



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

JOINT HEARING

TO: GALLATIN COUNTY PLANNING AND ZONING COMMISSION AND COUNTY COMMISSION

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

SUBJECT: CONSIDERATION, RECOMMENDATION, AND DECISION ON A RESOLUTION TO AMEND THE BRIDGER CANYON ZONING REGULATION AS REQUESTED BY WENDY DICKSON ON BEHALF OF THE BRIDGER CANYON PROPERTY RIGHTS COALITION (Continued from 6/13/2024)

PROJECT LOCATION: BRIDGER CANYON ZONING DISTRICT

HEARING DATE: DECEMBER 12, 2024 AT 8:30 AM

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

REQUEST:

The updated request for a Zone Text Amendment (ZTA) to the Bridger Canyon Zoning Regulation by Wendy Dickson, on behalf of the Bridger Canyon Property Rights Coalition (together referred to as "Applicant") is attached as Exhibit A. This request was submitted on November 1, 2024 in response to feedback received during the June 13, 2024 public hearing. Specifically, with the updated request, the Applicant proposes to amend the definition of "Hotel," add definitions for "Long Term Rental" and "Short Term Rental," list "Long Term Rental" as a permitted use in the Agricultural Exclusive (Section 4.2) and Recreational Forestry (Section 5.2) sub-districts, and list "Short Term Rental" as a conditional use in the Agricultural Exclusive (Section 4.3) and Recreational Forestry (Section 5.3) sub-districts. The request also includes a proposal to change the standards for Accessory Dwelling Units (Section 12.2), to eliminate the

requirement for a shared electrical meter and to allow them to be rented as a “Long Term Rental”, separate from the Principal Single-family Dwelling Unit. The request adds standards for Short Term Rentals.

STAFF ANALYSIS & FINDINGS:

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

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.~~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.

NEW Long Term Rental: rental of a Dwelling Unit, or portion thereof, for a period of more than 28 consecutive nights.

NEW Short Term Rental: rental of a Dwelling Unit, or portion thereof, for a period of 28 or fewer consecutive nights.

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

- 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](#).
 - 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.
- d. 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

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.
- h. Accessory Building greater than 2,400 square feet of general Floor Area.
- 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:

- a. In a Zoning Classification in which an Accessory Dwelling Unit is a Permitted Use, only one Accessory Dwelling Unit per Parcel of record is permitted (Development Right not required).
- b. An Accessory Dwelling Unit may be an independent living facility located within the Principal Single-family Dwelling Unit or within a standalone Accessory Building. Kitchen and dining area allowed in an Accessory Dwelling Unit.
- c. Square footage of the Accessory Dwelling Unit shall not exceed 1,200 square feet of livable Floor Area.
- d. The location of any portion of a standalone Accessory Dwelling Unit shall not exceed 150 feet from the Principal Single-family Dwelling Unit.
- ~~e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single family Dwelling Unit.~~
- ef. The Accessory Dwelling Unit may be long term rented, but may not be short term rented or sold separately from the Principal Single-family Dwelling Unit.
- fg. Driveway access to the Accessory Dwelling Unit shall be the same as the Principal Single-family Dwelling Unit.
- ~~gh.~~ Nothing herein precludes the construction of the Principal Single-family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.
- hi. Accessory Dwelling Units are subject to all restrictions in the Regulations applicable to Principal Single-Family Dwelling Units or other Structures including but not limited to setbacks and heights restrictions.
- ij. Conversion of Existing Approved Guest Houses or Caretaker's Residences:

- (1) Any Guest House or Caretaker's Residence may continue to be used, subject to continued compliance with conditions attached to the CUP authorizing such use.
 - (2) If an approved Guest House or Caretaker's Residence meets all of the above standards for an Accessory Dwelling Unit it will automatically be deemed as such and can be upgraded to an independent living facility (kitchen and dining).
 - (3) If an existing Guest House or Caretaker's Residence does not meet the above standards, for an Accessory Dwelling Unit, a Conditional Use Permit may be requested to convert a Guest House or Caretaker's Residence to an Accessory Dwelling Unit.
- jk. With the exception of the process as described in subsection j. above to convert an existing Guest House or Caretaker's Residence to an Accessory Dwelling Unit any property with an existing Guest House or Caretaker's Residence shall not be entitled to an Accessory Dwelling Unit.

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

Staff Comments: Staff recommends the following minor adjustments to the language of the ZTA to improve clarity and consistency, while staying true to the intent of the Applicant. These adjustments have been incorporated into the language attached to the Resolutions.

- Adjust the proposed terminology of “Short Term Rental” and “Long Term Rental” to “Short-Term Rental” and “Long-Term Rental” and that those hyphenated terms be used consistently and capitalized throughout the proposed amended language of the ZTA.
 - Revise proposed Section 12.2.e to make use of the defined terminology: The Accessory Dwelling Unit may be used as a Long-Term Rental, but may not be used as a Short-Term Rental ~~rented~~ or sold separately from the Principal Single-family Dwelling Unit.
2. **Notice.** Notice of the proposed ZTA was posted in five public locations in the affected area on November 26, 2024. Notice was also published in the *Bozeman Daily Chronicle* on November 23rd and 30th, 2024.
 3. **Public Comment.** As of the time the staff report was published, numerous public comments have been received, both in support and in opposition to the proposal, see Exhibit B.
 4. **Applicable Sections of the General Plan and Development Guide (adopted 1989).** The following excerpt is from the General Plan, staff finds this section relevant to determining whether the proposed ZTA is consistent with the Plan.

General Plan Objectives: The primary objectives of this plan are to guide future physical growth within Bridger Canyon and to protect the natural beauty and agricultural open space character of the area. In order to provide the greatest opportunities for orderly growth and to retain the environmental nature, it is essential to give intelligent forethought to the design of the area.

This plan recognizes Bridger Canyon as:

- *A desirable place to live and an area with an increasing growth rate.*
- *A place of growing recreational use and demand.*
- *An area where forest lands will continue to exert influence.*
- *A place demanding protection of its environmental beauty and agricultural open space.*
- *An area with strong citizen interest favoring conservation of natural resources; preservation of open space and agricultural usage; and limited, controlled growth compatible with the natural environment.*

PROPERTY OWNERS' GOALS

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

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

Staff comments: The goals and objectives of the General Plan and Development Guide appear to be primarily focused on promoting orderly growth and preserving environmental characteristics within the Bridger Canyon Zoning District. The proposed ZTA does not impact the amount of development that is allowed on the landscape (i.e. the number of principal and accessory dwelling units) within the Bridger Canyon Zoning District, and other than eliminating the existing requirement that an ADU be on a shared electrical meter with the principal single-family dwelling, the ZTA does not change standards affecting the form of development (i.e. property line setbacks, watercourse setbacks, building height, etc.). The ZTA changes how dwelling units within the Agriculture Exclusive and Recreation and Forestry sub-districts may be used by adding “Short Term Rental, subject to the provisions of Section 12.14” to the list of conditional uses and allowing Accessory Dwellings to be rented as a “Long Term Rental” separately from the Principal Single-Family Dwelling Unit on the property. It is possible that the ability to capitalize on rental income from properties in the Zoning District in a way that is different from what is currently allowed by the Zoning Regulations could fundamentally change the way properties in the Zoning District are used (“Short Term Rental” use vs. “Long Term Rental” or owner-occupied use) and incentivize maximizing development opportunities allowed under the Zoning Regulation.

The rental of Principal Single-Family Dwelling Units for a month or more at a time has not been regulated by Gallatin County, thus in the eyes of the Planning Department the addition of “Long Term Rental” to the list of permitted uses is not a significant change in terms of how Principal Single-Family Dwelling Units may be used. However, when considered along with the proposed amendments to Section 12.2, which would allow an ADU to be rented as a “Long Term Rental” separately from the Principal Single Family Dwelling Unit, this aspect of the ZTA becomes more significant.

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

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

- a. *prevent overcrowding;*
- b. *avoid undue population concentration;*
- c. *conserve property values commensurate with use;*
- d. *to preserve fish and wildlife habitat;*
- e. *to prevent soil erosion;*
- f. *to preserve the scenic resources;*

- g. to ensure high water quality standards;
- h. to protect agriculture lands from the effects of urban encroachment;
- i. to promote business, residences, tourism and recreational uses but not to the point that they destroy the character of the area or threaten water quality, traffic, or fire safety;
- j. to encourage innovations in residential developments so that growing demands for housing may be met by greater variety in type, design and layout of tracts and by conservation and more efficient use of open space ancillary to said housing;
- k. to provide adequate open space, light, and air;
- l. to carry out the master or comprehensive plan for the Bridger Canyon Zoning District.
- m. to prevent the spread of noxious weeds.

