

Stephanie Baucus
Stephanie.Baucus@moultonbellingham.com
(406) 238-1583

Phone (406) 248-7731
Fax (406) 248-7889

November 1, 2024

VIA EMAIL AND HAND DELIVERY

Jennifer Boyer, Gallatin County Commissioner
Scott MacFarlane, Gallatin County Commissioner; Member, Planning and Zoning Commission
Zach Brown, Gallatin County Commissioner; Member, Planning and Zoning Commission
Eric Semerad, Chair, Gallatin County Planning and Zoning Commission
Joe Skinner, Vice Chair, Gallatin County Planning and Zoning Commission
Erin Cox, Member, Gallatin County Planning and Zoning Commission
Norbert Hackl, Member, Gallatin County Planning and Zoning Commission
Matt Fulton, Member, Gallatin County Planning and Zoning Commission

Sean O'Callaghan, AICP, CFM, Chief Planning Officer
Christopher Scott, CFM, Current Planning Manager

Gallatin County Planning and Community Development
311 West Main Street, Suite 108
Bozeman, MT 59715-4594

Sean.ocallaghan@gallatin.mt.gov
chris.scott@gallatin.mt.gov
planning@gallatin.mt.gov
commission@gallatin.mt.gov

RE: (1) Supplemental Information re Revisions to the Bridger Canyon Property Rights Coalition's Zone Text Amendment Application re Rental Use (the "ZTA Application") and (2) Request for Continued ZTA Application to be Considered at December 12, 2024, Planning and Zoning Commission Hearing

Dear Honorable Commission Members, Planning and Zoning Commission Members,
Mr. O'Callaghan, and Mr. Scott,

We appreciate the opportunity to present this supplement to the Zone Text Amendment ("ZTA") submitted in April by our clients, the Bridger Canyon Property Rights Coalition (the "Coalition"), which was filed by Wendy Dickson, and which reflects the changes that the Coalition has made to incorporate as much feedback as possible into their ZTA application. *See* Ex. A (Revised amendments proposed, showing changes tracked first in color version and then in black and white). We appreciate your considering the Coalition's ZTA application in June and giving the Coalition an opportunity to make changes to the ZTA; to collaborate with the Bridger Canyon Property Owners Association ("BCPOA"), which raised a number of concerns about the ZTA at the hearing; and to ask the County Commission and the Planning and Zoning Commission to hear the ZTA again before December 31, 2024.

Coalition's ZTA Work Since June 2024 Hearing and Collaboration with BCPOA

Since the June 2024 hearing, the Coalition has worked diligently to collaborate with BCPOA—in meetings, on calls, and over email.¹ *See e.g.*, Ex. B (Various email exchanges between the Coalition and BCPOA). Sometime in June or July, BCPOA shared that they were meeting independently with the Planning Department and were working on a separate ZTA application. On July 30, 2024, BCPOA explained that the separate ZTA application on which they were working would include some of the elements that the Coalition's ZTA application already contained, but not all, and BCPOA asked if the Coalition would wait on BCPOA's application before the Coalition resubmitted an updated version of the Coalition's ZTA application. *See id.*, p. 15. BCPOA explained that would be logical because the Coalition could then use its own continued ZTA application to seek the changes that it was still interested in proposing that BCPOA would not be proposing. The Coalition honored BCPOA's request and has waited for BCPOA to submit its separate ZTA application. While the Coalition appreciates having had the opportunity to meet with BCPOA and to have communicated otherwise with BCPOA about possible proposals that may be included in a BCPOA ZTA application, to date, the Coalition is not aware of any BCPOA ZTA having submitted a ZTA application to the County.

Given that it is now too late to request consideration of the Coalition's revised ZTA application at the November meeting and that there is only one other meeting before the December 31, 2024, deadline for the continuance that the Commission provided expires (the December 12, 2024, meeting), the Coalition now respectfully requests that the County reconsider the Coalition's ZTA, as revised and explained herein, at the December 12, 2024, hearing. We understand that any applications to be considered at the December 12, 2024, meeting must be submitted by today, November 1, 2024. As such, while the Coalition would like to be able to wait until BCPOA submits an alternative or more limited ZTA application proposal, it is not able to wait any longer to request reconsideration of the Coalition's ZTA application.

That said, the Coalition has worked hard to consider the feedback provided by other stakeholders and the County before, during, and after the June 2024 hearing and to incorporate that feedback into revisions to its ZTA application. Understanding some of the sticking points for BCPOA and reflecting on the concerns that the County raised in the Staff Report and at the hearing, the Coalition has made a few changes to the ZTA application, as detailed in Ex. A and as summarized below. The reasoning for the ZTA, as the Coalition explained in April 2024, is still the same. *See* Ex. C, April ZTA Application packet, including Application, Proposed Amendments as of April, and Narrative. The Coalition is confident that the changes it has made

¹ Additionally, the Coalition worked with BCPOA in advance of the April submission. As a result of those negotiations, the Coalition made changes to the proposed ZTA that were suggested by BCPOA even before the April submittal.

to address the County's concerns and feedback from stakeholders are sufficient, but that they are limited enough in nature that these changes do not fundamentally change the scope of the ZTA application that the Coalition submitted in April and that the Commission continued in June.

Alternatively, if the Commission does not have time to consider the revised ZTA application at the December meeting or otherwise wants to continue the Coalition's application further, the Coalition respectfully requests that the Commission grant an extension or another continuance for the Coalition's ZTA application until April 30, 2025.

Coalition's Proposed Changes to Its Own ZTA Application to Address County Feedback and Feedback from Other Stakeholders

The basic goals of the ZTA are the same—to provide definitions for the types of rentals that have been occurring in Bridger Canyon and to provide some guardrails or standards for short-term rentals in particular. Based on the County Commissioner's comments regarding permitted versus conditional use categories, the Planning Department's feedback on consistency amongst definitions and between zoning districts, and BCPOA's fervent opposition to stating that ADUs could be available for rent, the Coalition has made the changes listed below to its ZTA application.

1. Moving short-term rental from the list of "permitted uses" to the list of "conditional uses."
 - a. Source – Commission Stated Preference for Conditional Use Only.
2. Changing the language related to ADU rental to allow long-term rentals for ADUs (that are currently prohibited) and to prohibit short-term rentals
 - a. Source – Commission Feedback.
 - b. This will also help to address the housing crisis in Gallatin County, by making additional properties available for long-term housing.
3. Making the definitions of long-term rental and short-term rental simpler yet more specific (with duration limits), less likely to conflict with other regulations like the definition of Family, and more consistent with definitions in other zoning districts
 - a. Source – Staff Report and Commission Feedback
 - b. The durational range included and the change noted below to the definition of a hotel will help to ensure that the short-term rental of a residential home is not the same things as overnight accommodations in a hotel and that a hotel is not accidentally included in that definition.
4. Simplifying the proposed short-term rental standards.
 - a. Source – Staff Report and suggestion to simplify and copy language from other zoning districts.

-
5. Changing the definition of hotel to similar language found in the Big Sky Zoning Regulations.
 - a. Source – Staff Report and suggestion to copy language from other zoning districts

The Coalition remains committed to working with the County to improve our communities and to provide opportunities for the future. We believe strongly that rentals of all durations fill critical needs for owners to offset increasing property expenses and for those visiting or working in Gallatin County for housing. Additionally, we believe that clarity in the terms of the Zoning Regulations benefits those who live in Gallatin County, those who visit, and those who do business here.

We appreciate your time in considering these issues, and we look forward to the chance to present our revised ZTA application to you soon. Thank you again for your consideration.

Sincerely,

MOULTON BELLINGHAM PC



STEPHANIE BAUCUS

Enclosures

cc: LeeAnn Certain, Civil Deputy County Attorney (via email)

**Bridger Canyon Property Rights Coalition
Oct 2024 Zone Text Amendment Proposal**

Revised Amendments Proposed

-- original text of sections excerpted below in **BLACK** --

-- April ZTA proposed changes appear in **RED** --

--October ZTA proposed changes appear in **BLUE** --

SECTION 3 DEFINITIONS

~~3.44 Hotel: Any building or portion thereof including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests whether rent is paid in money, goods, labor or otherwise.~~

3.44 Hotel: An establishment offering independently rented guest rooms as Overnight Accommodations at a nightly rate to the general public, which may provide additional services, such as restaurants, meeting rooms and recreational facilities. A hotel does not include Bed and Breakfast Inns, Guest Ranches, or Short Term Rentals.

~~3.xx Long Term Rental: rental of a Dwelling Unit, or portion thereof for residential use, for a period of 30 or more than 28 consecutive nights to one and the same Family for the entire rental period.~~

~~3.xx Short Term Rental: rental of a Dwelling Unit, or portion thereof for residential use, for a period of 30 28 or fewer consecutive nights to one and the same Family for the entire rental period.~~

SECTION 4 AGRICULTURE EXCLUSIVE DISTRICT (AE)

4.2 Permitted Uses:

- a. Agriculture, as defined under [Section 76-2-902, MCA](#).
 - (1) The sale on the premises of agricultural products produced thereon.
 - (2) The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required for agricultural production.
- b. One Principal Single-Family Dwelling Unit on each parcel created in conformance with the Zoning Regulation or in existence at the time of its original adoption.
- c. One Accessory Dwelling Unit in accordance with [Section 12.2](#).
- d. Accessory Buildings, where each Accessory Building is equal to or less than 2,400 square feet of General Floor Area.
- e. Essential Services, Type I.
- f. Domestic Wireless Equipment.
- g. Signs, in accordance with [Section 13](#).
- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- ~~j. Long Term Rental.~~
- ~~k. Short Term Rental, subject to the provisions of Section 12.14.~~

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

- a. Non-commercial airstrips for the use of aircraft used for agricultural purposes together with Accessory Buildings and Structure required therefor.
- b. Religious organizations and Places of Worship.
- c. The development and processing of natural resources in accordance with [Appendix A, Natural Resources Conditional Use Permits](#).

**Bridger Canyon Property Rights Coalition
Oct 2024 Zone Text Amendment Proposal**

Revised Amendments Proposed

- d. Guest Ranches.
- e. Bed and Breakfast Inns.
- f. An Accessory Building greater than 2,400-square-feet of general Floor Area.
- g. Personal Wireless Service Facilities, subject to [Section 14](#).
- h. Essential Service Type II.
- i. Emergency Services.
- j. Small-scale Wind Energy Systems.
- k. [Short Term Rental, subject to the provisions of Section 12.14](#)

SECTION 5 RECREATION AND FORESTRY (RF)

5.2 Permitted Uses:

- a. One Principal Single-Family Dwelling Unit on each parcel created in conformance with the Zoning Regulation or in existence at the time of its original adoption.
- b. Personal milling of lumber not for commercial purposes.
- c. Agriculture, as defined under [Section 76-2-902, MCA](#).
 - (1) The sale on the premises of agricultural products produced thereon.
 - (2) The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required for agricultural production.
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- g. Signs, in accordance with [Section 13](#).
- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- ~~j. [Long Term Rental](#).~~
- ~~k. [Short Term Rental, subject to the provisions of Section 12.14](#).~~

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

- a. Logging camps.
- b. The development and processing of natural resources in accordance with [Appendix A, Natural Resources Conditional Use Permits](#).
- c. Seasonal recreational campsites
- d. Ski lift facilities.
- e. Pack stations.
- f. Guest Ranches.
- g. Cross country ski facilities.
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**Bridger Canyon Property Rights Coalition
Oct 2024 Zone Text Amendment Proposal**

Revised Amendments Proposed

- i. Essential Services, Type II.
- j. Personal Wireless Service Facilities, subject to Section 14.
- k. Emergency Services
- l. Small-scale Wind Energy Systems
- m. [Short Term Rental, subject to the provisions of Section 12.14](#)

