regulation, included amendments to Section 14 as part of the resolution of intention considered and approved by the County Commission on October 23, 2018.

- The Planning Director, Code Compliance Officer, and County Attorney's Office have collaborated to develop the Gallatin County "Part 1" Zoning Administrative Regulation. The standardization of the requirements for Non-Conforming Lots is also part of the effort to adopt the Gallatin County "Part 1" Zoning Administrative Regulation.
- In addition to the required findings, the Planning and Zoning Commission may also wish to consider: whether the County supports treating owners of non-conforming lots in the manner directed by Section 14.2 of the Zoning Regulation as compared to the manner in which owners of non-conforming lots are treated in the majority of the County's other zoning regulations; and whether the County is prepared to use its staff and limited resources to defend the existing non-conforming lot provisions of Section 14.2.

3. **Amendment Procedures.** Section 18.6 of the Zoning Regulation allows for amendments to the Zoning Regulation as follows:

18.6 Amendments.

a. *This Regulation may be amended whenever the public necessity and convenience and the general welfare require such amendment and according to the procedure prescribed by law, and this Regulation.*

18.6.1 *An amendment may be initiated by:*

- The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Gallatin County Planning Office, and shall be accompanied by the appropriate fee payable to the County of Gallatin, no part which shall be returnable to the petitioner; or by*
- Resolution of intention of the Board of County Commissioners or*
- Resolution of intention by the Planning and Zoning Commission.*

18.6.2 *Such amendment shall not become effective until after a public hearing has been held before the Zoning Commission, legal notice of which shall have been given in a newspaper of general circulation in the county not less than fifteen (15) days prior to date of hearing.*

**Staff Response:**

- The existing language of Section 14.2 of the Zoning Regulation includes several ambiguous provisions which results in different interpretations of the Zoning Regulation by different people. Elimination of these provisions promotes the public necessity, convenience, and general welfare by providing better clarity and predictability in terms of the rights associated with non-conforming lots. The amendments to Section 14.2 of the Zoning Regulation will also promote equal treatment all owners of non-conforming lots, regardless of the ownership of other lots with continuous frontage.
  - Revising the requirements of the Zoning Regulations pertaining to non-conforming lots such that those requirements are substantially consistent with the requirements for non-conforming lots included in the majority of the County's other zoning regulations is prudent, and would reduce the potential for staff errors and litigation, which would benefit both landowners and taxpayers.
  - The amendments were initiated in compliance with the requirements of Section 18.6.1(b) of the Zoning Regulation with the passage of a resolution of intention by the County Commission, County Commission Resolution No. 2018-105, on October 23, 2018. In accordance with Section 18.6.2 of the Zoning Regulation, the Planning & Zoning Commission and County Commission are holding a joint public hearing to consider the proposed amendments. Three other public hearings have been held.
4. **"Spot Zoning"**. In 1981, the Montana Supreme Court adopted a three-part test for spot zoning with *Little v. Board of County Commissioners*, 193 Mont. 334, 631 P.2d 1282. To demonstrate whether or not the requested zoning designation benefits a small area and only one or a few landowners, the governing body must consider the following criteria:
- a. Whether the proposed zoning amendment and potential uses are significantly different from the prevailing use in the area;
  - b. Whether the proposed zoning amendment benefits a small area and only a few landowners, or does the requested zoning amendment benefit the surrounding neighborhood, community and the general public; and,
  - c. Whether the requested zoning amendment is compatible with the zoning district's adopted plan, or is it special legislation designed to benefit one or a few landowners at the expense of the surrounding landowners or general public.

**Staff Response:** Amendments to the text of a zoning regulation are generally not considered spot zoning as zoning regulations apply to all properties within a zoning district or at least all properties with the specific zoning designation. In this instance, the proposed amendments are mostly administrative in nature and apply to the entirety of the Zoning District, and specifically to non-conforming lots.

- a. The proposed text amendments do not change the zoning classification on any properties or authorize any uses not already allowed within the Zoning District.
  - b. The proposed amendments apply equally to all non-conforming lots within the Zoning District. The existing language of Section 14.2 of the Zoning Regulation includes several ambiguous provisions which results in different interpretations of the Zoning Regulation by different people. Elimination of these provisions will benefit the surrounding neighborhood, community and the general public by providing better clarity and predictability in terms of the rights associated with non-conforming lots. The amendments to Section 14.2 of the Zoning Regulation will also promote equal treatment all owners of non-conforming lots, regardless of the ownership of other lots with continuous frontage.
  - c. Staff did not identify any specific conflicts with the proposed amendments and Bridger Canyon Plan and Development Guide. The General Plan objectives are attached as Exhibit 6 and the Goals and objectives for the Base Area Plan are attached as Exhibit 7.
5. **Notice.** Notice of the February 14<sup>th</sup> hearing for the proposed amendments was published in the *Bozeman Daily Chronicle* on January 20 & 27, 2019. Notice (Exhibit 8) was also physically posted in 10 locations within the Zoning District on January 30, 2019, whereas the requirements of Section 76-2-106 Mont. Code Ann. only require posting in three locations.

Notice of the December 13<sup>th</sup> hearing for the proposed amendment was published in the *Bozeman Daily Chronicle* on November 18 & 25, 2018. Notice was also posted in three locations within the Zoning District on November 21, 2018 as required by Section 76-2-106 Mont. Code Ann. The County Commission's January 8, 2019 and January 22, 2019 agendas were also published in the *Bozeman Daily Chronicle*.

#### **REQUIRED ACTIONS OF THE PLANNING & ZONING COMMISSION:**

- A. **Sample Motions.** The role of the Planning and Zoning Commission in this instance is to provide a recommendation to the County Commission. The following sample motions have been provided by Staff for consideration by the Planning and Zoning Commission:

- **Sample Motion to Affirm P&Z Resolution No. 2018-010:** Having reviewed and considered the Zone Text Amendment materials, staff report, and public comment, in accordance with the requirements of Section 18.6 of the Bridger Canyon Zoning Regulation, I move to affirm P&Z Resolution No. 2018-010.
- **Sample Motion to Provide Alternative Direction to Staff:** Having reviewed and considered the Zone Text Amendment materials, staff report, and public comment, in accordance with the requirements of Section 18.6 of the Bridger Canyon Zoning Regulation, I move to direct the Planning Department to (explain direction being provided to Staff with respect to this matter).
- **Sample Motion for Continuance:** Having reviewed and considered the Zone Text Amendment materials, staff report, and public comment, in accordance with the requirements of Section 18.6 of the Bridger Canyon Zoning Regulation, I move to continue the amendments presented by staff to Section 14 of the Bridger Canyon Zoning Regulation 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).

**B. Required Findings.** The Planning and Zoning Commission's recommendation must be supported by findings related to the below determinations.

- Whether the public necessity and convenience and general welfare requires such amendment
- Whether the proper procedures prescribed by law and the Zoning Regulation have been followed
  1. To provide findings in support of the above determinations, the Planning & 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.
  2. The Planning and Zoning Commission also should make original findings based on other relevant information entered into the record during the hearing, including the applicant's presentation and public comment.

**Exhibits:**

- 1: P&Z Resolution 2018-010 (without attachment – see relevant amendment language on pages 2 – 3 of staff report)
- 2: Summary of Non-Conforming lot/parcel requirements from all 22 Gallatin County zoning regulations
- 3: County Commission Resolution No. 2018-105
- 4: County Commission Resolution 2019-013 (with amendments to sections 3 and 18 attached)

- 5: Planning Department's GIS Analysis Memo and Map
- 6: Bridger Canyon General Plan Objectives
- 7: Bridger Bowl Base Area Objectives
- 8: Copy of Public Notice that was Posted in Zoning District



**RESOLUTION NO. PZ - 2018 - 010**

**A RESOLUTION OF THE BRIDGER CANYON PLANNING AND ZONING  
COMMISSION TO RECOMMEND AMENDMENTS TO THE TEXT OF  
THE BRIDGER CANYON ZONING REGULATION**

This resolution was introduced by the Gallatin County Planning Department. Moved by Planning and Zoning Commission Member Mills, and seconded by Planning and Zoning Commission Member Seifert. The resolution was adopted 5:1.