Staff comments: Several purpose statements of the Bridger Canyon Zoning Regulation appear relevant to the proposed ZTA. The market may respond and place additional value on properties within the Zoning District as a result of the ability to capture rental income in a manner that is not currently allowed by the Zoning Regulation. There is likely to be mixed public sentiment about whether “Short Term Rental” usage of dwellings is a commercial or residential use, and whether allowing that use compromises the character of the Zoning District or exposes Bridger Canyon residents to increased traffic or fire risk. For example, short-term renters are likely less familiar with driving on the local mountain roads during periods of inclement weather than year-round Bridger Canyon residents. Similarly, short-term renters may not be as familiar with fire restrictions (addressed in proposed standards), and local fire safety issues, such as safety zones or evacuation routes, etc. The proposed allowance for “Long Term Rental” of ADUs separate from the principal dwelling, could increase the number of occupied dwellings within the Zoning District, and impact wildlife, traffic, water resources, and wastewater treatment.

Relevant Definitions from Bridger Canyon Zoning Regulations (Section 3):

Accessory Building or Use: A Building or Use that: (1) is subordinate in area, extent or purpose to the principal Building or principal Use served; and (2) contributes to the comfort, convenience, or necessity of occupants of the principal Building or principal Use.

Bed and Breakfast Inn: An establishment that provides overnight lodging to the public for compensation, caters to the traveling public, is located in the proprietor's or manager's residence, and serves only a breakfast to registered guests.

Building, Principal: A Structure in which is conducted the main Use of a lot on which the Structure is located.

Density: The number of Development Rights per unit of land area, which may also be expressed in the inverse as the area required to establish one Development Right.

Dwelling Unit: A Structure or portion thereof providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking, and sanitation.

- a. Dwelling Unit, Accessory: A separate Dwelling Unit located within the Principal Single-Family Dwelling Unit or in an Accessory Building.
- b. Dwelling Unit, Principal Single-Family: A Building or portion thereof containing a single Dwelling Unit for habitation by a Family.

Family:

- a. A person living alone;
- b. any number of people related by blood, marriage, adoption, guardianship, or other authorized custodial relationship;
- c. two (2) unrelated people and any children related to either of them;
- d. not more than four (4) unrelated people living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.

Guest Ranch: Facility that provides accommodations to the general public, offers onpremise recreational or educational programs, and has central dining facilities.

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.

Overnight Accommodations: Permanent, separately rentable accommodations that are not available for residential use, except for the proprietors of a Bed and Breakfast Inn or Guest Ranch. Overnight Accommodations include Hotel or motel rooms, hostels, cabins, Bed and Breakfast Inns, Guest Ranches, and time-shared units. Individually owned units may be considered Overnight Accommodations if they are available for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, Employee Housing, and similar accommodations do not qualify as Overnight Accommodations for purpose of this definition.

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

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

Special Events Facility: Facility used on an intermittent basis for activities such as weddings, receptions, picnics, barbecues, dances, private parties, reunions, and banquets.

Use: Any purpose for which a Building or other Structure or Lot may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, operation or residence.

- a. Use, Accessory: A Use that is incidental and subordinate to the Principal Use of land, located on the same Lot, and under the same ownership.
- b. Use, Change of: Substitution of one Use for another or the addition of a new Use, specifically regarding the Use of a Structure or on a Lot.
- c. Use, Conditional: Uses, other than Permitted Uses, that may be allowed in a specific Sub-District, and that require a public hearing by the Planning and Zoning Commission to

consider if the Use should be conditioned to maintain and ensure the health, safety, and general welfare of the community and to maintain the character of the Zoning District.

- d. Use, Permitted: Uses listed as being authorized in a specific Sub-district, generally as a Principal Use or Accessory Use, and which may be approved by the Planning Director pursuant to the administrative process of a Land Use Permit or Change of Use Permit.*
- e. Use, Principal: The primary Use of a Lot.*
- f. Use, Seasonal: The Use of a Structure or Lot to conduct one or more Uses that vary in accordance with the season of the year and are not conducted year-round.*
- g. Use, Temporary: A Use established for a fixed period of time with the intent to discontinue such Use upon the expiration of a time period of no greater than 90 days.*

Staff comments: While not all the above definitions are directly referenced or otherwise implicated in the proposed text amendment, they are provided because at least some of them may provide helpful context as the Planning and Zoning Commission and County Commission consider the text amendment. For example:

- Bed and Breakfast Inns and Guest Ranches are the only options for lodging accommodations within the AE or RF sub-districts. Both uses are defined, subject to specific development standards in Section 12 of the Zoning Regulations, and also subject to the Conditional Use Permit review process. While not explicitly stated in the Zoning Regulation, it is clear that both uses are considered commercial uses.
- Various definitions of “Use” may be relevant as “Short Term Rental” is proposed in a way that would allow them to be a “Principal Use” rather than require that they be an “Accessory Use” of property within the Zoning District.
- The only types of “Dwelling Units” allowed in the AE sub-district are “Principal Single-Family Dwelling Units” and “Accessory Dwelling Units”. “Principal Single-Family Dwelling Units” are allowed in the RF sub-district, but “Accessory Dwelling Units” are not allowed. Use of a Principal Single-Family Dwelling Unit as a “Long Term Rental” or “Short Term Rental” would be constrained by the definition of “Family”. The Applicant’s adjustment to the ZTA language has made this constraint less clear as the clause “to one and the same Family for the entire rental period” has been removed from the proposed definitions of both “Long Term Rental” and “Short Term Rental,” and is not dealt with in the standards proposed as Section 12.14.
- The existing definition of “Hotel” encompasses “Any building ... containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests ...” This could be interpreted as limiting the occupancy of any “Short Term Rental” to five or fewer guests and could also be interpreted in such a way as to conflict with other defined terms and permitted uses (e.g., Bed and Breakfast Inns, Recreational Housing, Overnight Accommodations, and potentially “Short-Term Rentals”). The ZTA language introduces a new proposed definition of “Hotel” to address these concerns.
- The Applicant proposes to add definitions of “Long Term Rental” and “Short Term Rental.” The proposed definition of “Short Term Rental” included with the Applicant’s original ZTA request limited the property to “residential use” during the “Short Term Rental” period, ostensibly to clarify that a dwelling could not be rented as a short-term rental and then used to host a special event. The original proposed definition arguably placed the County in a position of considering a “Short-Term Rentals” a “residential use” as opposed to a commercial use (e.g. a type of lodging). The Applicants updated definition removes the “for residential use” clause, and a

prohibition on use of a “Short Term Rental” as a Special Events Facility remains in proposed Section 12.14.

Agriculture Exclusive District (AE) Intent (Section 4.1):

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;*
- b. The cultivation of ground, including the preparation of soil, planting or seeding, and raising and harvesting of crops;*
- c. The raising, feeding, and managing of livestock;*
- 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.*

Permitted Uses (Section 4.2):

- 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.*

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

- 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.*
- 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.*

Recreation and Forestry District (RF) Intent (Section 5.1):

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;*
- b. The growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith;*
- c. Recreational uses that are sensitive to surrounding uses, maintain water quality, limit traffic generation, prevent fire hazards, and avoid adverse environmental effects;*
- d. The grazing and managing of livestock and all operations incidental to and connected therewith; The cultivation of ground, including the preparation of soil, planting or seeding, and raising and harvesting of crops; and*
- e. Incidental unrelated Uses that are necessary to protect and promote the health, safety, welfare and convenience of rural residential citizens.*

Permitted Uses (Section 5.2):

- 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.*
- d. Accessory Building(s), where each Accessory Building is equal to or less than 2,400-square-foot 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.*

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

- 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.*
- h. Accessory Building greater than 2,400 square feet of general Floor Area.*
- i. Essential Services, Type II.*
- j. Personal Wireless Service Facilities, subject to Section 14.*

- k. *Emergency Services.*
- l. *Small-scale Wind Energy Systems.*

Staff comments: With respect to the intent of the Agriculture Exclusive and Recreation and Forestry sub-districts, a central point of the discussion is likely to be whether allowance of “Short Term Rental” uses, even as a Conditional Use may impair the rural character of Bridger Canyon and whether such uses are considered an “incidental unrelated uses that are necessary to protect and promote the health, safety, welfare, and convenience of rural residential citizens.” It is worth noting here that ADUs are allowed in the AE sub-district, but not the RF sub-district, and that the preceding comment is also likely applicable to the proposed amendment that would allow an ADU to be rented as a “Long Term Rental” separately from the Principal Single-Family Dwelling.