SECTION 12 GENERAL DEVELOPMENT STANDARDS

12.2 Accessory Dwelling Unit:

- ~~e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single-family Dwelling Unit.~~
- ~~e. The Accessory Dwelling Unit, may be long term rented, but not be short term rented or sold separately from the Principal Single-family Dwelling Unit. -Short Term Rental Use of an Accessory Dwelling Unit must comply with Section 12.14.~~

12.14 Short Term Rental Requirements: A Conditional Use Permit for Short Term Rental of a Dwelling Unit, not otherwise restricted from renting in Section 12.2 or in terms of an existing permit, may be approved so long as the owner complies with the following conditions:

- a. Documentation provided to Gallatin County shows all required state and local permits and licenses for a Short Term Rental have been obtained, including, if applicable, pursuant to §50-51-201, MCA; Title 70, chapters 24, 25, and 33, or otherwise.
- b. The Applicant property owner or authorized agent shall agree in writing to:
 - 1) Keep permits, and licenses up-to-date, and pay applicable taxes;
 - 2) Allow only one Short Term Rental per parcel and limit lodging to inside Dwelling Units;
 - 3) Maintain documentation on the premises that informs occupants of rules and regulations that affect the property, such as property lines, trespassing laws, speed limits, proper garbage disposal, wildlife etiquette, bans on burning, smoking restrictions, quiet hours, parking, dark sky lighting, and neighbor requests. Emergency Services information should recommend local sources for current fire danger conditions and corresponding health and safety advisories.
 - 4) Provide adjacent neighbors with contact information for at least two people responsible for addressing issues that arise at the rental property. This requirement is optional when owner or property manager lives on the same or adjoining parcels to the Short Term Rental.
 - 5) Prohibit Use as a Special Events Facility.
- c. Advertisements offering a Short Term Rental without a valid CUP or for purposes other than Uses authorized in this regulation (including, but not limited to: weddings, concerts, or other similar functions) shall be considered prima facie evidence of the owner's or agent's intent to violate this Regulation

**Bridger Canyon Property Rights Coalition
Oct 2024 Zone Text Amendment Proposal**

Revised Amendments Proposed

~~12.14 Short Term Rental Requirements: Any property owner planning to offer a Short Term Rental shall acknowledge by signature that they understand and will adhere to the following requirements and conditions:~~

- ~~a. The property owner or authorized representative shall apply for written approval from the Gallatin County Planning Department.~~
- ~~b. Approval may be revoked upon violation of the Short Term Rental standards set forth in this Section 12.14.~~

- ~~c. Offering a Short Term Rental without written approval from the Gallatin County Planning Department, or after approval is revoked, shall be considered a violation of this regulation and subject to the enforcement procedures contained within the Gallatin County "Part 1" Zoning Administrative Regulations.~~

- ~~d. The Planning Department shall review and approve Short Term Rental Use so long as it complies with the following standards:
 - ~~(1) Documentation is provided to the County that all required state and local permits and licenses for the Short Term Rental Use, including, if applicable, pursuant to § 50-51-201, MCA; Title 70, chapters 24, 25, and 33, or otherwise, have been obtained.~~

 - ~~(2) The applicant agrees in writing to:
 - ~~A. To keep taxes, permits, and licenses up to date;~~

 - ~~B. Allow only one Short Term Rental per parcel, which could be the Principal Single-Family Dwelling Unit or a portion thereof, an Accessory Dwelling Unit, or the entire parcel and Dwelling Units together;~~

 - ~~C. Limit lodging to inside Dwelling Units;~~

 - ~~D. Maintain documentation on the premises that informs occupants of rules and regulations that affect the property, such as information about property lines, trespassing laws, speed limits, proper garbage disposal, wildlife etiquette, bans on burning, smoking restrictions, quiet hours, parking, dark sky lighting, and neighbor requests. Additional Emergency Services information should recommend local sources for current fire danger conditions and corresponding health and safety advisories.~~

 - ~~E. Provide to occupants, as well as to adjacent neighbors, contact information for at least two people responsible for addressing issues that arise at the rental property.~~

 - ~~F. A Short Term Rental will not be used as a Special Events Facility. Use of a Short Term Rental for purposes other than lodging and normal residential use is prohibited.~~~~~~

**Bridger Canyon Property Rights Coalition
Oct 2024 Zone Text Amendment Proposal**

Revised Amendments Proposed

- Amendments proposed by the Coalition are underlined, struck through, or underlined and struck through.
-- If text is underlined and struck through, the Coalition is no longer proposing to add the text. --

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- 3.44 ~~Hotel: Any building or portion thereof including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests whether rent is paid in money, goods, labor or otherwise.~~
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 - c. One Accessory Dwelling Unit in accordance with Section 12.2.
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 - e. Essential Services, Type I.
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 - h. Home Occupations.
 - i. Accessory Solar Energy Systems.
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**Bridger Canyon Property Rights Coalition
Oct 2024 Zone Text Amendment Proposal**

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- b. The Applicant property owner or authorized agent shall agree in writing to:
 - 1) Keep permits, and licenses up-to-date, and pay applicable taxes;
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 - 3) Maintain documentation on the premises that informs occupants of rules and regulations that affect the property, such as property lines, trespassing laws, speed limits, proper garbage disposal, wildlife etiquette, bans on burning, smoking restrictions, quiet hours, parking, dark sky lighting, and neighbor requests. Emergency Services information should recommend local sources for current fire danger conditions and corresponding health and safety advisories.
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- ~~d. The Planning Department shall review and approve Short Term Rental Use so long as it complies with the following standards:
 - ~~(1) Documentation is provided to the County that all required state and local permits and licenses for the Short Term Rental Use, including, if applicable, pursuant to § 50-51-201, MCA; Title 70, chapters 24, 25, and 33, or otherwise, have been obtained.~~

 - ~~(2) The applicant agrees in writing to:
 - ~~A. To keep taxes, permits, and licenses up to date;~~

 - ~~B. Allow only one Short Term Rental per parcel, which could be the Principal Single-Family Dwelling Unit or a portion thereof, an Accessory Dwelling Unit, or the entire parcel and Dwelling Units together;~~

 - ~~C. Limit lodging to inside Dwelling Units;~~

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 - ~~E. Provide to occupants, as well as to adjacent neighbors, contact information for at least two people responsible for addressing issues that arise at the rental property.~~

 - ~~F. A Short Term Rental will not be used as a Special Events Facility. Use of a Short Term Rental for purposes other than lodging and normal residential use is prohibited.~~~~~~

Begin forwarded message

On Jun 23, 2024, at 9:42 PM, Peter Serino
<pnserino@gmail.com> wrote:

Wendy,

As the zoning committee representing the BCPOA board, we are agreeable to discuss further edits to your proposed ZTA. Rather than start out with a zoom meeting which may prove to be cumbersome, we feel it would be more efficient for you to identify the changes that you propose, to which we can then respond. Obviously the main issues would be removal of the ADU component and tightening of the enforcement provisions. Once we have your proposed edits, we can submit them to the full board to gain authority to proceed. Incidentally, we have a full board meeting scheduled this Tuesday (6/25) in case you want to respond immediately, we will seek board approval to reply. Look forward to hearing from you.

On Sat, Jun 22, 2024 at 4:04 PM Bridger Canyon PRC
<propertyrights@bridgercanyon.org> wrote:

Hi Tom, Cyndi, Drew and Pete,

I hope you have had a well deserved rest and break after all the activities leading up to the hearing on Jun 13.

I certainly needed a rest and a few days to think about anything but zoning.

But I am back to it now and feeling optimistic about continuing our discussions for a negotiated ZTA that will meet most, if not all of our mutual goals.

I have some ideas that I think will help move the ball forward on a mutual ZTA and no doubt you have new ideas as well.

Please let me know when a good time is for a Zoom Meeting to begin discussions again.

Thanks so much.

Wendy
Bridger Canyon PRC
BridgerCanyon.org
314-805-1858 - talk and text

On May 24, 2024, at 3:53 PM, Tom Fiddaman
<tom@ventanasystems.com> wrote:

Hi Wendy -

Last night the board agreed that we couldn't support the ZTA as it now stands. We drafted the attached consensus statement.

Sorry we can't agree, but I do appreciate the ongoing dialog.

Tom

--

Peter N. Serino
Attorney at Law
PO Box 1912
Bozeman, MT 59771
406-582-4919 office
406-582-7406 fax

CONFIDENTIALITY NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Act, 18 U.S.C. 2210-2521, is confidential and may be legally privileged. This E-mail contains information that is private, confidential, or is protected by the attorney-client work product doctrines, and is intended only for the use of the individual(s) named herein. If you are not the intended recipient, be advised that unauthorized use, disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you have received this E-mail in error, please immediately notify the sender by replying to this E-mail, and delete the original message and any attachments. Thank you.

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Peter N. Serino
Attorney at Law
PO Box 1912
Bozeman, MT 59771
406-582-4919 office
406-582-7406 fax

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From: Bridger Canyon PRC <propertyrights@bridgercanyon.org>
Subject: Re: ZTA Negotiations - We need another concept meeting with Planning Department
Date: July 11, 2024 at 12:28:26 PM MDT
To: Peter Serino <pnserino@gmail.com>, "Tom Fiddaman (wife Sarah?)" <tom@metasd.com>, drew@seesselinvestments.com, ccrayton4027@gmail.com

Hello Tom, Pete, Cyndi and Drew.

I agree that after what Sean said at the hearing, we need more guidance from the Planning Department or someone Sean designates for us to work with at the Planning Department.

I am sure you all were just as surprised as we were by some of Sean's comments about conflicts with other definitions in the regulations like "Hotel" and "Family" when we did not touch those definitions as they were established years before. The definition nitpicking about guests numbers Sean described with Hotels vs STRs was particularly perplexing.

I just spoke with someone in the Trail Creek District and read the ZTA they have filed that will be discussed at the Public Hearing in August. What caught my eye in the paperwork was the description that they had met at least 4 times with the planning department:

Gallatin County Planning Staff Input

The committee members met four times with staff from the Gallatin County Planning staff to discuss refinements to the proposed zoning text. On December 21, 2023, January 18th and 25th, and again on May 24, 2024, Shea Pare and Garrett McAllister gave suggestions for editing that produced many different working drafts. We acknowledge their deep expertise and are grateful for their suggestions. Our primary focus was to create a document with clear definitions and objective, enforceable conditions.

My thoughts are that we should ask for another "Concept Meeting" with Sean (or anyone he assigns) to get the same advice that Trail Creek received for clarifying

language and inconsistencies that Sean and Commissioners identified. Most specifically on question only Sean can answer involving administration of regulation, especially since Planning Department regs now control administration and not the “community initiated regulation” prior to 2021.

I propose that we set this up as soon as possible.
I will call Sean this afternoon as see what days are possible.

Your thoughts?

Wendy

On Jul 11, 2024, at 11:50 AM, Peter Serino <pnserino@gmail.com>
wrote:

Wendy,

Thanks for reaching out. We would also like to keep pushing forward on this and get to a conclusion.

We are still trying to determine what is the best way to handle the permitting process. Sean, in both his written staff report and oral report at the June 13 hearing, mentioned that both administrative review and CUPs had merits. We’d like to try to get a better handle on the pluses and minuses of each before committing. We do know that it will be one or the other so, as it relates to a finished document, this is not a major point for us to contend with as the ZTA can be modified via 12.14 or other additional language for whichever method is determined to be best.

The points we really need to figure out relate to ones that we are all aware of:

- modifying language so that standards are enforceable, i.e. remove language such as “applicant agrees in writing to” and replace it with “owner /applicant shall comply with.”
- delete any reference to ADU rental
- include standards to constrain full time non-owner occupied commercial STR’s

If you could give us some guidance on these 3 items, we will have a better idea of how to move forward.

