

# BRIDGER CANYON

# ZONING REGULATION



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## **SECTION 1 TITLE, CREATION AND ADOPTION**

- 1.1 This Regulation shall be known as the "Bridger Canyon Zoning Regulation: and is adopted for the Bridger Canyon Zoning District. Said district having been created by resolution of the Board of County Commissioners, Gallatin County, Montana, July 12, 1971.
- 1.2 Pursuant to Section 76-2-101 et.seq. of the Revised Codes of Montana there is hereby adopted a development pattern. Said development pattern shall consist of the Bridger Canyon General Plan and the Bridger Canyon Zoning Regulation.
- 1.3 Pursuant to Section 76-2-101 et.seq. of the Revised Codes of Montana there has been created a Planning and Zoning Commission for the Bridger Canyon Zoning District which shall consist of the three (3) County Commissioners, the County Surveyor, and the County Assessor.
  - 1.3.1 The Bridger Canyon Planning and Zoning Commission shall have all the powers compelled upon it by the laws of the State of Montana and by this Regulation.

## SECTION 2 PURPOSES AND BOUNDARIES

- 2.1 Purposes: 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 of 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.
- 2.2 Bridger Canyon Zoning District is described in zones as set forth on that certain map entitled "Bridger Canyon Zoning Plan," dated October 26, 1971, and including subsequent revisions. The map and all notations thereon are certified boundaries of zones adopted by this Regulation shall be indicated on said map.
- 2.3 The Bridger Canyon Zoning map shall be kept on file in the office of the County Clerk and Recorder and shall be referred to as the official map for the Bridger Canyon Zoning District.

### SECTION 3 DEFINITIONS

- 3.1 Accessory Building or Use: A building or use which: (1) is subordinate in area, extent or purpose to the principal building or principal use served; (2) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.
- 3.2 Agriculture: Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.
- 3.3 Airport: A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel.
- 3.4 Antenna: Any equipment or device used to receive or transmit electromagnetic waves for the provision of Personal Wireless Services including, but not limited to, cellular, paging, personal communication services (PCS), and microwave communications. Antennas include, but are not limited to, directional antennas, such as panels, microwave and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designated for amateur radio use, or satellite dishes designed for residential or household purposes.
- 3.5 Antenna Support Structure. Any structure, mast, pole, or tower used for the purpose of supporting an antenna.
- 3.6 Antenna Tower (“Tower”). Any structure that is designed and constructed primarily for the purpose of supporting one or more Antennas for telephone, television, radio, similar voice and data communication purposes, or Personal Wireless Services. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and antenna tower alternative structures.
- 3.7 Apartment House: Any building or portion thereof containing three or more apartments or dwelling units.
- 3.8 Applicant, Personal Wireless Service Facility. The owner or operator, or authorized representative thereof, of a Personal Wireless Service Facility who applies for a Conditional Use Permit or Modification.
- 3.9 Bed and Breakfast Inn: An establishment which provides overnight lodging to the public for compensation; caters to the traveling public; is located in the proprietor's residence; and serves only a limited breakfast to registered guests.

- 3.10 Building: Any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 3.11 Building Height: The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- 3.12 Building, Principal: A structure in which is conducted the main use of a lot on which the structure is located.
- 3.13 Building Site: A parcel of land occupied or intended to be occupied by uses and buildings permitted herein and which includes such size, dimension, open space, and parking as are required in the Zoning District in which such site is located; and which site abuts a County road or State Highway or which abuts a private road conforming to standards approved by the Planning Commission.
- 3.14 Business, Retail: The retail sale of any article, substance, or commodity for profit or livelihood, conducted within a building but not including the sale of lumber or other building materials or the sale of used or secondhand goods.
- 3.15 Campgrounds: Land or premises which is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.
- 3.16 Caretaker's Residence: Dwelling unit for a person that takes care of the house or land of an owner who may be absent.
- 3.17 “Carrier on Wheels” or “Cell on Wheels” (“COW”) Facility. A portable self-contained Personal Wireless Service Facility that can be moved to a location and set up to provide Personal Wireless Services. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna Support Structure.
- 3.18 Club, Private hunting or fishing: A facility for an organization of persons whose special purpose is hunting or fishing. Such facility shall be open only to members and not to the general public.
- 3.19 Commercial Feed Lot: Shall mean any premises on which livestock are held or maintained for the purpose of feeding and fattening for market and where sixty percent (60%) or more of the feed for such livestock is imported or purchased.
- 3.20 Conditional Use: Uses, other than permitted uses, that may be allowed in a specific zoning category, but which require a public hearing by the governing body to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Bridger Canyon Zoning District.

- 3.21 Condominium: The ownership of single units with common elements.
- 3.22 Domestic Wireless Equipment. Non-commercial wireless communication equipment serving 10 or fewer dwellings or parcels and conforming to height limits, setbacks and other standards in this Regulation, including amateur radios and domestic antennas, such as for the reception of terrestrial or satellite television signals or wireless internet service.
- 3.23 Decision: A final affirmative act of:
- a. The Planning Director or Zoning Enforcement Agent evidenced in writing, giving an interpretation or granting or denying any permit, exception, certificate, permission, approval, or determination; or
  - b. The Planning and Zoning Commission or Gallatin County Commission evidenced in writing which may include findings of fact, conclusions of law, resolutions and orders.
- 3.24 Dwelling Group: A group of two or more detached or semi-detached one family, duplexes, or multiple family dwellings occupying a parcel of land in one ownership and having any yard or court in common.
- 3.25 Dwelling Unit: A group of inter-related rooms having living, sleeping, cooking, and complete sanitary facilities.
- 3.26 Employee Housing: An efficiency or studio residential unit which is located in the Bridger Bowl Base Area, is restricted by covenant for use by persons employed in the Base Area and their families, and has living sleeping, cooking and sanitary facilities.
- 3.27 Employee Unit: An employee unit shall mean one single bed, with a maximum of four units in one room.
- 3.28 Employer: A person, persons or entity who owns or operates a business or businesses in the Bridger Bowl Base Area and whose businesses shall be aggregated together for the purpose of determining the number of full time employees or the equivalent.
- 3.29 Exterior Construction: Those components of a Structure visible from the outside of the Structure, such as siding, windows, roofing, and painting. Site improvements such as any parking, landscaping, or screening improvements required pursuant to this Regulation are considered part of Exterior Construction.
- 3.30 FAA. The U.S. Federal Aviation Administration.
- 3.31 Family: One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, communal development, fraternity or sorority house, etc. A family unit shall be deemed to include necessary servants, and may include up to four (4) boarders.



- 3.32 FCC. The U.S. Federal Communications Commission.
- 3.33 Floor, Ground: That portion of a building or structure located with its floor between the average ground elevation and the ceiling next above.
- 3.34 Guest House: Detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site.
- 3.35 Guest Ranch: Facility which provides accommodations to the general public, offers on-premise recreational and/or educational programs, and features central dining facilities.
- 3.36 Guest quarters: Overnight rooms at guest ranches.
- 3.37 Home Occupation: The use of a dwelling or accessory structure for occupations at home which are clearly customary and incidental to the primary use of the parcel and do not change agricultural or residential character thereof. No home occupation conducted entirely within a dwelling shall occupy more than twenty percent (20%) of the gross floor area nor more than four hundred (400) square feet of gross floor area.
- 3.38 Hostel: Dormitory-style overnight accommodations, usually for young travelers.
- 3.39 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. Does not include any jail, hospital, asylum, sanitarium, orphanage, nursing home or other in which people are housed and detained under legal restraint.
- 3.40 Junk Yard: The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots, for the storage of junk and/or autos, including scrap metals, or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery.
- 3.41 Lease, Personal Wireless Service Facility. With respect to a Personal Wireless Service Facility, an agreement, however designated (such as, without limitation, lease, license, easement, right to use, access right), by means of which a property owner grants to the Personal Wireless Service Facility operator a right to construct or operate a Personal Wireless Service Facility on his property.
- 3.42 Lot or Parcel: A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 3.43 Manufactured Home: Residential dwelling constructed entirely or substantially off-site.

- 3.44 Mobile Home: A portable unit built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 3.45 Modification, Personal Wireless Service Facility. Any alteration to an existing Personal Wireless Service Facility Antenna Tower or base station that involves: (1) the collocation of new transmission equipment; (2) the removal of transmission equipment; or (3) replacement of transmission equipment.
- 3.46 Overnight Accommodations: Permanent, separately rentable accommodations which are not available for residential use, except for the proprietors of a bed and breakfast inn. Overnight lodgings include hotel or motel rooms, hostels, cabins, bed and breakfast inns and time-shared units. Individually owned units may be considered overnight lodging 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 this definition.(Amended: County Commission Resolution 1995-46)
- 3.47 Parking space, off-street: A space located off any public right-of-way which is at least 9x20 feet in size for parking of any automobile and with access to a public street or road.
- 3.48 Personal Wireless Services. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- 3.49 Personal Wireless Service Facility (“Facility”). A facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility typically consists of an equipment enclosure, an Antenna Tower, one or more Antennas, and accessory equipment.
- 3.50 Planning Director: The person authorized by the Board of Gallatin County Commissioners and the Planning & Zoning Commission to carry out the administrative duties specified by this Regulation. Staff of the Department of Planning and Community Development are authorized to act as the Planning Director’s designee.
- 3.51 Private Club: Any association and its related facilities except those of which the chief activity is a service customarily carried on as a business.
- 3.52 Recreational Housing: Housing located in the Bridger Bowl Base Area which does not have restriction on length of stay, and includes attached and detached single family units. Is distinguished from other dwelling units by the special requirements set forth in Section 13.10.
- 3.53 Recreational Housing, attached: Single family ownership units that have at least one other single-family owned unit within the same building structure, and are located in the Bridger Bowl Base Area. Includes townhouses, duplexes and condominiums.

