



## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

### STAFF REPORT

#### JOINT HEARING

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**TO:** GALLATIN COUNTY PLANNING AND ZONING COMMISSION AND COUNTY COMMISSION

**FROM:** ASHLIE GILBERT, ASSOCIATE PLANNER

**SUBJECT:** CONSIDERATION, RECOMMENDATION, AND DECISION ON A RESOLUTION TO AMEND THE BRIDGER CANYON ZONING REGULATION AS REQUESTED BY CHAD BAILEY, BRIDGER PINES HOA MEMBER

**PROJECT LOCATION:** BRIDGER CANYON ZONING DISTRICT

**HEARING DATE:** FEBRUARY 8<sup>TH</sup>, 2024 AT 8:30 AM

**HEARING LOCATION:** GALLATIN COUNTY COURTHOUSE, COMMUNITY MEETING ROOM  
311 W. MAIN STREET, BOZEMAN, MT

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#### REQUEST:

The request is for a Zone Text Amendment (ZTA) by Chad Bailey, Bridger Pines Homeowners Association Member (Applicant) to the Bridger Canyon Zoning Regulation. Specifically, the Applicant requests to remove recreational housing and overnight accommodations from the Conditional Use Permit Section of the Base Area Recreation and Forestry (B-4) sub-district (Section 9.3.1) and add them as permitted uses in the sub-district (Section 9.2). Additionally, the Applicant proposes to amend the definition of recreational housing (Section 3.62) (Exhibit A).

#### STAFF ANALYSIS & FINDINGS:

1. **Proposal.** The ZTA proposes the following amendments to the Zoning Regulation (deleted text shown as ~~striketrough~~, added text is underlined):

**3.62 Recreational Housing:** Housing located in the Base Area that does not have restriction on length of stay and includes attached and detached Single-Family Dwelling Units. Rental of a Dwelling Unit for lodging purposes only. Rental may be a vacation home, tourist home as defined in MCA 50-51-102, which is rented by or on behalf of the owner to the general public for compensation for transient occupancy for any period of time deemed appropriate by the owner. Lodging shall be limited to inside the Dwelling Unit. Rental shall be subject to all applicable licenses. This is distinguished from other Dwelling Units by the special requirements.

- a. Recreational Housing, Attached: Single-Family Dwelling Units located in the Base Area that have at least one other Single-Family Dwelling Unit within the same Building structure. Includes Hotels, townhouses, duplexes, and condominiums.
- b. Recreational Housing, Detached: Single-Family Dwelling Units (i) on individual lots or in a Planned Unit Development and (ii) located in the Base Area.

## **SECTION 9 BASE AREA RECREATION AND FORESTRY DISTRICT (B-4)**

**9.1 Intent:** The intent of this district is to provide for overnight accommodations while preserving existing developed and undeveloped recreation and forest lands.

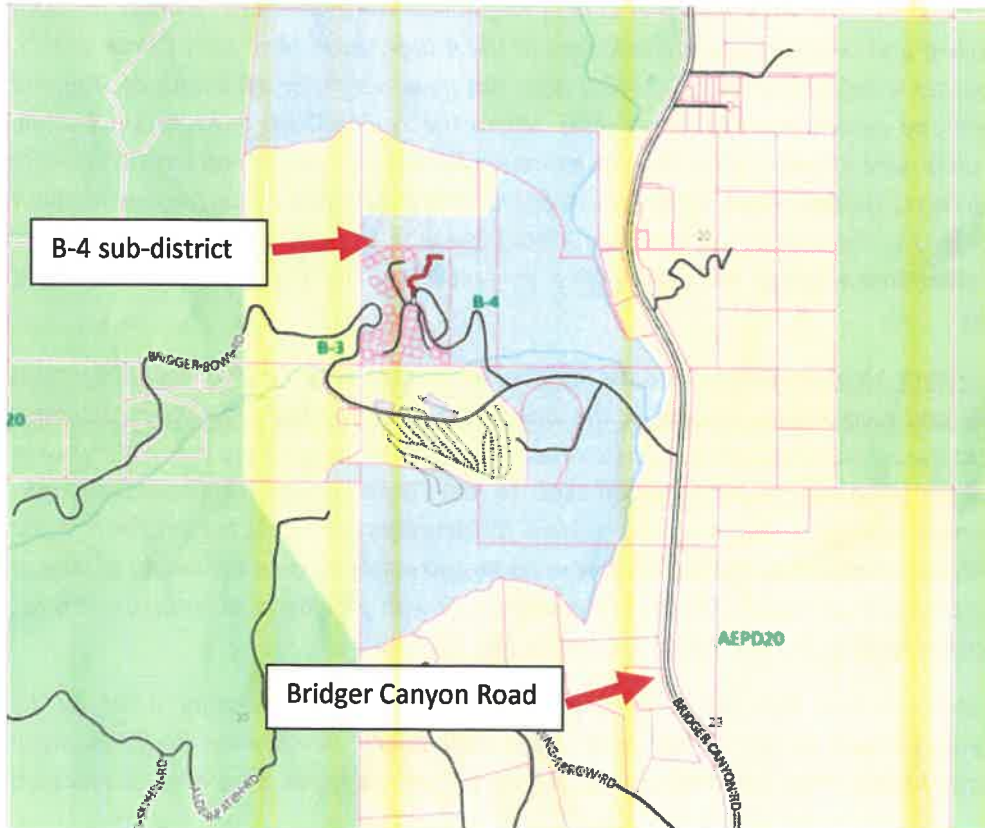
### **9.2 Permitted Uses:**

- a. One Principal Single-Family Dwelling Unit per 40 acres.
- b. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith, road building, truck hauling.
- c. Crop farming and harvesting.
- d. Forest stations and lookouts.
- e. Grazing.
- f. Riding and hiking trails.
- g. Stables and corrals.
- h. Public and private playgrounds and parks.
- i. Picnic areas.
- j. Public utility buildings.
- k. Home occupations.
- l. Signs, in accordance with Section 13.
- m. Domestic Wireless Equipment.
- n. Recreational Housing.
- o. Overnight accommodation.

### **9.3 Uses Permitted After Securing Approval of a Conditional Use Permit:**

- a. Lumber mills, logging camps, the development and processing of natural resources in accordance with Appendix A, Natural Resources Conditional Use Permits, agricultural processing plants.
- b. Stands for the sale of products produced on premises.
- c. Campgrounds.
- d. Seasonal recreational campsites.
- e. Golf courses.
- f. Driving ranges.
- g. Ski tow facilities.
- h. Pack stations.
- i. Helipads.
- j. Restaurants, cafes, bars and lounges, only as an accessory to overnight accommodations.
- k. Employee housing.
- ~~l. Overnight accommodations detached and attached recreational housing subject to the requirements of Section 11.10.~~
- m. Swimming pools.
- n. Tennis courts.
- o. Sales of sundry items for patron comfort either by vending machines or personal sales area attendant such as the following but not limited to: . . .
- p. Accessory uses.
- q. Personal Wireless Service Facilities, subject to Section 14, and electric transmission lines.
- r. Places of Worship.

**MAP 1: B-4 ZONING MAP**



2. **Notice.** Notice of the proposed ZTA was posted in three public locations in the affected area on January 3rd, 2024 (Exhibit B).
3. **Public Comment.** Staff has received 4 public comments on the proposal, included as Exhibit E.
4. **Applicable Sections of the General Plan and Development Guide (adopted 1989).** The following excerpt is from the General Plan, staff finds this section relevant to determining whether the proposed ZTA is consistent with the Plan.

*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.*

5. **Applicable Sections of the Bridger Bowl Base Area Plan (adopted 1979).** The following excerpts are from the Base Area Plan. Staff finds these sections relevant to determining whether the proposed ZTA is consistent with the Plan.