Regards,

Tom, Pete, Cyndi, Garth, Drew
BCPOA Zoning Committee

--

Peter N. Serino
Attorney at Law
PO Box 1912
Bozeman, MT 59771
406-582-4919 office
406-582-7406 fax

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Begin forwarded message:**From:** Bridger Canyon PRC
<propertyrights@bridgercanyon.org>
Subject: Re: Concept meeting
Date: July 22, 2024 at 2:03:45 PM MDT
To: Peter Serino <pnserino@gmail.com>, "Tom Fiddaman (wife Sarah?)"
<tom@metasd.com>, drew@seesselinvestments.com,
ccrayton4027@gmail.com, gneuffer@hotmail.com

Hello Pete, Tom, Cyndi, Drew and Garth,

I am sorry to hear that your BCPOA zoning committee wants to work separately on a Zone Text Amendment of your own and independently talk with Sean, rather than work together.

It seems much more efficient for both our groups and the County to work together.
However, our group is willing to do whatever it takes to pass a workable ZTA that achieves our most important goal.

ZTA Goal - insert rental language into Bridger Canyon zoning regulations that restores rental property rights with reasonable constraints that do not financially damage "the health, safety, welfare, and convenience of rural residential citizens."

It is our understanding that you have a Concept meeting already scheduled with Sean later this week.

We still hope you will change your mind and included our group to modifying language for the current ZTA pending instead of starting from scratch.

That said, I would like to address the general issues you raised in your July 11 email:

The points we really need to figure out relate to ones that we are all aware of:

- modifying language so that standards are enforceable, i.e. remove language such as "applicant agrees in writing to" and

replace it with “owner /applicant shall comply with.”

- delete any reference to ADU rental

- include standards to constrain full time non-owner occupied commercial STR’s

If you could give us some guidance on these 3 items, we will have a better idea of how to move forward.

1 - We are good with *“modifying language so that standards are enforceable, i.e. remove language such as “applicant agrees in writing to” and replace it with “owner /applicant shall comply with.”* but we need to see specifics, which is why I have attached the last submitted ZTA text to this email for you to **show red line deletions and additions** to section 12.14 that work for you.

If you can redline the current ZTA we will have something specific to discuss with Sean together or in separate Concept meetings.

2- *“delete any reference to ADU rental”* We would like to delay this decision (ADUs are still negotiable) until we see progress on the following:

- a- Agreement on language for STR permitting and Standards in section 12.14.

- b- Definitive feedback from the community on the specific question of whether ADUs should be rentable.

- c- What is the goal of ADU rental restriction? Is that goal achieved by banning ADU rentals? How is community harmed by renting ADUs?

Our point of view - If we can agree to a permit process, there is much more incentive for compromise on this point.

Also, we all need definitive feedback from owners that a majority are against ADU renting, or definitive proof that renting an ADU is harmful to the community.

Please Note - Bridger Canyon PRC has already compromised by dropping the "CUP for Special Events Facilities" from our original March ZTA filing in hopes of a BCPOA compromise on renting ADUs.

3- *“include standards to constrain full time non-owner occupied commercial STR’s”* We feel more guidance is necessary for any opinion on this point.

- a- What specific language do you propose for “standards to constrain non-owner occupied STRs” ?

- b- Are restrictions on where owner lives in relation to rental property legal, or would such restrictions potentially violate Constitutional principles or Commerce laws?

- c- What is the goal of non-owner occupied STR standards and will they actually achieve the goal?

d- What evidence can be produced that “standards of constraint” are necessary or solving a real problem that currently exists with renting?

As to the lawyer issue, I am surprised by the negative feedback. The intent is NOT to have lawyers involved in negotiations, just to keep them informed of communications. We assumed you were doing the same, but if we got that wrong we apologize.

Let us know.

Wendy
Bridger Canyon Property Rights Coalition
BridgerCanyon.org
314-805-1858 - talk and text

On Jul 11, 2024, at 11:50 AM, Peter Serino <pnserino@gmail.com> wrote:

Wendy,

Thanks for reaching out. We would also like to keep pushing forward on this and get to a conclusion.

We are still trying to determine what is the best way to handle the permitting process. Sean, in both his written staff report and oral report at the June 13 hearing, mentioned that both administrative review and CUPs had merits. We’d like to try to get a better handle on the pluses and minuses of each before committing. We do know that it will be one or the other so, as it relates to a finished document, this is not a major point for us to contend with as the ZTA can be modified via 12.14 or other additional language for whichever method is determined to be best.

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- modifying language so that standards are enforceable, i.e. remove language such as “applicant agrees in writing to” and replace it with “owner /applicant shall comply with.”
- delete any reference to ADU rental
- include standards to constrain full time non-

owner occupied commercial STR's
If you could give us some guidance on these 3 items, we will
have a better idea of how to move forward.

Regards,

Tom, Pete, Cyndi, Garth, Drew
BCPOA Zoning Committee

--

Peter N. Serino
Attorney at Law
PO Box 1912
Bozeman, MT 59771
406-582-4919 office
406-582-7406 fax

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**Bridger Canyon Property Rights Coalition
April 2024 Zone Text Amendment Proposal**

Amendments Proposed

-- The proposed changes appear in red in the sections excerpted below. --

SECTION 3 DEFINITIONS

3.xx Long Term Rental: Rental of a Dwelling Unit or portion thereof for residential use for a period of more than 30 consecutive nights to one and the same Family for the entire rental period.

3.xx Short Term Rental: Rental of a Dwelling Unit or portion thereof for residential use for a period of 30 or fewer consecutive nights, to one and the same Family for the entire rental period.

SECTION 4 AGRICULTURE EXCLUSIVE DISTRICT (AE)

4.2 Permitted Uses:

- a. Agriculture, as defined under [Section 76-2-902](#), MCA.
 - (1) The sale on the premises of agricultural products produced thereon.
 - (2) The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required for agricultural production.
- b. One Principal Single-Family Dwelling Unit on each parcel created in conformance with the Zoning Regulation or in existence at the time of its original adoption.
- c. One Accessory Dwelling Unit in accordance with [Section 12.2](#).
- d. Accessory Buildings, where each Accessory Building is equal to or less than 2,400 square feet of General Floor Area.
- e. Essential Services, Type I.
- f. Domestic Wireless Equipment.
- g. Signs, in accordance with [Section 13](#).
- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- j. Long Term Rental.
- k. Short Term Rental, subject to the provisions of Section 12.14.

**Bridger Canyon Property Rights Coalition
April 2024 Zone Text Amendment Proposal**

Amendments Proposed

SECTION 5 RECREATION AND FORESTRY (RF)

5.2 Permitted Uses:

- a. One Principal Single-Family Dwelling Unit on each parcel created in conformance with the Zoning Regulation or in existence at the time of its original adoption.
- a. Personal milling of lumber not for commercial purposes.
- b. Agriculture, as defined under [Section 76-2-902](#), MCA.
 - (1) The sale on the premises of agricultural products produced thereon.
 - (2) The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required for agricultural production.
- c. Accessory Building(s), where each Accessory Building is equal to or less than 2,400-square-feet of General Floor Area.
- e. Essential Services, Type I.
- f. Domestic Wireless Equipment.
- g. Signs, in accordance with [Section 13](#).
- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- j. Long Term Rental.
- k. Short Term Rental, subject to the provisions of Section 12.14.

SECTION 12 GENERAL DEVELOPMENT STANDARDS

12.2 Accessory Dwelling Unit:

- ~~e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single family Dwelling Unit.~~
- e. The Accessory Dwelling Unit may not be ~~rented or~~ sold separately from the Principal Single-family Dwelling Unit. Short Term Rental Use of an Accessory Dwelling Unit must comply with Section 12.14.

12.14 Short Term Rental Requirements: Any property owner planning to offer a Short Term Rental shall acknowledge by signature that they understand and will adhere to the following requirements and conditions:

- a. Prior to commencement of renting, the property owner or authorized representative shall apply for written approval from the Gallatin County Planning Department.

Bridger Canyon Property Rights Coalition
April 2024 Zone Text Amendment Proposal

Amendments Proposed

- b. Approval may be revoked upon violation of the Short Term Rental standards set forth in this Section 12.14.
- c. Offering a Short Term Rental without written approval from the Gallatin County Planning Department, or after approval is revoked, shall be considered a violation of this regulation and subject to the enforcement procedures contained within the Gallatin County “Part 1” Zoning Administrative Regulations.
- d. The Planning Department shall review and approve Short Term Rental Use so long as it complies with the following standards:
 - (1) Documentation is provided to the County that all required state and local permits and licenses for the Short Term Rental Use, including, if applicable, pursuant to § 50-51-201, MCA; Title 70, chapters 24, 25, and 33, or otherwise, have been obtained.
 - (2) The applicant agrees in writing to:
 - A. To keep taxes, permits, and licenses up-to-date;
 - B. Allow only one Short Term Rental per parcel, which could be the Principal Single-Family Dwelling Unit or a portion thereof, an Accessory Dwelling Unit, or the entire parcel and Dwelling Units together;
 - C. Limit lodging to inside Dwelling Units;
 - D. Maintain documentation on the premises that informs occupants of rules and regulations that affect the property, such as information about property lines, trespassing laws, speed limits, proper garbage disposal, wildlife etiquette, bans on burning, smoking restrictions, quiet hours, parking, dark sky lighting, and neighbor requests. Additional Emergency Services information should recommend local sources for current fire danger conditions and corresponding health and safety advisories.
 - E. Provide to occupants, as well as to adjacent neighbors, contact information for at least two people responsible for addressing issues that arise at the rental property.
 - F. A Short Term Rental will not be used as a Special Events Facility. Use of a Short Term Rental for purposes other than lodging and normal residential use is prohibited.

From: Bridger Canyon PRC <propertyrights@bridgercanyon.org>
Subject: Re: ZTA
Date: August 6, 2024 at 5:17:18 PM MDT
To: Peter Serino <pnserino@gmail.com>, "Tom Fiddaman (wife Sarah?)" <tom@ventanasystems.com>, drew@seesselinvestments.com, ccrayton4027@gmail.com, gneuffer@hotmail.com

Hi Pete, Tom, Drew, Cyndi, Garth,

Thank you for the update and thoughts about the current ZTA and plans for BCPOA to submit your own ZTA proposal.

As we have shared previously, I just want to say again that we would be happy to meet to discuss language that BCPOA would like modified in the existing ZTA proposal, since we already paid the ZTA fee and went through the hearing process where the Commission stayed consideration of that application to give us more time to work together to achieve a compromise. But in the end, the process is less important than the results, and it sounds like BCPOA is prepared to move forward with an alternative ZTA application.

I'm hopeful that BCPOA's draft could be broad enough to address our Coalition's main concerns. We would appreciate the chance to review the BCPOA draft before you submit, so we could share any feedback that would be helpful. If any of our suggestions are acceptable, then we might be able to withdraw our pending ZTA application altogether or amend it substantially if it is still needed at all. Without looking at the draft of what BCPOA would propose, it's hard to determine if any portions of the Coalition's ZTA would be needed immediately or otherwise in the future.

That said, I do want to respond briefly to the ADU issue that you raised below. It seems there is still some miscommunication there – we are and have been willing to consider alternatives related to ADUs. For example, would BCPOA consider regulation language that would allow renting an ADU on a parcel of 40+ acres if only one structure per parcel were rented at any given time? That would not increase density – that would just ensure that owners have flexibility as to what structure they rent.

Do you have a draft of the BCPOA ZTA language that you could share? Also, please let me know if there are some good days/times in the next month or so when we could do a zoom meeting.