- 3.54 Recreational Housing, detached: Single-family homes located in the Bridger Bowl Base Area and on individual lots or in a planned unit development.
- 3.55 Single Family Dwelling: A detached building designed for, or occupied exclusively by, one family and including the necessary domestic help thereof.
- 3.56 Special Events Facility: Facility used on an intermittent basis for activities such as weddings, receptions, picnics, barbecues, dances, private parties, reunions, and banquets.
- 3.57 Structure: Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 3.58 Telecommunications Law. Any statute or regulation enacted by any federal, state, or local governmental agency that in any way governs (a) telecommunications, (b) the construction, maintenance, Modification, or operation of a Personal Wireless Service Facility, (c) radio frequency emissions or their environmental impact, or (d) building, fire, plumbing, or mechanical standards applicable to a Personal Wireless Service Facility; and any applicable judicial or administrative interpretation of any of the foregoing.
- 3.59 Tepee: A conical tent.
- 3.60 Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses, which is not more than 8 feet in body width nor 32 feet in body length.
- 3.61 Transmission Line: Any electrical circuit carried on a steel pole; any electrical circuit carried on more than one wooden pole; any electrical circuit carried on a single wooden pole energized at more than 60,000 volts.
- 3.62 Use: Any purpose for which a Building or other Structure or tract of land may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, operation or as a residence to be carried on or intended to be carried on in a Building or other Structure or on a tract of land.
- 3.63 Work Camp: A parcel of land on which housing is provided by a person for two or more families or individuals living separately, for the exclusive use of the employees of such person and the families, if any, of the employees. For purposes of this subsection, "housing" includes but is not limited to camping spaces; trailer parking spaces; mobile, modular, or permanent barracks or structures; and any appurtenant water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system, or food service and dining facilities. "Housing" does not include shelter provided by an employer for persons who are employed to perform agricultural duties on a ranch or farm.

**SECTION 4 ESTABLISHMENT OF DISTRICTS**

4.1 Jurisdiction.

The jurisdiction of the Bridger Zoning District is hereby divided into zones or "districts," as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Regulation.

For the purpose of this Regulation, the Bridger Zoning District may be divided and classified into the following districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>
Agricultural Exclusive	AE
Recreation and Forestry	RF
Neighborhood Business	B-1
Base Area Business	B-2
Recreational Business	B-3
Base Area Recreational & Forestry	B-4
Public Lands & Institutions	PLI
Planned Unit Development	PUD*

\*Number symbol after PD indicates the allowable density of dwelling units in terms of acres per dwelling unit.

4.2 Certificate.

The Official Map shall be available in the County Clerk and Recorder's Office and shall bear certificate with the signature of the Chairman of the Board of County Commissioners attested by the County Clerk and Recorder and the date of the adoption of this Regulation. The Certificate should read as follows:

This is to certify that this is the  
Official Zoning Map referred to in  
Section 4 of the Bridger Canyon  
Zoning District Regulation.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_

Attested \_\_\_\_\_

Date of Adoption \_\_\_\_\_

If any changes to the map are made by amendment of this Regulation in accordance with Section 18.6 hereof, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the office of the County Clerk and Recorder shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the zoning district.

4.3 Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of nature or number of changes or additions thereto, the Board of County Commissioners may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or admissions in the prior map, but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereof.

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted February 23, 1989, as part of the zoning Regulation for the Bridger Canyon Zoning District, Gallatin County, Montana.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Attested: \_\_\_\_\_  
Date: \_\_\_\_\_ "

4.4 Interpretation of Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

- a. Boundaries indicated as approximately following the center line of streets, highways, or alleys, shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s);

- e. Boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines;
- f. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;
- g. Boundaries indicated as following Section lines of quarter section lines of quarter-quarter section lines shall be construed as following such lines;
- h. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or where other circumstances or controversy arise over district boundaries, the Zoning Commission shall interpret the district boundary.

4.5 Interpretation of Uses. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Zoning Commission shall determine the appropriate classification for that use.

In interpreting use classification, the Zoning Commission shall determine:

- a. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.
- b. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located.
- c. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located.
- d. That neither the intent of the Regulation nor the intent of the district will be abrogated by such classification.

## **SECTION 5 APPLICATION OF DISTRICT REGULATIONS**

Except as herein provided in Sections 14, 15 and 18, with respect to supplementary regulations, conditional uses, non-conforming uses and non-conforming buildings, and variances, the regulations set by this Regulation shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- 5.1 No building, structure, or land shall hereafter be used or occupied, and not building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.
- 5.2 No building or other structure shall hereafter be erected or altered: a) to exceed the height or bulk; b) to accommodate or house a greater number of families; c) to occupy a greater percentage of lot area; d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces.
- 5.3 No part of any yard, or other open space, or off-street parking required about or in connection with any building for the purpose of complying with this Regulation, shall be included as part of a yard, open space, or off-street parking similarly required for any other building.
- 5.4 No yard or lot existing at the time of adoption of this Regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Regulation shall meet at least the minimum requirements established by this Regulation.

## SECTION 6 AGRICULTURE EXCLUSIVE DISTRICT (AE)

- 6.1 Intent: It is the intent of this Regulation to preserve agriculture as one of the primary occupational pursuits and an economic endeavor in Bridger Canyon. It is further the intent of this District to protect and preserve the existing rural character of Bridger Canyon and to preserve existing developed and undeveloped farm lands from unplanned residential, commercial and industrial development. The purpose of the Agricultural Exclusive District is, when applied to particular land, to encourage the following land use:
- a. the cultivation of ground, including the preparation of soil, planting or seeding and raising and harvesting of crops;
  - b. the raising, feeding and managing of livestock, poultry and other animals;
  - c. incidental uses which are customarily and necessarily related to and included within an agricultural pursuit; and,
  - d. incidental unrelated uses which are necessary to protect and promote the health, safety, welfare and convenience of rural residential citizens.
- 6.2 Uses Allowed as a Matter of Right. The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grains and other crops. The raising, feeding, managing and breeding of livestock, poultry, fish, birds and other animals; the excavation of earth and the drilling of wells, exclusively for agricultural and domestic uses; signs warning against trespass, shooting and hunting on premises, without limitation as to number or size. Signs in accordance with Section 16. One single-family detached dwelling on each 40-acre parcel. Barns, corrals and other out buildings and structures accessory to the foregoing uses. The sale on the premises of products produced thereon. The packing, storing and processing of produce grown on the land, together with accessory buildings and structures required therefore. Non-agricultural, home occupations and hobbies when conducted within buildings and structures, the principle use of which is one of the foregoing uses. Domestic Wireless Equipment.
- 6.3 Uses Permitted After Securing Approval of a Conditional Use Permit. Stands and other facilities for the purpose of selling products grown on the land, together with accessory picnic facilities and similar accommodations for the convenience of patrons; non-commercial airstrips for the use of aircraft used for agricultural purposes, together with accessory buildings and structure required therefore. Residential buildings, including mobile homes, to house persons and their families who labor, either continuously or seasonally, on the same farm, ranch, or land unit on which such buildings are situated (40-acre minimum does not apply). Commercial feed lots; commercial chicken houses, commercial pig houses; public and private schools for the academic education of children below the seventh grade level; the development and processing of natural resources in



accordance with Appendix A, *Natural Resources Conditional Use Permits*; guest houses, commercial snowmobile facilities, guest ranches; accessory buildings and structures the principle use of which is the pursuit of non-agricultural, home occupations and hobbies; bed and breakfast inns; the operation of private hunting and fishing clubs; caretaker's residences; Personal Wireless Service Facilities, subject to Section 17; and electric transmission lines.

6.4 Similar Uses: Uses which in the opinion of the Zoning Commission are similar to those listed In 6.2 and 6.3 above may be permitted therein.

6.5 Height, Yard and Area Requirements.

a. Parcel width for this district shall not be less than six hundred and sixty (660) feet.

Parcel size shall not be less than forty (40) acres. In the event a parcel is within ten percent (10%) of the minimum required forty (40) acre size, a rounding-off of the figure is permitted.

Example:

minimum parcel size = 40 acres

actual parcel survey = 37 acres

One development unit would be allowed by  
rounding the acreage off to 40 acres

b. Minimum setbacks for residential buildings shall be twenty-five (25) feet from any property line, road right-of-way or road easement; one hundred (100) feet from any creek; one hundred and twenty-five (125) feet from the right-of-way of the Bridger Canyon Road, Kelly Canyon Road, and Jackson Creek Road.

6.6 Parking Requirements.

a. Two (2) off-street spaces shall be provided for each dwelling.

b. One (1) off-street parking space shall be provided for each three hundred (300) square feet in any private fishing or hunting club building.

c. One (1) off-street parking space shall be provided for each one hundred (100) square feet in any stand for the sale of products produced on the premises.

d. One (1) off-street parking space shall be provided for each classroom and administrative office in any school together with one (1) off-street parking space for each ten (10) seats in any building designed for public assembly.

e. Parking required for other uses shall be set forth by the Gallatin County Zoning Enforcement Agent subject to appeal as outlined in this Regulation.

## SECTION 7 RECREATION AND FORESTRY (RF)

- 7.1 Intent. Recreation and forestry, wildlife habitat and grazing are leisure time and occupational pursuits important to the aesthetics and economy of Bridger Canyon. Because of 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.
- 7.2 Uses Allowed as a Matter of Right. One (1) single-family dwelling on each 40-acre parcel. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith; road building; crop farming and harvesting; forest stations and lookouts; grazing; riding and hiking trails; stables and corrals; public and private playgrounds and parks; picnic areas; public utility buildings; structures and uses; structures accessory to any use listed above; signs in accordance with Section 16. Non-agricultural home occupations and hobbies when conducted within buildings and structures; the principle use of which is one of the foregoing uses. Domestic Wireless Equipment.
- 7.3 Uses Permitted After Securing Approval of a Conditional Use Permit. Lumber mills, logging camps; the development and processing of natural resources in accordance with Appendix A, *Natural Resources Conditional Use Permits*; campgrounds; seasonal recreational campsites; golf courses; driving ranges; ski lift facilities; pack stations; airports; guest ranches; commercial snowmobile facilities; cross country ski facilities; structures and uses accessory to the uses listed herein; accessory buildings and structures the principle use of which is the pursuit of non-agricultural; home occupations and hobbies; Personal Wireless Service Facilities, subject to Section 17; and electric transmission lines.
- 7.4 Similar Uses. Uses which in the opinion of the Zoning Commission are similar to 7.2 and 7.3 above may be permitted therein.
- 7.5 Height, Yard and Area Requirements.
- a. Parcel width for this district shall not be less than six hundred and sixty (660) feet.