WHEREAS, the Bridger Canyon Zoning District (Zoning District) was established on October 26, 1971, and amended thereafter; and

WHEREAS, Section 76-2-101, et seq., M.C.A., establishes the authorization for adoption of zoning regulations for all or parts of the County Commission jurisdictional area; and

WHEREAS, On October 23, 2018, the County Commission passed Resolution No. 2018-105, a Resolution of Intention to initiate amendments to the Bridger Canyon Zoning Regulation (Zoning Regulation) resulting from the settlement of the Bridger Canyon Property Owners Association, Inc. v. Bridger Canyon Planning and Zoning Commission and Gallatin County Commission (DV-13-310A – 18<sup>th</sup> Jud. Dist.) case and amendments proposed by Planning Department Staff related to non-conforming lots; and

WHEREAS, pursuant to the Resolution of Intention, the Planning Department prepared revised text for sections 3 (Definitions), 14 (Non-Conforming Rights), and 18 (Administration) of the Zoning Regulation and scheduled a joint hearing before the Bridger Canyon Planning and Zoning Commission and Gallatin County Commission. Notice of the public hearing was posted in at least three locations within the Zoning District pursuant to Section 76-2-106(1) Mont. Code Ann. on November 21, 2018, and published in the *Bozeman Daily Chronicle* on November 18 & 25, 2018; and

WHEREAS, the Bridger Canyon Planning and Zoning Commission conducted a public hearing on December 13, 2018, at which the public were given an opportunity to be heard regarding the proposed zone text amendment; and

WHEREAS, after the public hearing, the Bridger Canyon Planning and Zoning Commission considered public comments and Staff Report Findings and found the proposed text amendments to be in the public interest and to promote the health, safety and general welfare of the public by:

- Adopting the findings in the Staff Report; and
- Finding the amendment process adhered to the procedural requirements of the Zoning Regulation and §76-2-101, MCA, et. seq., through a combination of posting notices within the Zoning District and publication of legal notices in the *Bozeman Daily Chronicle*; and



- Finding the public necessity and convenience and general welfare suggest that it is appropriate for the Planning and Zoning Commission and County Commission to adhere to the terms of Settlement Agreement and consider the text amendments included therein; and
- Finding the public necessity and convenience and general welfare suggest that revising the requirements of the Zoning Regulations pertaining to non-conforming lots such that those requirements are substantially consistent with the requirements for non-conforming lots included in the majority of the County's other zoning regulations is prudent; and
- Finding the proposed amendments are largely administrative in nature and clarifying processes and requirements of the Zoning Regulation is beneficial to both applicants and other parties that are concerned with land use activities in the Zoning District; and
- Finding the amendments to the Zoning Regulation do not constitute "Spot Zoning" as they do not change the zoning classification of any properties or authorize uses not already allowed within the Zoning District, apply equally to all lands within the district, ensure that all owners of non-conforming lots within the Zoning District are treated similarly, and are not in conflict with the Bridger Canyon Plan or Base Area Plan.

NOW, THEREFORE, BE IT RECOMMENDED: The Bridger Canyon Planning and Zoning Commission hereby recommends that the zone text amendment be adopted by the Gallatin County Commission, excluding the additions to sections 3.63, 3.64, and 18.3, as shown in Exhibit 1.

**Bridger Canyon Planning and Zoning Commission**

Kimberly Buchanan  
**Kimberly Buchanan, Chair**

12-13-18  
**Date**

# Summary of Gallatin County Zoning Regulations

## Non-Conforming Lot/Parcel Requirements

### 1. Bear Canyon (Part 1)

Section 4.6 of the Bear Canyon Zoning Regulation addresses non-conforming uses and structures, but not non-conforming lots.

### 2. Bozeman Pass (Part 1)

4.02.2 Non-conforming lots. *All lots within the District in existence at the time of adoption of these Regulations shall be treated as conforming. Given the nature of density-based zoning, and no minimum or maximum lot size, upon adoption of these Regulations, there are no non-conforming lots within the District. The use of subdivision exemption to relocate a common boundary between neighbors that makes one parcel larger but also one parcel smaller is permitted so long as the adjusted property boundary does not conflict with the goals and objectives of these Regulations and does not create additional development rights. The requirements of 3.01.2(4) apply. Boundary line adjustments and other statutory exemptions from the Subdivision and Platting Act shall be reviewed by the Gallatin County Commission, pursuant to the Gallatin County Subdivision Regulations.*

### 3. Bridger Canyon (Part 1)

14.1 Non-conforming Lots. *The following regulations shall apply to non-conforming lots:*

- a. *In any zone notwithstanding other limitations imposed by these regulations, structures permitted in said zone may be erected on any single lot of record on the effective date of this regulation.*
- b. *A non-conforming lot shall not be divided or changed in any way to reduce the area of the original lot or increase its non-conformity.*
- c. *The boundaries of a non-conforming lot shall not be changed or adjusted for the purpose of relocating a residential building site outside the original exterior boundaries of that non-conforming lot of record.*

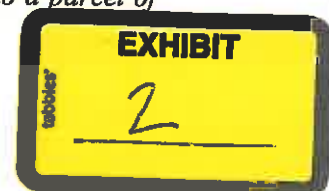
14.2 Building Sites Which do Not Conform to the General Regulations.

- a. *In any district, notwithstanding other limitations imposed by this Regulation, structures permitted in said district may be erected on any single lot of record on the effective date of this Regulation. Such lot must be in separate ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.*

*If two (2) or more lots and portion of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this Regulation, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Regulation. Where lots are larger than required by this Regulation, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this Regulation.*

### 4. East Gallatin (Part 2)

6.2 Non-Conforming Parcels of Record. *In any district, structures permitted in said district may be erected on any non-conforming parcel, which was of record on the effective date of this Regulation. All other requirements and restrictions of the district apply to a parcel of*



*record that does not meet parcel area requirements. A non-conforming parcel of land shall not be divided or changed in any way to reduce the area of the original parcel or increase its non-conformity.*

**5. Four Corners (Part 2)**

Section 2.2 of the Four Corners Zoning Regulation addresses non-conforming uses, non-conforming structures, and non-conforming uses of and structures, but does not address non-conforming lots.

**6. Gallatin Canyon/Big Sky (Part 1)**

56.2 *Non-Conforming Parcels of Record*: *In any district, structures permitted in said district may be erected on any non-conforming parcel which was of record on the effective date of these regulations. All other requirements and restrictions of the district apply to a parcel of record that does not meet parcel area or parcel width requirements.*

*A non-conforming parcel of land shall not be divided or changed in any way to reduce the area of the original parcel or increase its non-conformity except as permitted with an approved conditional use permit as provided herein.*

**7. Gallatin County/Bozeman Area (Part 2)**

24.02 *Non-Conforming Parcels of Record*: *In any district, Structures permitted in said district may be erected on any Non-Conforming Parcel, which was of record on the effective date of this Regulation. All other requirements and restrictions of the district apply to a Parcel of Record that does not meet Parcel area requirements.*

*A Non-Conforming Parcel of land shall not be divided or changed in any way to increase its non-conformity.*

**8. Hebgen Lake (Part 1)**

23.2 *Non-Conforming Parcels of Record*: *In any district, structures permitted in said district may be erected on any non-conforming parcel which was of record on the effective date. All other requirements and restrictions of the district apply to a parcel of record that does not meet parcel area or parcel width requirements.*

*A non-conforming parcel of land shall not be divided or changed in any way to reduce the area of the original parcel or increase its non-conformity.*

**9. Hyalite (Part 1)**

14.2 *Non-Conforming Parcels of Record*: *In any district, structures permitted in said district may be erected on any non-conforming parcel which was of record on the effective date. All other requirements and restrictions of the district apply to a parcel of record that does not meet parcel area or parcel width requirements.*

*A non-conforming parcel of land shall not be divided or changed in any way to reduce the area of the original parcel or increase its non-conformity.*

**10. Middle Cottonwood (Part 2)**

10.1 *Non-Conforming Parcels*: *Parcels not conforming to the density limits as of February 1, 1994, and land uses and structures not conforming as of the effective date of this*

*Regulation, shall be allowed. A map showing parcels of record as of February 1, 1994 is attached hereto and made a part hereof as Exhibit "C." In any area structures permitted in that area may be erected on any non-conforming parcel that was of record on February 1, 1994. All other requirements and restrictions of the Zone apply to a parcel of record that does not meet parcel area requirements.*

**11. North Gallatin Canyon (Part 2)**

Section 2.2 of the Four Corners Zoning Regulation addresses non-conforming uses, non-conforming structures, and non-conforming signs, but does not address non-conforming lots.

