

Permit # 20000013



GALLATIN COUNTY

Zoning Regulation Text and Map Amendment Application Form

1. Applicant

Name: PAUL BOCKUS
Address: 15796 Bridger Canyon rd. Bozeman, MT 59715
Phone: 406-581-0507 Email: PBOCKUS@GMAIL.COM

2. Property Owner

Name: BRIDGER PINES HOMEOWNERS ASSO
Address: P.O. BOX 4028 BOZEMAN, MT 51772
Phone: 406-581-0507 Email: pbockus@yahoo.com
Zoning District: BRIDGER CANYON - BASE AREA

A. Required Information for Zoning Regulation Text Amendments:

- Check with the Planning Department before submitting to find out the number of copies needed for your Zoning District.
Items to be included in the copies are denoted with a \*.
After the initial submittal, additional copies may still be requested.
Prepare a statement and supporting documentation addressing all applicable Zoning Amendment Evaluation Criteria, as discussed in attached handout. \*
Proposed modified text in strike-out and underline format, including section and page numbers. \*

B. Required Information for Zone Map Amendments:

- Check with the Planning Department before submitting to find out the number of copies needed for your Zoning District.
After the initial submittal, additional copies may still be requested.
All items are to be included in the copies.

- General description of property: 52 PROPERTIES WITH IN BRIDGER PINES SUBDIVISION
Legal description of property: BRIDGER PINES SUB, S19, T01N, R07E
DOR # 06 1013 19 4 02 04 6500
(2) (4) (2) (1) (2) (2) (4)
Current zoning designation: B4

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5. Current use: RESIDENTIAL LOTS
6. Proposed zoning designation: NO CHANGE B-4
7. Covenants or deed restrictions on property?  Yes  No  
If yes, attach a copy.
8. Required attachments:
- ✓a. Statement and supporting documentation addressing all applicable Zoning Amendment Evaluation Criteria, as discussed in attached handout.
  - ✓b. 300 foot radius map.
  - c. Certified list of names, addresses, and legal descriptions of adjacent property owners. (one copy)
  - d. Mailing labels for adjacent property owners. (three self-adhesive sets)
  - e. Application fee(s). (checks payable to Gallatin County Treasurer)

◆ I hereby certify that the information on and attached to this application is true and correct.

◆ I understand that fees for this application are not refundable.

◆ I understand that I am responsible for posting notice and for certifying that such posting has been completed before any scheduled public hearing(s) on this proposed zoning amendment are held.

[Signature] 12/6/2019  
Applicant's Signature Date

\_\_\_\_\_  
Property Owner's Signature Date

*If property has multiple owners, please inquire with Planning Department for required signature(s).*

**FOR OFFICE USE ONLY**

Date filed: \_\_\_\_\_

Application Fee: \_\_\_\_\_ x fee = \_\_\_\_\_  
1<sup>st</sup> parcel # of add'l parcels total fee

Certified mailing fee: \_\_\_\_\_ x \$12 = \_\_\_\_\_  
# of adjoining property owners total fee

Hearing date(s): \_\_\_\_\_ Action: \_\_\_\_\_

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Proposal \_\_\_\_\_



**GALLATIN COUNTY**  
**Certification of Property Owners List**

I, Paul N. Bockus, applicant for the attached proposal,  
hereby certify that:

- To the best of my knowledge, the attached list shows all property owners and purchasers under contract for property:
  - According to the notice requirements of the applicable zoning regulation.
- The names on the list are from the Gallatin County Clerk and Recorder's most recent records.
- The addresses on the list are from Montana Departments of Revenue's most recent tax records, available on the internet at <http://svc.mt.gov/msl/mtcadastral>.
- I understand that an inaccurate list may delay review of the project.

Paul N. Bockus  
Signature

12/6/2019  
Date

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Proposal \_\_\_\_\_

**Property Owners**

According to the notice requirements of the applicable zoning regulation.