*Introduction: The purpose of this Plan is to provide information to guide decision making, and to set forth policy direction to respond to the special needs, problems, and future development of the Base Area. The Bridger Canyon Zoning Regulation provides the framework for the implementation of this Plan.*

*Background: In 1989 the Base Area Plan and Zoning Regulation were amended to allow for both recreational housing and overnight accommodations in the Bridger Bowl Base Area ("Base Area"). Recreational housing is defined as housing which does not have restriction on length of stay and includes attached and detached single family units. When the Zoning District was created single family dwelling units were allowed in the Base Area through the Recreation and Forestry (RF) District designation attached to the Base Area. In the Base Area Plan and Zoning Regulation the development rights were allocated to the property in the Base Area. Generally, twenty-five percent (25%) were allocated to recreational housing the seventy-five percent (75%) were allocated to overnight accommodations.*

*Commercial/Overnight Accommodations. It is the intent of this Plan to allow for a variety of overnight accommodations and recreational housing in the Base Area, and to encourage the most dense development near the Ski Base facilities. It is further the intent of this Plan to ensure that water, sewer and land capabilities are adequate for proposed uses. To meet these intents, locational standards, specific development standards, and a reserve system for development rights are set forth in the Bridger Canyon Zoning Regulation. Recreational housing has no restrictions on the length of stay; is not eligible for the hotel/motel density bonus; is a dwelling unit with a kitchen and bath(s); and must be clustered. (Amended: County Commission Resolution No. 1995-46).*

*To ensure that the Base Area does not develop exclusively for recreational housing, a cap on the number of recreational housing units is set forth in the table below. Because the Bridger Canyon General Plan is designed to allow 3,000 persons in ski area accommodations, population is allocated*

to each development right. The table shows the number of units allocated for recreational housing, total population allocated, and population allocated to recreational housing.

DEVELOPMENT RIGHTS ALLOCATION					
OWNERSHIP	APPROX. ACRES	UNITS UNDER BASIC ZONING	REC. HOUSING	OVERNIGHT UNITS	RESERVE OVERNIGHT
360 Ranch			50****		
Tract 1					
Financial Dev. Corp.	32.5	1	****	23	26
Tract 2					
Crosscut Ranch	61.5	1	****	5	6
Tract 3					
Simkins and Haggerty	80.0	4	****	90	103
Tract 4					
Montana Blesco North	20.0	1	****	52	59
Tract 5					
Montana Blesco South	65.5	1	****	41	47
Bridger Bowl**	87.0	1	16	23	25
Hepburn	3.5	1	2	2	3
Lachenmaier	25.0	1	13	17	20
Bridger Pines***	29.0	1	---	---	---
** Ownership of two separate parcels					
*** Previously developed for 60 units					
**** The 50 Recreational Housing Development Rights granted to the 360 Ranch Corporation owned properties can be used within Tracts 1-5.					
(Amended: County Commission Resolution No. 1995-25).					
(Amended: County Commission Resolution No. 1996-4).					
(Amended: County Commission Resolution No. 1999-01 on January 26, 1999).					

**Staff findings:** The ZTA proposal does not impact the number of recreational housing or overnight accommodations development rights allocated to the individuals/entities listed under “ownership” in the table above. To create a lot smaller than 40 acres, a Property Owner in the B-4 sub-district would need to go through the Planned Unit Development process which is how the proposed number of accommodations indicated above would be tracked.

6. **Applicable Sections of the Bridger Canyon Zoning Regulation (adopted 1971).** Staff finds the following excerpts from the Zoning Regulation relevant to determining whether the proposed ZTA is compliant with the Regulation.

Purposes (Section 2.1): To promote health, safety, and general welfare and to:

- a. prevent overcrowding;
- b. avoid undue population concentration;
- c. conserve property values commensurate with use;
- d. to preserve fish and wildlife habitat;
- e. to prevent soil erosion;
- f. to preserve the scenic resources;
- g. to ensure high water quality standards;
- h. to protect agriculture lands from the effects of urban encroachment;
- i. to promote business, residences, tourism and recreational uses but not to the point that they destroy the character of the area or threaten water quality, traffic, or fire safety;
- j. to encourage innovations in residential developments so that growing demands for housing may be met by greater variety in type, design and layout of tracts and by conservation and more efficient use of open space ancillary to said housing;
- k. to provide adequate open space, light, and air;

- l. to carry out the master or comprehensive plan for the Bridger Canyon Zoning District.*
- m. to prevent the spread of noxious weeds.*

*Base Area Recreation and Forestry District (B-4) Intent (Section 9.1): The intent of this district is to provide for overnight accommodations while preserving existing developed and undeveloped recreation and forest land.*

*Base Area Recreation and Forestry District (B-4) Lot Area and Width (Section 9.4): Minimum lot size shall be 40 acres, unless planned unit development (PUD) provisions apply.*

*Definition of Overnight Accommodations (Section 3.52): Permanent, separately rentable accommodations that are not available for residential use, except for the proprietors of a Bed and Breakfast Inn or Guest Ranch. Overnight Accommodations include Hotel or motel rooms, hostels, cabins, Bed and Breakfast Inns, Guest Ranches, and time-shared units. Individually owned units may be considered Overnight Accommodations 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 purpose of this definition.*

*Definition of Recreational Housing (Section 3.62): Housing located in the Base Area that does not have restriction on length of stay and includes attached and detached Single-Family Dwelling Units. This is distinguished from other Dwelling Units by the special requirements.*

- a. Recreational Housing, Attached: Single-Family Dwelling Units located in the Base Area that have at least one other Single-Family Dwelling Unit within the same Building structure. Includes Hotels, townhouses, duplexes, and condominiums.*
- b. Recreational Housing, Detached: Single-Family Dwelling Units (i) on individual lots or in a Planned Unit Development and (ii) located in the Base Area.*

**Staff findings:** The Applicant proposes to add the following statement to the definition of Recreational Housing under Section 3.62 above:

*“Rental of a Dwelling Unit for lodging purposes only. Rental may be a vacation home, tourist home as defined in MCA 50-51-102, which is rented by or on behalf of the owner to the general public for compensation for transient occupancy for any period of time deemed appropriate by the owner. Lodging shall be limited to inside the Dwelling Unit. Rental shall be subject to all applicable licenses” (Exhibit A).*

The Applicant maintains that the above statement adds clarification for Property Owners and the general public that Recreational Housing is encompassed under more commonly used terms (vacation home, tourist home) and does not create any inconsistencies with the Base Area Plan or the Zoning District.

## **7. Applicable Sections of the Gallatin County “Part 1” Zoning Administrative Regulation.**

- A. Initiation.** Section 14.2 states that an amendment to the Zoning Regulation may be initiated by the petition of one or more landowners of property affected by the proposed amendment. The petition shall be on the form specified by the Planning Department, signed by petitioning landowners, and shall be filed with the Planning Director accompanied by the appropriate fee.



**B. Review and Analysis.** According to Section 14.3.a, to approve an amendment to the District Regulation or official map, it shall be found that the following criteria are satisfied:

*i. The public necessity, convenience, and general welfare require such amendment; and*

**Staff findings:** The Applicant claims that the proposed ZTA is convenient for Property Owners who wish to construct recreational housing or overnight accommodations or utilize existing homes for these purposes (Exhibit A). Listing these types of units as permitted in the sub-district allows Property Owners to engage in such uses without undergoing to the conditional use permit process, which requires application fees, noticing, and the public hearing process. The ZTA proposal also identifies what types of uses are encompassed under recreational housing with the definition amendment.