There is no doubt about the overall efficiency and increased chance for passage of a unified ZTA proposal. Although, we may have to agree to disagree on some things, I hope we all will keep an open mind to new ideas for compromise to find a path around any issue to reach the goal of an agreement that will improve Bridger Canyon Zoning.

As commissioners affirmed, we can't let the perfect be the enemy of the good.

Thanks again for your email and time in considering these issues.
I look forward to talking again soon.

Wendy
Bridger Canyon PRC



On Jul 30, 2024, at 11:52 AM, Peter Serino <pnserino@gmail.com> wrote:

Wendy,

We are trying to determine the most effective course of action to move forward on the ZTA. From your earlier communication, it seems clear that you are not prepared to give up the ADU rental concept, which we cannot support for the reasons we have outlined. We can offer a reasonable STR alternative that could be a win/win and have broader support in the Canyon. We are prepared to submit (and pay for) our own ZTA, which would deal only with STRs. We would structure the ZTA to allow certain STRs with standards based upon a CUP. We would include a grandfather provision to include certain existing STRs, including yours. We would show you the ZTA before filing to demonstrate good faith.

If you choose, you could retain your current ZTA (which we would continue to oppose) and be free to modify it to address ADUs only.

There are many reasons why we feel that this plan would be more effective than trying to recompose and resubmit your existing ZTA. Some of those reasons include community support, commission cooperation and the overall efficiency of a single issue presentation. If you agree, contact us to discuss scheduling issues. It would seem more efficient if we submitted our ZTA first. Thanks and talk soon.

Peter Serino, for the committee

From: Tom Fiddaman <tom@ventanasystems.com>

Subject: Re: from Wendy - Re: Comments and criticisms

Date: August 10, 2024 at 10:48:52 AM MDT

To: Bridger Canyon PRC <propertyrights@bridgercanyon.org>

Hi Wendy -

Apologies for the delay. I've been out of office for a conference, teaching, and family medical issues. BCPOA has also taken a break on board meetings. I'm still traveling, but would like to begin responding to your letter.

I'll start at the end. I'm happy to let bygones go, and continue to work on zoning issues. I think there are some other things that will be easier to tackle, and easier to reach agreement on within the canyon. I think STRs can move forward, though honestly the contingent that is anti-STR altogether has if anything grown. I find it harder to defend action in favor of STRs now than six months ago, when some members press us to just say no. Fabrications like Linda Shaw's letter to the editor claiming that BCPOA ganged up with the county to ban STRs doesn't make it any easier.

I appreciate your assessment of our actions. I think we as a board, and I personally, haven't been as transparent as we could have been and I'd like to do better in the future. I think I can shed a little light on my view of the same events.

First, it wasn't our intent to exclude you from the zoning committee discussions - as of early Feb. we simply hadn't decided how to proceed. Our board is large and diverse, and it takes time to move things forward - even longer if the broader membership is to be involved. This is not foot-dragging; public processes are inherently slower than we'd like, and we're all volunteers with day jobs. We needed some time to discuss strategy without advocacy from either side (we didn't involve Kent Madin either for example). Once we knew that a submission was already underway, that really precluded a more inclusive path.

Second, my objection to ADU rental is hardly the key to board opposition to the amendment, nor am I the only one objecting. I don't even get to vote on policy except as a tiebreaker. I think the issues run deeper - some members are really opposed to STRs altogether, and some viewing them favorably objected to the indirect language that weakened enforcement. I definitely have an opinion, but I didn't "steer" the board to its decision. I did outline an initial response, but the board set that aside, and another member of the zoning committee drafted what ultimately became the board's official letter of opposition. That was group-edited as a consensus statement by all board members. Board members were also free to express their own views in testimony, and as I recall two were partly to fully supportive of your amendment. If we believed that the community was really close to 50/50, we might have had a more neutral response, but I think that's simply not true. In our survey, it was clearly at least 60/40 against STRs, only rising to parity with more stringent controls than the amendment provided. It was also 60/40 against in written testimony submitted to the commission, even before subtracting nonresident responses.

However, please be assured that we did take you seriously. I'm not sure I would have described our final meeting as "optimistic" but rather "cordial" - I'm glad it could be that way and I hope we can continue such conversations. But I think the board's questions indicated uneasiness with features of the ZTA. The meeting outcome was in no way predetermined.

I think I should leave discussion of next steps to the rest of the committee, but I hope we can continue to work on friendly terms. Thanks again for your heartfelt letter.

Regards,

Tom

On 7/16/2024 1:16 PM, Bridger Canyon PRC wrote:

Dear Tom,

Please read the PDF letter linked below.

I look forward to your response.

Wendy

On Mar 23, 2024, at 12:42 PM, Tom Fiddaman <tom@ventanasystems.com> wrote:

Hi Wendy -

Thanks for the long note, which I can't fully respond to now (still trying to sleep off covid), but definitely happy to work together to create something workable.

Tom

On 3/23/2024 2:47 AM, Bridger Vista Lodge wrote:

Hello Tom,
I appreciate your comments and criticism.
You are right that the strong language I have used has created a stir in the Planning Department as well as BCPOA.

But it often takes a "Good Cop/Bad Cop" approach to get anything done. You have to admit that BCPOA would not be seriously discussing a Zoning Amendment right now if I had not had my own public meeting and pushed the more controversial language that you have every right to be critical of.

My rebuttal begins with the notion that I am "raising an army" for anything. I am trying to spread awareness and help educate our community about zoning regulations and how they may affect lives and livelihoods even if people do not see the encroachment on free land use as immediately as I have. A goal I believe is the core purpose of BCPOA as well.

Although I agree that toning down the rhetoric is the better way to get things accomplished and I will endeavor to do so, you have to admit I have reason to be very upset with the new interpretation of zoning regulation. And yes it IS a new interpretation, even if text implied that "not listed = not allowed"

it was never the way zoning rules were applied to similar uses and especially common uses especially for a primary residence.

I talked to the planning department at length in 2004, 2005 and 2006 through getting all our permits, attempted variances, wetland studies, army corp of engineers investigation, and hostile neighbors that opposed us building in every way.

I was very clear and open with everyone that we would be renting our home to tourists and despite objecting to nearly everything else in our building plans, literally no one and I mean NO ONE (not even Deb) objected to us renting. Not the neighbors, not the planning department, not the commissioners, not even BCPOA headed by Bruce Jodar at the time. Most likely because 2 homes in our immediate neighborhood were already renting through the Bridger Bowl website and VRBO and Deb Stratford was managing one of them.

I did not "assume" a vacation rental was legal, as Megan the compliance officer is quoted saying is the explanation for residents like me renting for years. I asked planning department people point blank about having a "tourist vacation home" and was told it was no problem because renting a primary residence, unlike the caretaker residence, was not prohibited in the zoning regulations. Because there was no disagreement it never occurred to me to get it in writing.

For nearly 18 years, I have been renting my home without controversy, including sending lodging tax to the state from the very first rental in 2006, Bridger Bowl booking my home for 14 years and earning a 12% commission from 2006 until they stopped in 2020 during Covid, listing my home as a tourist rental on the Montana Tourism website for 18 years, getting my health permit back in 2012 when it was first required. After a rumor went around The Guetto that I was "running an illegal business" someone turned me in to the MT Department of Revenue assuming I had not been paying the Lodging Tax since most people did not even know about it. I came out of the audit with the state owing me a few hundred dollars because I had been charging tax on pet fees which was not required to be taxed at that time. The auditor admitted it was a complete waste of his time.

In fact I only found out recently from an archive document request that the planning department including the compliance officer at the time, defended me and our property rights against a ridiculous complaint filed by Deb Stratford after our home was fully built. The compliance officer and planners investigated, found nothing wrong with our permits and dismissed the complaint, then Deb appealed their decision and lost again. I heard a rumor about it verbally much later, but had no idea that Deb had tried so hard to ruin my home after it was built.

The crazy thing is that if the same complaint showed up today, I don't think the planning department and compliance officer with their much stricter zoning interpretation, would defend me at all.

The good news is that Deb and I made up a few months later when she had a

greater cause to fight
with Bridger Partners and stopping the development around Bridger Bowl. I
agreed with Deb and supported
her efforts to fight that development. And so, she recruited us to have our well
monitored as part of the water
study near Bridger Bowl that helped sink Bridger Partners planned
development.

If renting my home to tourists was always illegal as the county now insists,
don't you think Deb
would have sent in a complaint to shut me down. She did everything else she
could.
So, now after all that animosity has passed and we are all getting along and all
my neighbors agree that
my tourist home is an asset to the community, the county suddenly decides to
change the interpretation of the
rules in a way that literally threatens everything I have accomplished and if they
stop me renting will cause me serious
financial hardship. I have done nothing wrong. I have followed every rule. I
have won over previously hostile neighbors
to my defense. I have been the best short term rental owner I can be with
success on every front.

And now the Planning Department says my short term rental home was never
legal. Seriously.
If you were me wouldn't you be frustrated? And maybe use some strong
language?

Thanks for reading my rant.

I truly hope we can work together to fix this.
As you know, STRs are the controversy of the day, but a drop in the bucket
compared to the biggest threat
to Bridger Canyon - big development. We need to stop fighting each other and
get back to fixing zoning to
hold back the big developers you know are coming.

Thanks for your incite Tom.

Wendy

On Mar 20, 2024, at 5:50 PM, Tom Fiddaman
<tom@ventanasystems.com> wrote:

Hi Wendy -

I think the brevity of my note was misleading. We haven't made
any decision about expanding the committee beyond the board,
and in fact we haven't even met to discuss it.

I'm sure we'll expand participation in the draft very soon - with
input both from STR proponents and those who favor exclusion
or strict regulation. The timeline will be a few weeks, and we
don't expect to lock in any decisions just yet.

In the meantime, if you want to heal the canyon, may I suggest
that your first step be to drop the word "fight." You can't heal
things with fighting. Raising an army under the banner of
"government overreach" sets the county against us.

Similarly, I'd suggest that a useful gesture of good faith would be
to drop the implication that the board is an exclusive club of
urban noobs oppressing the rural people. No one wants to

collaborate knowing that the "old people" are looking down their noses at them. It's also a little ironic given that, to my knowledge, most of the pending STR violations involve people with little or no tenure in Bridger Canyon. Let's just assume that every canyon resident has valid input.

We'll be in touch as soon as possible, but I'm expecting to be out sick a few more days.

Tom

On 3/20/2024 11:51 AM, Bridger Vista wrote:

I'm sorry to hear you all don't want me to be part of your Zoning committee.

As the longest continuous individually owned STR in the canyon as well as my family history at the very roots of this community should make me a vital person to help you negotiate with the county and community for a workable compromise.

I have always been very clear that I am open to negotiating and want very much to join you in deliberating this important land use that will determine the future of our beloved canyon.

I am happy to read the draft you come up with. But expect it will be pretty much set and finished by the time you let me see it, likely weeks or months from now.

Your idea of an LUP instead of a CUP for renting is a good one. The county needs another Type of permit that is not so burdensome as the CUP. And I could be very helpful convincing the county of its merits. But that will be harder if I am not involved in the drafting of your proposal.

Now I have family matters, as you know, that need to come first. But I will be back mid May and ready to get back in the fight to compromise and heal this community that has become so negative and toxic after all the recent unnecessary complaints.

If you really want to preserve the rural character of Bridger Canyon you need to include more rural people especially long time locals not just the same small group of board members.

It's been a hard month for me. But I truly want to help and I am open minded to what the committee comes up with. Even if you can't say so publicly, I am sure you understand my disappointment to be kept on the outside of this committee.

Let men know when I can read the draft.