Parcel size shall not be less than forty (40) acres. In the event a parcel is within ten percent (10%) of the minimum required forty (40) acre size, a rounding off of the figure is permitted. Example:

minimum parcel size = 40 acres  
actual parcel survey = 37 acres  
One development unit would be allowed by  
rounding the acreage off to 40 acres.

- b. Minimum setback for all buildings and structures shall be twenty-five (25) feet from any property line; one hundred twenty five (125) feet from the centerline of any public road; and one hundred (100) feet from any creek.

7.6 Parking Requirement.

- a. Commercial uses shall provide one (1) off-street parking space for each two hundred (200) square feet of gross floor area.
- b. Two (2) off-street parking spaces for each residential unit.
- c. Parking required for other uses shall be as set forth by the Gallatin County Zoning Enforcement Agent subject to appeals as outline herein.

## **SECTION 8 NEIGHBORHOOD BUSINESS DISTRICT (B-1)**

- 8.1 Intent. The intent of this district is to provide for one (1) small retail establishment of the general store variety, that would provide goods and services frequently required by neighborhood residents on a day to day basis, while still maintaining a rural residential character.
- 8.2 Uses Allowed as a Matter of Right.
- a. Neighborhood convenience establishment which may offer food, gas, and limited prepared foods;
  - b. Gasoline pumps - maximum of two (2);
  - c. Signs, as permitted by Section 16 of this Regulation.
- 8.3 Uses Permitted After Securing Approval of a Conditional Use Permit.
- a. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.
  - b. Residence for proprietor or manager, when accessory to the principal permitted use.
- 8.4 Similar Uses. Any other commercial use or service which the Zoning Commission finds to be consistent with the intent of this article, and which is of the same general character as the above permitted uses.
- 8.5 Height, Yard and Area Requirements.
- a. Height Regulations: No building shall exceed thirty-five (35) feet in height and no accessory building shall exceed fifteen (15) feet in height.
  - b. Parcel width for this district shall not be less than three hundred (300) feet, nor shall the minimum parcel size be less than two (2) acres. Maximum parcel size shall be no more than five (5) acres.
  - c. Minimum setback for buildings and structures shall be twenty-five (25) feet from any property line and sixty (60) feet from the right-of-way of any public road.
- 8.8 Off-Street Parking. One (1) space per every two hundred and fifty (250) square feet of floor area shall be provided. Required parking shall be located as to preclude backing maneuvers onto any public right-of-way, and may be located within the front setback area.

8.9 Parking Plan. A parking plan shall be submitted which includes the number of spaces, location of spaces, and aisles.

8.10 Lot Coverage. No more than fifty percent (50%) of the lot area shall be occupied by impervious surfaces.

8.11 Screening.

- a. Service, storage and refuse areas or structures shall be screened from view of any residential district or public street with a solid fence or masonry wall. Average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height.
- b. A view obscuring screening shall be required between the commercial use and any residential district. The screening shall be no less than eight (8) feet in height, and may consist of a combination of berms, trees, hedges, and fences. Screening which consists of fencing only shall not be allowed. If vegetation only is used, plants shall be selected which are a minimum eight (8) feet tall.
- c. A site plan, drawn at a minimum scale of one inch equals twenty feet (1"=20') shall be submitted and shall include the following information:
  - (1) Parcel dimensions;
  - (2) Existing and proposed grades;
  - (3) Location and dimensions of existing and proposed buildings, fences and walls;
  - (4) Storage, refuse and service areas;
  - (5) Landscaping;
    - (a) percent of site to be landscaped;
    - (b) plant legend showing total number of plants and trees, by common names, and estimated sizes at time of installation and at maturity;
    - (c) location of individual plants and trees.
  - (6) Sign location.
  - (7) Storm water detention.
  - (8) Snow storage locations.

8.12 Location. The location shall be as suggested in the Bridger Canyon General Plan.

8.13 Standards for Exterior Appearance.

- a. A neighborhood commercial establishment shall be designed to be compatible with the residential character of the Bridger Canyon Zoning District. Renderings which show the exterior of the structure shall be submitted for review.
- b. Minimum roof pitch shall be not less than one (1) foot of rise for each four (4) feet of horizontal run.
- c. Exterior finish shall be either wood or masonry, excluding cinder block. Wood siding may run in either a horizontal, vertical, or diagonal direction. All siding shall be in earth tone colors.

8.14 Procedures. The parking, screening, and exterior appearance plans required in Sections 8.9, 8.11 and 8.13 above shall be submitted for review and approval as a part of the re-zoning procedure set forth in Section 18.6. Any changes in use or additions to uses shall be reviewed as a conditional use, as set forth in Section 18.3.2.

8.15 Installation of Improvements. All parking, screening, and improvements shall be installed before occupancy of the structure or shall be guaranteed in the form of a bond or cash deposit, upon approval from the Zoning Commission. Requests for the use of completion guarantees shall be included as a part of the procedure set forth in Section 18.3.4.

## SECTION 9 BASE AREA BUSINESS DISTRICT (B-2)

9.1 Intent. The intent of this district is to provide a central area for the ski area's business and service activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded.

9.2 Permitted Uses.

- a. Bakeries.
- b. Barber and beauty shops.
- c. Dry cleaning and laundromats.
- d. Financial Institutions.
- e. Fire and police stations; post office.
- f. Health and exercise establishments.
- g. Museums, libraries, and galleries.
- h. Parking lots.
- i. Photo studio.
- j. Rental of non-motorized sports equipment.
- k. Restaurants and cafes.
- l. Retail sales, which would include but not be limited to:
  - (1) clothing sales;
  - (2) food sales;
  - (3) jewelry sales;
  - (4) pharmaceutical sales;
  - (5) sporting goods sales.
- m. Signs, in accordance with Section 16.
- n. Domestic Wireless Equipment.

9.3 Conditional Uses.

- a. Bars, cocktail lounges.
- b. Gasoline service stations.
- c. Theatres, except drive-ins.
- d. Gift and novelty shops.
- e. Accessory uses.
- f. Personal Wireless Service Facilities, subject to Section 17, and electric transmission lines.
- g. Overnight accommodations and attached recreational housing, subject to a finding at a public hearing that the proposal meets all of the following criteria:
  - (1) Neither overnight accommodations nor recreational housing shall be permitted on the ground floor of structures. Overnight accommodations and recreational housing shall be located on the second or subsequent floors.

- (2) Detached overnight accommodations and detached recreational housing shall not be allowed.
  - (3) The first/ground floor shall be restricted to those permitted uses listed in Section 9.2 and those conditional used listed in Section 9.3 (1-5).
  - h. Other uses, which in the opinion of the Zoning Commission are similar to those listed above.
  - i. Employee housing.
- 9.4 Lot Area and Width. There shall be no minimum lot area or width. Lot area and width shall, however, be large enough to accommodate buildings and required parking.
- 9.5 District Area. Maximum area of the B-2 District shall be five (5) acres. Areas zoned B-2 are not required to be contiguous.
- 9.6 Setbacks. Minimum setback for buildings and structures shall be twenty-five (25) feet from the front property line, and fifty (50) feet from any stream.
- 9.7 Building Heights. No building shall exceed thirty-five (35) feet in height.
- 9.8 Refuse. All commercial, year-round food service establishments shall have and use bear-proof refuse containers.
- 9.9 Underground Utilities. Local distribution lines shall be installed underground.
- 9.10 Design Review. All structures shall be designed to be harmonious with a mountain alpine skiing setting. Renderings of the exterior of structures shall be submitted with land use permit applications and are subject to approval by the Zoning Enforcement Agent. Appeals from the decision of the Zoning Enforcement Agent may be heard by the Zoning Commission, as set forth in Section 18.5.
- 9.11 Off-Street Parking. The following indicates the number of off-street parking spaces required for those particular uses listed.

<u>USE</u>	<u>PARKING SPACE REQUIRED</u>
Financial institutions	One space /250 sq. ft. of floor space.
Public eating and/or drinking establishments.	One space for each 2 1/2 seats or 40 sq. ft. of dining and/or drinking space or area.
Service stations.	Four spaces /1,000 sq.ft. of floor area with repair space for motor



vehicles not counted as parking space.

Theatres. One space/6 seats or 9 linear feet of fixed benches, or for each 45 sq.ft. of floor area without fixed seats.

Museums, libraries, and galleries. One space/500 sq.ft. of floor area.

All other permitted uses. One space/300 sq.ft. of floor area.

9.11.1 Parking Plan Required. A parking plan shall be submitted prior to the issuance of any land use permit. Each plan shall show the location and number of parking spaces, and shall provide for employee and handicapped spaces and loading berths. Required employee spaces are included in the parking requirements of this zone. Adequate space for storage of snow shall be indicated on the parking plan.

9.11.2 Staged Development. If the sequence of construction of various portions of the development is to occur in stages then the required parking facilities shall be developed in proportion to the number of structures constructed, and a parking plan for the entire development shall be submitted for review and approval prior to issuance of a land use permit.

9.11.3 Erection or Moving of Buildings; Use Thereof. No building shall be erected, constructed, or moved unless there is provided and all times thereafter maintained for such building and its use, a minimum number of off-street parking spaces as specified in this section and in an approved parking plan.

9.11.4 Enlargements, Change of Use, etc., of Buildings. No building or structure shall be enlarged, altered, converted, or changed in use, unless there is provided and thereafter maintained for such building and its use, a minimum number of parking spaces as specified in this section and in an approved parking plan.

9.11.5 No Reduction in Off-Street Parking Spaces. Off-street parking spaces existing and actually being used for the parking of automobiles or other motor vehicles in connection with the use of an existing building shall not be reduced in number or size, during which would be required for a new building or use of a similar type.