SECTION 12: GENERAL DEVELOPMENT STANDARDS

Accessory Dwelling Unit (Section 12.2):

- a. *In a Zoning Classification in which an Accessory Dwelling Unit is a Permitted Use, only one Accessory Dwelling Unit per Parcel of record is permitted (Development Right not required).*
- b. *An Accessory Dwelling Unit may be an independent living facility located within the Principal Single-family Dwelling Unit or within a standalone Accessory Building. Kitchen and dining area allowed in an Accessory Dwelling Unit.*
- c. *Square footage of the Accessory Dwelling Unit shall not exceed 1,200 square feet of livable Floor Area.*
- d. *The location of any portion of a standalone Accessory Dwelling Unit shall not exceed 150 feet from the Principal Single-family Dwelling Unit.*
- e. *The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single-family Dwelling Unit.*
- f. *The Accessory Dwelling Unit may not be rented or sold separately from the Principal Single-family Dwelling Unit.*
- g. *Driveway access to the Accessory Dwelling Unit shall be the same as the Principal Single-family Dwelling Unit.*
- h. *Nothing herein precludes the construction of the Principal Single-family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.*
- i. *Accessory Dwelling Units are subject to all restrictions in the Regulations applicable to Principal Single-Family Dwelling Units or other Structures including but not limited to setbacks and heights restrictions.*
- j. *Conversion of Existing Approved Guest Houses or Caretaker’s Residences:*
 - (1) *Any Guest House or Caretaker’s Residence may continue to be used, subject to continued compliance with conditions attached to the CUP authorizing such use.*
 - (2) *If an approved Guest House or Caretaker’s Residence meets all of the above standards for an Accessory Dwelling Unit it will automatically be deemed as such and can be upgraded to an independent living facility (kitchen and dining).*
 - (3) *If an existing Guest House or Caretaker’s Residence does not meet the above standards, for an Accessory Dwelling Unit, a Conditional Use Permit may be requested to convert a Guest House or Caretaker’s Residence to an Accessory Dwelling Unit.*
- k. *With the exception of the process as described in subsection j. above to convert an existing Guest House or Caretaker’s Residence to an Accessory Dwelling Unit any property with an existing Guest House or Caretaker’s Residence shall not be entitled to an Accessory Dwelling Unit.*

Staff comments: The standards of Section 12.2 of the Zoning Regulation work together to ensure that ADUs are truly accessory to the Principal Single-Family Dwelling Unit. Arguably, the proposed ZTA would alter this balance by removing the existing standard related to a shared electrical meter (Section 12.2.e) and adjusting the language in what is now Section 12.2.f to allow ADUs to be rented as a “Long Term Rental,” separately from the Principal Single-Family Dwelling Unit.

With respect to the addition of proposed Section 12.14 and standards for “Short Term Rental,” it may be beneficial to adjust the language to clarify that the County maintains the ability to include additional conditions of approval as deemed necessary by the Planning and Zoning Commission through the Conditional Use Permit review process. Similarly, while the proposed language in Section 12.14 references Section 12.2, it may be better to include language in Section 12.14 explicitly stating that “Short Term Rental” of an ADU is not allowed. Should the Planning and Zoning Commission wish to include additional standards for “Short Term Rental” in the AE and RF sub-districts (e.g. a quota to limit the number of “Short Term Rentals,” limit the duration of a CUP for a “Short Term Rental” to X number of years, prevent an entity from holding more than one CUP for a “Short Term Rental” at a time, or tie CUPs to an applicant rather than running with the land, etc.) this would be the place in the Zoning Regulation where those standard requirements should be included.

6. Applicable Sections of the Gallatin County “Part 1” Zoning Administrative Regulation (Administrative Regulation).

3.2 Zoning Regulation Conformance. *Property owners are responsible for ensuring all activity within and on their property conforms to this Administrative Regulation and the applicable District Regulation. No Building, Structure, or land shall hereafter be used or occupied, and no Building, Structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or Structurally Altered unless it is in conformity with all the Zoning Regulations.*

No Building, Structure, or land in any Sub-district may be used for any purpose unless such Use is listed as a Permitted or Conditional Use in that Sub-district and approval for that Use is obtained through the proper procedure, or unless such Use is deemed to be an appropriate Use pursuant to the interpretation process of Section 3.8 of this Administrative Regulation. All other uses are prohibited unless otherwise authorized by federal or state law.

The burden of proof is on an applicant to demonstrate that applicable requirements and review criteria of the Zoning Regulations are met. Where conditions of approval are attached to any approval issued under the Zoning Regulations, the failure to comply with any condition of approval is a violation of the Zoning Regulations.

Staff comments: There is a belief among some members of the public that use of dwellings within the Bridger Canyon Zoning District as a “Short Term Rental” is already an allowed use. This matter was clarified within the Base Area via a text amendment adopted by County Commission Resolution No. 2024-018. The Planning and Zoning Commission also affirmed a decision from the Compliance Officer that utilization of a Single-Family Dwelling Unit as a “Short Term Rental” or tourist home within the AE sub-district of the Bridger Canyon Zoning District was not in compliance with the Zoning Regulation or

Administrative Regulation. Stated otherwise, “Short Term Rental” of dwellings within the Bridger Canyon Zoning District, outside of the Base Area, is not currently a permissible use of property.

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

Staff comments: The subject ZTA was submitted by a landowner within the Zoning District.

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

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

Applicant’s Response: 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 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. (Note: The Applicant’s Response is from their April 29, 2024, ZTA application.)

Staff comments: The Applicant’s above response provides the perspective of proponents, but other perspectives exist.

With respect to the proposal to add “Short Term Rental, subject to the provision of Section 12.14” as a conditional use in the AE and RF sub-districts, the application includes a set of standards requirements for use of a property as a “Short Term Rental” and subjects them to the Conditional Use Permit review process. The original ZTA proposed an administrative review process and was adjusted to require a Conditional Use Permit to reflect feedback from the Planning and Zoning Commission and County Commission at the June 13, 2024 public hearing.

In addition to standards proposed by the Applicant as part of the ZTA, the Planning and Zoning Commission and County Commission should consider whether a more complex regulatory framework for “Short Term Rental” use (e.g. a quota to limit the number of Short Term Rentals, limit the duration of a CUP for a “Short Term Rental” to X number of years, prevent an entity from holding more than one CUP for a “Short Term Rental” at a time, or tie CUPs to an applicant rather than running with the land, etc.) is necessary

to prevent expanded lodging opportunities for tourists from detrimentally impacting the character of the Zoning District.

The comprehensive update to the Bridger Canyon Zoning Regulation, completed in 2021, included substantial changes to what are now referred to in the Zoning Regulation as “Accessory Dwelling Units.” These were previously addressed as guest houses, caretaker’s residences, or dwellings for agricultural help living on the property, all of which required a conditional use permit. The complete list of standards related to ADUs, developed as part of the comprehensive update, is structured to help ensure that such dwellings truly function in a manner that is accessory to the principal dwelling on the property. Both the County’s Growth Policy and the recently adopted Housing Strategy recognize the role that ADUs can play with the current “Housing Crisis;” however, the limited infrastructure and services in Bridger Canyon must also be considered. Adjustments to the ADU standards should be carefully considered to avoid detrimentally impacting the character of the Zoning District.

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

Applicant’s Response: 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. (Note: The Applicant’s Response is from their April 29, 2024, ZTA application.)

Staff comments: As with the prior criterion, the Applicant’s response reflects the perspective of a proponent of the changes; however, other perspectives exist. For example, if one views “Short Term Rental” of dwellings as a commercial venture, the proposed amendment significantly expands the opportunity for commercial lodging businesses within the Zoning District. By adjusting the ZTA to provide review of “Short Term Rentals” through the Conditional Use Permit review process, the process to approve this lodging option is now consistent with the other similar commercial opportunities that exist in the AE and RF sub-districts, such as Bed and Breakfast Inns and Guest Ranches, and allows for site-specific considerations or discretion of decision-makers.

The ability to rent an ADU on a property separate from the Principal Single Family Dwelling Unit, for periods of one-month or more, is a residential use and impacts can be expected to be significantly similar to long-term occupancy of the Principal Single Family Dwelling Units that exist in the Zoning District. That said, such an amendment is likely to increase the number of dwellings the Zoning District that are occupied on a full-time basis. This could have cumulative impacts on issues like traffic, demand on emergency services in the Zoning District, the number of people exposed to wildfire risk, wildlife conflicts, as well as additional demands on water supply and wastewater treatment. It should be noted that ADUs are only allowed in the AE sub-district, not the RF sub-district.