*ii. The proposed amendment does not authorize potential Uses that are significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and*

**Staff findings:** The proposed amendment does not authorize Uses that are significantly different from the prevailing Uses in the B-4 sub-district or the greater Bridger Bowl/Bridger Pines/Crosscut area, which are predominately resort/recreation-oriented. The permitted/conditional use components of the ZTA are limited to the B-4 Zoning sub-district only. The proposed addition to the definition of Recreational Housing provides a greater explanation of what is encompassed under the term Recreational Housing. The proposed changes to the definition of Recreational Housing apply to all sub-districts in which the term is used.

*iii. The proposed amendment will benefit the surrounding neighborhood, community, and the general public and not just benefit a small area and only one or few landowners; and*

**Staff findings:** The Applicant asserts that the proposed ZTA benefits the Bridger Pines neighborhood and those utilizing accommodations provided there to enjoy the Bridger Bowl and Crosscut recreation/resort areas (Exhibit A). Hosting these guests in the B-4 sub-district prevents tourists residing in Recreational House and Overnight Accommodations from commuting back and forth to Bozeman or elsewhere for their accommodations. There are limited lodging options available to tourists visiting this area in Bridger Canyon, the proposed ZTA allows for a potential increase in lodging options.

*iv. The proposed amendment is consistent with the District Regulation and applicable growth policy or neighborhood plan and is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and*

**Staff findings:** The Applicant maintains that the ZTA proposal is consistent with the District Regulation and Bridger Bowl Base Area Plan (Exhibit A). As shown above, Overnight Accommodations and Recreational Housing are anticipated uses of the Base Area by the zoning regulation and development plan. The Applicant claims that the ZTA "...benefits the general public by reducing congestion on the highway and recreational center parking" (Exhibit A).

*v. The procedural requirements of §76-2-101 et seq., MCA have been followed.*

**Staff findings:** Notice of the amendment was posted and advertised in the *Bozeman Daily Chronicle* on January 20<sup>th</sup> and 27<sup>th</sup>, 2024. The Planning and Zoning Commission and County Commission will consider the request during a public hearing with an opportunity for public participation.

**C. Meetings and Hearings.**

*Planning and Zoning Commission Hearing. All proposed amendments shall be considered by the Planning and Zoning Commission at a public hearing with notice provided as set forth in §76-2-106, MCA. After the public hearing, the Planning and Zoning Commission will consider and recommend a draft resolution to the County Commission for the purpose of adopting or denying any amendment.*

*County Commission Action Required. No amendment to the Zoning Regulations shall be final until adopted by a resolution of the County Commission.*

*Joint Hearing. The Planning and Zoning Commission and County Commission may conduct a joint public hearing to consider both proposed amendments by the Planning and Zoning Commission and the draft resolution by the County Commission.*

**REQUIRED ACTION OF THE PLANNING AND ZONING COMMISSION:**

The role of the Planning and Zoning Commission is to provide a recommendation to the County Commission, who decides on the ZTA request.

**Sample Motion for Approval:** Having reviewed and considered the application materials, staff report and findings, and public comment, I move to recommend approval of the Zone Text Amendment request, subject to all applicable laws and regulations, and move to authorize the Chair of the Planning & Zoning Commission to sign Resolution No. PZ 2024-002.

**REQUIRED ACTION OF THE COUNTY COMMISSION:**

The role of the County Commission is to decide on the ZTA request.

**Sample Motion:** Having reviewed and considered the application materials, staff report and findings, public comment, and recommendation of the Planning and Zoning Commission, I move to authorize the Chair of the County Commission to sign Resolution No. 2024-\_\_\_\_ approving the Zone Text Amendment request, with approval subject to all applicable laws and regulations.

**Exhibits**

- A: Application Submittal
- B: Certificate of Posting, January 3<sup>rd</sup>, 2024
- C: Planning and Zoning Commission Resolutions
- D: Gallatin County Commission Resolutions
- E: Public Comment

CC: County Attorney





Bridger Pines HOA  
November 29, 2023 – Revised 1/1/2024

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

Dear Planning Department:

Bridger Pines Homeowner's Association (BPHOA) is requesting a Zone Text Amendment (ZTA) to Section 3.62, Recreational Housing and Section 9.2, Permitted Uses within zone B-4 of the Bridger Canyon zoning district.

The intent of the ZTA request is for Recreational Housing (tourist home) to be classified as a permitted use within the B-4 district. The Bridger Canyon Zoning Regulation, amended December 21, 2021, lists the intent for the Base Area Recreation & Forestry District (B-4) to provide for overnight accommodations while preserving existing developed and undeveloped recreation and forest lands. Recently, several Conditional Use Permits (CUP) to allow a Recreational House, or Overnight Accommodation, to be allowed in the B-4 district were submitted and approved by the commission. The subdivision anticipates all 58 properties could potentially request a CUP based on the current regulation history, to properly function as a tourist home. Some of these properties have been offered for nightly rent since the 1980s. At the BPHOA annual meeting on November 5, 2023, the membership voted to alleviate the need for each tourist home to obtain a CUP by amending the zoning to classify Recreational Housing as a permitted use within the B-4 district, which is the district that includes Bridger Pines and several other undeveloped private parcels.

Bridger Pines was platted in 1974 that included 30 single-family properties and 28 condominiums, prior to the development of the Base Area Plan adoption in 1979. The definition for Recreational Housing as written in the zoning is not clear on what classifies as a tourist home, or short term residential rental property. These uses were originally written to classify different development rights on undeveloped private land that could be allocated upon approval of a planned unit development (PUD) in the B-4 district as described in the Base Area Plan. These development rights were not meant to be applied to the platted Bridge Pines subdivision as shown in the ownership table of the Base Area

Planning Department

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Plan. The zoning should be revised to modernize the definition of Recreational Housing to include a tourist home, and to permit this use when a PUD is not required.

Recreational Housing, or tourist home, in the Bridger Pines subdivision directly adjacent to Bridger Bowl and Crosscut Mountain Sports Center properties is beneficial to the area and the canyon by alleviating unnecessary trips and reducing traffic on the two-lane Bridger Canyon Road and alleviate some pressure on the limited daily use skier parking. The BPHOA is fully in support of tourist homes, full time residences, and seasonal residences coexisting within the subdivision.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chad Bailey', with a stylized flourish at the end.

Chad Bailey, PE CFM  
Board Member, BPHOA

**Proposed Amended Regulation:**

3.62 Recreational Housing: Housing located in the Base Area that does not have restriction on length of stay and includes attached and detached Single-Family Dwelling Units. Rental of a Dwelling Unit for lodging purposes only. Rental may be a vacation home, tourist home as defined in MCA 50-51-102, which is rented by or on behalf of the owner to the general public for compensation for transient occupancy for any period of time deemed appropriate by the owner. Lodging shall be limited to inside the Dwelling Unit. Rental shall be subject to all applicable licenses. This is distinguished from other Dwelling Units by the special requirements.

- a. Recreational Housing, Attached: Single-Family Dwelling Units located in the Base Area that have at least one other Single-Family Dwelling Unit within the same Building structure. Includes Hotels, townhouses, duplexes, and condominiums.
- b. Recreational Housing, Detached: Single-Family Dwelling Units (i) on individual lots or in a Planned Unit Development and (ii) located in the Base Area.

**SECTION 9 BASE AREA RECREATION AND FORESTRY DISTRICT (B-4)**

9.1 Intent: The intent of this district is to provide for overnight accommodations while preserving existing developed and undeveloped recreation and forest lands.

9.2 Permitted Uses:

- a. One Principal Single-Family Dwelling Unit per 40 acres.
- b. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith, road building, truck hauling.
- c. Crop farming and harvesting.
- d. Forest stations and lookouts.
- e. Grazing.
- f. Riding and hiking trails.
- g. Stables and corrals.
- h. Public and private playgrounds and parks.
- i. Picnic areas.
- j. Public utility buildings.
- k. Home occupations.
- l. Signs, in accordance with Section 13.
- m. Domestic Wireless Equipment.
- n. Recreational Housing.
- o. Overnight accommodation.

