



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
MEMORANDUM

TO: GALLATIN COUNTY PLANNING AND ZONING COMMISSION AND COUNTY COMMISSION

FROM: SEAN O'CALLAGHAN, AICP, CFM
CHIEF PLANNING OFFICER

SUBJECT: STAFF RESPONSE TO NOVEMBER 26, 2024, REQUEST FROM BRIDGER CANYON PROPERTY RIGHTS COALITION FOR CONTINUATION OF DECEMBER 12, 2024, PUBLIC HEARING

DATE: DECEMBER 2, 2024

On November 26, 2024, Staff received the email attached herein as Exhibit A from Stephanie Baucus, on behalf of the Bridger Canyon Property Right Coalition, requesting that at the December 12 public hearing “the Commission just consider the Coalition’s request to continue the Coalition’s ZTA proposal for another few months.” The rationale for this request is further described in that email, with additional references to content of the cover letter submitted on November 1, 2024.

Before delving into the substance of the Zone Text Amendment (ZTA) request submitted by Wendy Dickson, on behalf of the Bridger Canyon Property Rights Coalition (“Applicant”), the Planning and Zoning Commission and County Commission should consider and decide on the request for continuance.

Staff is opposed to the continuance for the following reasons:

- Staff believes the 6-month continuance window previously agreed to by the P&Z and County Commission provided ample opportunity for the Applicant to revise their ZTA request and proceed with the process.
- Staff does not think that waiting to see what the Montana Legislature might do as part of the 2025 legislative session is a valid reason to delay consideration of the request.
- Staff believes that the community in Bridger Canyon would like to see this issue resolved and that further continuation is not in the best interest of the community or the County in terms of having clarity on the regulatory requirements for short-term rentals in Bridger Canyon.

- When the Applicant met with Staff in October, the Applicant was at the crossroads of requesting a further continuance or submitting a revised ZTA. The Applicant opted to submit a revised ZTA. The referenced language included on page 3 of the Applicant's November 1, 2024, cover letter is ambiguous. Based on the context of the entire letter it was interpreted by Staff as indicating the Applicant's agreement to a continuance if there was not room on the December agenda or if a continuance was otherwise the preference of the P&Z. If the Applicant preferred a continuance rather than consideration of the revised ZTA at the December 12, 2024, hearing, Staff does not believe this was communicated clearly in the November 1, 2024, letter.
- Based on submittal of the revised ZTA on November 1, 2024, Staff proceeded accordingly by preparing a staff report and causing notice to be published in the newspaper and posted in the Bridger Canyon Zoning District. Staff has limited time and resources and has expended a considerable amount of both preparing for and participating in the June hearing, and now preparing for the December hearing. In Staff's opinion, further continuation of this matter with the possibility of additional revisions is best accomplished with a new application and fee submitted when and if the Applicant is ready to proceed with a ZTA.

The Applicant's request for a continuance was communicated by staff to the Bridger Canyon Property Owner's Association for their situational awareness. An email response from Tom Fiddaman is attached as Exhibit B.

O'Callaghan, Sean

From: Stephanie Baucus <Stephanie.Baucus@moultonbellingham.com>
Sent: Tuesday, November 26, 2024 4:59 PM
To: O'Callaghan, Sean
Cc: Bridger Canyon PRC; Certain, LeeAnn; Debbie Braaten
Subject: FW: Bridger Canyon ZTA - is it scheduled

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

Hi Sean,

Wendy forwarded me your email below. Thanks for letting us know that the Bridger Canyon Property Rights Coalition's revised ZTA application is on the schedule for the December 12th meeting.

Since we submitted the supplement to the application on 11/1 (with the revisions to the proposed amendment language to address concerns that the Commissioners had raised and to incorporate feedback from BCPOA), Wendy has been trying to work with BCPOA regarding their position on the Coalition's proposal and on their proposal for a ZTA. Wendy just learned in the last few days that BCPOA is opposed to the revised ZTA proposal that the Coalition has submitted. It appears that BCPOA is still considering what they want a competing ZTA proposal to include, however. See <https://bcpoa.net/>.