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

Applicant’s Response: 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. (Note: The Applicant’s Response is from their April 29, 2024, ZTA application.)

Staff comments: In addition to items mentioned in this staff report, public comment considered by the Planning and Zoning Commission and County Commission will inform those bodies as to whether the community perceives the proposed amendments to be beneficial to the surrounding neighborhood, community, and general public. The proposed amendments concerning “Short Term Rental” and “Long Term Rental” of dwellings apply uniformly to properties with the AE and RF sub-districts and not just a small area or only one or a few landowners; however, it must be recognized that the amendments related to ADUs apply only to the AE sub-district because ADUs are not allowed in the RF sub-district.

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

Applicant’s Response: 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. (Note: The Applicant’s Response is from their April 29, 2024, ZTA application.)

Staff comments: Potentially relevant excerpts of the Bridger Canyon General Plan and Development Guide (Plan) and the Gallatin County Growth Policy are provided below.

Bridger Canyon General Plan and Development Guide:

“Generally, the residential areas in those areas of the Bridger Canyon Zoning District outside the Base Area are expected to accommodate one (1) dwelling unit per forty (40) acres or one dwelling unit per twenty (20) acres or ten (10) acres with a planned unit development. The residential areas in the Base Area are expected to accommodate a combination of recreational housing and overnight accommodations.

In the Base Area the residential areas are expected to accommodate approximately 200 recreational housing units and 600 overnight accommodation units. The specific information pertaining to residential densities are located in the Zoning Regulation and the Base Area Plan.” (Plan pg. 25)

Staff comments: The Plan contemplates a variety of residential densities as described above – this is based on one dwelling unit per 40, 20, or 10 acres of land. The standards in the current Zoning Regulation work together to ensure that additional dwelling units above these contemplated levels are incidental and subordinate to Principal Single Family Dwelling Units. With respect to “Short Term Rental” of dwellings, the Bridger Canyon General Plan and Development Guide doesn’t specifically address lodging opportunities outside of the Base Area to serve tourism interests. Nonetheless, it must be recognized that per the revised ZTA, the “Short Term Rental” of a Dwelling would be subject to the same Conditional Use Permit review process through which Bed and Breakfast Inns and Guest Ranches in the AE sub-district and Guest Ranches in the RF sub-district must seek approval.

Gallatin County Growth Policy:

Habitat Goal 2. Embrace living with wildlife principles to reduce human-wildlife conflicts

- *HAB-2-3. Utilize covenants and other tools to address the following: NE, WL, WH*
 - *Control of domestic animals*
 - *Prohibition of artificial feeding of wild animals*
 - *Construction of wildlife-friendly fencing or no fencing to avoid creating impediments to wildlife movement and migration*
 - *Provision of animal-proof refuse containers*
 - *Reduction and securing of attractants (prohibiting outdoor food storage, elevated bird feeders, surrounding potential attractants with electric fencing, etc.)*
 - *Facilitation of wildlife access to streams, wetlands, and other nearby wildlife habitat including areas important for wildlife movement and migration*
 - *Limit pond and water features, and encourage xeriscaping and maintenance of native vegetation (in accordance with FWP’s Fish and Wildlife Recommendations for Subdivision Development in Montana) to conserve water for fish and wildlife*

Staff comments: The “Wildlife Resource Value on Private Land” map from the Growth Policy identifies the Bridger Canyon area as Core Wildlife Habitat. Increased usage of the area by tourists, who may not be as familiar with wildlife-related concerns as area residents, has the potential to increase human-wildlife conflicts. This subject is touched on in the Applicant’s proposed language for Section 12.14.(b)(3).

Housing Goal 1. Promote equitable, inclusive housing options and address anticipated housing needs by accommodating a range of housing options at different price points

- *HS-1-2. Encourage a diversity of housing options that includes alternatives to traditional home styles, such as clustered developments, co-housing, tiny homes, modular homes, and others. PH*

- *HS-1-3. Require residential zoning to allow for a variety of housing types that promote different price points. PH*
- *HS-1-8. Support the location of accessory dwelling units in residential areas served by infrastructure. LS, NE, PH*
- *HS-1-9. Support affordable housing in locations with access to public transportation. LS, PH*

Staff comments: While the County’s Growth Policy supports providing a range of housing options and the idea of ADUs, there is the qualifier that areas targeted for such development should be served by an appropriate level of infrastructure (e.g. water, wastewater, transportation, transit, etc.) Infrastructure is extremely limited in Bridger Canyon. The original ZTA proposed making ADUs available for use as a “Short Term Rental;” which arguably was counterproductive to the County’s stated housing goal. That is no longer part of the ZTA request. The revised ZTA, if approved, would allow ADUs to be rented as a “Long Term Rental,” separate for the Principal Single Family Dwelling.

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

Applicant’s Response: 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. (Note: The Applicant’s Response is from their April 29, 2024, ZTA application.)

Staff comments: Notice of the amendment was posted in five locations in the Zoning District on November 26, 2024, and advertised in the *Bozeman Daily Chronicle* on November 23 & 30, 2024. The Planning and Zoning Commission and County Commission will consider the request during a public hearing with an opportunity for public participation.

14.4 Meetings and Hearings.

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

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

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

Staff comments: The above language outlines the actions necessary from the Planning and Zoning Commission and County Commission and authorize a joint hearing.

REQUIRED ACTION OF THE PLANNING AND ZONING COMMISSION:

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

Sample Motion for Approval: Having reviewed and considered the application materials, staff report and findings, and public comment, I move to recommend approval of the Zone Text Amendment request, subject to all applicable laws and regulations, and move to authorize the Chair of the Planning & Zoning Commission to sign Resolution No. PZ 2024-013.

REQUIRED ACTION OF THE COUNTY COMMISSION:

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

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

Exhibits

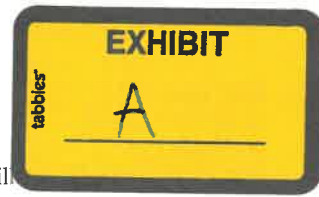
- A: Updated ZTA Material submitted November 1, 2024
- B: Public Comments
- C: Planning and Zoning Commission Resolutions
- D: Gallatin County Commission Resolutions

CC: County Attorney
Applicant

MOULTONBELLINGHAM^{PC}

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

Bill



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
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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.

November 1, 2024

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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)

4880-5957-8101, v. 3

**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.
- d. 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](#).

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.
- h. Accessory Building greater than 2,400 square feet of general Floor Area.

**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
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-- 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. --

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*.

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- 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.
- d. 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.

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.
- h. Accessory Building greater than 2,400 square feet of general Floor Area.

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- 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
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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.~~~~~~



File No.: _____

Zone Text or Map Amendment Application

1. For Zone Map Amendment (ZMA):

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

Brief description of requested change:

2. For Zone Text Amendment (ZTA):

Zoning District: Bridger Canyon
 Sub-district(s): (AE) Agricultural Exclusive sub-district and (RF) Recreation and Forestry sub-district

Brief description of requested change:
A zone text amendment adding definitions of long term rentals and short term rentals, adding those as permitted uses in the AF and RF sub-districts, allowing ADUs to be rented, and providing rules for short term rentals.

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: Wendy Dickson Email: propertyrights@bridgercanyon.org
Address: 65 Henrys Drive, Bozeman, MT 59715 Phone: 314-805-1858

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

Mar 21, 2024
Date

Applicant/representative signature

Date

**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 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.

-25-

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.

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-- 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.

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- 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.

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

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--

Peter N. Serino
Attorney at Law
PO Box 1912
Bozeman, MT 59771
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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 reline 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,

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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

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Peter N. Serino
Attorney at Law
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Bozeman, MT 59771
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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.
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 - 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.

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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.
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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.

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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 I” 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> 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
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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
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Fiddaman
<[tom@ventanasyst
ems.com](mailto:tom@ventanasyst
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Hi Wendy - It's
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We're previewing it
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which would have
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but for the debate.
A couple more
days ... Tom

On 9/10/2024 5:40
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Hello
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So its
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Let us
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ready
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see.