9.3 Uses Permitted After Securing Approval of a Conditional Use Permit:

- a. Lumber mills, logging camps, the development and processing of natural resources in accordance with Appendix A, Natural Resources Conditional Use Permits, agricultural processing plants.
- b. Stands for the sale of products produced on premises.
- c. Campgrounds.
- d. Seasonal recreational campsites.
- e. Golf courses.
- f. Driving ranges.
- g. Ski tow facilities.
- h. Pack stations.
- i. Helipads.
- j. Restaurants, cafes, bars and lounges, only as an accessory to overnight accommodations.
- k. Employee housing.
- ~~l. Overnight accommodations detached and attached recreational housing subject to the requirements of Section 11.10.~~
- m. Swimming pools.
- n. Tennis courts.
- o. Sales of sundry items for patron comfort either by vending machines or personal sales area attendant such as the following but not limited to: . . .
- p. Accessory uses.
- q. Personal Wireless Service Facilities, subject to Section 14, and electric transmission lines.
- r. Places of Worship.

## Evaluation Criteria

### 1. Statutory Criteria and Guidelines for “Part 1” Zoning Regulations

1. The physical makeup of Bridger Pines is to allow a mix of full time residences and tourist home rentals located in the Base Area of Bridger Bowl and Crosscut. These tourist homes would be rented by or on behalf of the owner to the general public for compensation for transient occupancy. The amendment would conserve property values commensurate with use as expected by the owners in the subdivision.
2. As stated in Section 15 of the Zoning Regulation, “the intent of the zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area.” The subdivision is already platted for the number of lots and condominiums. The amendment will not alter the development pattern and does not change the trades, open spaces, or the future uses of the land or buildings. The district is a residential district with immediate access to the neighboring recreational centers. The intent of the district is to

provide full time and temporary accommodations to support these recreational centers.

**2. Statutory Criteria and Guidelines for “Part 2” Zoning Regulations – Not applicable to Bridger Canyon**

**3. Zoning Regulation Criteria**

The proposed ZTA listed above is consistent with the provisions found in the Bridger Canyon zoning regulation. The proposed amendment to section 3.62, 9.2, and 9.3 listed above do not have specific Amendment Criteria in either Section 3 or Section 9 of the zoning regulation.

**4. “Spot Zoning” Criteria**

- a. The proposed text amendment does not alter the uses from the prevailing uses of the area.
- b. The proposed text amendment applies to the entire district and the permitted uses applies to the entire B-4 sub-district. The amendment is fully supported by the subdivision and benefits the general public by reducing congestion on the highway and recreational center parking.
- c. The proposed text amendment clarifies historic definitions intended for future development rights to be compatible with the current uses and compatible with the Base Area Plan.



## Zone Text or Map Amendment Application

**1. For Zone Map Amendment (ZMA):**

Address: \_\_\_\_\_ Subdivision/COS: \_\_\_\_\_  
 Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Land area (*acres or square feet*): \_\_\_\_\_  
 Other legal description: \_\_\_\_\_  
 Geocode/DOR#: 06 \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
 Zoning District:   Sub-district: \_\_\_\_\_  
 General location: \_\_\_\_\_  
 Current use of property: \_\_\_\_\_

Brief description of requested change:

\_\_\_\_\_  
\_\_\_\_\_

**2. For Zone Text Amendment (ZTA):**

Zoning District: Bridger Canyon Zoning District  
 Sub-district(s): B-4

Brief description of requested change:

Revise definition for recreational housing and include it and overnight accommodation as a permitted use in the B-4 district.

**3. Required attachments:**

- Application narrative addressing all applicable zoning amendment evaluation criteria
- Maps and other supporting materials
- Application fee
- Digital copy of application materials (no file bigger than 20MB) emailed to [planning@gallatin.mt.gov](mailto:planning@gallatin.mt.gov)
- ZMA Only: Mailing labels (3 per address), certified property owners form, and certified mail fee

**Please note:** After an initial review for completeness, Planning staff will reach out with the number of additional hard copies of the application needed for the public meeting/hearing(s).

**4. Contact Information**

**Property Owner**

Name: Chad Bailey, Bridger Pines HOA board member Email: chadebailey@hotmail.com  
Address: 37 Bridger Gully Drive, Bozeman, MT 59715 Phone: 406-570-9474

**Representative/Applicant** *(If different than property owner)*

Name: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**AGREEMENT**

The property owner and/or authorized agent hereby certifies that the information submitted in this application is true and correct and understand that application fees are nonrefundable.

  
\_\_\_\_\_  
Property owner signature

11/29/2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/representative signature

\_\_\_\_\_  
Date







**GALLATIN COUNTY**  
**Certification of Posting**

I, Ashlie Gilbert, hereby certify that the attached notice was posted on January 3<sup>rd</sup>, 2024 in the following locations:

- 1. street  
stop sign @ Welden Dr & Bridger Pines RD
- 2. street sign @ Welden Dr & Christie way
- 3. under stop sign on tree @ Welden Dr & <sup>Bridger</sup> Bow RD
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

**I understand that I am responsible for removing each posted notice within one week after completion of all public hearings.**

Signed  Date 1/3/24

F:\PLNG\FORMS\Certification of Posting March 2010.doc





**RESOLUTION NO. PZ 2024 – 002**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION  
RECOMMENDING DENIAL OF AMENDMENTS TO THE  
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-038)**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_. The resolution was adopted \_\_\_\_\_.

WHEREAS, the Bridger Canyon Zoning District (District) was established by the Gallatin County Commission and Regulations were adopted on October 26<sup>th</sup>, 1971, and amended thereafter; and

WHEREAS, the Bridger Canyon General Plan and Development Guide was adopted on February 23<sup>rd</sup>, 1989, by Resolution of the Gallatin County Commission 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 planning commission jurisdictional area; and

WHEREAS, Chad Bailey, Bridger Pines Homeowners Association Member (Applicant) requested a Zone Text Amendment per Section 14, “Amendments,” of the Gallatin County “Part 1” Zoning Administrative Regulations, as proposed the Zone Text Amendment would establish Overnight Accommodations and Recreational Housing as Permitted Uses within the Base Area Recreation and Forestry (B-4) sub-district of the Zoning District and amend the definition of Recreational Housing (Section 3.62); and

WHEREAS, Recreational Housing and Overnight Accommodations are currently listed as Conditional Uses within the B-4 sub-district; and

WHEREAS, Notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* on January 20<sup>th</sup> and 27<sup>th</sup>, and posted in three public places on January 3<sup>rd</sup>, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on February 8<sup>th</sup>, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

WHEREAS, Section 14 of the Gallatin County “Part 1” Zoning Administrative Regulations identify the steps required to initiate and complete amendments to the Zoning Regulations. Changes to the Zoning Regulations for the benefit and welfare of Gallatin County and for the purpose of carrying out the applicable development district may be made in accordance with the procedures prescribed by law and the Bridger Canyon Zoning Regulation; and

WHEREAS, Montana Code Annotated Section 76-2-104, provides that 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; and

WHEREAS, during the public hearing, the Planning and Zoning Commission considered public comment and the staff report; and

WHEREAS, the Planning and Zoning Commission found that all of the review criteria under Section 14.3 of the Gallatin County “Part 1” Zoning Administrative Regulations are not satisfied for the proposed amendments to the Bridger Canyon Zoning Regulation and Section 76-2-106 Mont. Code Ann; and

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning and Zoning Commission hereby adopts a Resolution of Recommendation to deny the request to amend Sections 3.62, 9.2, and 9.3.1 of the Bridger Canyon Zoning Regulation.
2. In support of the Resolution Recommending Denial, the Gallatin County Planning and Zoning Commission finds the following criteria are not satisfied:
  - i. The public necessity, convenience and general welfare require the proposed amendments; and
  - ii. The proposed amendments authorize potential Uses that are not significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
  - iii. The proposed amendments would benefit the surrounding neighborhood, community, and the general public; and
  - iv. The proposed amendment is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
  - v. The proposed amendment met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 8th day of February 2024.