Wendy
314-805-1858 (text and voice)

On Mar 19, 2024, at 3:55 PM, Tom
Fiddaman
<tom@ventanasystems.com> wrote:

Hi Wendy -

Sorry for the delay - spring break + covid. Anyway we have a standing zoning committee that is going to update the 2017 draft for discussion with the county. The immediate thing is to simplify administration by using a different process (LUP instead of CUP), but preserving the ability to revoke in the hopefully rare case of a problem. Some of the other admin details, like maintaining point-of-contact info, can also be simplified. The primary question then will be what other standards apply. It would be great to have your input on the draft.

Tom

On 3/15/2024 10:12 AM, Bridger Vista Lodge wrote:
Hi Tom,

I don't know what was decided at the BCPOA Board Meeting last week, but I am hoping that the board voted to put together a committee to tackle the zoning text updates or request a zoning advisory committee be appointed by County Commissioners as they should have done 2 years ago when they rejected previously proposed STR regulation.

As you know, I really want to be a part of negotiations and debate over the best path forward. I am open to compromise, but my history and success as an STR owner as well as the location of my STR makes my input relevant.

What do you need from me to be included in BCPOA deliberations?

Wendy
314-805-1858

From: Bridger Canyon PRC <propertyrights@bridgercanyon.org>
Subject: Looking forward to seeing draft of ZTA
Date: September 3, 2024 at 3:29:41 PM MDT
To: Peter Serino <pnserino@gmail.com>
Cc: ccrayton4027@gmail.com, gneuffer@hotmail.com,
drew@seesselinvestments.com, "Tom Fiddaman (wife Sarah?)"
<tom@ventanasystems.com>

Hello Pete, Tom, Drew, Cindy and Garth

I hope you all had a good end of summer holiday.
We look forward to seeing your draft ZTA and optimistic for negotiating a path forward as soon as we get a chance to truly collaborate with fresh eyes and ideas.

Let us know when we can have a look.

Thanks,

Wendy Dickson
Bridger Canyon PRC
BridgerCanyon.org
314-805-1858 - talk and text



From: Bridger Canyon PRC <propertyrights@bridgercanyon.org>
Subject: Re: ZTA Draft - Can we meet this weekend?
Date: September 18, 2024 at 2:34:37 PM MDT
To: "Tom Fiddaman (wife Sarah?)" <tom@ventanasystems.com>, Peter Serino <pnserino@gmail.com>, drew@seesselinvestments.com, ccrayton4027@gmail.com, gneuffer@hotmail.com

Hello All.

I believe that you all met last night to discuss your ZTA Draft.
Can we set up a meeting to discuss it soon. Perhaps this weekend would be good.
Hopefully the firehall will be available, but I am in Bozeman now and can meet anywhere that you suggest.

Looking forward to seeing your draft.

Thanks,

Wendy
314-805-1858 - talk and text



On Sep 10, 2024, at 7:47 PM, Tom Fiddaman <tom@ventanasystems.com> wrote:

Hi Wendy - It's basically ready. We're previewing it with the board first, which would have happened tonight, but for the debate. A couple more days ... Tom

On 9/10/2024 5:40 PM, Bridger Canyon PRC wrote:

Hello all,

So its the middle of September and a good time to begin again.

Let us know when the ZTA draft is ready for to see.

Wendy Dickson
Bridger Canyon PRC
BridgerCanyon.org
314-805-1858 - talk and text



From: BridgerCanyon PRC <Propertyrights@bridgercanyon.org>
Subject: Re: How about coffee and cookies at Wild Crumb sometime
Date: October 4, 2024 at 2:05:11 PM MDT
To: "Tom Fiddaman (wife Sarah?)" <tom@ventanasystems.com>

Hi Tom.

I am still offering to meet at Wild Crumb sometime to discuss zoning history (not current issues) over cookies and coffee or brunch if you prefer.

For example, I would very much like to hear your thoughts about the PUD and Base Area regulations that are clearly antiquated as well as The General Plan that also needs updating.

As I have said before, I have a deep respect for your depth of knowledge and history of leadership at BCPOA. I know over time it has been a thankless job that has made you a lightning rod for criticism when people are upset about something to do with zoning, including myself.

After listening to countless hearings and meeting this summer, that only scratch the surface of what you have been present for and actively participated, I have an even greater appreciation of the sacrifice you have made to keep BCPOA going and relevant to our community.

Whether we agree or disagree, I respect your best attempt at finding a middle road to make progress.

Please let me know when we might get together to “talk shop” so to speak, not about anything pending, but about Bridger Canyon zoning history and how we work together to fix other zoning problems in the regulations.

Thanks so much, Tom.

Wendy
314-805-1858 (text and voice)

On Sep 25, 2024, at 1:48 PM, Tom Fiddaman
<tom@ventanasystems.com> wrote:

Hi Wendy -

Apologies if we got the impression that there wasn't a good prospect of closing the gap between our versions.

We're happy to meet - unfortunately several of us are tied up for the remainder of the week. Here's a Doodle poll for what I hope will be a workable time:

<https://doodle.com/meeting/participate/id/avD5nkXd>

In the meantime, if you have comments on the concept document we shared, it would be useful for us to have a concrete proposal to think about.

Thanks,

Tom

On 9/22/2024 10:47 PM, Bridger Canyon PRC wrote:

Hello BCPOA Zoning Committee,

Pete let me know that your committee will be meeting again this week (Sep 23-27) to discuss your ZTA draft again.

I am in Bozeman now and I truly believe there is more chance for progress if we can finally meet in person and discuss all the options to get something passed.

I have deliberately stayed away from the Board Meetings so that candid discussion could be encouraged. I now realize this may have been a mistake since it has come to my attention that there is the false assertion and general consensus that I am unwilling to compromise. This is absolutely untrue as you all know from the numerous emails I have written suggesting that I am ready to negotiate ever since the hearing 3 months ago last June.

If I were unwilling to compromise and negotiate why would I keep asking to discuss your ZTA draft and a way to move forward?

County Commissioners gave us a mandate last June to work together for a consensus amendment and I am trying as hard as I can to convince you all that is my intent.

It is now near the end of September and well past time for us to meet.

Please set a time and place and I will be there.

Wendy Dickson
Bridger Canyon PRC
BridgerCanyon.org
314-805-1858 - talk and text

On Sep 19, 2024, at 6:33 PM, Peter Serino
[<pnserino@gmail.com>](mailto:pnserino@gmail.com) wrote:

Wendy,
Here is the draft version of our ZTA which was NOT approved by the board at our meeting on 9/17/24. As a result, the committee will reconvene next week to retool. In the meantime, feel free to review and comment. As a note, those that did not approve felt the ZTA was too liberal in allowing STRs.

--

Peter N. Serino
Attorney at Law
PO Box 1912
Bozeman, MT 59771
406-582-4919 office
406-582-7406 fax

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sender by replying to this E- mail,
and delete the original message and any
attachments. Thank you.

Hello All.

I believe that you all met last
night to discuss your ZTA
Draft.

Can we set up a meeting to
discuss it soon. Perhaps this
weekend would be good.
Hopefully the firehall will be
available, but I am in Bozeman
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that you suggest.

Looking forward to seeing your
draft.

Thanks,

Wendy
314-805-1858 - talk and text

On Sep 10, 2024, at
7:47 PM, Tom
Fiddaman
[tom@ventanasyst
ems.com](mailto:tom@ventanasyst
ems.com) wrote:

Hi Wendy - It's
basically ready.
We're previewing it
with the board first,
which would have
happened tonight,

but for the debate.
A couple more
days ... Tom

On 9/10/2024 5:40
PM, Bridger
Canyon PRC
wrote:

Hello
all,

So its
the
middle
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ber and
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again.

Let us
know
when
the
ZTA
draft is
ready
for to
see.

Wendy
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rCanyo
n.org](http://BridgeCanyon.org)
314-
805-
1858 -
talk
and
text

From: BridgerCanyon PRC <Propertyrights@bridgercanyon.org>
Subject: Re: from Wendy - can you email me latest ZTA draft?
Date: October 17, 2024 at 1:45:22 PM MDT
To: Tom Fiddaman <tom@metasd.com>

Hi Tom,
Any zoning committee news or progress with ZTA since we met last week?

Wendy
314-805-1858 (text and voice)

On Oct 8, 2024, at 12:00 PM, Tom Fiddaman <tom@metasd.com>
wrote:

Hi Wendy -

We didn't entirely converge on a final draft, but here's the direction:

1. A Short-Term Rental shall meet the following criteria:

- a. Limited Duration and Scope.
 - i. Operation of the Short-Term Rental is limited to two periods of 60 contiguous days per calendar year, which may be combined to one contiguous 120-day period;
 - and
 - ii. The Short-Term Rental comprises a portion of a Principal Single-Family Dwelling Unit in which the owner resides and the owner or owner's representative is on site during the rental period. For purposes of this section, an Accessory Dwelling Unit does not constitute a portion of a Principal Single Family Dwelling Unit.

or

- b. Grace Period. The owner can demonstrate operation of the Short-Term Rental in a permitted structure with a Public Accommodation License per §.50-51-201, MCA, prior to [filing date of this amendment],

and applies for a Conditional Use Permit within one year.

We shared this with the board over the weekend but haven't had any early feedback.

On 10/8/2024 11:53 AM, Bridger Canyon PRC wrote:

Hi Tom.

Can you email me the latest ZTA draft proposal for my group to consider after our discussion last week?

Thanks,

Wendy Dickson
Bridger Canyon PRC
BridgerCanyon.org
314-805-1858 - talk and text

<Bridger Mountains_Pan-2024Jun15-sm.png>

From: Bridger Canyon PRC <propertyrights@bridgercanyon.org>

Subject: from Wendy - Just want to talk about history and ideas (not STRs)

Date: October 29, 2024 at 1:29:53 PM MDT

To: "Tom Fiddaman (wife Sarah?)" <tom@ventanasystems.com>, "Tom Fiddaman (wife Sarah?)" <tom@metasd.com>

Hi Tom.

It occurs to me that we have never spoken outside of a meeting with other people.

I am still offering to buy coffee and snack of your choice at Wild Crumb at a time of your choosing to discuss zoning history and ideas (not current ZTA).

I would make a hard rule NOT to discuss STRs or current ZTA issues.

I do believe we have a common interest in annoying inconsistencies in the Zoning regulations, base area and general plan that could create a working space for future fixes to the zoning regulations.

For example, I would very much like to hear your thoughts about the PUD and Base Area regulations that are clearly antiquated as well as The General Plan that also needs updating.

As I have said before, I have a deep respect for your depth of knowledge and history of leadership at BCPOA. I know over time it has been a thankless job that has made you a lightning rod for criticism when people are upset about something to do with zoning, including myself.

After listening to countless hearings and meeting this summer, that only scratch the surface of what you have been present for and actively participated, I have an even greater appreciation of the sacrifice you have made to keep BCPOA going and relevant to our community.

Whether we agree or disagree, I respect your best attempt at finding a middle road to make progress.

Please let me know when we might get together to "talk shop" so to speak, not about short term rentals or ZTA, but about Bridger Canyon zoning history and how we work together to fix other zoning problems in the regulations.

Thanks so much, Tom.

Wendy

314-805-1858 - talk and text



Begin forwarded message:

From: Tom Fiddaman <tom@ventanasystems.com>
Subject: Re: from Wendy - Re: Comments and criticisms
Date: August 10, 2024 at 10:48:52 AM MDT
To: Bridger Canyon PRC <propertyrights@bridgercanyon.org>

Hi Wendy -

Apologies for the delay. I've been out of office for a conference, teaching, and family medical issues. BCPOA has also taken a break on board meetings. I'm still traveling, but would like to begin responding to your letter.