9.11.6 Fractional Spaces. If the number of off-street parking spaces hereinafter required contains a fraction, such number shall be changed to the nearest whole number.

9.11.7 Joint Use. The Zoning Office may authorize the joint use of off-street parking for all uses, with the exception of convenience stores and service stations, subject to the following conditions:

Where joint use is desired, an application shall be made to the Zoning Officer. Said application shall contain proof that there will be no substantial conflict in the principal operating hours of the two (2) buildings or uses for which the use is proposed; that all other conditions within this section are met; and legal documents executed by the parties involved in the joint use guaranteeing use of both parties. Said legal document shall be approved the County Attorney and recorded with the County Clerk and Recorder.

9.11.8 Appeals. Appeals from the decision of the Zoning Officer concerning parking shall be made according to the procedure set forth in Section 18.5.

## **SECTION 10 RECREATIONAL BUSINESS (B-3)**

- 10.1 Intent. The intent of this district is to provide for large scale non-motorized recreational activities and for small retail and service activities frequently required by users of the recreational facilities.
- 10.2 Permitted Uses.
- a. Guest ranches.
  - b. Rental of sports equipment.
  - c. Picnic areas.
  - d. Signs, in accordance with Section 16.
  - e. Ski lodges.
  - f. Ski lifts.
  - g. Ski activities centers.
  - h. Stables.
  - i. Riding and hiking trails.
  - j. Recreation and sports activities.
  - k. Instruction in recreational and sports skills.
  - i. Domestic Wireless Equipment.
- 10.3 Conditional Uses.
- a. Overnight accommodations and attached recreational housing, subject to the requirements of Section 13.10.
  - b. Conference and meeting facilities.
  - c. Limited retail sales which are accessory to the principal use.
  - d. Restaurants and cafes, bars and lounges as accessories to principal use.
  - e. Personal Wireless Service Facilities, subject to Section 17, and electric transmission lines.
  - f. Employee Housing
- 10.4 Lot Area and Width. Minimum parcel size shall be ten (10) acres.
- 10.5 Setbacks. Minimum setback for all buildings and structures shall be twenty-five (25) feet from any property line or fifty (50) feet from the centerline of any public road, whichever is greater. Minimum setback from streams shall be fifty (50) feet.
- 10.6 Building Height. No building shall exceed thirty-five (35) feet in height.
- 10.7 Refuse. All commercial, year-round food service establishments shall have and use bear-proof refuse containers.
- 10.8 Underground Utilities. Local distribution lines shall be installed underground.

- 10.9 Design Review. All structures shall be designed to be harmonious with a mountain alpine skiing setting. Renderings of the exterior of structures shall be submitted with land use permit applications and are subject to approval by the Zoning Enforcement Agent. Appeals from the decision of the Zoning Enforcement Agent may be heard by the Zoning Commission, as set forth in Section 18.5.
- 10.10 Off-street Parking. The following table indicates the number of off-street parking spaces required for those uses listed.

<u>USE</u>	<u>PARKING SPACE REQUIRED</u>
Overnight accommodations; guest ranches;	1 1/2 spaces per guest room.
<u>Employee housing;</u>	<u>1 space per employee unit.</u>
Ski lifts;	(a) A 1,500 car parking lot shall be allowed in the Bridger Bowl Base Area. An additional total of 6 acres (not including snow storage and access aisles) shall be permitted in addition to the parking areas in existence as of 2013, 4 acres of which may be constructed within 2 years from the date of this amendment, and the remaining two acres of which may then be constructed. The preceding sentence is subject to any further amendments to the Base Area Plan that may occur in this period. At least 10% of the total number of parking spaces allocated for skiers shall be reserved for ride sharing and car pool users, and high occupancy vehicles (3 or more persons per vehicle). This Section 10.10 is intended to be inclusive of and not in addition to any parking permitted under Section 11.10.  (b) Commercial uses shall provide 1 off-street parking space for each 200 sq.ft of gross floor area.  (c) 2 off-street parking spaces for each residential unit.  (d) Parking required for other uses shall be as set forth by the Gallatin County Zoning Enforcement Agent subject to appeals as outlined herein.
Picnic areas;	1 space per table.

Recreation and sports activities center; 1 space per 100 feet of floor area plus one space per 10,000 sq.ft. of parcel area.

Public eating and drinking establishments; 1 space for each 2 1/2 seats or 40 sq.ft. of dining and/or drinking space or area.

10.10.1 Parking Plan Required. A parking plan shall be submitted prior to the issuance of any land use permit. Each plan shall show the location and number of parking spaces, and shall provide for employee and handicapped spaces and loading berths. Required employee spaces are included in the parking requirements of this zone. Adequate space for storage of snow shall be indicated on the parking plan.

10.10.2 Staged Development. If the sequence of construction of various portions of the development is to occur in stages then the required parking facilities shall be developed in proportion to the number of structures constructed, and a parking plan for the entire development shall be submitted for review and approval prior to issuance of a land use permit.

10.10.3 Erection or Moving of Buildings; Use Thereof. No buildings shall be erected, constructed, or moved unless there is provided and all times thereafter maintained for such building and its use, a minimum number of off-street parking spaces as specified in this section and in an approved parking plan.

10.10.4 Enlargements, Change of Use, etc. of Buildings. No building or structure shall be enlarged, altered, converted, or changed in use, unless there is provided and thereafter maintained for such building and its use, a minimum number of parking spaces as specified in this section and in an approved parking plan.

10.10.5 No Reduction in Off-Street Parking Spaces. Off-street parking spaces existing and actually being used for the parking of automobiles or other motor vehicles in connection with the use of an existing building shall not be reduced in number or size, during the entire life of such building or land use, below that which would be required for a new building or use of a similar type.

10.10.6 Fractional Spaces. If the number of off-street parking spaces hereinafter required contains a fraction, such number shall be changed to the nearest whole number.

10.10.7 Joint Use. The Zoning Officer may authorize the joint use of off-street parking for all uses, with the exception of convenience stores and service stations, subject to the following conditions:

Where joint use is desired, an application shall be made to the Zoning Officer. Said application shall contain proof that there will be no substantial conflict in the principal operating hours of the two buildings or uses for which the use is proposed; that all other conditions within this section are met; and legal documents executed

by the parties involved in the joint use guaranteeing use of both parties. Said legal document shall be approved by the County Attorney and recorded with the County Clerk and Recorder.

10.10.8 Appeals. Appeals from the decision of the Zoning Enforcement Officer concerning parking shall be made according to the procedure set forth in Section 18.5.

## SECTION 11 BASE AREA RECREATION AND FORESTRY DISTRICT (B-4)

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

### 11.2 Permitted Uses.

- a. One dwelling unit per forty (40) acres.
- b. Growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith, road building, truck hauling.
- c. Crop farming and harvesting.
- d. Forest stations and lookouts.
- e. Grazing.
- f. Riding and hiking trails.
- g. Stables and corrals.
- h. Public and private playgrounds and parks.
- i. Picnic areas.
- j. Public utility buildings.
- k. Home occupations.
- l. Signs, in accordance with Section 16.
- m. Domestic Wireless Equipment.

### 11.3 Conditional Uses.

- a. Lumber mills, logging camps, the development and processing of natural resources in accordance with Appendix A, *Natural Resources Conditional Use Permits*, agricultural processing plants.
- b. Stands for the sale of products produced on premises.
- c. Campgrounds.
- d. Seasonal recreational campsites.
- e. Golf courses.
- f. Driving ranges.
- g. Ski tow facilities.
- h. Pack stations.
- i. Helipads.
- j. Restaurants, cafes, bars and lounges, only as an accessory to overnight accommodations.
- k. Employee housing.
- l. Overnight accommodations, detached and attached recreational housing subject to the requirements of Section 13.10.
- m. Swimming pools.
- n. Tennis courts.

- o. Sales of sundry items for patron comfort either by vending machines or personal sales area attendant such as the following, but not limited to:
  - (1) reading material.
  - (2) toothpaste and brushes.
  - (3) shaving needs.
  - (4) cosmetics.
  - (5) non-prescription pain remedies.
  - (6) souvenir items.
- p. Accessory uses.
- q. Personal Wireless Service Facilities, subject to Section 17, and electric transmission lines.
- r. Churches.

11.4 Lot Area and Width. Minimum lot size shall be forty (40) acres, unless planned unit development (PUD) provisions apply.

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

11.6 Building Height. No building shall exceed thirty-five (35) feet in height.

11.7 Refuse. All commercial, year-round food service establishments shall have and use bear-proof refuse containers.

11.8 Underground Utilities. Local distribution lines shall be installed underground.

11.9 Design Review. All structures shall be designed to be harmonious with a mountain alpine skiing setting. Renderings of the exterior of structures shall be submitted with land use permit applications and are subject to approval by the Zoning Enforcement Agent. Appeals from the decision of the Zoning Enforcement Agent may be heard by the Zoning Commission, as set forth in Section 18.5.

11.10 Off-street Parking. The following indicates the number of off-street parking spaces required for those particular uses listed.

<u>USE</u>	<u>PARKING SPACE REQUIRED</u>
Single family dwelling unit	2 spaces.
Picnic areas	1 space per table.



Overnight accommodations and guest ranches. 1 1/2 spaces per guest room.

Campgrounds. 1 space per campsite.

Golf courses and driving ranges. 1 space per acre of use.

Ski Tow facilities. (a) A 1,500 car parking lot shall be permitted in the Bridger Bowl Base Area. An additional total of 6 acres (not including snow storage and access aisles) shall be permitted in addition to the parking areas in existence as of 2013, 4 acres of which may be constructed within 2 years from the date of this amendment, and the remaining two acres of which may then be constructed. The preceding sentence is subject to any further amendments to the Base Area Plan that may occur in this period. At least 10% of the total number of parking spaces allocated for skiers shall be reserved for ride sharing and car pool users, and high occupancy vehicles (3 or more persons per vehicle). This Section 11.10 is intended to be inclusive of and not in addition to any parking permitted under Section 10.10.