**PLANNING AND ZONING COMMISSION**

\_\_\_\_\_  
Jennifer Boyer, Chair

\_\_\_\_\_  
Date

**RESOLUTION NO. PZ 2024 – 002**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION  
RECOMMENDING APPROVAL OF AMENDMENTS TO THE  
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-038)**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_. The resolution was adopted \_\_\_\_\_.

WHEREAS, the Bridger Canyon Zoning District (District) was established by the Gallatin County Commission and Regulations were adopted on October 26<sup>th</sup>, 1971, and amended thereafter; and

WHEREAS, the Bridger Canyon General Plan and Development Guide was adopted on February 23<sup>rd</sup>, 1989, by Resolution of the Gallatin County Commission 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 planning commission jurisdictional area; and

WHEREAS, Chad Bailey, Bridger Pines Homeowners Association Member (Applicant) requested a Zone Text Amendment per Section 14, “Amendments,” of the Gallatin County “Part 1” Zoning Administrative Regulations, as proposed the Zone Text Amendment would establish Overnight Accommodations and Recreational Housing as Permitted Uses within the Base Area Recreation and Forestry (B-4) sub-district of the Zoning District and amend the definition of Recreational Housing (Section 3.62); and

WHEREAS, Recreational Housing and Overnight Accommodations are currently listed as Conditional Uses within the B-4 sub-district; and

WHEREAS, Notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* on January 20<sup>th</sup> and 27<sup>th</sup>, and posted in three public places on January 3<sup>rd</sup>, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on February 8<sup>th</sup>, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

WHEREAS, Section 14 of the Gallatin County “Part 1” Zoning Administrative Regulations identify the steps required to initiate and complete amendments to the Zoning Regulations. Changes to the Zoning Regulations for the benefit and welfare of Gallatin County and for the purpose of carrying out the applicable development district may be made in accordance with the procedures prescribed by law and the Bridger Canyon Zoning Regulation; and

WHEREAS, Montana Code Annotated Section 76-2-104, provides that 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; and

WHEREAS, during the public hearing, the Planning and Zoning Commission considered public comment and the staff report; and

WHEREAS, the Planning and Zoning Commission found that all of the review criteria under Section 14.3 of the Gallatin County “Part 1” Zoning Administrative Regulations are satisfied for the proposed amendments to the Gallatin Canyon/Big Sky Zoning Regulation and Section 76-2-106 Mont. Code Ann; and

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning and Zoning Commission hereby adopts a Resolution of Recommendation to approve the request to amend Sections 3.62, 9.2, and 9.3.1 of the Bridger Canyon Zoning Regulation.
2. In support of the Resolution Recommending Approval, the Gallatin County Planning and Zoning Commission finds the following criteria are satisfied:
  - i. The public necessity, convenience and general welfare require the proposed amendments; and
  - ii. The proposed amendments authorize potential Uses that are not significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
  - iii. The proposed amendments would benefit the surrounding neighborhood, community, and the general public; and
  - iv. The proposed amendment is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
  - v. The proposed amendment met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 8th day of February 2024.

**PLANNING AND ZONING COMMISSION**

\_\_\_\_\_  
Jennifer Boyer, Chair

\_\_\_\_\_  
Date





**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION OF THE GALLATIN COUNTY COMMISSION  
DENYING A REQUEST TO AMEND THE  
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-038)**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_. The resolution was adopted \_\_\_\_\_.

WHEREAS, the Bridger Canyon Zoning District (District) was established by the Gallatin County Commission and Regulations were adopted on October 26<sup>th</sup>, 1971, and amended thereafter; and

WHEREAS, the Bridger Canyon General Plan and Development Guide was adopted on February 23<sup>rd</sup>, 1989, by Resolution of the Gallatin County Commission 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 planning commission jurisdictional area; and

WHEREAS, Chad Bailey, Bridger Pines Homeowners Association Member (Applicant) requested a Zone Text Amendment per Section 14, "Amendments," of the Gallatin County "Part 1" Zoning Administrative Regulations, as proposed the Zone Text Amendment would establish Overnight Accommodations and Recreational Housing as Permitted Uses within the Base Area Recreation and Forestry (B-4) sub-district of the Zoning District and amend the definition of Recreational Housing (Section 3.62); and

WHEREAS, Recreational Housing and Overnight Accommodations are currently listed as Conditional Uses within the B-4 sub-district; and

WHEREAS, Notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* on January 20<sup>th</sup> and 27<sup>th</sup>, and posted in three public places on January 3<sup>rd</sup>, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on February 8<sup>th</sup>, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

WHEREAS, Section 14 of the Gallatin County "Part 1" Zoning Administrative Regulations identify the steps required to initiate and complete amendments to the Zoning Regulations. Changes to the Zoning Regulations for the benefit and welfare of Gallatin County and for the purpose of carrying out the applicable development district may be made in accordance with the procedures prescribed by law and the Bridger Canyon Zoning Regulation; and

WHEREAS, Montana Code Annotated Section 76-2-104, provides that for the purpose of furthering the health, safety, and general welfare of the people of the county, the County 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; and

WHEREAS, after the public hearing, the Gallatin County Commission considered public comment and the staff report; and

WHEREAS, the Gallatin County Commission found that all of the review criteria under Section 14.3 of the Gallatin County “Part 1” Zoning Administrative Regulations were not satisfied for the proposed amendments to the Bridger Canyon Regulation and Section 76-2-106 Mont. Code Ann; and

NOW, THEREFORE, BE IT RESOLVED:

1. The Gallatin County Commission hereby adopts a Resolution to Deny the request to amend the official Bridger Canyon Zoning Regulation.
2. In support of the Resolution, the Gallatin County Commission finds the following criteria are not satisfied:
  - i. The public necessity, convenience and general welfare require the proposed amendments; and
  - ii. The proposed amendments do not authorize potential Uses that are significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
  - iii. The proposed amendments will benefit the surrounding neighborhood, community, and the general public and not just benefit a small area and only one or few landowners; and
  - iv. The proposed amendments are consistent with the Gallatin Canyon/Big Sky Zoning Regulation, the Gallatin County Growth Policy, and the Gallatin Canyon/Big Sky Plan and are not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
  - v. The proposed amendments met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 8 day of February, 2024.

**GALLATIN COUNTY COMMISSION**

\_\_\_\_\_  
**SCOTT MCFARLANE, CHAIR**

\_\_\_\_\_  
**DATE**

**ATTEST:**

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

\_\_\_\_\_  
**DATE**



**RESOLUTION NO. 2024 - \_\_\_\_\_**

**A RESOLUTION OF THE GALLATIN COUNTY COMMISSION  
APPROVING A REQUEST TO AMEND THE  
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-038)**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_. The resolution was adopted \_\_\_\_\_.