	Legal Description of Property	Property Owner's Name	Mailing Address of Property Owner from Montana Dept. of Revenue
1	SECTION 19 TOWNSHIP 1N 7E	CROSS CUT MOUNTAIN SPORTS CENTER	16621 BRIDGER CANYON ROAD BOZEMAN, MT 59715
2	§ 19, TOWNSHIP 1N 7E,	BRIDGER BOWL, INC	15795 BRIDGER CANYON RD, BOZEMAN MT 59715-8282
3			
4			
5			
6			
7			
8			
9			
10			

\* If road is a state highway, also include Montana Department of Transportation in property owner list. Page \_\_\_\_ of \_\_\_\_  
(If additional pages of this form are needed, download the file entitled "Property Owners List".)

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Gallatin County Planning Department  
Randy Johnson  
311 West Main Street Room 108  
Bozeman, MT 59715

Re: Request for a Bridger Canyon Zoned Text Amendment (ZTA)

6 December 2019

Mr. Johnson,

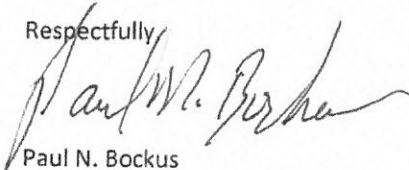
Bridger Pines Subdivision is requesting a Zoned Text Amendment (ZTA) to Section 11.5, Setbacks, within the Bridger Canyon Zoning Regulations, Zone B4.

The amendment request is to provide property owners flexibility in responding to topographical site constraints that would allow for less site invasive solutions than a 25' setback offer. Historically multiple setback variances have been requested, all have been approved. A 10' setback allows for a minimal increase in building footprint from the current 25' setback. Per MDEQ Subdivision Rewrite Restrictions, MDEQ restricts Bridger Pines lots to 3,300 sf impervious surface. Impervious surfaces include buildings and paving (driveways, walks, patios, etc) (see illustration 2). The subdivision anticipates the remaining 10 undeveloped lots will request a variance to the current 25' setback. The subdivision has an established design review committee that reviews each lot development application. The review includes conformance with subdivision building covenants and site plan requirements.

Bridger Pines HOA has met with county planning department twice over the past 12 months.

A 'straw' poll was taken at Bridger Pines annual HOA meeting (10-19) regarding the proposed text amendment. HOA members were notified the proposed text amendment was on the annual meeting agenda. The vote was 28 for – 1 against – 2 abstained. Bridger Pines HOA met with BCPOA board at their December 2019 board meeting and presented the proposed text amendment. The BCPOA board was informed Bridger Pines HOA will be submitting the text amendment application would be submitted to the county planning department in December 2019 and solicited comments and suggestions.

Respectfully



Paul N. Bockus  
Bridger Pines HOA President

1. Statutory Criteria and Guidelines for "Part 1" Zoning Regulations

Bridger Canyon Zoning Regulation pg. 32

Current Regulation:

Section 11.5 Setbacks. Minimum buildings and structures set back shall be twenty-five (25) feet from any property line or fifty (50) feet from the centerline of any public road whichever is greater. Minimum setbacks from streams shall be fifty (50) feet.

Proposed Amended Regulation:

Section 11.5 Setbacks. Minimum setbacks for all buildings and structures on parcels one-acre or greater shall be twenty-five (25) feet from any property line or fifty (50) feet from the center line of any public road, whichever is greater. On parcels less than one-acre, minimum setbacks for all building and structures shall be ten (10) feet from any property line or twenty-five (25) feet from the center line of any public road, whichever is greater. Minimum setback from streams shall be fifty (50) feet.

Illustration 1 - Subdivision Location



Brief subdivision history:

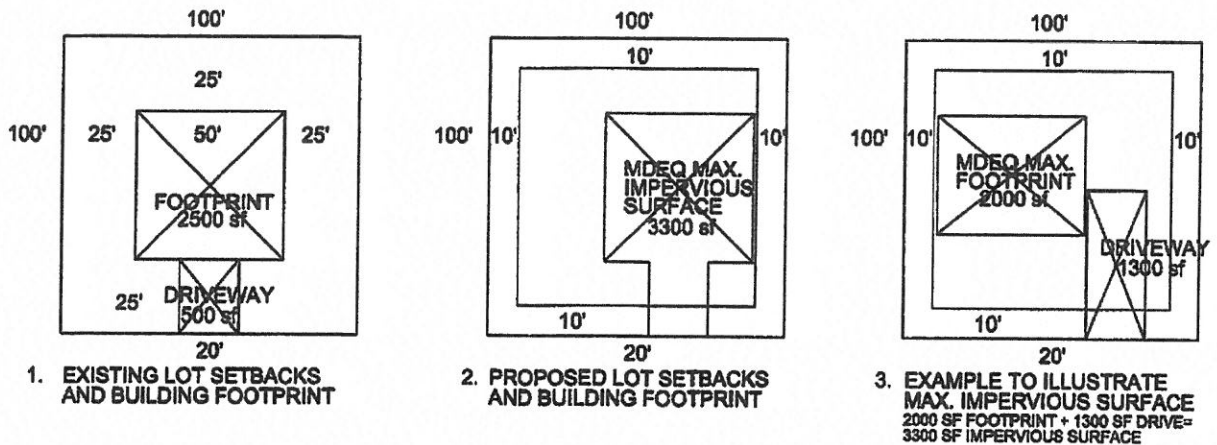
Bridger Pines was platted in 1974 that included 58 properties comprised of 30- 100'x100' lots and 28 condominium lots. These properties were platted with little regard to site topography. Sanitary restrictions were placed on the subdivision in 1978, restricting development to 21 lots and 10 condominiums. In November 2019, the subdivision completed a MDEQ rewrite requiring MDEQ approved sanitary system and public water system. Included in the rewrite is a restriction on impervious surfaces of 3,300 sf per lot. This restriction assists the subdivision with storm water management on each lot.

Request Basis:

The amendment request is to provide property owners flexibility in responding to topographical site constraints that would allow for less site invasive solutions that 25' setback offer. Historically multiple setback variances have been requested, all have been approved. A 10' setback allows for a minimal an increase in building footprint from the current 25' setback. The MDEQ 3,300 sf impervious surface restriction limits the footprint size to 3,300 sf. Impervious surfaces include buildings and paving (driveways, walks, patios, etc) (see illustration 2). The subdivision anticipates the remaining 10 undeveloped lots

will request a variance to the current 25' setback. The subdivision has an established design review committee that reviews each lot development application. The review includes conformance with subdivision building covenants and site plan requirements.

Illustration 2 - Lot Setbacks



Evaluation Criteria for Amendments to Zoning Regulations

1. Part 1

1. The subdivision anticipates the zoning text amendment as proposed will allow homeowners greater flexibility in responding to site constraints resulting in less invasive intrusions on the site.
2. The proposed zoning text amendment or existing regulation does not limit impervious surfaces. Current DEQ restricts impervious surfaces to 3,300sf. The proposed zoning text amendment does not alter or change the properties use, building pattern, height, etc. defined in zone B4, Bridger Canyon Zoning Regulations.

2. Part 2 NA

3. Zoning Regulation Criteria

Bridger Canyon Zoning Regulation pg. 32

Proposed Amended Regulation:

Section 11.5 Setbacks. Minimum setbacks for all buildings and structures on parcels one-acre or greater shall be twenty-five (25) feet from any property line or fifty (50) feet from the center line of any public road, whichever is greater. On parcels less than one-acre, minimum setbacks for all building and structures shall be ten (10) feet from any property line or twenty-five (25) feet from the center line of any public road, whichever is greater. Minimum setback from streams shall be fifty (50) feet.

4. "Spot Zoning" Criteria

- a. The proposed zoning text amendment does not change the zoning of the property.
- b. The proposed zoning text amendment benefits all lot owners within the subdivision and is not exclusive to remaining undeveloped lots within the subdivision.
- c. The proposed text amendment is a response to specific site conditions within a defined and existing subdivision. The proposed zoning text amendment purpose is to allow lot development flexibility in responding to specific lot restrictions that allow for less invasive development. By encouraging less invasive site development, this zoning text amendment will help to mitigate future subdivision site development and may have less impact on neighbors and public than the current 25' setback.