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n.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

EXHIBIT B

Bridger Canyon Property Rights Coalition ZTA – Public Comment Index

1. Sue Bellows, email dated November 22, 2024
2. Larry Blackwood, email dated November 25, 2024
3. Hillary Hutchison, email dated November 25, 2024
4. Bill Claridge, email dated November 25, 2024
5. Patrick LaPointe, email dated November 25, 2024
6. Paul Strong, email dated November 26, 2024
7. Thom Hughes, email dated November 26, 2024
8. Jennifer Pepper, email dated November 27, 2024
9. David Pedersen, email dated November 26, 2024
10. James Baker, email dated December 2, 2024

O'Callaghan, Sean

From: James Baker <jjbakermt@gmail.com>
Sent: Monday, December 2, 2024 10:29 AM
To: O'Callaghan, Sean
Subject: Bridger Canyon rentals issue...

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

Dear Sir:

As a long time resident living at 4734 Meadow Lane, off Jackson Creek Road, I would like to express my opposition to any new rule allowing absentee owner rentals.

Any rule that gives a sanction/rugulation/rule, or policy allowing these rentals, as I understand is currently under consideration would alter the character of Bridger canyon, without due consideration for current residents.

Please include this email in any final record of proceedings regarding the above. Thank you for your consideration. Best,
James Baker

O'Callaghan, Sean

From: Sue Bellows <sbellows4937@gmail.com>
Sent: Friday, November 22, 2024 6:27 AM
To: O'Callaghan, Sean
Subject: Zone Text Amendment

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

Dear Gallatin County Planning and Zoning Commission,

For over 20 years I have enjoyed meeting my 3 sisters near Bozeman where we have taken advantage of several short-term rentals, including Bridger Vista Lodge which we have called “home” for 8 years.

We love the peace and solitude of being outside the city limits and having access to this property is the highlight of our trip. We generally stay a week, but even if we were only visiting for a few nights, we would choose the comfort of renting a rural house over impersonal hotel rooms in town due to the unmatched “home feeling”, extra space, and amenities they afford. Unlike a hotel which we would use to shower and sleep and all be in separate rooms, renting a nice house for several days affords us a “home away from home” where we can use the kitchen to try new recipes, spend our days crafting on the huge dining room table, watching movies and having coffee together around the living room fireplace, or hiking at the nearby trailheads.

We would be devastated if the right to short term rent was taken away from the property owners in Bridger Canyon. Our week rental is a benefit to the community, because we buy at local stores and drive far less when we can stay together in one place and cook our own meals, where we are closer to people and places we like to visit in Bridger Canyon.

The property right to rent should not be taken away from any owner, whether they short term rent or not, unless proof of harm can be demonstrated. We cannot imagine how renting a home short term is a problem for anyone. We cook, sleep and take care of a rental home as if it were our own, even if only for a few days.

I live in Eastern Montana, where I know several ranchers who lease their land to others for hunting, grazing or farming. Earning income from renting a property short term is no different than earning income by leasing the land for agriculture use or renting a home for a month or more. Other people should not be allowed to dictate what a landowner chooses to do with their land.

In closing, I can guarantee that my views are echoed by many, many others who have taken advantage of short-term rentals in Montana. I can state this with confidence as I always must plan well in advance to make reservations at Bridger Vista Lodge or any of the other properties I have rented around the state.

Please vote to approve the Zone Text Amendment proposed by the Bridger Canyon Property Rights Coalition, so renting a home for our “sister week” will still be available for us to enjoy in Bridger Canyon.

**Sue Bellows
Miles City, MT**

O'Callaghan, Sean

From: Larry Blackwood <larryblackwood@gmail.com>
Sent: Monday, November 25, 2024 9:37 AM
To: O'Callaghan, Sean
Subject: Bridger Canyon Short Term rentals

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

I understand that there will be a hearing on Dec. 12 regarding the PRC amendment to the Bridger Canyon Zoning. As a property owner in the district I want to register my strong opposition to the revised PRC amendment. This amendment is encouraging high density development in the Canyon that is contrary to the overall zoning document. It further provides for absentee investors to develop the area without having any personal stake in the area other than as a means to make money. Further it does not provide any mechanism for enforcement of standards should violations occur, and does not allow for the publication of licenses which would keep area residents in the dark as to what is going on in their neighborhood.

If you consider any changes to the zoning regulations, it should be that proposed in the latest draft provided by the Bridger Canyon Property Owners Association. Thank you for your consideration.

Larry Blackwood
larry@larryblackwood.com
www.larryblackwood.com

O'Callaghan, Sean

From: b_claridge@yahoo.com
Sent: Monday, November 25, 2024 11:52 AM
To: O'Callaghan, Sean
Subject: STR's

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

Hi Sean - I am a long-time resident of Bridger Canyon, residing in Bridger Creek Ranch for 25 years. I want to send you my feedback on the amended proposal regarding STR's.

I am stating emphatically that I do not support any STR's in Bridger Canyon. I choose to live in Bridger Canyon because of the character and quality of life it affords. Allowing STR's opens the door to all sorts of problems that none of us want. For example, more traffic and people on Canyon roads and trails and an already crowded Bridger Bowl. No one wants to hear wild parties going on late at night by individuals with no ties to the area. Who, and how will any rules regarding STR's be enforced? If there is no legal recourse to penalize owners for any failures to control their renters, then everyone else loses. Certainly not least, there is the real risk of fires from individuals not familiar with being in a high risk fire area.

STR's are a commercialization of Bridger Canyon that fly completely in the face of BCPOA's current guidelines. Individuals purchasing property here do so knowing what the rules are and the Board must not make any exceptions to them. Once you do, a precedent is set. There is no turning back and the quality of life here will continue to erode.

It is the responsibility of the Board to represent and protect the residents of the District from exploitation by a few selfish individuals whose only desire is to maximize the income potential of their property at the expense of their neighbors.

I urge you to not allow STR's in any form.

Regards,
Bill Claridge

Sent from my iPad

O'Callaghan, Sean

From: Thom Hughes <thughesgfp@icloud.com>
Sent: Tuesday, November 26, 2024 4:17 PM
To: O'Callaghan, Sean
Subject: Short term rentals in Bridger Canyon Zoning district

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

Dear Planning and Zoning commission,

It is my understanding that you will be discussing a proposed amendment to the Bridger canyon zoning that involves short term rentals. I am strongly apposed to this amendment for a wide variety of reasons. As proposed, the amendment would put increased development pressure on the canyon, pressure that could be fueled by outside investors to develop properties and businesses in the canyon. To be clear, short term rentals are a business venture that would be a "new use" that violates our zoning in both spirit and letter.

Sincerely,

Thom Hughes

8653 Bridger Canyon
Bozeman MT 59715

Ph: 406 209 1410

O'Callaghan, Sean

From: rockheads@prodigy.net
Sent: Monday, November 25, 2024 11:27 AM
To: O'Callaghan, Sean
Subject: STRs in BridgerCanyon

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

I oppose STRs in Bridger Canyon. Any amendment(s) should strengthen language NOT allowing STRs in the Canyon.

Hillary Hutchison

O'Callaghan, Sean

From: pat lapointemail.com <pat@lapointemail.com>
Sent: Monday, November 25, 2024 2:46 PM
To: O'Callaghan, Sean
Subject: RE: Bridger Canyon STR ZTA proposal

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

Hi Sean.

I am a resident of Bridger Canyon and cannot attend the upcoming meeting on December 12, so I offer the following written comments for consideration by the board:

I am in favor of short-term rental options, but **ONLY** when subject to conditions that ensure the continued spirit of the zoning in place for Bridger Canyon. Specifically, I believe STRs should be permitted conditionally **ONLY** under each of the following conditions:

1. A "short-term" rental would be any rental for 28 days or less. Any two consecutive rentals to the same or affiliated parties with less than 7 days between would be considered as part of the same 28-day calendar period.
2. The rental unit must be within the envelope of the primary dwelling, NOT in an ADU. This preserves zoning density goals. No rentals in any temporary structures (e.g. tents, teepees, etc.). An exception can be made for a single ADU on a property that was properly permitted and completed prior to 1.1.25. However, only 1 rental unit shall be occupied on a given property at any one time.
3. The rental can only take place when there is a property owner (or a resident property manager) living on-site. This ensures responsible tenant behavior and quick corrective action. It also ensures that non-resident speculators will not drive up housing costs and that enforcement actions have a personal impact, not just paperwork sent between government and the PO boxes of faceless corporate entities.
4. Upon completing an online reservation and then again within 24 hours of check-in, tenants must physically review and sign a package of property rules including a map indicating property boundaries as well as restrictions on burning, noise, excessive speed, wildlife harassment, unpermitted hunting/fishing/trapping, and trespassing.
5. The planning board must have enforcement mechanisms and a clear process to immediately suspend and subsequently consider termination of a conditional STR permit in the event of repeat (2+) material violations of any of the conditions above. This includes a clear, published process for residents to report violations and receive a confirmation of receipt. The board should have the ability unilaterally to suspend the CUP for an STR for up to a year in a first violation and up to five years for each subsequent violation. If the planning board is not able to act as an enforcement agency, it should reject any STR ZTA changes to present code and simply enforce the blanket prohibition of STRs presently in place.
6. A CUP for STR approved for one property should not automatically convey through the sale of the property to another owner. The new owners should have to apply for a CUP (provided the property was eligible) to ensure they understand the conditions well. Such approval for new owners should not, of course, be unreasonably withheld.