**12. Reese Creek (Part 2)**

*5.02.2 Non-Conforming Parcels of Record. In any District, structures permitted in said district may be erected on any non-conforming parcel which was of record on the effective date of these Regulations. All other requirements and restrictions of the District apply to a parcel of record that does not meet parcel area requirements.*

*A non-conforming parcel of land shall not be divided. A non-conforming parcel of land may be increased or decreased in size only if done in compliance with the requirements of sections 2.01.7.2, 2.02.8.2, or 2.03.8.2 of these Regulations.*

**13. River Rock (Part 1)**

*18.2 NON-CONFORMING LOTS OF RECORD*

*In any district notwithstanding other limitations imposed by this regulation, structures permitted in said district may be erected on any single lot of record on the effective date of this regulation. A lot of record that does not meet lot area or lot width requirements shall still meet other requirements of the district.*

**14. South Cottonwood Canyon (Part 2)**

*4.02.2 Non-Conforming Parcels of Record. In any district, structures permitted in said district may be erected on any nonconforming parcel, which was of record on the effective date of this Regulation. All other requirements and restrictions of the district apply to a parcel of record that does not meet parcel area requirements. A nonconforming parcel of land shall not be divided or changed in any way to reduce the area of the original parcel or increase its nonconformity.*

**15. South Gallatin (Part 2)**

*12.2 Non-Conforming Parcels of Record. In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single parcel of record on the effective date of this ordinance. A parcel of record that does not meet parcel area or parcel width requirements must still meet other requirements of the district.*

**16. Springhill (Part 1)**

*12.2 Non-Conforming Parcels of Record. In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single parcel of record on the effective date of this ordinance. A parcel of record that does not meet parcel area or parcel width requirements must still meet other requirements of the district.*

**17. Sypes Canyon No. 1 (Part 1)**

16.2 Non-conforming Lots of Record - In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single lot of record on the effective date of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

*If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Where lots are larger than required by this ordinance, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this ordinance.*

**18. Sypes Canyon No. 2 (Part 1)**

16.2 Non-conforming Lots of Record - In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single lot of record on the effective date of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

*If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Where lots are larger than required by this ordinance, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this ordinance.*

**19. Trail Creek (Part 1)**

12.2 Non-Conforming Lots of Record - In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in one district may be erected on any single lot of record on the effective date of this ordinance. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

*Where lots are larger than required by this ordinance, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this ordinance.*

**20. Zoning District No. 1 (Part 1)**

11.2 Non-Conforming Parcels of Record:

1. In any zone, structures permitted in said zone may be erected on any non-conforming parcel which was of record on the effective date of this regulation. All other requirements and restrictions of the district apply to a parcel of record that does not meet parcel area or parcel width requirements.

2. *A non-conforming parcel of land shall not be divided or changed in any way to reduce the area of the original parcel or increase its non-conformity.*

## **21. Zoning District No. 6 (Part 1)**

### **16.2 Non-Conforming Lots of Record**

*In any district, notwithstanding other limitations imposed by this regulation, structures permitted in said district may be erected on any single lot of record on the effective date of this regulation. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.*

*If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this regulation, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Where lots are larger than required by this ordinance, said lots may be subdivided into smaller lots except no parcel may be divided so as to create a lot smaller in lot width or lot area than required by this regulation.*

## **22. Wheatland (Part 1)**

Section B of the Wheatland Zoning Regulation addresses non-conforming uses, but does not address non-conforming lots/parcels.

**RESOLUTION NO. 2018- 105**

**A RESOLUTION OF INTENTION OF THE  
GALLATIN COUNTY COMMISSION TO INITIATE AMENDMENTS TO THE  
BRIDGER CANYON ZONING REGULATIONS**

This Resolution was introduced by the Gallatin County Planning Department, moved by Commissioner Skinner and seconded by Commissioner Seifert.  
The resolution was adopted unanimously.

WHEREAS, the Bridger Canyon Zoning Regulations (“Zoning Regulations”) were adopted by Gallatin County on October 26, 1971, and amended thereafter; and

WHEREAS, the Gallatin County Commission (“County Commission”) agreed to consider certain amendments to the Zoning Regulations as part of the settlement of the Bridger Canyon Property Owners Association, Inc. v. Bridger Canyon Planning and Zoning Commission and Gallatin County Commission (DV-13-310A – 18<sup>th</sup> Jud. Dist.) case; and

WHEREAS, amendments resulting from the above referenced settlement pertain to sections 3 (Definitions) and 18 (Administration) of the Zoning Regulations, and additionally Planning Department staff has identified that amendments to Section 14 (Non-Conforming Rights) of the Zoning Regulations may be necessary to treat non-conforming lots within the Bridger Canyon Zoning District substantially similar to how they are treated in the County’s 21 other zoning districts; and

WHEREAS, Section 18.6 of the Zoning Regulations specifies the Zoning Regulations may be amended whenever the public necessity and convenience and the general welfare require such amendment and according to the procedure prescribed by law and the Regulations; and

WHEREAS, Section 18.6.1 of the Zoning Regulations allows the County Commission to initiate an amendment by passage of a resolution of intention; and

WHEREAS, the County Commission conducted a public hearing on October 23, 2018, at which the public were given an opportunity to be heard regarding the proposed Resolution of Intention; and

WHEREAS, after the public hearing, the County Commission considered the, public comments and Staff Memorandum and found the proposed Resolution of Intention to be in the public interest and to promote the health, safety and general welfare of the community; and

WHEREAS, following the passage of the resolution of intention, the Planning Department will develop specific text for the proposed amendments, make that language available to the public, and provide notice of public hearings relevant to the text amendment.





NOW, THEREFORE, BE IT RESOLVED, the Gallatin County Commission hereby adopts a Resolution of Intention to initiate amends to sections 3 (Definitions), 14 (Non-Conforming Rights), and 18 (Administration) of the Bridger Canyon Zoning Regulations, and directs the Planning Department to prepare the amended text and schedule and notice a joint public hearing before the Bridger Canyon Planning and Zoning Commission and Gallatin County Commission where such Zone Text Amendments will be considered.

**GALLATIN COUNTY COMMISSION**



**R. STEPHEN WHITE, CHAIRMAN**

10-23-18  
**DATE**

**ATTEST:**



**CHARLOTTE MILLS, CLERK & RECORDER**

10-23-18  
**DATE**

**RESOLUTION NO. - 2019 - 013**

**A RESOLUTION OF THE GALLATIN COUNTY COMMISSION TO  
ADOPT AMENDMENTS TO THE TEXT OF  
THE BRIDGER CANYON ZONING REGULATION**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner \*MACFARLANE and seconded by Commissioner SELFERT. The resolution was adopted by a vote of: 3:0. \*MACFARLANE

WHEREAS, the Bridger Canyon Zoning District (Zoning District) was established on October 26, 1971, and amended thereafter; and

WHEREAS, Section 76-2-101, et seq., M.C.A., establishes the authorization for adoption of zoning regulations for all or parts of the County Commission jurisdictional area; and

WHEREAS, On October 23, 2018, the County Commission passed Resolution No. 2018-105, a Resolution of Intention to initiate amendments to the Bridger Canyon Zoning Regulation (Zoning Regulation) resulting from the settlement of the Bridger Canyon Property Owners Association, Inc. v. Bridger Canyon Planning and Zoning Commission and Gallatin County Commission case (DV-13-310A – 18<sup>th</sup> Jud. Dist.) and amendments proposed by Planning Department Staff related to non-conforming lots; and

WHEREAS, pursuant to the Resolution of Intention, the Planning Department prepared revised text for sections 3 (Definitions), 14 (Non-Conforming Rights), and 18 (Administration) of the Zoning Regulation and scheduled a joint hearing before the Bridger Canyon Planning and Zoning Commission and Gallatin County Commission. Notice of the public hearing was posted in three locations within the Zoning District pursuant to Section 76-2-106(1) Mont. Code Ann. on November 21, 2018, and published in the *Bozeman Daily Chronicle* on November 18 & 25, 2018; and

WHEREAS, the Bridger Canyon Planning and Zoning Commission and County Commission conducted a joint public hearing on December 13, 2018, at which the public were given an opportunity to be heard regarding the proposed zone text amendment; and

WHEREAS, the Planning Director presented testimony at the joint public hearing and recommended against adopting the proposed definitions for “Use, Change of” and “Use, Existing” and the proposed language establishing Change of Use Permits; and

WHEREAS, representatives from the Bridger Canyon Property Owners’ Association presented testimony at the joint public hearing and did not object to eliminating the proposed definitions for “Use, Change of” and “Use, Existing” and the proposed language establishing Change of Use Permits; however, they did state their objection to the proposed amendments to Section 14.2 of the Zoning Regulation, which would change the requirements for non-conforming lots; and



WHEREAS, after the public hearing, the Bridger Canyon Planning and Zoning Commission considered public comments and Staff Report findings and voted (5:1) to pass Resolution No. PZ-2018-010, recommending the County Commission adopt the proposed text amendments without inclusion of proposed definitions for "Use, Change of" and "Use, Existing" and without inclusion of proposed language establishing Change of Use Permits; and

WHEREAS, in their public meeting on January 8, 2019, the County Commission considered a resolution to adopt the proposed amendments as recommended by the Bridger Canyon Planning and Zoning Commission, and heard testimony from three members of the public, two of which expressed opposition to the proposed changes to Section 14.2 of the Zoning Regulation; and

WHEREAS, after considering the staff report and public comment, the County Commission directed the Planning Department to send the amendments related to Section 14 of the Zoning Regulation back to the Bridger Canyon Planning and Zoning Commission and prepare a revised resolution of adoption for the County Commission consisting of the amendments to sections 3 (Definitions) and 18 (Administration) of the Zoning Regulation.