## Gallatin County

### Zoning Amendments Information and Application

Gallatin County Zoning District Regulations may be amended in two ways:

1. **Zone Text Amendments (ZTA)** change the text of a zoning regulation.
2. **Zone Map Amendments (ZMA)** change the zoning classification of an existing parcel(s).

If you wish to apply for a Zoning Amendment the following applies:

1. Meet with a planner for a pre-submittal meeting (**STRONGLY SUGGESTED**).
2. Provide a cover letter describing the basis for the proposed amendment.
3. Prepare the application packet, completing the "text amendment" and/or "map amendment" sections as appropriate.
  - ▶ **Evaluation Criteria.** Prepare a written explanation, along with any supporting documentation, demonstrating that the proposed change meets each of the applicable Evaluation Criteria discussed in the "Evaluation Criteria" attached.
  - ▶ **For Proposed Zone Text Amendment (ZTA).** Prepare a written explanation of the proposed changes, including section references. The amended text should be presented with deletions of any existing text shown as striethrough, and new or additional text shown as underline.
  - ▶ **For Proposed Zone Map Amendment (ZMA).** Prepare a map, drawn to scale, adequate and legible, showing the property(s) proposed for re-zoning and all other surrounding property within a 300-foot radius.
  - ▶ **Certified List of Adjacent Property Owners (ZMA Only).** Prepare a certified list of the names, mailing addresses, and legal descriptions of each of the property owners adjacent to the affected property(s). "Adjacent" property owners include owners of parcels across public roads, streets, alleys, watercourses and other public ways, and the Montana Department of Transportation if the site is adjacent to a state highway.
    - Mailing Labels. Prepare three sets of mailing labels for each adjoining property owner.
    - Please provide labels smaller than 1" x 2-5/8" (similar to Avery 5160 or 30 per sheet) so that they are the proper size for the certified mail.

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4. Submit the attached application form, supplements, and required fee(s) to the Planning Department; make checks payable to the Gallatin County Treasurer.
  - ▶ Provide original, not including this application cover page, and required number of copies.
  - ▶ Check with the Planning Department before submitting to find out the number of copies needed for your Zoning District.
  - ▶ Submit complete and assembled copy packets.
  - ▶ After the initial submittal, additional copies may still be requested.

#### **PROCESS**

- ▶ The County Planning Department determines whether the application packet is complete.
- ▶ The County Planning Department distributes copies of the application packet to appropriate departments and agencies for review and comment.
- ▶ The County Planning Department schedules public hearings.
- ▶ The County Planning Department publishes notice in appropriate newspaper(s) and sends notice (by certified mail) to adjacent property owners (ZMA only). The applicant posts notice in at least three affected locations, and submits a certified statement verifying that such posting has been completed (ZMA & ZTA).
  - **Certified Statement of Posting.** After the County Planning Department has scheduled public hearing(s) and finalized the public hearing notice, you must pick up the hearing notice and post copies of the notice in at least three conspicuous affected locations within the Zoning District, and submit a certified statement to the Planning Department confirming that such notices have been appropriately posted. Within one week after the hearing(s), you must remove the posted notices.
- ▶ The County Planning Department analyzes the application materials and any comments received from other departments and agencies. The County Planning Department conducts a site visit of the property(s). The County Planning Department prepares a staff report that evaluates the proposal, which is submitted to the appropriate advisory board\*.
  - *\*The advisory board differs based on the zoning regulation that is being amended:*
    - For "101" zoning districts, the advisory board is the Planning and Zoning Commission.
    - For "201" zoning districts, the advisory board is the Planning Board.
- ▶ In a public hearing, the advisory board considers the staff report and public comments. The advisory board develops a recommendation which is forwarded to the County Commission.
- ▶ In a regular public meeting, the County Commission considers the advisory board's recommendation, the application, the staff report and public comments. The County Commission votes on whether to approve or deny the Resolution of Intent to Amend.

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- The decision on the Resolution of Intent to Amend may be appealed within 30 days. After the 30-day protest, the County Planning Department schedules the Resolution of Adoption hearing.
- In a regular public meeting, the County Commission approves or denies the Resolution of Adoption for the proposed amendment.
- If you have any questions regarding the application or need any assistance filling out any part of the application form, please contact us at the information listed below.