The above conditions will likely be seen as reasonable to those full-time Canyon residents presently offering STRs on their properties. And they will likely be resisted by non-resident property owners operating STRs solely for financial speculation and income generation. Approving STRs under any other conditions than those above will lead to unplanned density, higher housing costs, more risks to property and well-being of residents.

Thank you for your consideration.

Sincerely -

**Patrick LaPointe
4751 Meadow Lane**

O'Callaghan, Sean

From: David Pedersen <djpsageltd@earthlink.net>
Sent: Tuesday, November 26, 2024 4:58 PM
To: O'Callaghan, Sean
Cc: board@bcpoa.net
Subject: Bridger Canyon STR's

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

Dear Mr. O'Callaghan and Gallatin County Commissioners

I am writing to strongly oppose any Short Term Rentals(STR)in Bridger Canyon. In order to preserve the unique rural community environment that makes Bridger Canyon so special, it is essential that STR's not be allowed.

I, respectfully, request that the Commission deny any proposed change that allows STR's in Bridger Canyon.

Thank you for your consideration,

David Pedersen
235 Bridger Canyon Spur Rd
Bozeman, MT 59715
406-579-4492

O'Callaghan, Sean

From: Jennifer Pepper <jennypepper@mac.com>
Sent: Wednesday, November 27, 2024 12:39 PM
To: O'Callaghan, Sean
Subject: Text amendment from PRC

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

Dear Commissioners,

I will make this as brief as possible to help alleviate the prolonged endurance contest this amendment has so aptly supplied.

In looking at the Zoning Amendment Regulation section 14.3 a) i. thru iv. as a mirror for which to reflect upon the criteria of this Amendment.

i. Public necessity, convenience, and general welfare. PRC Amendment does not satisfy any of these requirements.

ii. Does not authorize a use varying from prevailing use in vicinity. PRC Amendment does state a use varying from the vicinity as STRs are confined to the Base Area and not allowed outside of said area.

iii. Will benefit the surrounding neighborhood, community, and general public and not a select few landowners. PRC Amendment does exactly the opposite of this action as it will benefit just a handful of the minority of landowners and leave the rest of the Bridger Canyon residents to deal with the fall out of having transient tourist in our midst.

iv. Consistent with district regs and growth policy or neighborhood plan and not to the special benefit for a few landowners at the expense of the surrounding landowners and general public. The PRC amendment is not consistent with the Bridger Canyon overall Master Plan in that it would immediately increase density with the rentals of ADUs. Additionally, if the Dickson property is allowed to become an absentee investor owned STR property then the remainder of the canyon properties are an immediate target for further out-of-state investors to invest.

I would ask that you please deny this Amendment and allow the canyon residents to return to the peaceful tranquility of the canyon we call home and put this hair-on-fire issue to rest. Here we have Goldilocks holding the door wide open for the bears to come in, sit, and stay the night. We are not looking for more bears or transient tourist in the canyon. The rest of the country is looking for ways to control, regulate, and curb STR prevalence and yet here the PRC sits trying to do exactly the opposite. Why, one would ask?

Thank you,
Jennifer Pepper
14539 Kelly Canyon Rd
Full time, year round resident

Sent from my iPad

O'Callaghan, Sean

From: Paul Strong <paulstrong39@comcast.net>
Sent: Tuesday, November 26, 2024 2:50 PM
To: O'Callaghan, Sean; board@bcpoa.net
Subject: Short term rentals - Dec 12 board meeting

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

To whom it may concern,

I am a homeowner within the Bridger Canyon Property Owners Association (BCPOA) and want to make my opinion known regarding short term rentals. I am against allowing short term rentals due to the following concerns:

- 1) impact on property values
- 2) impact on tax rates
- 3) impact renters can and do have on neighbors and the community
- 4) increased dangers due to wildfires as renters likely don't realize the delicate balance our neighborhood has with nature and the amount of fuels that surround virtually every home
- 5) increased danger to people, pets, and wildlife since renters are likely to drive too fast for the twisty roads and rapidly changing conditions
- 6) potential disruption to the peace and harmony our area enjoys, which is why we all bought here
- 6) lack of oversight preventing commercial development to take advantage of the proposed amendment
- 7) commercial development building multiple family dwellings and Airbnb type rentals which would fundamentally change the magnificent tranquility that is the reason we bought our home here.

Many thanks for hearing my concerns and for the work you all do.

Best Regards,

Paul Strong
713-598-8964



RESOLUTION NO. PZ 2024 – 013

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
RECOMMENDING APPROVAL OF AMENDMENTS TO THE
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-069)**

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

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

WHEREAS, the Bridger Canyon General Plan and Development Guide was adopted on February 23rd, 1989, by Resolution of the Gallatin County Commission and amended thereafter; and

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

WHEREAS, Wendy Dickson, on behalf of the Bridger Canyon Property Rights Coalition (together referred to as “Applicant”) requested a Zone Text Amendment to the Bridger Canyon Zoning Regulations per Section 14, “Amendments,” of the Gallatin County “Part 1” Zoning Administrative Regulations. A joint public hearing between the Gallatin County Planning and Zoning Commission was held on June 13, 2024 to consider the staff report, applicant presentation, and public comment. At the conclusion of the hearing, the Planning and Zoning Commission agreed to continue the matter until the end of 2024 to allow the applicant to address feedback offered by staff, the public, Planning and Zoning Commission, and County Commission; and

WHEREAS, the Applicant submitted a revised Zone Text Amendment on November 1, 2024 that would: amend the definition of “Hotel” and add definitions for “Long Term Rental” and “Short Term Rental”, list Long Term Rental as a permitted use in the Agricultural Exclusive (Section 4.2) and Recreational Forestry (Section 5.2) districts, and list Short Term Rental as a conditional use in the Agricultural Exclusive (Section 4.3) and Recreational Forestry (Section 5.3) districts. The request also proposes changing the standards for Accessory Dwelling Units (Section 12.2) by removing the requirement for a shared electrical meter and allowing them to be rented as a Long Term Rental, separate from the Principal Single-family Dwelling Unit. The request adds standards for Short Term Rentals (Section 12.14); and

WHEREAS, Notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* November 23rd and 30th, 2024, and posted in five public places on November 27, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on December 12, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

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

WHEREAS, Montana Code Annotated Section 76-2-104, provides that for the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district; and

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

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

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning and Zoning Commission hereby adopts a Resolution of Recommendation to approve the request to amend Sections 3, 4.2, 4.3, 5.2, 5.3, 12.2 and 12.14 of the Bridger Canyon Zoning Regulation as shown in Exhibit A.
2. In support of the Resolution Recommending Approval, the Gallatin County Planning and Zoning Commission finds the following criteria are satisfied:
 - i. The public necessity, convenience and general welfare require the proposed amendments; and
 - ii. The proposed amendments authorize potential Uses that are not significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
 - iii. The proposed amendments would benefit the surrounding neighborhood, community, and the general public; and
 - iv. The proposed amendment is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
 - v. The proposed amendment met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 12th day of December, 2024.

PLANNING AND ZONING COMMISSION

Jennifer Boyer, Chair

Date

Exhibit A

Dickson/Bridger Canyon Property Rights Coalition Zone Text Amendment Amendments to the Bridger Canyon Zoning Regulation

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. 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.~~

NEW Long-Term Rental: rental of a Dwelling Unit, or portion thereof, for a period of more than 28 consecutive nights.

NEW Short-Term Rental: rental of a Dwelling Unit, or portion thereof, for a period of 28 or fewer consecutive nights.