WHEREAS, in their public meeting on January 22, 2019, the County Commission acted on this resolution after considering public comment, Staff Report findings, and the recommendation of the Bridger Canyon Planning & Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Gallatin County Commissioners hereby adopts a Resolution of Adoption to amend the text of the Bridger Canyon Zoning Regulation as detailed in Exhibit 1.
2. In support of this Resolution of Adoption, the Board of Gallatin County Commissioners adopts the findings made in the staff report and further finds the text amendments to be in the public interest and to promote the health, safety and general welfare of the public by:
  - a. Finding the amendment process adhered to the procedural requirements of the Zoning Regulation and §76-2-101, MCA, *et. seq.*, through a combination of posting notices within the Zoning District and publication of legal notices in the *Bozeman Daily Chronicle*; and
  - b. Finding the public necessity and convenience and general welfare suggest that it is appropriate for the Planning and Zoning Commission and County Commission to adhere to the terms of Settlement Agreement and consider the text amendments included therein; and
  - c. Finding that representatives from the Bridger Canyon Property Owners' Association did not object to omitting the proposed definitions for "Use, Change of" and "Use, Existing" and the proposed language establishing Change of Use Permits, even though those amendments were suggested as part of the Settlement Agreement; and
  - d. Finding the proposed amendments are largely administrative in nature and clarifying processes and requirements of the Zoning Regulation is beneficial to both applicants

and other parties that are concerned with land use activities in the Zoning District;  
and

- e. Finding the amendments to the Zoning Regulation do not constitute "Spot Zoning" as they do not change the zoning classification of any properties or authorize uses not already allowed within the Zoning District, apply equally to all lands within the district, and are not in conflict with the Bridger Canyon Plan or Base Area Plan.

**GALLATIN COUNTY COMMISSION**

  
\_\_\_\_\_  
**JOE E. SKINNER, CHAIRMAN**

**DATE** 01/22/2019

**ATTEST:**

  
\_\_\_\_\_  
**ERIC SEMERAD, CLERK & RECORDER**

**DATE** 1/22/2019

# **BRIDGER CANYON ZONING REGULATION**



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### SECTION 3 DEFINITIONS

- 3.1 **Accessory Building or Use:** A building or use which: (1) is subordinate in area, extent or purpose to the principal building or principal use served; (2) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.
- 3.2 **Agriculture:** Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.
- 3.3 **Airport:** A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel.
- 3.4 **Antenna:** Any equipment or device used to receive or transmit electromagnetic waves for the provision of Personal Wireless Services including, but not limited to, cellular, paging, personal communication services (PCS), and microwave communications. Antennas include, but are not limited to, directional antennas, such as panels, microwave and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designated for amateur radio use, or satellite dishes designed for residential or household purposes.
- 3.5 **Antenna Support Structure.** Any structure, mast, pole, or tower used for the purpose of supporting an antenna.
- 3.6 **Antenna Tower ("Tower"):** Any structure that is designed and constructed primarily for the purpose of supporting one or more Antennas for telephone, television, radio, similar voice and data communication purposes, or Personal Wireless Services. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and antenna tower alternative structures.
- 3.7 **Apartment House:** Any building or portion thereof containing three or more apartments or dwelling units.
- 3.8 **Applicant, Personal Wireless Service Facility.** The owner or operator, or authorized representative thereof, of a Personal Wireless Service Facility who applies for a Conditional Use Permit or Modification.
- 3.9 **Bed and Breakfast Inn:** An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves only a limited breakfast to registered guests.



- 3.10 **Building:** Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 3.11 **Building Height:** The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- 3.12 **Building Principal:** A structure in which is conducted the main use of a lot on which the structure is located.
- 3.13 **Building Site:** A parcel of land occupied or intended to be occupied by uses and buildings permitted herein and which includes such size, dimension, open space, and parking as are required in the Zoning District in which such site is located; and which site abuts a County road or State Highway or which abuts a private road conforming to standards approved by the Planning Commission.
- 3.14 **Business, Retail:** The retail sale of any article, substance, or commodity for profit or livelihood, conducted within a building but not including the sale of lumber or other building materials or the sale of used or secondhand goods.
- 3.15 **Campgrounds:** Land or premises which is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.
- 3.16 **Caretaker's Residence:** Dwelling unit for a person that takes care of the house or land of an owner who may be absent.
- 3.17 **"Carrier on Wheels" or "Cell on Wheels" ("COW") Facility.** A portable self-contained Personal Wireless Service Facility that can be moved to a location and set up to provide Personal Wireless Services. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna Support Structure.
- 3.18 **Club, Private hunting or fishing:** A facility for an organization of persons whose special purpose is hunting or fishing. Such facility shall be open only to members and not to the general public.
- 3.19 **Commercial Feed Lot:** Shall mean any premises on which livestock are held or maintained for the purpose of feeding and fattening for market and where sixty percent (60%) or more of the feed for such livestock is imported or purchased.
- 3.20 **Conditional Use:** Uses, other than permitted uses, that may be allowed in a specific zoning category, but which require a public hearing by the governing body to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Bridger Canyon Zoning District.

- 3.21 Condominium: The ownership of single units with common elements.
- 3.22 Domestic Wireless Equipment. Non-commercial wireless communication equipment serving 10 or fewer dwellings or parcels and conforming to height limits, setbacks and other standards in this Regulation, including amateur radios and domestic antennas, such as for the reception of terrestrial or satellite television signals or wireless internet service.
- 3.23 Decision: A final affirmative act of:
- a. The Planning Director or Zoning Enforcement Agent evidenced in writing, giving an interpretation or granting or denying any permit, exception, certificate, permission, approval, or determination; or
- b. The Planning and Zoning Commission or Gallatin County Commission evidenced in writing which may include findings of fact, conclusions of law, resolutions and orders.
- 3.24 Dwelling Group: A group of two or more detached or semi-detached one family, duplexes, or multiple family dwellings occupying a parcel of land in one ownership and having any yard or court in common.
- 3.254 Dwelling Unit: A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities.
- 3.265 Employee Housing: An efficiency or studio residential unit which is located in the Bridger Bowl Base Area, is restricted by covenant for use by persons employed in the Base Area and their families, and has living sleeping, cooking and sanitary facilities.
- 3.276 Employee Unit: An employee unit shall mean one single bed, with a maximum of four units in one room.
- 3.287 Employer: A person, persons or entity who owns or operates a business or businesses in the Bridger Bowl Base Area and whose businesses shall be aggregated together for the purpose of determining the number of full time employees or the equivalent.
- 3.29 Exterior Construction: Those components of a Structure visible from the outside of the Structure, such as siding, windows, roofing, and painting. Site improvements such as any parking, landscaping, or screening improvements required pursuant to this Regulation are considered part of Exterior Construction.
- 3.2830 FAA. The U.S. Federal Aviation Administration.
- 3.2931 Family: One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity or sorority house, etc. A family unit shall be deemed to include necessary servants, and may include up to four (4) boarders.