I'll start at the end. I'm happy to let bygones go, and continue to work on zoning issues. I think there are some other things that will be easier to tackle, and easier to reach agreement on within the canyon. I think STRs can move forward, though honestly the contingent that is anti-STR altogether has if anything grown. I find it harder to defend action in favor of STRs now than six months ago, when some members press us to just say no. Fabrications like Linda Shaw's letter to the editor claiming that BCPOA ganged up with the county to ban STRs doesn't make it any easier.

I appreciate your assessment of our actions. I think we as a board, and I personally, haven't been as transparent as we could have been and I'd like to do better in the future. I think I can shed a little light on my view of the same events.

First, it wasn't our intent to exclude you from the zoning committee discussions - as of early Feb. we simply hadn't decided how to proceed. Our board is large and diverse, and it takes time to move things forward - even longer if the broader membership is to be involved. This is not foot-dragging; public processes are inherently slower than we'd like, and we're all volunteers with day jobs. We needed some time to discuss strategy without advocacy from either side (we didn't involve Kent Madin either for example). Once we knew that a submission was already underway, that really precluded a more inclusive path.

Second, my objection to ADU rental is hardly the key to board opposition to the amendment, nor am I the only one objecting. I don't even get to vote on policy except as a tiebreaker. I think the issues run deeper - some members are really opposed to STRs altogether, and some viewing them favorably objected to the indirect language that weakened enforcement. I definitely have an opinion, but I didn't "steer" the board to its decision. I did outline an initial response, but the board set that aside, and another member of the zoning committee drafted what ultimately became the board's official letter of opposition. That was group-edited as a consensus statement by all board members. Board members were also free to express their own views in testimony, and as I recall two were partly to fully supportive of your amendment. If we believed that the community was really close to 50/50, we might have had a more neutral response, but I think that's simply not true. In our survey, it was clearly at least 60/40 against STRs, only rising to parity with more stringent controls than the amendment provided. It was also 60/40 against in written testimony submitted to the commission, even before subtracting nonresident responses.

However, please be assured that we did take you seriously. I'm not sure I would have described our final meeting as "optimistic" but rather "cordial" - I'm glad it could be that way and I hope we can continue such conversations. But I think the board's questions indicated uneasiness with features of the ZTA. The meeting outcome was in no way predetermined.

I think I should leave discussion of next steps to the rest of the committee, but I hope we can continue to work on friendly terms. Thanks again for your heartfelt letter.

Regards,

Tom

On 7/16/2024 1:16 PM, Bridger Canyon PRC wrote:

Dear Tom,

Please read the PDF letter linked below.

I look forward to your response.

Wendy

On Mar 23, 2024, at 12:42 PM, Tom Fiddaman <tom@ventanasystems.com> wrote:

Hi Wendy -

Thanks for the long note, which I can't fully respond to now (still trying to sleep off covid), but definitely happy to work together to create something workable.

Tom

On 3/23/2024 2:47 AM, Bridger Vista Lodge wrote:

Hello Tom,
I appreciate your comments and criticism.
You are right that the strong language I have used has created a stir in the Planning Department as well as BCPOA.

But it often takes a "Good Cop/Bad Cop" approach to get anything done.
You have to admit that BCPOA would not be seriously discussing a Zoning Amendment right now if I had not had my own public meeting and pushed the more controversial language that you have every right to be critical of.

My rebuttal begins with the notion that I am "raising an army" for anything. I am trying to spread awareness and help educate our community about zoning regulations and how they may affect lives and livelihoods even if people do not see the encroachment on free land use as immediately as I have.
A goal I believe is the core purpose of BCPOA as well.

Although I agree that toning down the rhetoric is the better way to get things accomplished and I will endeavor to do so, you have to admit I have reason to be very upset

with the new interpretation of zoning regulation. And yes it IS a new interpretation, even if text implied that "not listed = not allowed" it was never the way zoning rules were applied to similar uses and especially common uses especially for a primary residence.

I talked to the planning department at length in 2004, 2005 and 2006 through getting all our permits, attempted variances, wetland studies, army corp of engineers investigation, and hostile neighbors that opposed us building in every way.

I was very clear and open with everyone that we would be renting our home to tourists and despite objecting to nearly everything else in our building plans, literally no one and I mean NO ONE (not even Deb) objected to us renting. Not the neighbors, not the planning department, not the commissioners, not even BCPOA headed by Bruce Jodar at the time. Most likely because 2 homes in our immediate neighborhood were already renting through the Bridger Bowl website and VRBO and Deb Stratford was managing one of them.

I did not "assume" a vacation rental was legal, as Megan the compliance officer is quoted saying is the explanation for residents like me renting for years. I asked planning department people point blank about having a "tourist vacation home" and was told it was no problem because renting a primary residence, unlike the caretaker residence, was not prohibited in the zoning regulations. Because there was no disagreement it never occurred to me to get it in writing.

For nearly 18 years, I have been renting my home without controversy, including sending lodging tax to the state from the very first rental in 2006, Bridger Bowl booking my home for 14 years and earning a 12% commission from 2006 until they stopped in 2020 during Covid, listing my home as a tourist rental on the Montana Tourism website for 18 years, getting my health permit back in 2012 when it as first required. After a rumor went around The Ghetto that I was "running an illegal business" someone turned me in to the MT Department of Revenue assuming I had not been paying the Lodging Tax since most people did not even know about it. I came out of the audit with the state owing me a few hundred dollars because I had been charging tax on pet fees which was not required to be taxed at that time. The auditor admitted it was a complete waste of his time.

In fact I only found out recently from an archive document request that the planning department including the compliance officer at the time, defended me and our property rights against a ridiculous complaint filed by Deb Stratford after our home was fully built. The compliance officer and planners investigated, found nothing wrong with our permits and dismissed the complaint, then Deb appealed their decision and lost again. I heard a rumor about it verbally much later, but had no idea that Deb had tried so hard to ruin my home after it was built.

The crazy thing is that if the same complaint showed up today, I don't think the planning department and compliance officer with their much stricter zoning interpretation, would defend me at all.

The good news is that Deb and I made up a few months later when she

had a greater cause to fight with Bridger Partners and stopping the development around Bridger Bowl. I agreed with Deb and supported her efforts to fight that development. And so, she recruited us to have our well monitored as part of the water study near Bridger Bowl that helped sink Bridger Partners planned development.

If renting my home to tourists was always illegal as the county now insists, don't you think Deb would have sent in a complaint to shut me down. She did everything else she could.

So, now after all that animosity has passed and we are all getting along and all my neighbors agree that my tourist home is an asset to the community, the county suddenly decides to change the interpretation of the rules in a way that literally threatens everything I have accomplished and if they stop me renting will cause me serious financial hardship. I have done nothing wrong. I have followed every rule. I have won over previously hostile neighbors to my defense. I have been the best short term rental owner I can be with success on every front.

And now the Planning Department says my short term rental home was never legal. Seriously. If you were me wouldn't you be frustrated? And maybe use some strong language?

Thanks for reading my rant.

I truly hope we can work together to fix this. As you know, STRs are the controversy of the day, but a drop in the bucket compared to the biggest threat to Bridger Canyon - big development. We need to stop fighting each other and get back to fixing zoning to hold back the big developers you know are coming.

Thanks for your incite Tom.

Wendy

On Mar 20, 2024, at 5:50 PM, Tom Fiddaman
<tom@ventanasystems.com> wrote:

Hi Wendy -

I think the brevity of my note was misleading. We haven't made any decision about expanding the committee beyond the board, and in fact we haven't even met to discuss it.

I'm sure we'll expand participation in the draft very soon - with input both from STR proponents and those who favor exclusion or strict regulation. The timeline will be a few weeks, and we don't expect to lock in any decisions just yet.

In the meantime, if you want to heal the canyon, may I suggest that your first step be to drop the word "fight." You can't heal things with fighting. Raising an army under the banner of "government overreach" sets the county against us.

Similarly, I'd suggest that a useful gesture of good faith would be to drop the implication that the board is an exclusive club of urban noobs oppressing the rural

people. No one wants to collaborate knowing that the "old people" are looking down their noses at them. It's also a little ironic given that, to my knowledge, most of the pending STR violations involve people with little or no tenure in Bridger Canyon. Let's just assume that every canyon resident has valid input.

We'll be in touch as soon as possible, but I'm expecting to be out sick a few more days.

Tom

On 3/20/2024 11:51 AM, Bridger Vista wrote:

I'm sorry to hear you all don't want me to be part of your Zoning committee. As the longest continuous individually owned STR in the canyon as well as my family history at the very roots of this community should make me a vital person to help you negotiate with the county and community for a workable compromise.

I have always been very clear that I am open to negotiating and want very much to join you in deliberating this important land use that will determine the future of our beloved canyon.

I am happy to read the draft you come up with. But expect it will be pretty much set and finished by the time you let me see it, likely weeks or months from now.

Your idea of an LUP instead of a CUP for renting is a good one. The county needs another Type of permit that is not so burdensome as the CUP. And I could be very helpful convincing the county of its merits. But that will be harder if I am not involved in the drafting of your proposal.

Now I have family matters, as you know, that need to come first. But I will be back mid May and ready to get back in the fight to compromise and heal this community that has become so negative and toxic after all the recent unnecessary complaints.

If you really want to preserve the rural character of Bridger Canyon you need to include more rural people especially long time locals not just the same small group of board members.

It's been a hard month for me. But I truly want to help and I am open minded to what the committee comes up with. Even if you can't say so publicly, I am sure you understand my disappointment to be kept on the outside of this committee.

Let men know when I can read the draft.

Wendy
314-805-1858 (text and voice)

On Mar 19, 2024, at 3:55 PM,
Tom Fiddaman
<tom@ventanasystems.com>
wrote:

Hi Wendy -

Sorry for the delay - spring break + covid. Anyway we have a standing zoning committee that is going to update the 2017 draft for discussion with the county. The immediate thing is to simplify administration by using a different process (LUP instead of CUP), but preserving the ability to revoke in the hopefully rare case of a problem. Some of the other admin details, like maintaining point-of-contact info, can also be simplified. The primary question then will be what other standards apply. It would be great to have your input on the draft.

Tom

On 3/15/2024
10:12 AM,
Bridger Vista
Lodge wrote:
Hi Tom,

I don't know what was decided at the BCPOA Board Meeting last week, but I am hoping that the board voted to put together a committee to tackle the zoning text updates or request a zoning advisory committee be appointed by County Commissioners as they should have done 2 years ago when they rejected previously proposed STR regulation.

As you know, I really want to be a part of negotiations and debate over the best

path forward. I am open to compromise, but my history and success as an STR owner as well as the location of my STR makes my input relevant.

What do you need from me to be included in BCPOA deliberations?

Wendy
314-805-1858



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: _____
 Sub-district(s): _____

Brief description of requested change:

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
- 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: _____ Email: _____
Address: _____ Phone: _____

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 _____
Date

Applicant/representative signature _____
Date

**Bridger Canyon Property Rights Coalition
April 2024 Zone Text Amendment Proposal**

Amendments Proposed

-- The proposed changes appear in red in the sections excerpted below. --

SECTION 3 DEFINITIONS

3.xx Long Term Rental: Rental of a Dwelling Unit or portion thereof for residential use for a period of more than 30 consecutive nights to one and the same Family for the entire rental period.

3.xx Short Term Rental: Rental of a Dwelling Unit or portion thereof for residential use for a period of 30 or fewer consecutive nights, to one and the same Family for the entire rental period.

SECTION 4 AGRICULTURE EXCLUSIVE DISTRICT (AE)

4.2 Permitted Uses:

- a. Agriculture, as defined under [Section 76-2-902](#), MCA.
 - (1) The sale on the premises of agricultural products produced thereon.
 - (2) The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required for agricultural production.
- b. One Principal Single-Family Dwelling Unit on each parcel created in conformance with the Zoning Regulation or in existence at the time of its original adoption.
- c. One Accessory Dwelling Unit in accordance with [Section 12.2](#).
- d. Accessory Buildings, where each Accessory Building is equal to or less than 2,400 square feet of General Floor Area.
- e. Essential Services, Type I.
- f. Domestic Wireless Equipment.
- g. Signs, in accordance with [Section 13](#).
- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- j. Long Term Rental.
- k. Short Term Rental, subject to the provisions of Section 12.14.