Also since the 11/1 submittal, we have learned that there are several bills proposed for the Legislature's consideration that would amend the Land Use Planning Act and other statutes related to zoning, which could impact how the ZTA should be drafted. In light of these developments, and considering that the Commission has a busy schedule for December anyway, we respectfully request that the Commission just consider the Coalition's request to continue the Coalition's ZTA proposal for another few months. On page 3 of our 11/1 cover letter, we requested that the Commission either consider the substantive revised ZTA application or consider the Coalition's request to continue the application by several months, and at this point, we respectfully just request the Commission's consideration of that extension request.

Please feel free to call or email me to discuss this further, and please let us know if you all need any additional information or would like us to do anything further to effectuate this simplification of the Coalition's request for the December hearing.

Thanks again, and talk to you soon,
Stephanie

Stephanie Baucus
MOULTON BELLINGHAM PC
Office: (406) 248-7731
Cell: (202) 236-9134
stephanie.baucus@moultonbellingham.com

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From: BridgerCanyon PRC <Propertyrights@bridgercanyon.org>
Sent: Thursday, November 14, 2024 4:20 PM
To: Stephanie Baucus <Stephanie.Baucus@moultonbellingham.com>
Subject: Fwd: Bridger Canyon ZTA - is it scheduled

Begin forwarded message:

From: "O'Callaghan, Sean" <Sean.OCallaghan@gallatin.mt.gov>
Date: November 14, 2024 at 10:55:40 AM MST
To: Bridger Canyon PRC <propertyrights@bridgercanyon.org>
Subject: Re: Bridger Canyon ZTA - is it scheduled

Hi Wendy - per the discussion at this morning's P&Z meeting, your ZTA will be on the December agenda.

Sean

On Nov 13, 2024, at 2:27 PM, Bridger Canyon PRC
<propertyrights@bridgercanyon.org> wrote:

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Hi Sean,

Are we on the schedule for another public hearing for the Bridger Canyon ZTA?

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



<Bridger Mountains_Pan-2024Jun15-sm.png>

O'Callaghan, Sean

From: Tom Fiddaman <tom@ventanasystems.com>
Sent: Tuesday, December 3, 2024 9:28 AM
To: O'Callaghan, Sean
Subject: Re: FW: Bridger Canyon ZTA - is it scheduled

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Thanks, Sean. We agree that an immediate decision would benefit all concerned. It's hard to keep residents informed and engaged when the process drags on and the content is a moving target. If the legislature changes the landscape, we'll have to address that when it comes to pass.

Regards,

Tom

On 11/27/2024 2:09 PM, O'Callaghan, Sean wrote:

Hi Tom,

For BCPOA's situational awareness, I wanted to let you know that Stephanie Baucus is requesting that the Planning and Zoning Commission and County Commission not consider the revised ZTA at the December 12th Public Hearing. Instead, she would like them to "just consider the Coalition's request to continue the Dickson/Bridger Canyon PRC ZTA proposal for another few months."

Staff's response to Ms. Baucus' request is below. We have already published and posted notice of the hearing.

I hope you have a great Thanksgiving!

Sean O'Callaghan, AICP, CFM
Chief Planning Officer

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

Phone: (406) 582-3130
sean.ocallaghan@gallatin.mt.gov

From: O'Callaghan, Sean
Sent: Wednesday, November 27, 2024 1:51 PM
To: Stephanie Baucus <Stephanie.Baucus@moultonbellingham.com>

Cc: Bridger Canyon PRC <propertyrights@bridgercanyon.org>; Certain, LeeAnn <LeeAnn.Certain@gallatin.mt.gov>; Debbie Braaten <Debbie.Braaten@moultonbellingham.com>
Subject: RE: Bridger Canyon ZTA - is it scheduled

Hi Stephanie,

At the December 12th public hearing the Planning and Zoning Commission and County Commission will discuss and decide on the Coalition's request for further continuance of the ZTA. The Coalition should be prepared to proceed with the hearing should the Planning and Zoning Commission and County Commission not agree to a further continuance of the application. Please be aware that I will likely oppose further continuance of this matter. Alternatively, the Coalition could withdraw their ZTA application now and reapply at some future date, should they still wish to pursue a ZTA.

Public comments are starting to come in, please see attached. This includes all of the comments on this matter that I have received up to this point in time.

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

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Bozeman, MT 59715

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