(b) Commercial uses shall provide 1 off-street parking space for each 200 sq.ft. of gross floor area.

(c) 2 off-street parking spaces for each residential unit.

(d) Parking required for other uses shall be as set forth by the Gallatin County Zoning Enforcement Agent subject to appeals as outlined herein.

Employee housing, single family. 2 spaces per dwelling unit.

Employee dormitory housing. 1 space per each 200 sq.ft. of rooms designed for sleeping.

**11.10.1 Parking Plan Required.** A parking plan shall be submitted prior to the issuance of any land use permit. Each plan shall show the location and number of parking spaces, and shall provide for employee and handicapped spaces and loading berths. Required employee spaces are included in the parking requirements of this zone. Adequate space for storage of snow shall be indicated on the parking plan.

- 11.10.2 Staged Development. If the sequence of construction of various portions of the development is to occur in stages then the required parking facilities shall be developed in proportion to the number of structures constructed, and a parking plan for the entire development shall be submitted for review and approval prior to issuance of a land use permit.
- 11.10.3 Erection or Moving of Buildings; Use Thereof. No building shall be erected, constructed, or moved unless there is provided and all times thereafter maintained for such building and its use, a minimum number of off-street parking spaces as specified in this section and in an approved parking plan.
- 11.10.4 Enlargements, Change of Use, etc., of Buildings. No building or structure shall be enlarged, altered, converted, or changed in use, unless there is provided and thereafter maintained for such building and its use, a minimum number of parking spaces as specified in this section and in an approved parking plan.
- 11.10.5 No Reduction in Off-street Parking Spaces. Off-street parking spaces existing and actually being used for the parking of automobiles or other motor vehicles in connection with the use of an existing building shall not be reduced in number or size, during the entire life of such building or land use, below that which would be required for a new building or use of a similar type.
- 11.10.6 Fractional Space. If the number of off-street parking spaces hereinafter required contains a fraction, such number shall be changed to the nearest whole number.
- 11.10.7 Joint Use. The Zoning Officer may authorize the joint use of off-street parking for all uses, with the exception of convenience stores and service stations, subject to the following condition:
- Where joint use is desired, an application shall be made to the Zoning Officer. Said application shall contain proof that there will be no substantial conflict in the principal operating hours of the two buildings or uses for which the use is proposed; that all other conditions within this section are met; and legal documents executed by the parties involved in the joint use guaranteeing use of both parties. Said legal document shall be approved by the County Attorney and recorded with the County Clerk and Recorder.
- 11.10.8 Appeals. Appeals from the decision of the Zoning Officer concerning parking shall be made according to procedure set forth in Section 18.5.

## **SECTION 12 PUBLIC LANDS AND INSTITUTIONS (PLI)**

- 12.1 Intent. The intent of this district is to provide for major public and quasi-public uses outside of other districts. Not all public and quasi-public uses need to be classified PLI. Some may fit within another district; the larger areas should be distinguished PLI.
- 12.2 Uses Allowed as a Matter of Right.
- a. Public buildings, including fire and police stations, and sites for public utilities.
  - b. Public and non-profit quasi-public institutions, i.e. elementary, junior, and senior high schools.
  - c. Accessory uses and buildings customarily appurtenant to a permitted use.
- 12.3 Height, Yard and Area Requirements.
- a. Height Regulations: No building shall exceed thirty-five (35) feet in height and no accessory building shall exceed fifteen (15) feet in height.
  - b. Parcel width for this district shall not be less than one hundred fifty (150) feet, nor shall the minimum parcel size be less than one (1) acre.
  - c. No requirements for setbacks will be made except when a lot is adjacent to another district. The yards then shall be the same as in the adjacent district.
- 12.4 Parking Requirement.
- a. For public buildings, i.e., fire and police stations, sites for public utilities: 1 off-street parking space for each three hundred (300) sq.ft. of gross floor area.
  - b. 1 off-street parking space for each ten (10) seats in any public institution, i.e., elementary, junior, or senior high schools.

## SECTION 13 PLANNED UNIT DEVELOPMENT (PUD)

### 13.1 Purpose.

The planned unit development designation is intended to provide for alternative forms of development which may include a density bonus in exchange for development quality that is of significant community benefit. The purposes of this district include the following:

- a. Enhance and preserve open space and unique natural features.
- b. Preserve to the maximum extent possible the natural characteristics of the land, including topography, vegetation, streams, and tree cover.
- c. Protect areas of important wildlife habitat.
- d. Prevent soil erosion by permitting development according to the nature of the terrain.
- e. Encourage the development of more attractive site design.
- f. Reduce the cost and physical impact of public and private services.
- g. Lessen the visual impact of development and preserve the scenic vistas and rural atmosphere.
- h. Preserve agricultural lands.
- i. Provide economies in the provision of public services.

### 13.2 Special Definitions.

- a. Common Open Space: A parcel or parcels of land, or an area of water, or a combination of land and water within the site designated for a Planned Unit Development and designated and intended for the use or enjoyment of residents of the Planned Unit Development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Planned Unit Development.
- b. Development Rights: The potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.
- c. Landowner: The legal or beneficial owner or owners of all of the land proposed to be included in a Planned Unit Development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than twenty (20) years or other

persons having an enforceable proprietary interest in such land, shall be deemed to be a Landowner for the purposes of these provisions.

- d. Open Space: Land subject to valid restriction against housing development, the maintenance of which in its natural or agricultural state is necessary for the enhancement of living conditions in Planned Unit Developments.
- e. Plan: The provisions for development of a Planned Unit Development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, and a general layout of water and sanitary facilities. The phrase "provisions of the plan", when used in these provisions, shall mean the written and graphic materials referred to in this definition.
- f. Planned Unit Development: An area of land, controlled by a landowner to be developed as a single entity for a number of dwelling units, the Plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in the underlying zone. Multiple parcels within a Planned Unit Development must be contiguous or share a common boundary.

(Amended: County Commission Resolution No. 1997-34).

- g. Residential: Single family dwelling units, condominiums, and town houses.
- h. Transfer of Development Rights: The conveyance of development rights by deed, easement, or other legal instrument, authorized by the Bridger Canyon Zoning Regulation, to another parcel of land and the recording of that conveyance at the Office of the Gallatin County Clerk and Recorder.

### 13.3 Uses Permitted.

Any use permitted in the underlying zone classification, including single family dwelling units, condominiums and townhouses.

### 13.4 Land Use Intensity Factor.

The land use intensity factor for each district shall be as shown following the PUD symbol on the official Bridger Canyon Zoning Map.

### 13.5 Standards for Development.

- a. General: In approving an area for a planned unit development, at least one (1) of the following conditions shall exist:

- (1) The parcel is situated such that the planned unit development will allow flexibility of design for the protection of scenic vistas or will lessen the visual impact of development.
  - (2) The planned unit development will result in the preservation of agricultural land and/or open space.
  - (3) The parcel contains natural assets which will be preserved through the use of the planned unit development. Such natural assets include vegetation, stands of large trees, land which serves as a natural habitat for wildlife, and streams.
  - (4) The parcel contains topography that is suitable for minimizing the visual impact of development. The planned unit development shall prevent erosion and result in development more suitable to the nature of the terrain.
- b. Specific: In approving a site for a Planned Unit Development, the following specific standards shall be met:
- (1) Determination of Density: Interpolation is permitted by rounding-off to the nearest dwelling unit permitted (due to size of whole parcel.) Example:  
  
 minimum = 1 DU/20 acres  
 actual property survey - 389 acres  
 maximum number of dwelling units permitted would equal 20 units (by rounding off to the nearest unit.)
  - (2) Parking and Open Space: Parking and open space requirements are set forth in the following table. Open space shall not include areas devoted to public or private streets, parking, or areas covered by buildings. Open space may include natural or agricultural ground, landscaped areas, recreational areas, and water surfaces.

LAND USE INTENSITY (ACRES/DWELLING UNIT)	OFF-STREET PARKING REQUIRED/DWELLING UNIT	OPEN SPACE REQUIRED AS % OF LAND
80	2.0	99
40	2.0	98
20	2.0	95
10	2.0	90
5	2.0	90
2	2.0	85
1	1.5	80
0.5	1.5	75

- (3) Continuous boundaries for multiple parcels: The minimum continuous boundary length to be shared by multiple parcels in a PUD shall be equal to the minimum parcel width contained in 6.5(a).

(Amended: County Commission Resolution No. 1997-34).

- c. Dwelling Unit Design: Harmonious variations in materials, textures, and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual unit.
- d. Common area Access: Each building site shall have ready access to any common areas and facilities.
- e. Car Circulation and Access: Road design should reflect the following factors:
- (i) Dwelling areas shall only have limited access to major traffic arteries. Common access roads should be used when possible.
  - (ii) Collector roads of ample width and flowing alignment shall feed traffic between the arterial streets and to a network of minor access streets on which most of the homesites are located. Streets and roads shall meet the design standards contained in the Gallatin County Subdivision Regulations.
  - (iii) Where terrain permits short loop streets and cul-de-sacs should be used for minor streets.
- f. Parking: Parking shall reflect the following factors:
- (i) Occupant and guest car parking should be located so homesites are conveniently served.
  - (ii) Parking areas should be designed so that not more than an average of five (5) spaces shall adjoin each other without intervening landscaped areas, except in the Base Area where snow removal necessitates alternative landscape schemes.
- g. Walks and Service Circulation: Walks and service circulation should reflect the following factors:
- (1) Walks should be designed to provide convenient access to recreation, service, parking and other common areas.

- h. Setbacks: Front, side and rear setback requirements for structures shall be those of the district with which the Planned Unit Development is combined or as established by the approved plan.
- i. Open Space Areas: Open space areas should be situated in such a manner as to avoid the crowding together of building uses and parking uses or to enhance visual or recreational pursuits of residents.
- j. Sanitary and Water Facilities: The general layout of sanitary and water facilities shall reflect that it is the intent of the plan to protect the environment, encourage the efficient use of land in the general area, and comply with the requirements of County subdivision and State health requirements.
- k. All condominium and townhouse planned unit developments shall have and use bear-proof refuse containers.