WHEREAS, the Bridger Canyon Zoning District (District) was established by the Gallatin County Commission and Regulations were adopted on October 26<sup>th</sup>, 1971, and amended thereafter; and

WHEREAS, the Bridger Canyon General Plan and Development Guide was adopted on February 23<sup>rd</sup>, 1989, by Resolution of the Gallatin County Commission 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 planning commission jurisdictional area; and

WHEREAS, Chad Bailey, Bridger Pines Homeowners Association Member (Applicant) requested a Zone Text Amendment per Section 14, "Amendments," of the Gallatin County "Part 1" Zoning Administrative Regulations, as proposed the Zone Text Amendment would establish Overnight Accommodations and Recreational Housing as Permitted Uses within the Base Area Recreation and Forestry (B-4) sub-district of the Zoning District and amend the definition of Recreational Housing (Section 3.62); and

WHEREAS, Recreational Housing and Overnight Accommodations are currently listed as Conditional Uses within the B-4 sub-district; and

WHEREAS, Notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* on January 20<sup>th</sup> and 27<sup>th</sup>, and posted in three public places on January 3<sup>rd</sup>, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on February 8<sup>th</sup>, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

WHEREAS, Section 14 of the Gallatin County "Part 1" Zoning Administrative Regulations identify the steps required to initiate and complete amendments to the Zoning Regulations. Changes to the Zoning Regulations for the benefit and welfare of Gallatin County and for the purpose of carrying out the applicable development district may be made in accordance with the procedures prescribed by law and the Bridger Canyon Zoning Regulation; and

WHEREAS, Section 14 of the Gallatin County "Part 1" Zoning Administrative Regulations identify the steps required to initiate and complete amendments to the Zoning Regulations. Changes

to the Zoning Regulations for the benefit and welfare of Gallatin County and for the purpose of carrying out the applicable development district may be made in accordance with the procedures prescribed by law and the Bridger Canyon Zoning Regulation; and

WHEREAS, Montana Code Annotated Section 76-2-104, provides that 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; and

WHEREAS, after the public hearing, the Planning and Zoning Commission and Gallatin County Commission considered public comment and the staff report; and

WHEREAS, the Gallatin County Commission found that all of the review criteria under Section 14.3 of the Gallatin County “Part 1” Zoning Administrative Regulations were satisfied for the proposed amendments to the Bridger Canyon Zoning Regulation and Section 76-2-106 Mont. Code Ann; and

NOW, THEREFORE, BE IT RESOLVED:

1. The Gallatin County Commission hereby adopts a resolution approving the request to amend Sections 3.62, 9.2, and 9.3.1 of the Bridger Canyon Zoning Regulation.
2. In support of the Resolution of Approval, the Gallatin County Commission finds the following criteria are satisfied:
  - i. The public necessity, convenience and general welfare require the proposed amendments; and
  - ii. The proposed amendments authorize potential Uses that are not significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
  - iii. The proposed amendments would benefit the surrounding neighborhood, community, and the general public; and
  - iv. The proposed amendment is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
  - v. The proposed amendment met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 8 day of February, 2024.

**GALLATIN COUNTY COMMISSION**

\_\_\_\_\_  
**SCOTT MCFARLANE**

\_\_\_\_\_  
**DATE**

**ATTEST:**

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

\_\_\_\_\_  
**DATE**







**Gilbert, Ashlie**

**From:** O'Callaghan, Sean  
**Sent:** Tuesday, January 30, 2024 8:17 AM  
**To:** Gilbert, Ashlie; Gibson, Megan  
**Subject:** FW: Bridger Canyon Zoning - Please clarify

Good Morning Ashlie and Megan – I heard back from Wendy Dickson. She states below that she would like her email to be treated as public comment for both the Bridger Pines ZTA and the Lewis appeal.

Thanks,  
Sean

**From:** Wendy Dickson <wendy@bridgervista.com>  
**Sent:** Monday, January 29, 2024 10:41 PM  
**To:** O'Callaghan, Sean <Sean.O'Callaghan@gallatin.mt.gov>  
**Subject:** Re: Bridger Canyon Zoning - Please clarify

**CAUTION: This email came from outside Gallatin County. Exercise diligence with any attachments or links.**

Hello Mr O'Callaghan,  
Thank you for responding to my previous email.

You wrote:

Can you help me understand which item on the February 8<sup>th</sup> Planning and Zoning Commission agenda your email relates to? There are two items that will be discussed that day that are related to short-term rental of property within the Bridger Canyon Zoning District.

Both - My historical evidence, personal experience and rational interpretation are likely relevant to both issues in Bridger Canyon Zoning being discussed at the next P&Z meeting, Feb 8.

Previous action: The revocation of the Lewis's CUP for renting their Caretaker residence was justified as a clear violation of the explicit text in Bridger Canyon Zoning.

However, your department has decided to go beyond the explicit text in Bridger Canyon Zoning and conclude that short term renting is a prohibited land use for the Lewis primary home and every other home in Bridger Canyon AE sub-district).

This is an unprecedented new interpretation that revokes a common, uncontroversial land use (*short term renting one's home*) in practice for decades and established in full compliance with zoning as it was previously understood. (*please see screen shots of Bridger Bowl website 26 years ago, booking "guest houses" as short-term-rentals*)

Why the sudden change?

Why this selective application of "regulation by text omission" only to short-term-renting?

What is the purpose of ignoring historical precedent, upending the status quo to the detriment of responsible land owners?

Please do not repeat the Part 1 Administrative text used in your report. I have read it and understand your argument.

What the text does not explain is why this one activity (short term renting) must be made illegal by administrative fiat instead of the usual process of community input and review.

Your name is cited frequently in the Lewis paperwork, so you must know the answers to my specific questions as to the evolution and logic for this unprecedented decision.

I apologize for the length of my previous email. I hope that you will read it again and help me understand how we got here.

Please.

Wendy Dickson  
314-805-1858 (talk and text)

On Jan 26, 2024, at 1:25 PM, O'Callaghan, Sean <[Sean.OCallaghan@gallatin.mt.gov](mailto:Sean.OCallaghan@gallatin.mt.gov)> wrote:

Hi Wendy,

Can you help me understand which item on the February 8<sup>th</sup> Planning and Zoning Commission agenda your email relates to? There are two items that will be discussed that day that are related to short-term rental of property within the Bridger Canyon Zoning District.

Thanks,  
**Sean O'Callaghan, AICP, CFM**  
*Chief Planning Officer*

Department of Planning & Community Development  
Gallatin County  
311 W. Main St., Rm. 108  
Bozeman, MT 59715

Phone: (406) 582-3130  
Fax: (406) 582-3135  
[sean.ocallaghan@gallatin.mt.gov](mailto:sean.ocallaghan@gallatin.mt.gov)

---

**From:** Wendy Dickson <[wendy@bridgervista.com](mailto:wendy@bridgervista.com)>  
**Sent:** Thursday, January 25, 2024 1:24 PM  
**To:** O'Callaghan, Sean <[Sean.OCallaghan@gallatin.mt.gov](mailto:Sean.OCallaghan@gallatin.mt.gov)>  
**Subject:** Bridger Canyon Zoning - questions and clarification

**CAUTION: This email came from outside Gallatin County. Exercise diligence with any attachments or links.**

Dear Mr O'Callaghan,

At the next Planning and Zoning meeting on Feb 8, your department will be defending an administrative determination "by omission" that short term renting is "not allowed" in the Agricultural Exclusive Sub-District of Bridger Canyon Zoning.

I have read the current Bridger Canyon Zoning regulations as well as the Part 1 Zoning Administrative Rules. But like most regulation, there is a lot of room left for interpretation based on the history, intent and assumed meaning of regulation as well as changing opinions of text meaning.

*I am hoping you can enlighten me on how the Planning Department has evolved to current interpretations concerning property rights and renting.*

**1- Is renting land and/or residential dwellings on one's land an inherent, assumed and permitted property right land use?**

**2 - When and why did short term renting become a distinctly different type of land use according to your department?**

*Until recently, duration of rental term was not a distinguishing factor determining land use. Renting was either allowed or not allowed in zoning text for specific types of property like "caretaker residence" or not mentioned at all.*

**3 - Why is short-term renting a primary residence singled out as "not allowed" because it is not listed in text?**

*Long term renting a residence , barn, outbuildings or open land is also not mentioned in the zoning text, so why the selective determination of STRs as "not allowed."*

*There are many types of individual owner land use (not guest ranches) not listed in the text of Bridger Canyon Zoning where renting (may or may not) be involved, like wedding events, family reunions, corporate activities, political rallies, militia training, drag shows or outdoor concerts, the list can be endless.*

**4 - What does the Planning Department consider to be the status quo for primary home property rights? Do you include inherent land use rights that are not explicitly listed in zoning text? If so, what do you consider "similar uses?"**

Growing up in Bridger Canyon, I know there have always been a few homes rented to skiers and summer travelers as vacation rentals for a week, a weekend or a season, long before the Internet and online booking made short-term-renting popular. Even now, of the hundreds of homes in Bridger Canyon only about a dozen are offered as STRs in AE section of BC Zoning.