- 3.320 FCC. The U.S. Federal Communications Commission.
- 3.331 Floor, Ground: That portion of a building or structure located with its floor between the average ground elevation and the ceiling next above.
- 3.342 Guest House: Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site.
- 3.353 Guest Ranch: Facility which provides accommodations to the general public, offers on-premise recreational and/or educational programs, and features central dining facilities.
- 3.364 Guest quarters: Overnight rooms at guest ranches.
- 3.375 Home Occupation: The use of a dwelling or accessory structure for occupations at home which are clearly customary and incidental to the primary use of the parcel and do not change agricultural or residential character thereof. No home occupation conducted entirely within a dwelling shall occupy more than twenty percent (20%) of the gross floor area nor more than four hundred (400) square feet of gross floor area.
- 3.386 Hostel: Dormitory-style overnight accommodations, usually for young travelers.
- 3.397 Hotel: Any building or portion thereof including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests whether rent is paid in money, goods, labor or otherwise. Does not include any jail, hospital, asylum, sanitarium, orphanage, nursing home or other in which people are housed and detained under legal restraint.
- 3.3840 Junk Yard: The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.
- 3.4139 Lease, Personal Wireless Service Facility. With respect to a Personal Wireless Service Facility, an agreement, however designated (such as, without limitation, lease, license, easement, right to use, access right), by means of which a property owner grants to the Personal Wireless Service Facility operator a right to construct or operate a Personal Wireless Service Facility on his property.
- 3.420 Lot or Parcel: A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 3.431 Manufactured Home: Residential dwelling constructed entirely or substantially off-site.

- 3.4~~42~~<sup>42</sup> **Mobile Home:** A portable unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 3.4~~53~~<sup>53</sup> **Modification, Personal Wireless Service Facility.** Any alteration to an existing Personal Wireless Service Facility Antenna Tower or base station that involves: (1) the collocation of new transmission equipment; (2) the removal of transmission equipment; or (3) replacement of transmission equipment.
- 3.4~~64~~<sup>64</sup> **Overnight Accommodations:** Permanent, separately rentable accommodations which are not available for residential use, except for the proprietors of a bed and breakfast inn. Overnight lodgings include hotel or motel rooms, hostels, cabins, bed and breakfast inns and time-shared units. Individually owned units may be considered overnight lodging if they are available for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, employee housing, and similar accommodations do not qualify as overnight accommodations for this definition. (Amended: County Commission Resolution 1995-46)
- 3.4~~75~~<sup>75</sup> **Parking space, off-street:** A space located off any public right-of-way which is at least 9x20 feet in size for parking of any automobile and with access to a public street or road.
- 3.4~~86~~<sup>86</sup> **Personal Wireless Services.** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- 3.4~~97~~<sup>97</sup> **Personal Wireless Service Facility ("Facility").** A facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility typically consists of an equipment enclosure, an Antenna Tower, one or more Antennas, and accessory equipment.
- 3.50 Planning Director: The person authorized by the Board of Gallatin County Commissioners and the Planning & Zoning Commission to carry out the administrative duties specified by this Regulation. Staff of the Department of Planning and Community Development are authorized to act as the Planning Director's designee.**
- 3.4~~951~~<sup>951</sup> **Private Club:** Any association and its related facilities except those of which the chief activity is a service customarily carried on as a business.
- 3.4~~952~~<sup>952</sup> **Recreational Housing:** Housing located in the Bridger Bowl Base Area which does not have restriction on length of stay, and includes attached and detached single family units. Is distinguished from other dwelling units by the special requirements set forth in Section 13.10.
- 3.5~~30~~<sup>30</sup> **Recreational Housing, attached:** Single family ownership units that have at least one other single-family owned unit within the same building structure, and are located in the Bridger Bowl Base Area. Includes townhouses, duplexes and condominiums.

- 3.541 Recreational Housing, detached: Single-family homes located in the Bridger Bowl Base Area and on individual lots or in a planned unit development.
- 3.552 Single Family Dwelling: A detached building designed for, or occupied exclusively by, one family and including the necessary domestic help thereof.
- 3.563 Special Events Facility: Facility used on an intermittent basis for activities such as weddings, receptions, picnics, barbecues, dances, private parties, reunions, and banquets.
- 3.574 Structure: Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 3.585 Telecommunications Law. Any statute or regulation enacted by any federal, state, or local governmental agency that in any way governs (a) telecommunications, (b) the construction, maintenance, Modification, or operation of a Personal Wireless Service Facility, (c) radio frequency emissions or their environmental impact, or (d) building, fire, plumbing, or mechanical standards applicable to a Personal Wireless Service Facility; and any applicable judicial or administrative interpretation of any of the foregoing.
- 3.596 Tepee: A conical tent.
- 3.5760 Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than 8 feet in body width nor 32 feet in body length.
- 3.5861 Transmission Line: Any electrical circuit carried on a steel pole; any electrical circuit carried on more than one wooden pole; any electrical circuit carried on a single wooden pole energized at more than 60,000 volts.
- 3.5962 Use: ~~The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is, or may be, occupied or maintained.~~ Any purpose for which a Building or other Structure or tract of land may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, operation or as a residence to be carried on or intended to be carried on in a Building or other Structure or on a tract of land.
- 3.630 Work Camp: A parcel of land on which housing is provided by a person for two or more families or individuals living separately, for the exclusive use of the employees of such person and the families, if any, of the employees. For purposes of this subsection, "housing" includes but is not limited to camping spaces; trailer parking spaces; mobile, modular, or permanent barracks or structures; and any appurtenant water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system, or food service and dining facilities. "Housing" does not include shelter provided by an employer for persons who are employed to perform agricultural duties on a ranch or farm.

## SECTION 18 ADMINISTRATION

18.1 Employees and Officers. In accordance with Section 76-2-102 of the Revised Codes of Montana, the Bridger Canyon Planning and Zoning Commission is hereby authorized to appoint and hire such employees and officers as shall be necessary to carry out the provisions of this regulation, including a Zoning Enforcement Agent. The Zoning Enforcement Agent may be an employee of the County of Gallatin and if so, shall perform duties hereunder without remuneration in excess of his regular salary.

18.2 Land Use Permits. No structure shall be built, moved or structurally altered until a land use permit has been issued by the Planning and Zoning Commission or their agent. The fee for land use permits shall be determined by the Planning and Zoning Commission. Structures less than 100 square feet in size do not require a land use permit, but must be in conformance with setback and other requirements.

18.2.1 Land use permits shall be issued only for uses in conformance to these regulations, upon approved conditional use permits or variances, and where authorized by the Planning and Zoning Commission.

18.2.2 Land use permits shall be in writing and shall be in such form as is specified by the Planning and Zoning Commission.

18.2.3 ~~For buildings which clearly comply with all of these regulations land use permits may be issued by the Zoning Enforcement Agent in the name of the Planning and Zoning Commission. When the Planning Director determines that a Land Use Permit application complies with all applicable requirements of this Zoning Regulation, including any applicable conditions and terms of a Conditional Use Permit or Variance approval, the Planning Director may approve the Land Use Permit application.~~

a. The Planning Director is authorized to attach conditions of approval to a Land Use Permit, such as the requirement to obtain a Certificate of Completion, where such conditions are determined to be necessary to: ensure compliance with the requirements of this Zoning Regulation (e.g. parking, landscaping, screening, etc.) or of other approval(s) applicable to the property (e.g. Conditional Use Permit, Variance, etc.), or where other extenuating circumstances exist.

b. The failure to comply with any condition of approval is a violation of this Zoning Regulation.

e.c. Any Land Use Permit issued shall conspicuously state on its face that it may be subject to appeal within 30 days of the Decision to issue it pursuant to this Zoning Regulation or Sec. 76-2-110, MCA and state that commencement of construction activity within the 30-day appeal period or prior to resolution of



any appeal shall be at the risk of removal of such improvements by the landowner.

- 18.2.4 In the event a prospective building does not comply with the provisions of this regulation, the prospective permittee shall apply to the Planning and Zoning Commission for a variance.
- 18.2.5 Land use permits shall expire one (1) year from the date of issuance. For an extension of the permit, a letter of request shall be submitted prior to the expiration date noting any alterations in the plans as approved on the original permit.
- 18.2.6 Where new sanitary facilities or the extension of the existing sanitary facilities are contemplated, a land use permit shall not be issued until the builder has first obtained a sewer permit from the County Health Department or approval of sanitary facilities from the State Department of Health, whichever is appropriate.
- 18.3 Conditional Use Permits and Variances. Provisions of this subsection shall regulate the issuance of conditional use permits and variances.
- 18.3.1 Variances. Variances from the terms of this Zoning Regulation shall be granted only if it is found that such variances will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the decision of the Planning and Zoning Commission will result in unnecessary hardship. ~~because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Zoning Regulation deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.~~
- a. To make this determination, the County Commission shall find:
- i. Exceptional or extraordinary circumstances apply to the subject property that do not apply generally to other properties in the same District or vicinity due to lot size or shape, topography, or other circumstances over which the owners of the property have had no control since enactment of this Zoning Regulation;
  - ii. The Variance is necessary for the preservation of the applicant's property right that is substantially the same as that possessed by owners of other property located within in the same District or vicinity in which the subject property is located;
  - iii. The approval of the Variance would not be materially detrimental to property located within the same District or vicinity in which the subject property is located; and

iv. The Variance requested is the minimum Variance needed to alleviate the hardship.