#### **Evaluation Criteria for Amendments to Zoning Regulations**

In reviewing proposed amendments to zoning regulations, the County Commission will consider the following evaluation criteria. Written responses, and supporting documentation where necessary, must be provided for each of the criteria listed below.

**1. Statutory Criteria and Guidelines for "Part 1" Zoning Regulations (§76-2-104**

**MCA)**, Applies to zoning regulations for the following zoning districts: Bear Canyon, Bozeman Pass, Bridger Canyon, Gallatin Canyon/Big Sky, Hebgen Lake, Hyalite, River Rock, South Gallatin, Springhill, Sypes Canyon No. 1 & No. 2, Trail Creek, Wheatland, and Zoning District No.1 & No.6.

1. For the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district.
  2. Such development pattern, with the accompanying maps, plats, charts, and descriptive matter, shall show the planning and zoning commission's recommendations for the development of the districts, within some of which it shall be lawful and within others of which it shall be unlawful to erect, construct, alter, or maintain certain buildings or to carry on certain trades, industries, or callings or within which the height and bulk of future buildings and the area of the yards, courts, and other open spaces and the future uses of the land or buildings shall be limited and future building setback lines shall be established.
- Please see the specific Zoning Regulation for Amendment Criteria. (The appropriate Section will be given to you at the pre-submittal meeting.)

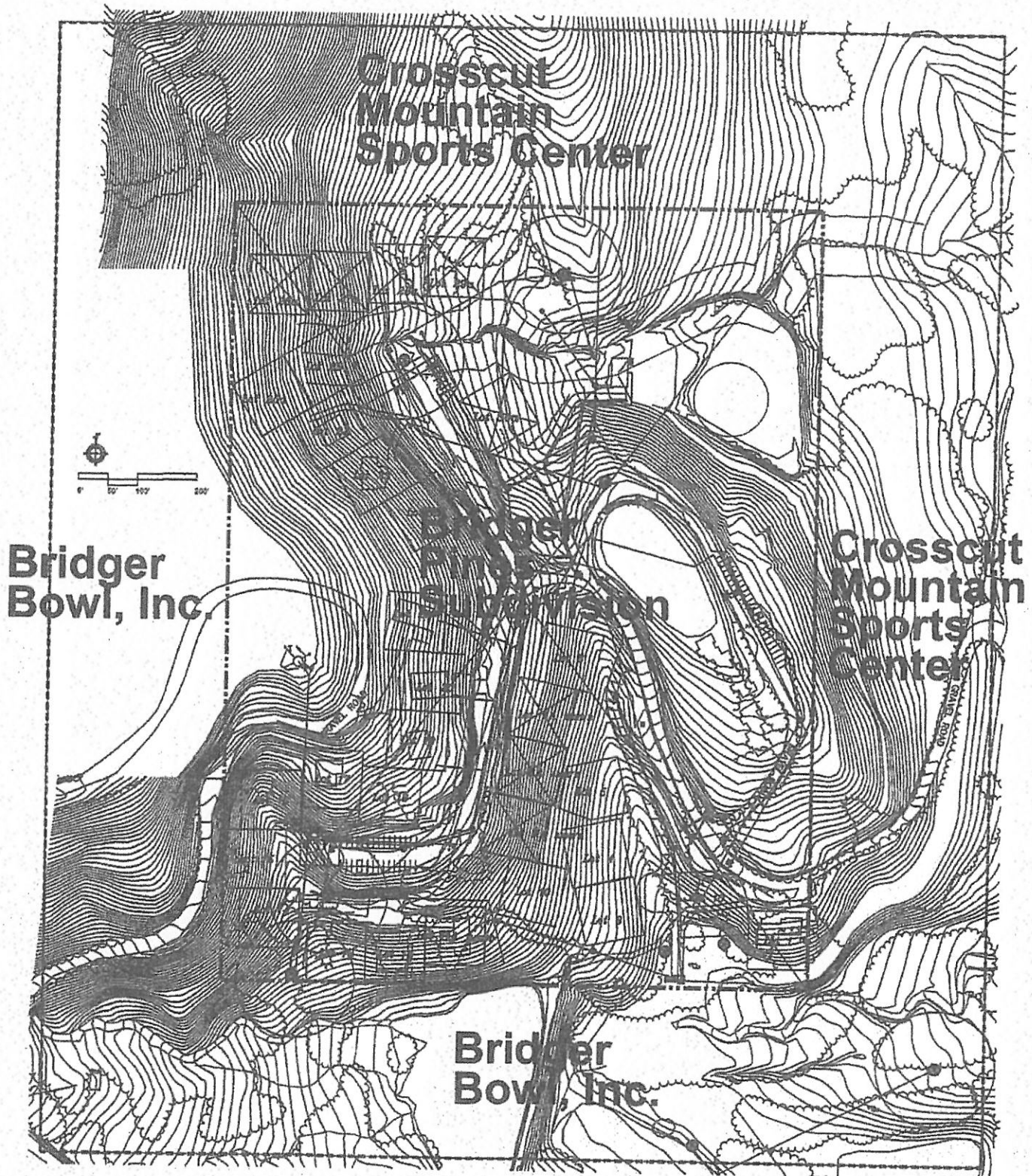
**2. Statutory Criteria and Guidelines for "Part 2" Zoning Regulations (§ 76-2-203**