According to the former long time manager, Terry Abelin, Bridger Bowl was booking houses for skiers to short-term-rent in Bridger Canyon since at least 1985. In fact, Bridger Bowl created a reservations department to book short term rentals (they called them Guest Houses) combining accommodations with lift tickets to attract out of state skiers. The promotion included web pages advertising STR homes in Bridger Canyon and Bozeman and made a 15% commission on short-term-term bookings until 2020 when competing sights like AirBnB made it no longer viable. Only a handful of canyon owners took advantage of Bridger Bowl bookings (10 or less) but it is proof that short-term-renting in Bridger Canyon has always been a part of our local economy and community and never questioned as a fundamental property right by Bridger Canyon residents, land owners or the Planning and Zoning Commission.

**4 - If zoning text has not changed, the status quo has not changed, why has Planning and Zoning changed interpretation of Bridger Canyon Zoning property rights for only this one type of land use? The complaint that prompted the current compliance determination was about renting a "Caretaker residences" which has always been prohibited in zoning text. Why is your department going beyond what is explicit in the zoning text?**

**Important Point:** As you know, Bridger Canyon Zoning has been updated multiple times since it's adoption in 1971 and none of those updates mention renting of any duration or distinction (other than caretaker residence) which is a clear indication that the practice was an assumed land use right so fundamental and none controversial it did not warrant explicit regulation.

The notable exception was the last update in 2021 when the BC Zoning Committee (chaired by Richard Lyons) proposed an entire section on STRs. But, for some reason your department or the zoning board decided NOT to adopt the STR regulations proposed.

Why?

And now as a result of rejecting proposed STR zoning updates, Bridger Canyon Zoning does not currently mention STRs in the text. And because of the text omission, your department has concluded that STRs are “not allowed.”

Wow.

You (Gallatin County Planning Department) just took away an implicit land use property right in Bridger Canyon without due process.

How do you justify that? Why did your department make this decision without appointment of a zoning committee or public hearing for an administrative determination? What about current short-term-rental owners who have done nothing wrong? Is there a path to compliance that will not cost them thousands of dollars?

Renting one’s property (short or long term) has been an uncontroversial land use in Bridger Canyon for as long as anyone can remember. Numerous zoning updates did not change text to revise or regulate the ongoing practice of short-term-renting until Planning and Zoning chose NOT to include proposed STR regulations.

So, until zoning text is updated to regulate rental land use, it is essential to keep the status quo and determine that short term renting is an intrinsic property right that has always been (and must now be) a permitted land use inherent in the AE district of Bridger Canyon Zoning.

Your thoughts?

I look forward to reading your comments or discussing in a phone conversation (cell number below).

Thank you for your time.

Wendy Dickson  
314-805-1858 (talk or text)

PS- I welcome inevitable Short Term Zoning regulations that are vetted by the Bridger Canyon Community, the planning department and county commissioners.

If it is possible to be on a new zoning committee to get the ball rolling, please consider me as a candidate.

## Gilbert, Ashlie

---

**From:** Planning  
**Sent:** Monday, January 8, 2024 8:29 AM  
**To:** steve K  
**Cc:** Gilbert, Ashlie  
**Subject:** RE: Short Term Rentals

Hello,

I am assuming this is related to the recent Zone Text Amendment Application in the Base Area sub district of Bridger Canyon. Thank you for submitting public comment on this item. This comment had been forwarded to the planner reviewing this application, and it will be routed to all applicable advisory and/or decision-making bodies. If the planner wishes to respond, or needs clarification from you, they will respond to you directly. Please be advised that all public comment submitted to the Planning Department will be made accessible to the applicant and the general public.

All the best,

Brandon Peate  
*Planning Technician*

Gallatin County  
Department of Planning  
311 W. Main St. Room 108  
(406) 582-3130

**From:** steve K <steve.kohlmeyer@gmail.com>  
**Sent:** Saturday, January 6, 2024 9:55 AM  
**To:** Planning <Planning@gallatin.mt.gov>  
**Subject:** Short Term Rentals

You don't often get email from [steve.kohlmeyer@gmail.com](mailto:steve.kohlmeyer@gmail.com). [Learn why this is important](#)

**CAUTION: This email came from outside Gallatin County. Exercise diligence with any attachments or links.**

To the Gallatin County Planning Commission,

**Personally, I am not in favor of short term rentals. I believe it leads to degradation of neighborhoods by replacing rural family living with buildings whose sole purpose is to create profit. Allowing short term rentals will encourage remote, out of state buyers, to buy up homes, turn them into businesses, and make a profit from our rural community. Bridger Canyon has never been a place for running any business other than small agricultural operations. There is no reason to change this.**

**Allowing short-term rentals will forever destroy the family-based rural living of Bridger Canyon.**

**Stephen Kohlmeyer  
7151 Tepee Ridge Rd, Bozeman, MT 59715 (family owned since 1995)**





## Gilbert, Ashlie

---

**From:** Planning  
**Sent:** Monday, January 8, 2024 8:30 AM  
**To:** Peggy Bertaina  
**Cc:** Gilbert, Ashlie  
**Subject:** RE: Short Term Rentals in Bridger Canyon

Good morning,

Thank you for submitting public comment on this item. This comment had been forwarded to the planner reviewing this application, and it will be routed to all applicable advisory and/or decision-making bodies. If the planner wishes to respond, or needs clarification from you, they will respond to you directly. Please be advised that all public comment submitted to the Planning Department will be made accessible to the applicant and the general public.

Regards,

Brandon Peate  
*Planning Technician*

Gallatin County  
Department of Planning  
311 W. Main St. Room 108  
(406) 582-3130

**From:** Peggy Bertaina <peggybertaina@hotmail.com>  
**Sent:** Saturday, January 6, 2024 9:09 PM  
**To:** Planning <Planning@gallatin.mt.gov>  
**Subject:** Short Term Rentals in Bridger Canyon

You don't often get email from [peggybertaina@hotmail.com](mailto:peggybertaina@hotmail.com). [Learn why this is important](#)

**CAUTION: This email came from outside Gallatin County. Exercise diligence with any attachments or links.**

Dear Commission,

**We are full time homeowners in Bridger Canyon, and we understand you are considering changing the policy in Bridger Canyon to allow short term rentals.**

**Personally, we are not in favor of short term rentals. We believe it leads to degradation of neighborhoods by replacing rural family living with buildings whose sole purpose is to create profit. Allowing short term rentals will encourage remote, out of state buyers, to buy up homes, turn them into businesses, and make a profit from our rural community.**

**Bridger Canyon has never been a place for running any business other than small ag operations. Currently the base area around Bridger Bowl is the only sub-district in the canyon that allows rentals.**

**We don't see any reason to change this.**

**Thank you for your time,  
Jerry and Peggy Bertaina  
6027 Skyline Lane  
Bozeman, MT 59715**

## Gilbert, Ashlie

---

**From:** Planning  
**Sent:** Monday, January 8, 2024 8:31 AM  
**To:** pat.lapointemail.com  
**Cc:** Gilbert, Ashlie  
**Subject:** RE: STR in Bridger Canyon

Good morning,

Thank you for submitting public comment on this item. This comment had been forwarded to the planner reviewing this application, and it will be routed to all applicable advisory and/or decision-making bodies. If the planner wishes to respond, or needs clarification from you, they will respond to you directly. Please be advised that all public comment submitted to the Planning Department will be made accessible to the applicant and the general public.