13.6 Procedure.

- a. Required Information: The developer shall submit to the Gallatin County Zoning Office ten (10) copies of the following information:
  - (1) Number and types of proposed dwelling units.
  - (2) Number of off-street parking spaces.
  - (3) Amount of open space or land to be left in agricultural production, by acreage.
  - (4) Amount of land, by acreage, to be covered by buildings.
  - (5) Materials, textures and colors of structures, if proposed.
  - (6) A location map showing the project in relation to the surrounding area.
  - (7) A site plan showing:
    - (a) Property lines and easements, with dimensions and area;
    - (b) Location, size, spacing, setbacks, and dimensions of all existing and proposed buildings, structures, improvements and utilities;
    - (c) Topographic information showing existing features and any proposed grading;
    - (d) Existing vegetation, wildlife habitat, and water courses, floodplain, and any proposed alterations;
    - (e) Existing land use;
    - (f) Existing access to the project, proposed roads, and parking layout, all with dimensions;
    - (g) Soil types, wetlands, and natural drainages.
  - (8) Legal requirements: All Planned Unit Developments which contain areas of common ownership or access shall submit covenants and other legal documents which:



- (a) Legally create automatic-membership, non-profit homes association or similar instrument.
- (b) Place title to any common property in the homes association, and limit title to residual lands so that residential use in excess of that permitted in this Regulation may not be made thereon.
- (c) Restrict title to required open space (whether held in common or not) so that residential buildings or uses detrimental to the residential portion of the Planned Unit Development may not be conducted thereon.
- (d) Appropriately and permanently limit the uses of the common property, open space, and residual agricultural lands.
- (e) Give each lot owner the right to use and enjoyment of the common property.
- (f) Place responsibility for operation and maintenance of the common property and roads in the home association.
- (g) Place an association charge on each lot which will:
  - (1) Be a lien on the property;
  - (2) Assure sufficient funds for maintenance of common property;
  - (3) Provide safeguards against unreasonably high charges and a method to adjust assessments.
- (h) Provide for weed control in accordance with Gallatin County Regulations.

All legal documents required under this section shall not be acceptable until approved by the County Attorney when required by the County Commission; all deed restrictions and association rules and regulations may be enforceable by the County of Gallatin as well as by the association.

### 13.7 Staged Development.

If the sequence of construction of various portions of the development is to occur in stages, then the open spaces and the recreational facilities proposed for the entire development shall be developed, or committed thereto, in proportion to the number of dwelling units constructed. At no time during the construction of the project shall the number of constructed dwelling units exceed the overall density per acre established by the Land Use Intensity Factor.

### 13.8 Procedure for Approval.

- a. The method for considering a Planned Unit Development shall be the Conditional Use Permit procedure.
- b. If the Planned Unit Development is considered a subdivision according to the definitions contained in 76-3-101 et seq., M.C.A., the development shall also be subject to review as set forth in the Gallatin County Subdivision Regulations.

13.9 Transfer of Development Rights.

- a. Purpose: To provide a procedure under which land may be developed by transfer of permitted dwelling units to locations suited for such development.
  
- b. Assignment of Density Rights:
  - (1) Bridger Canyon, AE and RF Districts: Density rights are as officially designated on the Bridger Canyon Zoning Map, adopted February 23, 1989.
  
  - (2) Bridger Bowl Base Area: Density rights are as originally designated in the Bridger Bowl Base Area Conceptual Plan, adopted May 22, 1979, and include subsequent transfers of development rights as approved by the Bridger Canyon Planning and Zoning Commission.

Base area owner density rights amended by Resolution 1999-01 on January 26, 1999.

- c. Record: A current record of available and transferred development rights shall be maintained by the Subdivision Review Office. Any transfer of development rights shall be recorded with the Office of the Gallatin County Clerk and Recorder and notification shall be provided to the Subdivision Review Office.
  
- d. General: Base area development rights shall only be transferred within the boundaries of the Bridger Bowl Base area. In the remainder of the Zoning District, development rights may be transferred between and among the AE and RF districts. Development rights are valued by the private market, and may be conveyed and reconveyed. The use of development rights is subject to the procedures set forth in Section 13.9(e).
  
- e. Procedure. Application shall be made to the Bridger Canyon Planning and Zoning Commission for the use of the development rights. The application shall consist of a document indicating the ownership or contract to purchase development rights and the necessary submittals for review as a Planned Unit Development, as required by the Bridger Canyon Zoning Regulation and Gallatin County Subdivision Regulations.

Upon approval of the transfer of development rights and preliminary approval of the Planned Unit Development, the applicant shall record the approved development rights transfer document with the Office of the Gallatin County Clerk and Recorder.

13.10 Base Area Planned Unit Development.

It is the intent of the Base Area Planned Unit Development to allow for a variety of overnight accommodations and recreational housing in the Base Area, and to require the most dense development near the Ski Base facilities. It is further the intent of this section to ensure that water, sewer, and land capabilities are adequate for proposed uses.

The following additional standards apply only to planned unit developments in those areas zoned B-2, B-3 or B-4.

13.10.1 Uses Permitted. The following uses shall be permitted.

- a. Any use permitted in the basic zone classification, subject to the following criteria:
  - (1) All overnight accommodations and recreational housing shall be clustered and include either ski-in/ski-out trails or other transportation to the ski hill.
  - (2) Trash receptacles shall be bear-proof and screened.
  - (3) Parking lots and streets for overnight accommodations and attached recreational housing shall be built to County gravel standards. Parking lots shall be screened from view or located to the rear of structures.
  - (4) Sewage shall be disposed of through a central system or on site.
  - (5) Water conservation methods shall be encouraged.
  - (6) Adequate fire protection is provided.
  
- b. 1.5 motel/hotel units are permitted for each allowable dwelling unit where all of the following conditions apply:
  - (1) There exists at least 2,000 square feet of retail commercial floor area within one mile;
  - (2) Recreation facilities on-site including a swimming pool with a surface area of at least 800 sq.ft. or a game room of comparable size; and,
  - (3) No such unit shall have cooking facilities unless said unit including the cooking facility is less than 500 sq.ft. in gross floor area.
  
- c. In addition to the requirements set forth in Section 13.6(a), the developers shall submit ten (10) copies of the following information:
  - (1) Drainage and stormwater runoff plans.
  - (2) Floodplain delineation.
  - (3) Traffic circulation and trip generation data.
  - (4) Development time-table, not to exceed the time limits provided for in the Gallatin County Subdivision Regulations.
  - (5) For overnight accommodations:
    - (a) number of rooms and estimated ultimate guest capacity shall be supplied. The rationale for estimating the ultimate guest capacity shall also be provided.
    - (b) Information as to how the reservations and check-in will be managed.

- (6) For recreational housing, the estimated ultimate population and number of bedrooms shall be supplied. The demographic information and rationale for estimating the ultimate population shall be supplied.
- (7) Fire protection measures.
- (8) Number and type of development rights to be used.

13.10.2 Locational Requirements. The following separation of uses is required. These distances are not setbacks of structures from lot lines, but are minimum distances of the following uses from one another. All principal structures and related facilities, such as garages, parking lots, swimming pools, etc., must meet the requirements for minimum separation of uses.

	Overnight Accommodations	Attached Recreational Housing	Detached Recreational Housing
Adjacent to B-2	None	200 ft; 10% of which is vegetated	500 ft; 20% of which is vegetated
Adjacent to RF and AE	500 ft; 25% of which is vegetated	250 ft; 25% of which is vegetated	100 ft; 20% of which is vegetated

13.10.3 Use of Reserve Development Rights. To use reserve development rights, the following information must be submitted:

- (a) Plans which prove an adequate water supply and sewage disposal system.
- (b) Land capability testing and analysis which details slope and soil conditions.
- (c) Information to show that all recreational housing and overnight development rights for that particular property have been used.
- (d) Analysis of the use of recreational housing development rights. The analysis shall include the population and number of units used on a temporary basis and the number used as year round residences.

13.10.4 Allocation of Development Rights.

Section 9 establishes the Base Area Business District (B-2). A conditional use of the B-2 District is overnight accommodations and attached recreational housing. Section 10 establishes the Recreational Business District (B-3). A conditional use of the B-3 District is overnight accommodations and attached recreational housing,

subject to the requirements of Section 13.10. Section 11 establishes the Base Area Recreation and Forestry District (B-4). A permitted use in the B-4 District is one dwelling unit per forty (40) acres. A conditional use of the B-4 District is overnight accommodations and detached and attached recreational housing subject to the requirements of Section 13.10. Regardless of basic development rights or permitted uses in the Base Area, recreational housing and overnight accommodations may be permitted through the PUD process of this Regulation subject to the following allocation:

**DEVELOPMENT RIGHTS ALLOCATION**

<u>OWNERSHIP</u>	<u>APPROX ACRES</u>	<u>UNITS UNDER BASIC ZONING</u>	<u>REC. HOUSING</u>	<u>OVERNIGHT UNITS</u>	<u>RESERVE OVERNIGHT</u>
360 Ranch					
Tract 1	32.5	1	50****	23	26
Financial Dev. Corp.					
Tract 2					
Crosscut Ranch	61.5	1	****	5	6
Tract 3					
Simkins & Haggerty	80.0	4	****	90	103
Tract 4					
Montana Blesco North	20.0	1	****	52	59
Tract 5					
Montana Blesco South	65.5	1	****	41	47
Bridger Bowl**	87.0	1	16	23	25
Hepburn	3.5	1	2	2	3
Lachenmaier	25.0	1	13	17	20
Bridger Pines***	29.0	1	--	--	--

\*\* Ownership of two separate parcels  
 \*\*\* Previously developed for 60 units  
 \*\*\*\* The 50 Recreational Housing Development Rights granted to the 360 Ranch Corporation owned properties can be used within Tracts 1-5.

(Amended: County Commission Resolution No. 1996-4).  
 (Amended: County Commission Resolution No. 1999-1 on January 26, 1999).