**18.3.2 Conditional Use Permits.** Conditional Use Permits shall be issued only by the Bridger Canyon Planning and Zoning Commission and may be issued for any of the uses as set forth in this Regulation. 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.

**18.3.3 Permits, Terms of Issuance.** 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 rights-of-way;
- b. Requiring improvements of rights-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.

**18.3.4 Security.** The Planning and Zoning Commission may in most cases, require guarantees in the form of bonds, cash deposits, certificates of deposit, or certified checks in order to secure compliance with conditions imposed.



**18.3.5 Procedure for Issuance. Application:**

- a. All applications for conditional use permits or variance shall be filed with the Gallatin County Planning Office, accompanied with the appropriate filing fee.
- b. If an application for conditional use permit or variance is rejected on its merits by the Planning and Zoning Commission, no further application for a permit for the same use on the same property may be filed for a period of one (1) year from the effective date of such denial except as provided in subsection (c) below.
- c. A further application may be filed by such applicant for such use on such property within such one (1) year period with the permission of the ~~Bridger Canyon~~ Planning and Zoning Commission. Such permission shall be granted only if the applicant can show and the Planning and Zoning Commission finds (i) a substantial change of conditions on the property from those existing at the time of such previous denial, or (ii) a modification of the original application that addresses the Planning and Zoning Commission's reasons for denial of the original application.

**18.3.6 Notice of Hearing.** Whenever an application for a conditional use permit or variance is filed, a public hearing thereon shall be held within sixty (60) calendar days after the filing of the application. At least fifteen (15) days before such hearing, the Planning and Zoning Commission shall give:

- a. Mail notice to all persons owning property within 300 feet of the exterior boundaries of the area occupied or to be occupied by the use for which the permit is sought, or
- b. Give notice by publishing notice of hearing two (2) times in the newspaper of general circulation in this county.

**18.3.7 Decision:** After completion of the public hearing, the Planning and Zoning Commission shall make its decision in writing, which decision shall include findings of fact as to whether the criteria established for the issuance of a permit are satisfied.

**18.3.8 Appeals to District Court:** Any person aggrieved by any Decision of the Planning and Zoning Commission or Gallatin County Commission, within 30 days after such Decision, may appeal to the Eighteenth District Judicial Court. The time to appeal a Decision for a Conditional Use Permit conditioned on the grant of a variance shall not run until a Decision on that Variance.

**18.3.9 Revocation and Modification.** Conditional use permits and variances are revokable:

a. By operation of law:

- (1) Lapse of time. Unless otherwise specifically provided by the Planning and Zoning Commission at the time of issuance of the conditional use permit or variance all conditional use permits and variances granted for an indefinite term which have not been utilized by engaging in the activity or use authorized thereby within one (1) year after the date of issuance shall automatically expire by operation of law. The date of issuance shall be the date that the conditional use permit or variance become effective.
- (2) Expiration. All conditional use permits issued for a definite term shall automatically expire at the end of the term.
- (3) Re-zoning. Notwithstanding subparagraphs (1) and (2) above, all conditional use permits and variances which have not been utilized by engaging in the authorized use on the site by the date any zoning Regulation becomes effective which re-zoned the property to provide for use regulations inconsistent with that authorized by the permit or variance shall automatically expire on that date by operation of law.
- (4) For purposes of subparagraph (a) above, a conditional use permittee or a variance permittee shall not be considered as engaging in the authorized use on the site until the following conditions are satisfied:
  - (a) Buildings proposed for construction in connection with the proposed use are in the process of actual construction on the site, or
  - (b) If remodeling proposed for existing buildings in connection with the proposed use has actually been commenced on the site, or
  - (c) If no construction or remodeling is contemplated and the permittee is regularly engaged on the site in performing the services or in selling the goods, materials, or stocks in trade of the use, and has secured all necessary federal, state and local permits and licenses.
  - (d) Planned unit developments: A survey of the property has been filed.

- b. Upon notice and hearing. Permits and variances may be revoked or modified by the Zoning Commission:
- (1) If there has been:
    - (a) A substantial change of conditions from those at the time the permit or variance was granted.
    - (b) Revocation or modification is necessary to protect the health, safety, and welfare of the area in which the subject property is situated or the residents of the county, to preserve the integrity of existing use patterns in the area in which the subject property is situated, or
  - (2) If the person holding the permit or variance has not complied with the conditions upon which it was issued. Modification or revocation may only be had after following the public hearing requirements of this Regulation. Appeals from modification or revocation shall be governed by the public hearing requirements of this Regulation.

**18.3.910** Land Use Permits. No land use permit shall be issued other than in accordance with the conditions and terms of the conditional use permit or variance. ~~No land use permit shall be issued until time for appeal on a conditional use permit or variance has elapsed and all appeals finally decided.~~ Construction shall begin within one (1) year of the date the permit is issued or the permit is automatically void.

**18.3.1011** Extension of Permits.

- a. Not later than thirty (30) days prior to the expiration of a conditional use permit, the holder thereof may file written application with the Planning and Zoning Commission requesting an extension of time and setting forth the reasons for such request. Each application shall be accompanied by the appropriate fee.
- b. Within five (5) days from receipt of such application for extension, the Planning and Zoning Commission shall send a notice of such application by mail to persons, or their successors in interest of record in the County Assessor's Office, who received mailed notice of the original application from the Planning Department. Attached to such application shall be a notice that any person objecting to such extension shall, within fifteen (15) calendar days from the date of posting, notify the granting authority of such objection.

- c. If any objection is received from those notified, extension request will be held according to the public hearing requirements of this Regulation.
- d. If no objection is received, the Planning and Zoning Commission may extend the permit or variance for a period of time equivalent to the original period for which granted, or for one (1) year, whichever is shorter.
- e. An extension may only be granted upon finding of fact by the Planning and Zoning Commission that there has been no change of condition or circumstances would have been grounds for denying the original application.

18.4 Enforcement.

- a. Permits, When Void. All departments, officials, and employees of Gallatin County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Regulation and shall issue no such permits or licenses for uses, building, or purposes where the same would be in conflict with the provisions of the Regulation and any such permits or licenses, if issued in conflict with the provisions of the Regulation, shall be and the same is hereby declared to be null and void.
- b. Enforcement. It shall be the duty of the Planning and Zoning Commission, its officers, agents and employees to enforce the provisions of this Regulation pertaining to the erection, construction, re-construction, moving, conversion, alteration, or addition to any building or structure. It shall be the duty of all officers of said County herein or otherwise charged by law with the enforcement of County Ordinances to enforce this Regulation and all the provisions of the same.
- c. Compliance. Any person may file a written complaint with the Gallatin County Planning Department whenever a violation of this regulation occurs or is alleged to have occurred. The complaint shall state fully the facts supporting the complaint.

Upon receipt of a complaint, or upon its own initiative, Gallatin County Planning Department and/or Compliance Department staff shall immediately investigate and take action as provided by the regulation. The investigator shall notify the person of the alleged violation and request access for an inspection. If access is denied, the investigator may seek an administrative warrant. With reasonable cause, the Planning and/or Compliance departments may revoke any land use permit, issue cease and desist orders requiring cessation of any building, moving, alteration or use which is in violation of the regulation and require corrective action, including dismantling or removal of non-complying structures, to remedy the violation.

- d. **Injunction.** After the exhaustion of administrative remedies and pursuant to MCA § 76-2-113, the County Attorney, in conjunction with the Code Compliance Specialist, may bring an action in the name of the County of Gallatin in the District Court to enjoin any violations of this ordinance.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person/entity who commits, participates in, assists or maintains such violation may each be held accountable for a separate violation.

The prevailing party may be awarded all costs, including attorney's fees.

- e. **Fines.** The Planning and Zoning Commission may assess violator's fines of up to \$500 per day of violation for noncompliance until the violation is remedied. When determining the amount and duration of a fine, the Planning and Zoning Commission shall consider the nature, circumstances, extent and gravity of the violation, any prior history of such violations, the degree of culpability, and such other matters as justice may require. In addition, the violator may be required to pay administrative costs. If the fine is not paid, it shall become a lien upon the property. An alleged violator may appeal the assessment of a fine to the County Commission as set forth below.
- f. **Appeal Process (Violations).** An alleged violator may appeal a Gallatin County Planning or Compliance Department's decision regarding a violation in writing via certified mail to the Planning and Zoning Commission within ten (10) business days.