All the best,

Brandon Peate  
*Planning Technician*

Gallatin County  
Department of Planning  
311 W. Main St. Room 108  
(406) 582-3130

**From:** pat.lapointemail.com <pat@lapointemail.com>  
**Sent:** Sunday, January 7, 2024 11:47 AM  
**To:** Planning <Planning@gallatin.mt.gov>  
**Subject:** STR in Bridger Canyon

You don't often get email from [pat@lapointemail.com](mailto:pat@lapointemail.com). [Learn why this is important](#)

**CAUTION: This email came from outside Gallatin County. Exercise diligence with any attachments or links.**

Dear Gallatin County Planners -

As residents of Bridger Canyon we are writing in favor of explicit zoning language prohibiting or significantly restricting short-term rental (STR) uses in primary homes or "caretaker" dwellings within the Bridger Canyon zoning district. At scale, STR use (outside of specifically designated Guest Ranches and Overnight Lodging properties, and the Bridger Bowl sub-zone) will effectively commercialize the quiet, residential, natural environment residents enjoy, and are demonstrated to contribute to traffic, unintended road usage, increased wildfire risk, wildlife environmental degradation, and trespassing - even when unintentional. Such uses benefit the few while creating an adverse impact on the many. In the case of "caretaker" or AUDs, they also abrogate foundational zoning density policies.

We understand and respect the rights of property owners to use their land within the parameters of zoning laws. And we know several owners with STRs in the Canyon who are very conscientious and manage their tenants well. So if for some reason the commission feels compelled to explicitly identify STR as a permitted use, please consider:

- Treating STR as a Non-Conforming use on a case-by-case basis and requiring permits and notification/objection processes accordingly;
- Limiting STR permits to properties where there is a full-time resident (or manager) living on-site;

- **Adding supplemental permit fees earmarked to provide resources for Canyon residents to build and maintain necessary information management and alerting mechanisms concerning property owner/manager contact information;**
- **Requiring property owners or managers to provide clear instructions for appropriate tenant use as developed by BCPOA and amended by HOA/POA groups as needed; including signage facing the STR dwelling clearly identifying property boundaries;**
- **Establishing a minimum rental period of at least 6 consecutive nights per tenant; and**
- **Creating a clear process for alerting the commission of unpermitted STR activity.**

**Recognizing that the emergence of STR is fundamentally a challenge to current Zoning law and policy foundations, perhaps there is an alternate strategy wherein STR Non-Conforming permits would be limited to a specific period of time and controlled in number and made available via a lottery system. Under such system, permit holders who appropriately manage their STR properties would be assured of permit extension while those subject to multiple complaints would face a more challenging renewal process requiring remediations. Adding that small amount of uncertainty of renewal, combined with a lottery of limited permits would likely reduce speculative buying of properties by parties not intending to occupy them. Those are the greatest threats to the quality of life in our neighborhoods.**

**We assume the commission may also hear arguments that STR enables people who might not otherwise be able to afford homes in Bridger Canyon to own and enjoy property here. We urge the commission to address that problem not by stretching the boundaries of permitted uses, but by undertaking a process to review primary zoning with an eye towards creating sub-zones where lower-cost housing might be constructed to meet the need in a manner that suits the unique characteristics of Bridger Canyon.**

**The worst outcome here is ambiguity. It will lead to more tension between neighbors and ultimately increase the burden on the commission and the Planning Department, raising taxes for all.**

**Thank you for your consideration.**

**Patrick and Sandra LaPointe  
Meadow Lane  
Aspen Meadows POA**

# BAILEY BRIDGER CANYON ZONE TEXT AMENDMENT

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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ASHLIE GILBERT, ASSOCIATE PLANNER

FEBRUARY 8, 2024

3.62 Recreational Housing: Housing located in the Base Area that does not have restriction on length of stay and includes attached and detached Single-Family Dwelling Units. Rental of a Dwelling Unit for lodging purposes only. Rental may be a vacation home, tourist home as defined in MCA 50-51-102, which is rented by or on behalf of the owner to the general public for compensation for transient occupancy for any period of time deemed appropriate by the owner. Lodging shall be limited to inside the Dwelling Unit. Rental shall be subject to all applicable licenses. This is distinguished from other Dwelling Units by the special requirements.

- a. Recreational Housing, Attached: Single-Family Dwelling Units located in the Base Area that have at least one other Single-Family Dwelling Unit within the same Building structure. Includes Hotels, townhouses, duplexes, and condominiums.
- b. Recreational Housing, Detached: Single-Family Dwelling Units (i) on individual lots or in a Planned Unit Development and (ii) located in the Base Area.

### 9.3 Uses Permitted After Securing Approval of a Conditional Use Permit:

- a. Lumber mills, logging camps, the development and processing of natural resources in accordance with Appendix A, Natural Resources Conditional Use Permits, agricultural processing plants.
- b. Stands for the sale of products produced on premises.
- c. Campgrounds.
- d. Seasonal recreational campsites.
- e. Golf courses.
- f. Driving ranges.
- g. Ski tow facilities.
- h. Pack stations.
- i. Helipads.
- j. Restaurants, cafes, bars and lounges, only as an accessory to overnight accommodations.
- k. Employee housing.
- ~~l. Overnight accommodations detached and attached recreational housing subject to the requirements of Section 11.10.~~
- m. Swimming pools.
- n. Tennis courts.
- o. Sales of sundry items for patron comfort either by vending machines or personal sales area attendant such as the following but not limited to: . . .
- p. Accessory uses.
- q. Personal Wireless Service Facilities, subject to Section 14, and electric transmission lines.
- r. Places of Worship.



## **SECTION 9 BASE AREA RECREATION AND FORESTRY DISTRICT (B-4)**

9.1 Intent: The intent of this district is to provide for overnight accommodations while preserving existing developed and undeveloped recreation and forest lands.

### 9.2 Permitted Uses:

- a. One Principal Single-Family Dwelling Unit per 40 acres.
- b. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith, road building, truck hauling.
- c. Crop farming and harvesting.
- d. Forest stations and lookouts.
- e. Grazing.
- f. Riding and hiking trails.
- g. Stables and corrals.
- h. Public and private playgrounds and parks.
- i. Picnic areas.
- j. Public utility buildings.
- k. Home occupations.
- l. Signs, in accordance with Section 13.
- m. Domestic Wireless Equipment.
- n. Recreational Housing.
- o. Overnight accommodation.



# GENERAL PLAN AND DEVELOPMENT GUIDE

- “It is the intent of this Plan to **allow for a variety** of overnight accommodations and recreational housing in the Base Area”
- No distinction of conditional vs. permitted use
- Development rights allocation table



## B-4 SUBDISTRICT

- *Purposes...conserve property values...promote business, **residences, tourism and recreational uses** but not to the point that they destroy the character of the area...*
- *The intent of this district is to **provide for overnight accommodations** while preserving existing developed and undeveloped recreation and forest lands.*

### BRIDGER CANYON ZONING REGULATION



ADOPTED OCTOBER 26, 1971  
MOST RECENTLY AMENDED DECEMBER 21, 2021

## REVIEW CRITERIA

- *The public necessity, **convenience**, and general welfare **require such amendment***
- *...amendment does not authorize potential **Uses** that are **significantly different** from prevailing Uses in the Sub-district or vicinity...*
- *...amendment will **benefit** the surrounding **neighborhood, community**, and the general public and not just benefit a small area and only one or few landowners*
- *...amendment is consistent with the **District Regulation** and applicable growth policy or **neighborhood plan** and is not special legislation designed to benefit only one or a few landowners...*
- *The **procedural requirements** of §76-2-101 et seq., MCA have been followed*