Public lands shown on any map as being in the Base Area do not have any development rights of one (1) dwelling unit per one-half (0.5) acre. Public lands shown on any map as being in the Base Area are classified as RF and have a basic development right of one dwelling unit per forty (40) acres as allowed in the Regulation.

(Amended: County Commission Resolution No. 1995-25).

## SECTION 14 NON-CONFORMING RIGHT

14.1 Non-conforming Lots. The following regulations shall apply to non-conforming lots:

- a. In any zone notwithstanding other limitations imposed by these regulations, structures permitted in said zone may be erected on any single lot of record on the effective date of this regulation.
- b. A non-conforming lot shall not be divided or changed in any way to reduce the area of the original lot or increase its non-conformity.
- c. The boundaries of a non-conforming lot shall not be changed or adjusted for the purpose of relocating a residential building site outside the original exterior boundaries of that non-conforming lot of record.

14.2 Non-conforming Uses of Land. A lawful use of land on the effective date of this regulation or its amendment which is made no longer permissible by the terms of this regulation or its amendment may be continued if it remains otherwise lawful, subject to the following provisions:

- a. No such non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied by such use as the effective date of the adoption or amendment of this regulation.
- b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of the adoption or amendment of this regulation.
- c. If any such non-conforming use ceases for a period of more than 180 days, any subsequent use of land shall conform to the zoning regulations for the zone in which it is located. The term "ceases" as used in this case, shall mean that the activity in question has not been in operation for a period of 180 days.

14.3 Non-Conforming Structures. Where lawful structures exist that could not be built under the terms of this regulation, such structures may be continued so long as it remains otherwise lawful, providing that:

- a. No structure may be enlarged or altered in a way that increases its non-conformity.
- b. Should such structures be destroyed by any means, in extent of more than 75% of its replacement cost at the time of destruction it shall not be reconstructed except in conformity with the provisions of this Regulation.

- c. Should such structure be moved, it shall thereafter conform to the regulations for the district to which it is relocated.
- d. On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of non-bearing walls, to an extent not exceeding 10% of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this regulation shall be deemed to prevent the strengthening or restoring to safe conditions of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- e. Building existing on the effective date of this Regulation which is non-conforming only as to setback from a public road may be expanded in any direction except closer to said public road.

## SECTION 15 GENERAL PROVISIONS

- 15.1 Utility Uses. Domestic Wireless Equipment and public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining a land use permit.
- 15.2 Guest Facilities.
- a. The following regulations shall apply to all guest ranches:
    - (1) Individual guest ranch quarters shall not contain kitchen or cooking facilities. This shall not exclude the provision and use of a central kitchen and cooking facilities.
    - (2) Each individual guest room will be counted as a guest ranch unit as set forth in the Bridger Canyon General Plan.
    - (3) Guest ranches shall provide or have direct access to riding trails or other recreational facilities which will tend to limit off-site automobile travel.
  - b. Guest houses shall not contain kitchen or cooking facilities and shall not be offered for rent or sale as an individual dwelling unit.
- 15.3 Temporary Occupancy. Temporary occupancy is a conditional use in all districts and is subject to the following requirements. State Department of Health and Environmental Sciences permits must be obtained when required.
- a. Mobile Homes/Tepees.
    - (1) Temporary mobile home or tepee occupancy may be permitted with a special permit issued upon application by the Bridger Canyon Planning and Zoning Commission. Such occupancy shall be limited for a period not to exceed 1 year where all the following conditions exist:
      - (a) A land use permit for a permanent dwelling has been issued;
      - (b) Said mobile home or tepee does not violate any valid existing deed restrictions;
      - (c) Temporary dwelling must comply with all siting requirements outlined in the Regulation;
      - (d) The temporary site shall be bear-proof;
      - (e) Temporary dwellings shall not be moved on site nor utilized for occupancy until sewage disposal and water supply systems are



installed that meet all State and County Health Department regulations.

b. Work Camps.

- (1) Highway or Temporary Construction. Occupancy in connection with highway or other temporary construction work may be permitted where all of the following conditions are found to apply:
  - (a) When construction work takes place outside urban areas, permanent housing is unfeasible and trailer courts unavailable;
  - (b) Temporary housing occupants are bona fide employees of the construction contractor.
- (2) Lumber Camps. Occupancy for lumbering purposes may be permitted provided all the following conditions are found to apply:
  - (a) The location of said property is in an area where permanent housing is unfeasible;
  - (b) Trailer occupants are bona fide employees of a logging enterprise.
- (3) Mining Camps. Occupancy for mining purposes may be permitted on or near the property where any mine is located, provided the temporary housing is occupied for mining purposes.

15.4 Site Distance at Intersecting Streets. All intersections shall be free of visual obstruction for a distance of fifty (50) feet in any direction from the intersection.

15.5 Bed and Breakfast Inns. All bed and breakfast inns shall be subject to the following supplementary regulations.

- a. The bed and breakfast inn must be the proprietor's actual residence.
- b. Breakfast shall be the only meal served and shall only be served to registered guests.
- c. There shall be no alteration to the exterior of the structure which would change the character thereof. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.
- d. The number of guest rooms shall be limited to seven (7).
- e. One parking space per guest room shall be provided, in addition to the two parking spaces required for a single family dwelling unit. All parking shall be off-street.

- f. Signs shall be of rustic wood with recessed lettering, illuminated by hooded spot lights directed at the sign. Signs shall be mounted or hung on wooden posts, and only one sign per establishment shall be permitted. Moving signs and flashing oscillating lights shall be prohibited. Maximum area of the sign shall be twelve (12) square feet.

15.6 Lighting.

Any exterior lighting for any use shall be arranged and shielded so that the light source cannot be seen from adjacent roads or property and so that no direct beams fall upon other private property. All existing lights must be in compliance with the terms of this Regulation within one (1) year of the date of its adoption.

15.7 Exterior Appearance.

All single family homes, (except those that are approved through the conditional use permit process to house persons who labor on the same land unit on which such buildings are situated) in the Bridger Canyon Zoning District shall meet the following standards:

- a. No residential building shall exceed thirty-five (35) feet in height.
- b. Minimum width of the main portion of any dwelling unit shall be twenty (20) feet.
- c. For structures having a roof pitch of 3:12 or greater the maximum building height shall be 35 feet; Roof pitches of 1:12 or greater and less than 3:12 shall have a height limitation of 30 feet; Roof pitches of less than 1:12 shall have a height limitation of 25 feet.
- d. All dwellings shall be built on mortared block or concrete foundations. Adequate openings for access and ventilation shall be provided in each foundation.
- e. Metal siding shall run in a horizontal direction and shall be lapped. Wood siding may run in either a horizontal, vertical or diagonal direction.
- f. All dwelling units manufactured substantially or entirely off-site shall meet current Department of Housing and Urban Development guidelines.

15.8 Bridger Bowl Base Area Employee Housing

Intent: Employee housing is intended to serve as a residence for seasonal Bridger Bowl Base Area employees. All employee housing in the Bridger Bowl Base Area shall be subject to the following supplementary regulations. Plans and renderings required by this section shall be submitted as part of the conditional use permit process.

- a. All employers of ten or more full time equivalent employees are required to provide housing for a minimum of 10% of their employees. Calculation of the total number of employees that will be generated shall be based on the following:
- |                          |  |
|--------------------------|--|
| Retail                   | 2 emp. units/1,000 sq. ft.                       |
| Service                  | 2 emp. units/1,000 sq. ft.                       |
| Restaurants/Bars         | 1 emp. unit/500 sq. ft.                          |
| Offices                  | 2 emp. units/1,000 sq. ft.                       |
| Overnight Accommodations | 1 emp. unit/5 rooms                              |
| Ski Lift                 | 1 emp. unit/60 persons of lift capacity per hour |
- For uses not listed, the provisions of Section 4.5 shall apply.
- b. The table provided in (a) is based on peak seasonal use. Subject to approval by the Zoning Commission, employers may enter into written agreements to share employee units on a seasonal basis. Written agreements shall be filed in the office of the Gallatin County Clerk and Recorder.
- c. Employee housing shall contribute to the image of a cohesive development by incorporating consistent design elements, including building scale and form. Employee housing shall be subject to the design review criteria set forth in Sections 10.9 and 11.9.
- d. There shall be a minimum of 150 net livable square feet of living area per person. Net livable square footage does not include interior or exterior hallways, parking, patios, decks, common lounges, laundry rooms, mechanical areas and storage.
- e. Bathrooms shall be shared by no more than four persons, contain one toilet, one lavatory, one bathtub with a shower and a total area of at least 60 square feet.
- f. Efficiency and studio employee housing units kitchen facilities shall contain a sink, stove and refrigerator, shall be shared by no more than four persons and shall contain at least 60 square feet.
- g. Twenty square feet of enclosed storage per employee shall be provided either within or adjacent to the unit.
- h. Employee housing shall be located within walking distance of the job site or shuttle service shall be provided.
- i. Employee housing units are excluded from the limitation of 800 density rights as set forth in the Bridger Bowl Base Area Plan.
- j. For phased developments, employee housing can also be completed in phases. For each phase, employee housing must be provided in accordance with the number of employees generated.

- k. Employee housing shall be owned by employers or by an employers consortium and shall be leased or included as wages. Employee housing shall be occupied only by persons who work in the Base Area and their families.

## SECTION 16 SIGNS

All signs within the districts shall be subject to the following requirements. No blinking, neon, temporary or portable signs shall be permitted in the Bridger Canyon Zoning District. Signs shall be made of materials using stone, masonry, steel or wood, be rustic in appearance, and shall only be illuminated indirectly. Lettering and logos may be painted or bright in appearance. All existing signs must be in compliance with the terms of this Regulation within one (1) year of the date of its adoption.

a. AE District.