**Bridger Canyon Property Rights Coalition
April 2024 Zone Text Amendment Proposal**

Amendments Proposed

SECTION 5 RECREATION AND FORESTRY (RF)

5.2 Permitted Uses:

- a. One Principal Single-Family Dwelling Unit on each parcel created in conformance with the Zoning Regulation or in existence at the time of its original adoption.
- a. Personal milling of lumber not for commercial purposes.
- b. Agriculture, as defined under [Section 76-2-902](#), MCA.
 - (1) The sale on the premises of agricultural products produced thereon.
 - (2) The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required for agricultural production.
- c. Accessory Building(s), where each Accessory Building is equal to or less than 2,400-square-feet of General Floor Area.
- e. Essential Services, Type I.
- f. Domestic Wireless Equipment.
- g. Signs, in accordance with [Section 13](#).
- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- j. Long Term Rental.
- k. Short Term Rental, subject to the provisions of Section 12.14.

SECTION 12 GENERAL DEVELOPMENT STANDARDS

12.2 Accessory Dwelling Unit:

- ~~e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single-family Dwelling Unit.~~
- e. The Accessory Dwelling Unit may not be ~~rented or~~ sold separately from the Principal Single-family Dwelling Unit. Short Term Rental Use of an Accessory Dwelling Unit must comply with Section 12.14.

12.14 Short Term Rental Requirements: Any property owner planning to offer a Short Term Rental shall acknowledge by signature that they understand and will adhere to the following requirements and conditions:

- a. Prior to commencement of renting, the property owner or authorized representative shall apply for written approval from the Gallatin County Planning Department.

**Bridger Canyon Property Rights Coalition
April 2024 Zone Text Amendment Proposal**

Amendments Proposed

- b. Approval may be revoked upon violation of the Short Term Rental standards set forth in this Section 12.14.
- c. Offering a Short Term Rental without written approval from the Gallatin County Planning Department, or after approval is revoked, shall be considered a violation of this regulation and subject to the enforcement procedures contained within the Gallatin County “Part 1” Zoning Administrative Regulations.
- d. The Planning Department shall review and approve Short Term Rental Use so long as it complies with the following standards:
 - (1) Documentation is provided to the County that all required state and local permits and licenses for the Short Term Rental Use, including, if applicable, pursuant to § 50-51-201, MCA; Title 70, chapters 24, 25, and 33, or otherwise, have been obtained.
 - (2) The applicant agrees in writing to:
 - A. To keep taxes, permits, and licenses up-to-date;
 - B. Allow only one Short Term Rental per parcel, which could be the Principal Single-Family Dwelling Unit or a portion thereof, an Accessory Dwelling Unit, or the entire parcel and Dwelling Units together;
 - C. Limit lodging to inside Dwelling Units;
 - D. Maintain documentation on the premises that informs occupants of rules and regulations that affect the property, such as information about property lines, trespassing laws, speed limits, proper garbage disposal, wildlife etiquette, bans on burning, smoking restrictions, quiet hours, parking, dark sky lighting, and neighbor requests. Additional Emergency Services information should recommend local sources for current fire danger conditions and corresponding health and safety advisories.
 - E. Provide to occupants, as well as to adjacent neighbors, contact information for at least two people responsible for addressing issues that arise at the rental property.
 - F. A Short Term Rental will not be used as a Special Events Facility. Use of a Short Term Rental for purposes other than lodging and normal residential use is prohibited.

**Bridger Canyon Property Rights Coalition
April 2024 Zone Text Amendment Proposal**

Cover Letter Supporting Application

Bridger Canyon Property Rights Coalition
PO Box 10972
Bozeman, MT 59719
propertyrights@bridgercanyon.org

April 29, 2024

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

RE: Bridger Canyon Property Rights Coalition Request for a Zone Text Amendment to the Bridger Canyon Zoning Regulation

In accordance with the Bridger Canyon Zoning Regulations (Zoning Regulation) and the Gallatin County "Part 1" Zoning Administrative Regulation (Administrative Regulation), and on behalf of the Bridger Canyon Property Rights Coalition (the "Coalition"), the following narrative is being provided in support of the request and approval criteria for a Zone Text Amendment (ZTA) to the Zoning Regulation.

A. Summary of the Request

The ZTA request pertains to the Agriculture Exclusive (AE) and Recreation and Forestry (RF) Sub-districts of the Bridger Canyon Zoning District (Zoning District). Those are the only Sub-districts in Bridger Canyon that do not already have explicit language imposing specific requirements on rentals. Specifically, the Coalition is proposing additions and modifications to Section 3 Definitions, and Section 12 General Development Standards. Current zoning text prohibits renting an Accessory Dwelling Unit separately (12.2f), but it does not contain text pertaining to renting a Principal Single Family Dwelling, for any duration.

For the purpose of clarifying the historic practice and rental use in the Canyon and previously recognized property rights, the Coalition (applicant and property rights organization of property owners within the Zoning district) requests a Zone Text Amendment (ZTA) to add definitions, Permitted Uses, and General Development Standards regulations for renting Dwelling Units in the AE and RF Sub-districts of the Bridger Canyon Zoning regulation.

This amendment will create specific rules pertaining to rentals in order to further the "health, safety, and general welfare" of Bridger Canyon, *see* § 76-2-104(1), MCA, and Part 1 Zoning Regulations, § 14.3.a.i. and a.iii, to afford homeowners financial flexibility, and to promote continuity of ownership for a more cohesive community. The proposed amendment will also allow homeowners to provide much needed housing options for both visitors and local residents in a popular recreation area with no hotel accommodations, apartments, or employee housing.

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Specifically, in Section 3 (Definitions), the Coalition requests adding definitions for Long Term Rentals and Short Term Rentals. In Section 4 and 5 (AE and RF Sub-districts), the Coalition requests adding Long Term Rental and Short Term Rental to Permitted Uses. In Section 12 (General Development Standards), the Coalition requests modifying the Standards for an Accessory Dwelling Unit (ADU) to delete the requirement for the same electric meter for an ADU and to allow an ADU to be rented, but not sold separately.

Finally, the Coalition requests adding to Section 12 (General Development Standards) rules for Short Term Rentals (STR) as Section 12.14, requiring that Short Term Rental property owners acknowledge by signature that they will adhere to the standards and conditions in Section 12.14. These standards encompass obtaining written approval from the Planning Department for a Short Term Rental, demonstrating compliance with necessary licenses and permits, and agreeing to adhere to additional regulatory guidelines. Owners commit to fulfill tax obligations and maintain current licenses and permits. Additionally, they must agree to permit only one STR per parcel, confine lodging to indoor Dwelling Units, educate occupants on relevant protocols, and furnish contact information for both tenants and neighbors to address potential property-related issues. Furthermore, owners shall prohibit the use of the STR for special events and restrict its usage solely to residential uses.

These specific proposed amendments are reflected on the attached Zone Text Amendments Proposed document that accompanies this application and cover letter.

B. Analysis of How This Proposed Zone Text Amendment Meets All Applicable Criteria

This proposed Zone Text Amendment meets the criteria set forth in the Zoning Amendments Information and Instructions Form (the “Instructions”) provided by Gallatin County. The Instructions require Zone Text Amendments for the Bridger Canyon Zoning District (1)(a) to meet the criteria found in § 76-2-104, MCA; (1)(b) to fill the criteria explained in the Part 1 Administrative Zoning Regulations, § 14.3.a; (2) to follow the provisions of the Bridger Canyon Zoning District; and (3) to ensure that the proposed amendments are not the equivalent of “spot zoning.”

1. This ZTA Meets the Statutory Criteria Provided in § 76-2-104, MCA, and the Guidelines of the Part 1 Administrative Zoning Regulations.

- a. This ZTA Will Facilitate the County’s Development Pattern and Promote the Health, Safety, and General Welfare of Gallatin County, as Required By § 76-2-104, MCA.

Mont. Code Ann. § 76-2-104(1) requires the County to create a “Development Pattern,” “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.”

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The requested ZTA will not require an amendment to the Plan, nor will the ZTA result in any change in the development pattern for the physical and economic development of the Zoning District, as the ZTA will simply expand the explicitly listed conditions of habitation for already permitted dwellings as a lawful use within the AE and RF Sub-districts.

Mont. Code Ann. § 76-2-104(2) provides that the County’s “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.”

The request before the Bridger Canyon Planning and Zoning Commission is to add an explicit reference to Short Term Rentals and Long Term Rentals as Permitted Uses, within the AE and RF Sub-districts. The proposed ZTA will not result in any change in the development pattern as habitational use because both principal and accessory dwellings are established uses in the Zoning District. As stated in Section 15 of the Part 1 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 AE and RF Sub-districts already allocate the number of dwellings, both primary and accessory, existing and potential, that may exist on parcels. The district is a rural residential and agricultural district in close proximity to the neighboring recreational centers, such that there is an important need to provide full time and short term accommodations for employees and visitors of these recreational attractions and to ensure that these existing options are allowed to continue.

b. The Part 1 Administrative Zoning Regulations, Section 14, Criteria Are Satisfied by This ZTA.

Section 14.3 of the Part 1 Administrative Zoning Regulations sets forth five factors that the County should consider when reviewing proposed zone text amendments. All five of these factors are satisfied by this proposal.

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

The public necessity and general welfare will be positively impacted by the requested ZTA as a much needed financial option for homeowners struggling to make ends meet in Bridger Canyon. It will help aid continuity of ownership as well as help ensure that existing much needed accommodations for both employees and visitors integral to the local tourist economy are allowed to remain in the Zoning District. Traffic will likely stay the same or be reduced by the ZTA because the ZTA would ensure that only one Family could rent a Dwelling Unit at a time, and short term renters who are visiting the area generally drive less than full time residents. Clarifying that Short Term Rentals and Long Term Rentals

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are Permitted Uses will provide the public a greater level of regulatory certainty, and will ensure the supply of more economic housing options to assist owners, residents, workers, and visitors vital to the local economy.

- 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.*

Rental residential uses of dwellings, proposed to be clarified by the ZTA, do not authorize potential uses that are significantly different from prevailing residential uses already listed as permitted for principal or accessory dwellings. Residential uses of dwellings will simply remain as a lawful use within the AE and RF Sub-districts and will continue to be subject to review and compliance with adopted design standards of the Zoning Regulations.

- 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.*

The proposed ZTA applies to all landowners having property within the AE and RF Sub-districts. Clarifying that Short Term and Long Term Rentals are Permitted Uses will benefit the Zoning District and the general public by providing a greater level of regulatory certainty and a greater variety of resident and visitor housing options for the betterment of the surrounding neighborhoods, community, general public, and local economy. Moreover, many homes within this Zoning District are already used as Short Term and Long Term Rentals, such that explicit reference in the Zoning Regulations will help provide certainty to mortgage lenders and owners alike.

- 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.*

Because residential use of dwellings, both principal and accessory, are currently established as a lawful use within the AE and RF Sub-districts, the proposed ZTA's clarification that residential use includes rental use, no matter the duration, is consistent with the purposes of the Zoning Regulation and the intent of the AE and RF Sub-districts and maintains conformance with the Plan. The requested ZTA is not special legislation aimed to benefit one landowner, since protecting rental rights as a Permitted Use benefits all landowners having property within the AE and RF Sub-districts.

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

By adhering to the regulatory and procedural requirements adopted by Gallatin County, the procedural requirements of Section 76-2-101 et seq., MCA have been followed in connection with this ZTA proposal.