The Planning and Zoning Commission shall hold a hearing within 45 business days from the date that the appeal was received. The Planning and Zoning Commission shall, in writing, affirm, modify or withdraw the Department's decision within 20 business days after the hearing. Once an appeal for a hearing has been made, the Department's decision shall be stayed until the Planning and Zoning Commission has held the hearing and affirmed, modified or withdrawn the determination of the Department. Any final decision made by the Planning and Zoning Commission will be binding upon the Department.

Any person may appeal a final decision of the Planning and Zoning Commission within 30 days to the Eighteenth Judicial District Court.

- g. **Appeal Process (Fines).** An alleged violator may appeal a Planning and Zoning Commission's assessment of a fine for noncompliance to the County Commission with 10 business days in writing via certified mail. The County Commission shall hear the appeal at a regularly scheduled meeting within 45 business days from the date the appeal was received, and shall, in writing, affirm, modify or withdraw the Planning and Zoning Commission's decision within 20 business days after the hearing. Once an appeal for a hearing has been made, the Planning and Zoning Commission's decision shall be stayed until the County Commission has held the

hearing and affirmed, modified or withdrawn the determination of the Planning and Zoning Commission.

Any person may appeal a final decision of the Board of County Commissioners within 30 days to the Eighteenth Judicial District Court.

*(Amended: County Commission Resolution No. 2004-67)*

*(Amended: County Commission Resolution No. 2004-144)*

**18.5 Appeals.**

- a. Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this Regulation may be taken in writing to the Planning and Zoning Commission.
- b. Appeals from any decision of the Zoning Enforcement Agent may be taken within five (5) working days, in writing, to the Planning and Zoning Commission.
- c. A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this Regulation to be decided after holding a public hearing. Notice of such hearing shall be as set forth in Section 18.3.6 herein.
- d. Any person aggrieved by any ~~Decision~~ of the Planning and Zoning Commission or Gallatin County Commission, ~~may~~ within thirty (30) days after such ~~Decision or order~~, may appeal to the Eighteenth District Judicial Court.

**18.6 Amendments.**

- a. This Regulation may be amended whenever the public necessity and convenience and the general welfare require such amendment and according to the procedure prescribed by law, and this Regulation.

**18.6.1 An amendment may be initiated by:**

- a. The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Gallatin County Planning Office, and shall be accompanied by the appropriate fee payable to the County of Gallatin, no part which shall be returnable to the petitioner; or by
- b. Resolution of intention of the Board of County Commissioners or
- c. Resolution of intention by the Planning and Zoning Commission.

- 18.6.2 Such amendment shall not become effective until after a public hearing has been held before the Zoning Commission, legal notice of which shall have

been given in a newspaper of general circulation in the county not less than fifteen (15) days prior to date of hearing.



# Gallatin County

## MEMO

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**To:** Planning and Zoning Commission

**From:** Sean O'Callaghan, AICP, Director  
Dept. of Planning & Community Development

**Re:** Identification of Lots within the Bridger Canyon Zoning District Subject to Section 14.2

**Date:** February 5, 2019

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In an effort to quantify the impact of the proposed deletion of Section 14.2 of the Bridger Canyon Zoning Regulation (Zoning Regulation), Planning Staff conducted a GIS analysis to identify parcels that may be subject to Section 14.2. This memo outlines the methodology used by Staff, the known limitations of that analysis, and Staff's results.

1. **Methodology.** In completing the GIS analysis, staff used the following methodology:
  - a. Staff utilized the County's GIS parcel data and zoning layers to identify all parcels within the Bridger Canyon Zoning District.
  - b. Staff used the "DATE\_SURV" field in the County parcel data to identify all parcels within the Bridger Canyon Zoning District that were created on or before July 12, 1971. All records for which the "DATE\_SURV" field was blank were also included in the analysis.
  - c. Staff used GIS to calculate parcel size in acres, and then pursuant to sections 6.5 and 7.5, identified all parcels 36 acres or less.
  - d. Staff used the Clerk and Recorder interactive mapper to review the remaining parcels and identify parcels that had the same ownership as an adjoining parcel.
  - e. Staff produced a map showing the results of staff's analysis - see Exhibit A.
2. **Known Limitations.** Staff is aware of the following limitations in the analysis that was completed.
  - a. Calculation of parcel area using GIS is not as accurate as a survey of parcels.
  - b. Due to time and resource constraints, as well as ambiguity in the language of Section 14.2, Staff did not go back through the Clerk and Recorder records and identify ownership of parcels as of the effective date of the Zoning Regulation, July 12, 1971.
  - c. For the same reasons identified in *a* above, Staff did not research the alignment of roads as they existed as of the effective date of the Zoning Regulation.
  - d. The "continuous frontage" standard of Section 14.2 was minimally considered by staff due to the broadness of the language. For example, staff did not exclude undeveloped parcels that may be accessed by the same driveway as the adjoining parcel under the same ownership. This produces a conservative result.

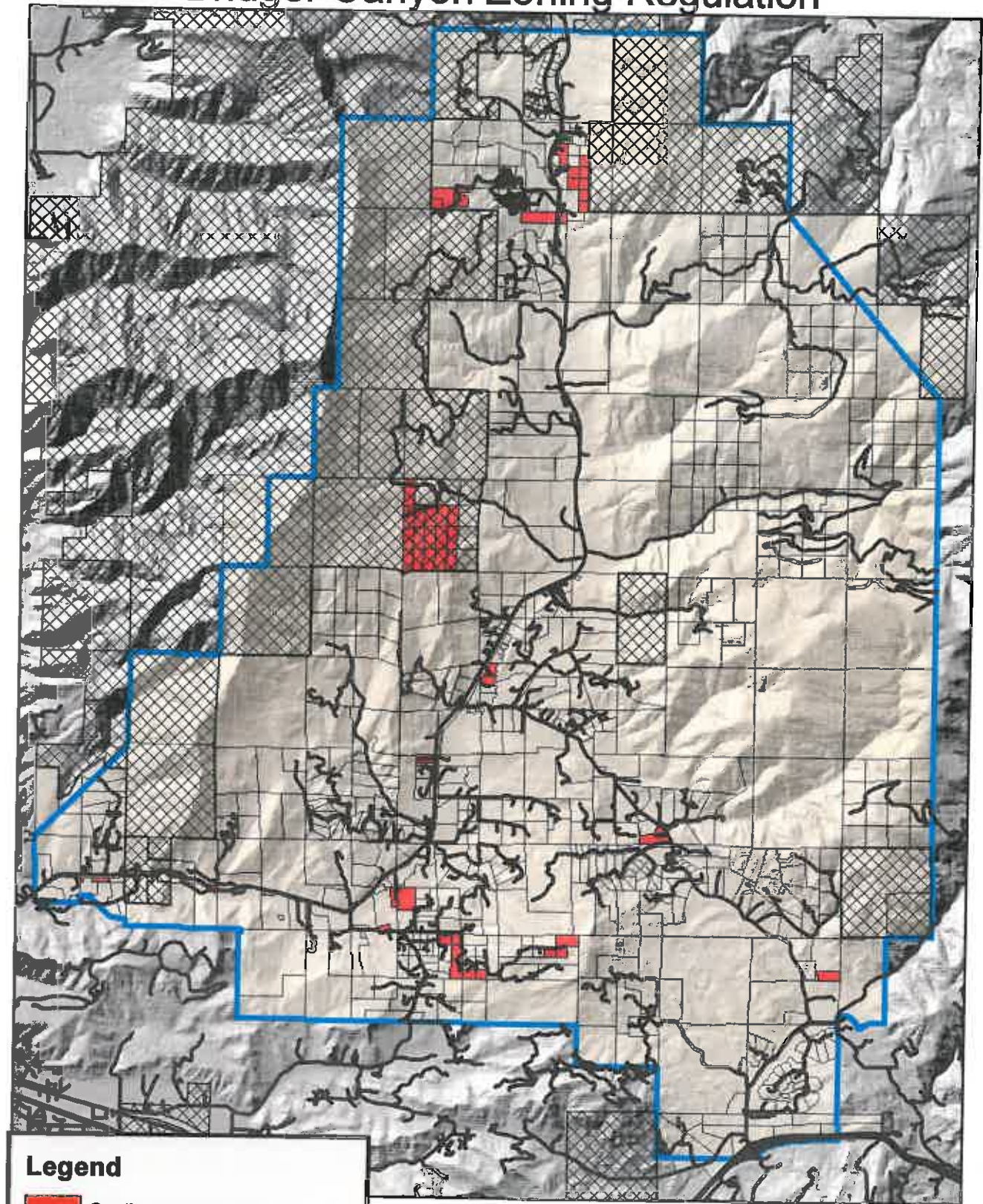









- e. Staff's analysis focused on lot area and did not attempt to identify parcels that are not in conformance with lot width requirements, which is also a component of Section 14.2 of the Zoning Regulation.
  - f. To review ownership of the parcels, Staff relied on the Clerk & Recorder mapper, which provides access to images of the plat books and webtax. This information is not as up-to-date as researching ownership in the current plat books, but was much more efficient with respect to Staff time.
3. **Staff's Results.**
- a. Staff identified 67 parcels that were in existence on or before July 12, 1971, that were 36 acres or less, and that had the same ownership as an adjoining parcel.
  - b. Of those 67 parcels, 16 are owned by the U.S. Forest Service.
  - c. 20 of those 67 parcels appear to have already been developed.
  - d. 7 of those 67 parcels appear to be slivers of land intended to provide access to adjoining parcels, and are of a configuration that could likely not be developed.
  - e. Additional scrutiny of the "continuous frontage" standard would likely exclude some of the 67 parcels. It is unknown how analyzing the lot width standard would impact the results.
  - f. The impact of striking Section 14.2 of the Zoning Regulation appears to be a potential for 24 additional lots being developed across the Bridger Canyon Zoning District, which is approximately 51,573 acres in size.