**MCA)**, Applies to zoning regulations for the following zoning districts: Gallatin County/Bozeman Area ("Donut"); Middle Cottonwood; South Cottonwood; Reese Creek; Four Corners.

- a. Zoning regulations must be made in accordance with the Growth Policy.
- b. Zoning regulations must be designed to:
  - i. secure safety from fire and other dangers;
  - ii. promote public health, public safety, and general welfare; and

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- iii. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
  - c. In the adoption of zoning regulations, the County Commission shall consider:
    - i. reasonable provision of adequate light and air;
    - ii. the effect on motorized and non-motorized transportation systems;
    - iii. compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
    - iv. the character of the district and its peculiar suitability for particular uses; and
    - v. conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
  - d. Zoning regulations must, as nearly as possible, be made compatible with zoning ordinances of nearby municipalities.
    - i. Please see the specific Zoning Regulation for Amendment Criteria. (The appropriate Section will be given to you at the pre-submittal meeting.)
3. **Zoning Regulation Criteria.** Amendments to the zoning regulation or official zoning map must be consistent with the provisions found in the specific zoning regulation. Refer to the appropriate section of the zoning regulations to include a response to the Amendment Criteria. (The appropriate Section will be given to you at the pre-submittal meeting.)
4. **"Spot Zoning" Criteria.** To demonstrate that a proposed amendment would not result in "spot zoning," the following questions must be addressed:
- a. Are the requested zoning designation(s) amendments (text or map), and potential uses significantly different from the prevailing uses in the area?
  - b. Does the requested zoning designation(s) amendment (text or map) benefit a small area and only one or a few landowners, or does the requested zoning designation(s) benefit the surrounding neighborhood, community and the general public?
  - c. Is the requested zoning designation(s), text or map, compatible with the zoning district's Plan, or is it special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public?



**Bridger Pines Subdivision**  
property 300' from boundary



# Payment Receipt

Receipt ID 19-000635

Paid Date  
**December 06, 2019**

Received From

**Bridger Pines County Water &  
Sewer District**

PO Box 4028  
Bozeman, MT 59772

Received By

**County of Gallatin, MT**

Planning & Community Development

Bozeman, MT

Payment Method

**Check**

# 1980

DESCRIPTION:

Zoning

FEE NAME	INVOICE ID	ACCOUNT NO.	AMOUNT
Zoning: Text Amendment Fee	19-000651	1000-295-34-000000- 000-341072	\$ 775.00
Project Name: Bridger Pine Homeowners Association ZTA Project ID: 19-001528 Department: Planning & Community Development			\$ 775.00
<b>TOTAL AMOUNT</b>			<b>\$ 775.00</b>