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

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.
- 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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- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- j. Long-Term Rental

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.
- h. Accessory Building greater than 2,400 square feet of general Floor Area.
- 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:

- a. In a Zoning Classification in which an Accessory Dwelling Unit is a Permitted Use, only one Accessory Dwelling Unit per Parcel of record is permitted (Development Right not required).
- b. An Accessory Dwelling Unit may be an independent living facility located within the Principal Single-family Dwelling Unit or within a standalone Accessory Building. Kitchen and dining area allowed in an Accessory Dwelling Unit.
- c. Square footage of the Accessory Dwelling Unit shall not exceed 1,200 square feet of livable Floor Area.
- d. The location of any portion of a standalone Accessory Dwelling Unit shall not exceed 150 feet from the Principal Single-family Dwelling Unit.
- ~~e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single-family Dwelling Unit.~~
- ef. The Accessory Dwelling Unit may be used as a Long-Term Rental, but may not be used as a Short-Term Rental ~~rented~~ or sold separately from the Principal Single-Family Dwelling Unit.
- fg. Driveway access to the Accessory Dwelling Unit shall be the same as the Principal Single-Family Dwelling Unit.
- gh. Nothing herein precludes the construction of the Principal Single-Family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.
- hi. Accessory Dwelling Units are subject to all restrictions in the Regulations applicable to Principal Single-Family Dwelling Units or other Structures including but not limited to setbacks and heights restrictions.
- ij. Conversion of Existing Approved Guest Houses or Caretaker's Residences:
 - (1) Any Guest House or Caretaker's Residence may continue to be used, subject to continued compliance with conditions attached to the CUP authorizing such use.

- (2) If an approved Guest House or Caretaker's Residence meets all of the above standards for an Accessory Dwelling Unit it will automatically be deemed as such and can be upgraded to an independent living facility (kitchen and dining).
- (3) If an existing Guest House or Caretaker's Residence does not meet the above standards, for an Accessory Dwelling Unit, a Conditional Use Permit may be requested to convert a Guest House or Caretaker's Residence to an Accessory Dwelling Unit.

jk. With the exception of the process as described in subsection j. above to convert an existing Guest House or Caretaker's Residence to an Accessory Dwelling Unit any property with an existing Guest House or Caretaker's Residence shall not be entitled to an Accessory Dwelling Unit.

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.

RESOLUTION NO. PZ 2024 – 013

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION
RECOMMENDING DENIAL OF AMENDMENTS TO THE
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-069)**

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

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

WHEREAS, the Bridger Canyon General Plan and Development Guide was adopted on February 23rd, 1989, by Resolution of the Gallatin County Commission and amended thereafter; and

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

WHEREAS, Wendy Dickson, on behalf of the Bridger Canyon Property Rights Coalition (together referred to as “Applicant”) requested a Zone Text Amendment to the Bridger Canyon Zoning Regulations per Section 14, “Amendments,” of the Gallatin County “Part 1” Zoning Administrative Regulations. A joint public hearing between the Gallatin County Planning and Zoning Commission was held on June 13, 2024 to consider the staff report, applicant presentation, and public comment. At the conclusion of the hearing, the Planning and Zoning Commission agreed to continue the matter until the end of 2024 to allow the applicant to address feedback offered by staff, the public, Planning and Zoning Commission, and County Commission; and

WHEREAS, the Applicant submitted a revised Zone Text Amendment on November 1, 2024 that would: amend the definition of “Hotel” and add definitions for “Long Term Rental” and “Short Term Rental”, list Long Term Rental as a permitted use in the Agricultural Exclusive (Section 4.2) and Recreational Forestry (Section 5.2) districts, and list Short Term Rental as a conditional use in the Agricultural Exclusive (Section 4.3) and Recreational Forestry (Section 5.3) districts. The request also proposes changing the standards for Accessory Dwelling Units (Section 12.2) by removing the requirement for a shared electrical meter and allowing them to be rented as a Long Term Rental, separate from the Principal Single-family Dwelling Unit. The request adds standards for Short Term Rentals (Section 12.14); and

WHEREAS, notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* November 23rd and 30th, 2024, and posted in five public places on November 27, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on December 12, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

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

WHEREAS, Montana Code Annotated Section 76-2-104, provides that for the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district; and

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

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

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning and Zoning Commission hereby adopts a Resolution of Recommendation to deny the request to amend Sections 3, 4.2, 4.3, 5.2, 5.3, 12.2 and 12.14 of the Bridger Canyon Zoning Regulation as shown in Exhibit A.
2. In support of the Resolution Recommending Denial, the Gallatin County Planning and Zoning Commission finds the following criteria are not satisfied:
 - i. The public necessity, convenience and general welfare require the proposed amendments; and
 - ii. The proposed amendments authorize potential Uses that are not significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
 - iii. The proposed amendments would benefit the surrounding neighborhood, community, and the general public; and
 - iv. The proposed amendment is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
 - v. The proposed amendment met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 12th day of December, 2024.

PLANNING AND ZONING COMMISSION

Jennifer Boyer, Chair

Date

Exhibit A
Dickson/Bridger Canyon Property Rights Coalition Zone Text Amendment
Amendments to the Bridger Canyon Zoning Regulation

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. 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.~~

NEW Long-Term Rental: rental of a Dwelling Unit, or portion thereof, for a period of more than 28 consecutive nights.

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4.2 Permitted Uses:

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- c. One Accessory Dwelling Unit in accordance with Section 12.2.
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- h. Home Occupations.
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- 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.
- d. Guest Ranches.
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5.2 Permitted Uses:

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- fg. Driveway access to the Accessory Dwelling Unit shall be the same as the Principal Single-Family Dwelling Unit.
- gh. Nothing herein precludes the construction of the Principal Single-Family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.
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- 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.



RESOLUTION NO. 2024 - _____

**A RESOLUTION OF THE GALLATIN COUNTY COMMISSION
APPROVING A REQUEST TO AMEND THE
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-069)**

WHEREAS, Wendy Dickson, on behalf of the Bridger Canyon Property Rights Coalition (together referred to as “Applicant”) requested a Zone Text Amendment to the Bridger Canyon Zoning Regulations per Section 14, “Amendments,” of the Gallatin County “Part 1” Zoning Administrative Regulations. A joint public hearing between the Gallatin County Planning and Zoning Commission was held on June 13, 2024 to consider the staff report, applicant presentation, and public comment. At the conclusion of the hearing, the Planning and Zoning Commission agreed to continue the matter until the end of 2024 to allow the applicant to address feedback offered by staff, the public, Planning and Zoning Commission, and County Commission; and

WHEREAS, the Applicant submitted a revised Zone Text Amendment on November 1, 2024 that would: amend the definition of “Hotel” and add definitions for “Long Term Rental” and “Short Term Rental”, list Long Term Rental as a permitted use in the Agricultural Exclusive (Section 4.2) and Recreational Forestry (Section 5.2) districts, and list Short Term Rental as a conditional use in the Agricultural Exclusive (Section 4.3) and Recreational Forestry (Section 5.3) districts. The request also proposes changing the standards for Accessory Dwelling Units (Section 12.2) by removing the requirement for a shared electrical meter and allowing them to be rented as a Long Term Rental, separate from the Principal Single-family Dwelling Unit. The request adds standards for Short Term Rentals (Section 12.14); and

WHEREAS, Notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* November 23rd and 30th, 2024, and posted in five public places on November 27, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on December 12, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

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

WHEREAS, Montana Code Annotated Section 76-2-104, provides that for the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district; and

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

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

NOW, THEREFORE, BE IT RESOLVED:

1. The Gallatin County Commission hereby adopts a resolution approving the request to amend Sections 3, 4.2, 4.3, 5.2, 5.3, 12.2 and 12.14 of the Bridger Canyon Zoning Regulation as shown in Exhibit A.
2. In support of the Resolution of Approval, the Gallatin County Commission finds the following criteria are satisfied:
 - i. The public necessity, convenience and general welfare require the proposed amendments; and
 - ii. The proposed amendments authorize potential Uses that are not significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
 - iii. The proposed amendments would benefit the surrounding neighborhood, community, and the general public; and
 - iv. The proposed amendment is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
 - v. The proposed amendment met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 12th day of December, 2024.