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2. This ZTA Comports with the Existing Bridger Canyon Zoning Regulations.

The Bridger Canyon Zoning Regulations for the AE Sub-district and the RF Sub-district contain similar provisions regarding their intent:

SECTION 4 AGRICULTURE EXCLUSIVE DISTRICT (AE) *(clauses relevant to ZTA proposed)*

4.1 Intent: It is the intent of this District to protect and preserve the existing rural character of Bridger Canyon and to preserve existing developed and undeveloped farmlands from unplanned residential, commercial, and industrial development. It is further the intent of this Regulation to encourage agriculture as one of the occupational pursuits and an economic endeavor in Bridger Canyon. The purpose of the Agricultural Exclusive District is, when applied to particular land, to encourage the following land uses:

- a. Residential uses that do not impair the rural character of Bridger Canyon;
- d. Incidental uses that are customarily and necessarily related to and included within an agricultural pursuit; and,
- e. Incidental unrelated uses that are necessary to protect and promote the health, safety, welfare, and convenience of rural residential citizens.

SECTION 5 RECREATION AND FORESTRY (RF) *(clauses relevant to ZTA proposed)*

5.1 Intent: Recreation and forestry, grazing as occupational pursuits, and wildlife habitat as leisure time are important to the aesthetics and economy of Bridger Canyon. Because the amount of land suitable for recreation and forestry is limited due to the Canyon's geographical location, climate, and topography, it is the intent of this section to preserve existing developed and undeveloped recreation and forest lands from unplanned residential, commercial, and industrial development by enacting this District. The purpose of the Recreation and Forestry (RF) District is, when applied to particular land, to encourage the following land uses:

- a. Residential uses that do not impair the rural character of Bridger Canyon;
- f. Incidental unrelated Uses that are necessary to protect and promote the health, safety, welfare and convenience of rural residential citizens.

This ZTA comports with the intent of the County Commission in establishing both of these Sub-districts. The Bridger Canyon Zoning District was originally created in October 1971. Its regulations were last amended February 8, 2024. It contains approximately 80 square miles with 22.5 miles of rural main roads (Bridger Canyon Road, Jackson Creek Road and Kelly Canyon Road) with a

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population of about 900 residents and approximately 400 occupied homes. Although a few areas have semi clustered housing with lots of 3 acres or less, most homes are on larger parcels of 10 or more acres so that activity within dwellings has little or no impact on neighbors because of the distance between residences, the mountain topography, and natural screening of trees and foliage. Therefore, the stated Intent and purposes of the AE and RF Sub-districts (Section 4.1 and 5.1) “to encourage residential uses that do not impair the rural character of Bridger Canyon” will not be impaired by this ZTA.

First, the residential use will continue to be the same – both the same as renters have been using properties and the same as owners have been using properties. The intended and practical use of a dwelling, whether owner occupied or renter occupied, is for eating, sleeping and sanitation, no matter the relationship of the occupant to the property or the duration of habitation. Standards in Section 12.14 for Short Term Rentals also aim to preserve Bridger Canyon's rural character by ensuring that owners understand and adhere to regulations through written approval. To promote compliance and responsible use, Short Term Rental owners must obtain appropriate licenses and permits, agree to pay taxes, maintain licenses, confine lodging, inform occupants, provide neighbors with contact details, and prohibit non-residential uses. Violating regulation standards may lead to approval revocation, and conducting a Short Term Rental without Planning Department approval could result in enforcement procedures. All of these standards encourage responsible ownership that will help insure that Permitted Uses clarified in the ZTA “do not impair the rural Character of Bridger Canyon.”

Second, density, as defined in zoning, will not be effected by this ZTA. Bridger Canyon Zoning defines Density as “the number of Development Rights per unit of land area.” (3.19) Since the number of Development Rights is unchanged by the ZTA, by definition, Density is unchanged. Also, because the ZTA regulates that each Dwelling Unit is occupied by only one Family at any one time, relative population is also not increased by this ZTA. Indeed, this may ensure that traffic stays the same or decreases. Since most vacation renters arrive with only one car per family, with driving destinations more likely to be nearby recreation areas, traffic is likely less from Short Term Rentals than for full time residents. By comparison, full time residents, both renters and owners are more likely to have a vehicle for every licensed driver and more obligations to go back and forth to Bozeman for work, school, and entertainment instead of just recreational localities like skiing and hiking in Bridger Canyon. Therefore, because property use would continue to be the same, density is not increased, relative population is unchanged and traffic is likely to be the same or less, as such, the rural character of the community is not impaired by the requested ZTA.

Another stated intent of AE and RF Sub-districts is to “encourage land uses that are incidental unrelated Uses that are necessary to protect and promote the health, safety, welfare and convenience of rural residential citizens.” Since “residential use” is essentially the same for whomever is “in residence” no matter the duration of stay or relationship of the occupant to the property, the proposed amendments do not change the general use already permitted for a dwelling whether an Accessory Dwelling or Principle Single Family Dwelling, so that renting is incidental.

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Most importantly, the ZTA will help protect and promote the health, safety, and welfare of individual owners in the Zoning District as well as the rural community as a whole.

First, financial freedom is increased. By clarifying that owners can rent their properties for added income, even if owners choose not to rent, the right to do so affords every property owner greater financial opportunity and flexibility to weather hard times or afford safety measures necessary for physical and financial security. Clarifying that rentals are a Permitted Use, both long and short term, offers potential revenue for self-determination and well-being vital for individual Bridger Canyon property owners.

Second, as noted above, financial insecurity is decreased. The possibility of alternate revenue from rental income will diminish financial stress and provide options to “help promote and protect the health, safety and welfare” of rural owners from unforeseen financial hardships including higher taxes, health expenditures and increased cost of living over time. The best way to preserve the rural character of Bridger Canyon is to sustain the economic prospects of individual owners to continue to afford their property, including current residents, part-time residents and remote owners who aspire to become residents. Therefore, the ZTA proposed will galvanize financial options that increase stable ownership and decreases owner vulnerability “to protect and promote the health, safety, welfare and convenience of rural residential citizens”

Third, community cohesiveness and stability is enhanced by the proposed ZTA. Maintaining affordability options for current residents and owners looking to relocate or move back to Bridger Canyon, enhances the probability of owner residency. Economic prospects that help increase household income and cost effectiveness of continued ownership, decreases a moderate-income homeowner’s necessity to sell or move away. Whereas, land use restrictions that diminish economic options are more likely to accelerate property turnover and the exodus of perennial rural residents, decreasing the likelihood of sustained or multigenerational ownership. Less property turnover helps sustain individual and inherited ownership for a more stable rural community that benefits and aids the preservation of “the rural character of Bridger Canyon.”

Fourth, Section 4.1d states, “The purpose of the Agricultural Exclusive District is, when applied to particular land, to encourage land uses incidental that are customarily and necessarily related to and included within an agricultural pursuit.” This clause echoes an original founding document, the Bridger Canyon General Plan and Development Guide (April 1971) that directly supports the ZTA proposed. Commissioned by Bridger Canyon property owners, this plan and guide was the blueprint for Bridger Canyon Zoning regulation adopted in October 1971, establishing one of the first non-municipal zoning districts in the State of Montana. To paraphrase, this document recognized the community goal of promoting agricultural pursuits in order to maintain the rural character and aesthetic appeal of Bridger Canyon, but also noted agricultural pursuits were economically challenging. “One must conclude that most owners here may maintain their land in agricultural production only if they have outside incomes,” an option for which is stated to be “rental housing ... to augment income.” (see appendix A). Therefore, ensuring the protection of the right to rent as a necessary and inherent property right, as integral to the intent and purpose of promoting agricultural land use, and as consistent with the

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rural character of Bridger Canyon, is consistent with the original intent of establishing the Bridger Canyon Zoning District.

Regarding the Zoning District’s purposes, the regulations provide:

2.1 Purposes: To promote health, safety, and general welfare and to: *(clauses relevant to ZTA proposed)*

- c. conserve property values commensurate with use;
- 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;

The proposed ZTA also clearly advances the Purposes (Section 2.1) of Bridger Canyon Zoning by promoting “residences, tourism and recreational uses, but not to the point that they destroy the character of the area or threaten water quality, traffic or safety.” As explained previously, rental residential use is essentially the same as owner residential use and therefore does not destroy the character of the area or threaten water quality, traffic, or safety any more than owner residential use. However, owner flexibility to rent to vacationers and employees, by protecting Long Term Rental and Short Term Rentals, will obviously and significantly promote local businesses that support residents and owners, tourism, and recreation, as well as “encourage innovation in residential developments so that growing demands for housing may be met by a greater variety in type.” The potential for supplemental rental income also helps owners maintain and improve structures and land which leads to greater conservation of “property values commensurate with use.” Additional income can also supply essential funds to cover the costs of mitigating fire hazards and managing invasive weeds, thereby strengthening the overall resilience of the area against these persistent threats. Also, rental income that leads to a better standard of living will increase property values, which adds value to nearby properties and helps improve the overall quality of the community.

Finally, by enlarging the terms under which rentals are permitted to include Accessory Dwelling Units, the proposed ZTA may encourage owners to offer otherwise vacant living space for much needed housing options to accommodate both visitors and local residents in a popular recreation area with tourist destinations and accompanying businesses vital to the local economy like Bridger Bowl and Crosscut, which do not currently offer hotel accommodations, apartments, or employee housing.

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3. This ZTA Does Not Consist of Spot Zoning.

To demonstrate that the ZTA will 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?

They are not. First, rental use has been common in the District for decades. Second, because residential use is the same for a dwelling no matter the duration of the stay or relationship of the occupant to the property, the proposed text amendment does not alter the habitational uses of a dwelling from the prevailing residential uses permitted within the AE and RF Sub-districts.

- 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?

The proposed ZTA applies to all landowners within the AE and RF Sub-districts. Ensuring that Short Term and Long Term Rentals are allowed as a Permitted Use of a dwelling, will benefit neighborhoods, the community, and the general public by providing a greater level of regulatory certainty and more efficient implementation of housing options.

- 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?

Because habitation of both principal and accessory dwelling units are currently listed as a lawful use within the AE and RF Sub-districts, the proposed ZTA remains consistent with, and supportive of the comprehensive goals and strategies in the District’s Plan. The requested ZTA is not special legislation aimed to benefit a few landowners.

By listing Long Term Rentals and Short Term Rentals expressly amongst the Permitted Uses, the proposed regulations will provide options that are available to all landowners having property within the AE and RF Sub-districts, will benefit the overall community and economy, and will likely reduce congestion on arterial roadways. The proposed text amendment clarifies historic definitions compatible with traditional uses and the intent of the Bridger Canyon Zoning District, which is not to prevent particular uses for the sake of regulation, but to regulate and promote orderly development for the benefit of the community.

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Appendix A

Excerpt from Bridger Canyon General Plan and Development Guide:

Prepared By: Murray & McCormick, Inc., Engineers – Planners, Sacramento, California

For: Bridger Canyon Property Owners Association, Bozeman, Montana, APRIL 1971

Pg 44 & 45 of Archived document

Economic Factors

Agricultural Values: Income from the pursuit of agriculture *Source?*
in Bridger Canyon is minimal. One must conclude that most owners here may maintain their land in agricultural production only if *→?* they have outside incomes. No change in this situation is expected in the foreseeable future. One could conclude that agricultural uses which contribute so much to the appearance of the valley are in jeopardy. This in turn jeopardizes the valley itself.

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There are alternatives open to the owners of agricultural lands as follows:

1. Sell portions of their land each year to gain income until the property is completely disposed of.
2. Continue subsidizing agricultural pursuits from outside income.
3. Build rental housing on portions of the property to augment income.