# Parcels Subject to Section 14.2 Bridger Canyon Zoning Regulation

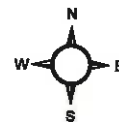
Exhibit A



## Legend

-  Section 14.2 Parcels
-  Bridger Canyon Parcels
-  Public Lands
-  Roads
-  Bridger Canyon Zoning District

0 0.5 1 2 Miles



Map Created by Gallatin County Department of Planning & Community Development on February 5, 2019.

## GENERAL PLAN OBJECTIVES

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.

This plan has the majority support of the residents and property owners of Bridger Canyon. This plan is intended to be used as a guide both to government agencies and private enterprise. As the pressures of growth continue, the canyon residents will find it necessary to guide this growth in an orderly and logical manner through the planning and zoning process.

The Bridger Canyon property owners are interested in a general plan indicating future land uses, population density, major roads, public facilities, and suggested conservation measures required to maintain a balance between natural resources and population growth. The following includes the property owners' list of goals and development standards to the General Plan:

## PROPERTY OWNERS' GOALS

1. To maintain continuous coordination and cooperation between citizens and public and semi-public agencies operation in and around the Canyon.
2. To secure increased citizen participation in the planning process and, if necessary, to work for legislation which will offer protection from the adverse effects of urbanization.
3. To preserve and protect those environmental qualities that are resources of the zoned area.
4. To maintain high water quality standards through constant monitoring.
5. To encourage agricultural land preservation and the needs of the rancher.
6. To disseminate information on good logging practice and silviculture so that timber resources can be conserved.





7. To set limits on areas of high intensity recreational use based on access, sensitivity of surrounding uses, influence on water quality, traffic generation, fire hazard, and environmental effects.
8. To insist on attention to vegetation, sanitation, wildlife habitat, erosion, and public safety concerns for new development.
9. Elements of community design (roads, utilities, etc.) should be planned to include environmental factors in addition to usual safety and engineering considerations.
10. New residential development will be encouraged in low density tracts or clusters.
11. Residences, commercial facilities, public buildings, street signs, etc., shall be designed to fit the rural character of the area.

**GOALS AND OBJECTIVES  
FOR BRIDGER BOWL BASE AREA**

**GOAL:** Encourage quality year-round recreational activities within the Base Area.

**OBJECTIVES:**

- 1). Develop an economic base for overnight accommodations.
- 2). Encourage diversified recreation as a partner to the existing economic base of agriculture and cottage industry in Bridger Canyon.
- 3). Maintain a balance between recreational and residential traffic.
- 4). Support the establishment of recreational uses consistent with the natural setting.
- 5). Set limits on areas of high intensity recreational use based on access, sensitivity of surrounding uses, water quality, fire hazard, and environmental effects.

**GOAL:** Help control traffic within the limits of two lane Bridger Canyon Road.

**OBJECTIVES:**

- 1). Encourage the development of up to 1,500 parking spaces for Alpine day skiers.
- 2). Encourage the development of up to 800 units for accommodations in the Base Area, except for bonus for hotel and motel units.
- 3). Encourage ride-sharing programs.
- 4). Allow the expansion of recreational facilities to their ultimate capacity without exceeding vehicular capacity of two-lane road.
- 5). Develop the Base Area for overnight accommodations.
- 6). Encourage the provision of employee housing.
- 7). Encourage the development of services needed for recreationists, while limiting the B-2 Commercial area to five acres.
- 8). Allow the construction of bus parking as needed.
- 9). Encourage the development of up to 200 parking spaces for Nordic skiers.

**GOAL:** Conserve the natural resources within the Base Area and Bridger Canyon in general.



## OBJECTIVE:

- 1). Provide for the preservation of stream areas and wetlands, and protect the water quality of Bridger Creek.
- 2). Encourage the eventual provision of central water and sewer systems.
- 3). Minimize soil erosion by requiring erosion control plans for all construction.
- 4). Maintain as much of the natural environment as possible by encouraging cluster development.
- 5). Require that all signs be designed in accordance with the guidelines in the Bridger Canyon General Plan.
- 6). Direct development to those areas most suitable for development in accordance with the Base Area Plan.
- 7). Develop a transit system to take those staying in overnight accommodations to the ski areas.
- 8). Encourage non-motorized recreation.

## DESCRIPTION OF BASE AREA

The Bridger Bowl/Base Area as it was expanded in 1990 and 1991 is shown on the map attached hereto as Appendix A. The official map of the Bridger Canyon Zoning District, including the Base Area, is on file in the Gallatin County Clerk and Recorder's Office. The maps (Map 1 through Map 8) which are included in the text of this Base Area Plan show the original Base Area and are included for purposes of discussion of the original Base Area. They do not show the extended Base Area and are not intended to represent the Base Area as it presently exists. Current development consists of the Bridger Bowl Ski Area facilities, a ski shop, the Crosscut Ranch, a summer cabin on the Hepburn property, and the Bridger Pines Condominium and Homesite Development.

Appendix A illustrates the various property ownerships in the Base Area and the development rights that could be allocated upon approval of a planned unit development. The following chart shows the development rights in the Base Area that could be allocated upon approval of a planned unit development. The chart reflects density units that have been transferred as of June 1, 1984. (Amended: County Commission Resolution No. 1995-25). (Amended: County Commission Resolution No. 1999-01 on January 26, 1999).



## Gallatin County

### NOTICE OF JOINT PUBLIC HEARING BEFORE THE BRIDGER CANYON PLANNING AND ZONING COMMISSION AND THE GALLATIN COUNTY COMMISSION

NOTICE IS HEREBY GIVEN of a joint public hearing to be held before the Bridger Canyon Planning and Zoning Commission and the Gallatin County Commission on February 14, 2019 at 9:00 a.m., in the Community Room of the Gallatin County Courthouse, 311 W. Main St., Bozeman, MT. The purpose of the hearing is to consider text amendments to Section 14 (Non-Conforming Rights) of the Bridger Canyon Zoning Regulation to change the requirements for non-conforming lots. Staff is suggesting striking Section 14.2 of the Zoning Regulation so that non-conforming lots within the Bridger Canyon Zoning District are treated substantially similar to how they are treated in other zoning districts in Gallatin County. These amendments were previously recommended for approval by the Bridger Canyon Planning and Zoning Commission as part of the passage of resolution P&Z 2018-010 on December 13, 2018, but on January 8, 2019 these amendments were remanded back to the Planning and Zoning Commission by the County Commission.

The proposed amendments are available for public review at the Gallatin County Planning Department or online at [www.gallatin.mt.gov/planning](http://www.gallatin.mt.gov/planning) under "What's New and Happening Now." Testimony on the proposed amendments will be taken at the hearing. All questions should be directed to Sean O'Callaghan at the Gallatin County Planning Department at (406) 582-3130 and written testimony should be mailed to the Gallatin County Planning Department, 311 W. Main, Room 108, Bozeman, MT 59715 or sent via email to [sean.ocallaghan@gallatin.mt.gov](mailto:sean.ocallaghan@gallatin.mt.gov). If you require special accommodations, please contact our ADA Coordinator at (406) 582-3045.

Handwritten signature of Don Seifert in black ink.

Don Seifert, Chairman  
Planning and Zoning Commission

Handwritten signature of Joe P. Skinner in black ink.

Joe P. Skinner, Chairman  
Gallatin County Commission