GALLATIN COUNTY COMMISSION

SCOTT MCFARLANE

DATE

ATTEST:

ERIC SEMERAD, CLERK & RECORDER

DATE

Exhibit A

Dickson/Bridger Canyon Property Rights Coalition Zone Text Amendment Amendments to the Bridger Canyon Zoning Regulation

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. 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.
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- g. Signs, in accordance with Section 13.
- h. Home Occupations.
- i. Accessory Solar Energy Systems.
- j. Long-Term Rental

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.
- 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

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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.
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- j. Long-Term Rental

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.
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- g. Cross country ski facilities.
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12.2 Accessory Dwelling Unit:

- a. In a Zoning Classification in which an Accessory Dwelling Unit is a Permitted Use, only one Accessory Dwelling Unit per Parcel of record is permitted (Development Right not required).
- b. An Accessory Dwelling Unit may be an independent living facility located within the Principal Single-family Dwelling Unit or within a standalone Accessory Building. Kitchen and dining area allowed in an Accessory Dwelling Unit.
- c. Square footage of the Accessory Dwelling Unit shall not exceed 1,200 square feet of livable Floor Area.
- d. The location of any portion of a standalone Accessory Dwelling Unit shall not exceed 150 feet from the Principal Single-family Dwelling Unit.
- ~~e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single-family Dwelling Unit.~~
- ef. The Accessory Dwelling Unit may be used as a Long-Term Rental, but may not be used as a Short-Term Rental~~rented~~ or sold separately from the Principal Single-Family Dwelling Unit.
- fg. Driveway access to the Accessory Dwelling Unit shall be the same as the Principal Single-Family Dwelling Unit.
- gh. Nothing herein precludes the construction of the Principal Single-Family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.
- hi. Accessory Dwelling Units are subject to all restrictions in the Regulations applicable to Principal Single-Family Dwelling Units or other Structures including but not limited to setbacks and heights restrictions.
- jj. Conversion of Existing Approved Guest Houses or Caretaker's Residences:
 - (1) Any Guest House or Caretaker's Residence may continue to be used, subject to continued compliance with conditions attached to the CUP authorizing such use.

- (2) If an approved Guest House or Caretaker's Residence meets all of the above standards for an Accessory Dwelling Unit it will automatically be deemed as such and can be upgraded to an independent living facility (kitchen and dining).
 - (3) If an existing Guest House or Caretaker's Residence does not meet the above standards, for an Accessory Dwelling Unit, a Conditional Use Permit may be requested to convert a Guest House or Caretaker's Residence to an Accessory Dwelling Unit.
- jk. With the exception of the process as described in subsection j. above to convert an existing Guest House or Caretaker's Residence to an Accessory Dwelling Unit any property with an existing Guest House or Caretaker's Residence shall not be entitled to an Accessory Dwelling Unit.

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.

RESOLUTION NO. 2024 - _____

**A RESOLUTION OF THE GALLATIN COUNTY COMMISSION
DENYING A REQUEST TO AMEND THE
BRIDGER CANYON ZONING REGULATION (FILE NO. Z2024-069)**

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

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

WHEREAS, the Bridger Canyon General Plan and Development Guide was adopted on February 23rd, 1989, by Resolution of the Gallatin County Commission and amended thereafter; and

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

WHEREAS, Wendy Dickson, on behalf of the Bridger Canyon Property Rights Coalition (together referred to as “Applicant”) requested a Zone Text Amendment to the Bridger Canyon Zoning Regulations per Section 14, “Amendments,” of the Gallatin County “Part 1” Zoning Administrative Regulations. A joint public hearing between the Gallatin County Planning and Zoning Commission was held on June 13, 2024 to consider the staff report, applicant presentation, and public comment. At the conclusion of the hearing, the Planning and Zoning Commission agreed to continue the matter until the end of 2024 to allow the applicant to address feedback offered by staff, the public, Planning and Zoning Commission, and County Commission; and

WHEREAS, the Applicant submitted a revised Zone Text Amendment on November 1, 2024 that would: amend the definition of “Hotel” and add definitions for “Long Term Rental” and “Short Term Rental”, list Long Term Rental as a permitted use in the Agricultural Exclusive (Section 4.2) and Recreational Forestry (Section 5.2) districts, and list Short Term Rental as a conditional use in the Agricultural Exclusive (Section 4.3) and Recreational Forestry (Section 5.3) districts. The request also proposes changing the standards for Accessory Dwelling Units (Section 12.2) by removing the requirement for a shared electrical meter and allowing them to be rented as a Long Term Rental, separate from the Principal Single-family Dwelling Unit. The request adds standards for Short Term Rentals (Section 12.14); and

WHEREAS, notice of the joint public hearing between the Planning and Zoning Commission and the Gallatin County Commission was published in the in the *Bozeman Daily Chronicle* November 23rd and 30th, 2024, and posted in five public places on November 27, 2024 within the Bridger Canyon Zoning District; and

WHEREAS, on December 12, 2024 the Gallatin County Planning and Zoning Commission and the Gallatin County Commission held a joint public hearing on the proposed Zone Text Amendment to the Bridger Canyon Zoning Regulation; and

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

WHEREAS, Montana Code Annotated Section 76-2-104, provides that for the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered, and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district; and

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

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

NOW, THEREFORE, BE IT RESOLVED:

1. The Gallatin County Commission hereby adopts a resolution denying the request to amend Sections 3, 4.2, 4.3, 5.2, 5.3, 12.2 and 12.14 of the Bridger Canyon Zoning Regulation as shown in Exhibit A.
2. In support of the Resolution denying the text amendment, the Gallatin County Commission finds the following criteria are not satisfied:
 - i. The public necessity, convenience and general welfare require the proposed amendments; and
 - ii. The proposed amendments authorize potential Uses that are not significantly different from prevailing Uses in the Sub-district or vicinity in which the subject property is located; and
 - iii. The proposed amendments would benefit the surrounding neighborhood, community, and the general public; and
 - iv. The proposed amendment is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public; and
 - v. The proposed amendment met the notice and procedural requirements of Section 76-2-106 et seq. Mont. Code Ann.

Dated this 12th day of December, 2024.

GALLATIN COUNTY COMMISSION

SCOTT MCFARLANE

DATE

ATTEST:

ERIC SEMERAD, CLERK & RECORDER

DATE

Exhibit A

Dickson/Bridger Canyon Property Rights Coalition Zone Text Amendment Amendments to the Bridger Canyon Zoning Regulation

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. 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.~~

NEW Long-Term Rental: rental of a Dwelling Unit, or portion thereof, for a period of more than 28 consecutive nights.

NEW Short-Term Rental: rental of a Dwelling Unit, or portion thereof, for a period of 28 or fewer consecutive nights.

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

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.
- 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.
- d. 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

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.
- h. Accessory Building greater than 2,400 square feet of general Floor Area.
- 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:

- a. In a Zoning Classification in which an Accessory Dwelling Unit is a Permitted Use, only one Accessory Dwelling Unit per Parcel of record is permitted (Development Right not required).
- b. An Accessory Dwelling Unit may be an independent living facility located within the Principal Single-family Dwelling Unit or within a standalone Accessory Building. Kitchen and dining area allowed in an Accessory Dwelling Unit.
- c. Square footage of the Accessory Dwelling Unit shall not exceed 1,200 square feet of livable Floor Area.
- d. The location of any portion of a standalone Accessory Dwelling Unit shall not exceed 150 feet from the Principal Single-family Dwelling Unit.
- ~~e. The Accessory Dwelling Unit shall have a shared electrical meter with the Principal Single-family Dwelling Unit.~~
- ef. The Accessory Dwelling Unit may be used as a Long-Term Rental, but may not be used as a Short-Term Rental~~rented~~ or sold separately from the Principal Single-Family Dwelling Unit.
- fg. Driveway access to the Accessory Dwelling Unit shall be the same as the Principal Single-Family Dwelling Unit.
- gh. Nothing herein precludes the construction of the Principal Single-Family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.
- hi. Accessory Dwelling Units are subject to all restrictions in the Regulations applicable to Principal Single-Family Dwelling Units or other Structures including but not limited to setbacks and heights restrictions.
- jj. Conversion of Existing Approved Guest Houses or Caretaker's Residences:
 - (1) Any Guest House or Caretaker's Residence may continue to be used, subject to continued compliance with conditions attached to the CUP authorizing such use.

- (2) If an approved Guest House or Caretaker's Residence meets all of the above standards for an Accessory Dwelling Unit it will automatically be deemed as such and can be upgraded to an independent living facility (kitchen and dining).
 - (3) If an existing Guest House or Caretaker's Residence does not meet the above standards, for an Accessory Dwelling Unit, a Conditional Use Permit may be requested to convert a Guest House or Caretaker's Residence to an Accessory Dwelling Unit.
- jk. With the exception of the process as described in subsection j. above to convert an existing Guest House or Caretaker's Residence to an Accessory Dwelling Unit any property with an existing Guest House or Caretaker's Residence shall not be entitled to an Accessory Dwelling Unit.

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- 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:
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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.
 - 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.