- (1) Planned unit developments or subdivisions: one (1) identification sign, not to exceed sixteen (16) square feet.
- (2) Agricultural Uses: One (1) sign no larger than twenty (20) square feet.
- (3) Residential Uses: One (1) identification sign, no larger than six (6) square feet.
- (4) Real Estate for sale signs: no larger than six (6) square feet.
- (5) Recreational or Forestry Uses: one (1) sign no larger than thirty (30) square feet, with dimensions not to exceed ten (10) feet in height or fifteen (15) feet in width for a public recreational facility operating with a Gallatin National Forest permit serving 100,000 or more visitors, and one (1) sign no larger than twenty (20) square feet for a recreational facility serving less than 100,000 visitors.

b. RF District.

- (1) Planned unit developments or subdivisions: One (1) identification sign, not to exceed sixteen (16) square feet.
- (2) Recreation or Forestry Uses: One (1) sign no larger than twenty (20) square feet.
- (3) Residential Uses: One (1) identification sign, no larger than six (6) square feet.
- (4) Real estate for sale signs: no larger than six (6) square feet.

c. B-1 District.

- (1) One (1) free standing wooden sign no larger than fifty (50) square feet.
- (2) An additional sign may be installed on the building and shall be no larger than fifty (50) square feet.
- (3) Signs shall pertain only to a use permitted on the premises; shall not project above the highest point of the roof; shall be integral with the building, or shall be attached flat against the building, or shall be suspended entirely beneath the canopy portion of the building.

d. B-2, B-3, and B-4 Districts.

- (1) The aggregate area of sign(s) shall not exceed one (1) square foot for each linear foot of building frontage, but shall in no case exceed one hundred (100) square feet.
- (2) Signs shall pertain only to uses permitted on the premises; shall not project above the highest point of the roof; shall be integral with the building or attached flat against the building, or shall be suspended entirely beneath the canopy portion of the building.

e. PLE District.

One (1) identification sign, no larger than twenty (20) square feet.

f. PUD.

Sign regulations shall be the same as in the underlying zone.

## **SECTION 17 PERSONAL WIRELESS SERVICE FACILITIES**

- 17.1 Intent. The intent of this Section is to provide for Personal Wireless Services in the Zoning District while conforming to the goals of preserving the natural beauty and rural character of Bridger Canyon, as expressed in the Bridger Canyon General Plan and Development Guide.
- 17.2. Regulation of Personal Wireless Service Facilities.
- 17.2.1 A Conditional Use Permit and a Land Use Permit is required to place or construct any Personal Wireless Service Facility.
- 17.2.2 If any of these provisions conflict with any applicable Telecommunications Laws, the requirements or limitations of the Telecommunications Law shall control.
- 17.2.3 The regulations contained in this Section supersede all other provisions in the Regulation that may be applied to Personal Wireless Communication Facilities, except as specifically stated in this Section, and shall control in the case of a conflict.
- 17.3 Standards.
- 17.3.1 A Personal Wireless Service Facility shall comply with all applicable Telecommunications Laws.
- 17.3.2 Servicing and construction shall occur during normal business hours, except as required for emergencies and repair of unscheduled breakdowns or outages.
- 17.3.3 No Personal Wireless Service Facility shall be permanently staffed.
- 17.3.4 To the greatest extent possible, a Personal Wireless Services Facility shall be designed to survive fire, wind and other natural disasters. If a Personal Wireless Services Facility is damaged due to a natural disaster, a COW Facility is permitted for a period of not more than one hundred twenty (120) consecutive days in a calendar year for temporary use related to replacement or repair of the damaged Personal Wireless Services Facility. Prior review or approval is not required for temporary use of a COW Facility as allowed by this subsection.
- 17.3.5 Personal Wireless Service Facilities and the surrounding environment.
- a. Towers shall be of monopole design unless the Applicant demonstrates that an alternative design would better blend into the surrounding environment.

- b. To the greatest extent possible, a Facility shall be constructed to conceal all Towers, Antennas, and accessory structures. Visual mitigation techniques, such as coloring painting, landscaping, screening, artificial trees, or a fire tower, shall be used to blend the Facility into the surrounding environment. Visual mitigation shall be maintained while the Facility remains in use and until dismantled and removed by the Applicant or its successor or assign.
- c. Antennas shall be mounted on Towers so as to present the smallest reasonable silhouette, profile, or cross-section.
- d. Facilities shall not be illuminated by artificial means and shall not display strobe lights or other warning lighting, unless required by the FAA or other state or local requirement.
- e. All equipment enclosures, fencing and other improvements accessory to a Facility shall be designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. Ground mounted equipment shall be screened from view by suitable vegetation.
- f. Equipment enclosures and other improvements accessory to a Facility shall comply with the following height and quantity restrictions:
  - 1) The Building Height of equipment enclosure or accessory improvement shall not exceed 12 feet unless the Applicant demonstrates that a taller design will reduce the number of equipment enclosures and accessory improvements at the Personal Wireless Service Facility and maintains adequate concealment; or avoids a prohibition of service contrary to Federal law.
  - 2) There shall be no more than four (4) equipment enclosures and accessory improvements that comprise the Personal Wireless Service Facility unless the Applicant demonstrates that more than four (4) equipment enclosures and accessory improvements is necessary to maintain adequate concealment or avoids a prohibition of service contrary to Federal law.
- g. Screening vegetation shall be provided for service road cuts and site grading, where it does not already exist and/or replacement of existing vegetation.
- h. No grading shall occur on slopes in excess of 30%.



17.3.6 Antenna Support Structures, Antenna Towers, and Antennas comprising the Personal Wireless Service Facility shall conform to the following height requirements:

- a. No Antenna Support Structure or Tower shall be of a type or height or placed in a location that the FAA would require it to be lighted or painted.
- b. To the greatest extent possible, no part of a Facility shall break the skyline as seen from Bridger Canyon Road (Highway 86), Jackson Creek Road, or Kelly Canyon Road.
- c. The maximum height of all Antennas Support Structures and Antenna Towers shall be determined as a condition of approval, except that no Antenna Support Structures and Antenna Towers shall exceed more than 30 feet above the average height of the mature vegetative canopy or 70 feet in total, whichever is greater, unless the Applicant demonstrates that: (1) a taller design maintains adequate concealment and prevents greater impacts from multiple Antenna Support Structures and Antenna Towers, or (2) avoids a prohibition of service contrary to federal law.
- d. The mature vegetative canopy shall not be harvested or otherwise removed unless necessary to prevent interference or degradation of wireless services. Should the mature vegetative canopy be destroyed by wildfire or other means caused by Applicant or related to the Personal Wireless Service Facility, Applicant shall replant evergreen trees in the location of the preexisting vegetation that measure at least 10 feet in height and in an amount that satisfies silviculture standards for ground cover.

17.3.7 Setbacks and Spacing

- a. Antenna Support Structures, Antenna Towers, equipment enclosures, fencing, and other improvement accessory to a Facility shall observe the setbacks of the district in which they are located, including but not limited to setbacks from boundaries, creeks, watercourses, and roads.
- b. Antenna Towers and Antenna Support Structures shall observe additional setbacks of 150% of the height of the Antenna Tower or Antenna Support Structure from parcel boundaries, unless otherwise approved by the Planning and Zoning Commission.

- c. The Planning and Zoning Commission may increase setbacks from property lines for Personal Wireless Service Facilities to further mitigate adverse impacts.

17.3.8 Facilities shall be designed structurally, electrically, mechanically and in all respects to accommodate both the Applicant's Antennas and comparable Antennas for at least one additional user.

17.3.9 An application for a new Facility shall not be approved unless the Applicant demonstrates that existing or approved Towers, buildings, or alternative structures more than thirty (30) feet in height (after first considering electric transmission towers) within a one mile search radius of the proposed Facility cannot accommodate equipment planned for the proposed Facility and provide functionally equivalent coverage to a specified service area. The Applicant should provide evidence of the effort made to locate on an existing Facility including a coverage/interference analysis, capacity analysis, and technological feasibility, and a brief statement as to any other reasons for success or failure in locating on an existing Tower, building, or alternative structure.

#### 17.4 Conditional Use Permits (Personal Wireless Communication Facilities).

##### 17.4.1 Applicant Requirements.

- a. The Applicant must currently be licensed by the FCC to provide fixed or mobile wireless communication services or, if the applicant is not such an FCC licensee, must demonstrate that it has binding commitments from one or more current FCC licensees to utilize the proposed Personal Wireless Service Facility.
- b. The Applicant shall maintain commercial general liability insurance on an occurrence basis all operations by or on behalf of Applicant, insuring against all liabilities, claims and demands for injuries, loss and/or damage which result from the approval, placement, construction, or modification of the Personal Wireless Services Facility, including coverage for bodily unjury (including death), property damage, personal and advertising injury, and contractual liability. The minimum amount of this insurance shall be \$500,000 per occurrence for liability and at least \$2,000,000.00 aggregate. Such policy or policies shall name the fee simple landowner (if not the Applicant) and Gallatin County as additional insureds, shall include a standard cross liability endorsement or severability of interest clause and, shall be primary as respects the additional insureds, with any insurance maintained by the additional insureds being excess and noncontributing. Such insurance policies may not be canceled or materially altered without thirty (30) days' prior written notice to Applicant and ten (10) days' prior written notice if such cancellation is due to non-payment of premiums. The Applicant, or its successor or assign, shall maintain such coverage in full force until such time as all above-ground portions of the Facility have been removed and the area

reclaimed to its natural state. Evidence (i.e., certificate) of the liability insurance prescribed above shall be required prior to Land Use Permit approval.

17.4.2 Bond Requirement.

- a. A removal bond in an amount of one-and-half times the estimated cost to remove the Personal Wireless Service Facility, potential site remediation, and/or satisfaction of the conditions and requirements contained in this Regulation, shall be posted as a condition of approval or renewal of a Conditional Use Permit for a Personal Wireless Service Facility. Gallatin County shall be named as the Obligee, Applicant shall be the Principal, and the Surety shall be acceptable to Gallatin County. The term of the bond shall match the term of the Conditional Use Permit.
- b. The bond shall be forfeited if any removal and remediation work required of the Applicant is not completed within the timeframe required by Section 17.7 (“Abandonment and Removal”).

17.4.3 Submittal Requirements. An application for a Conditional Use Permit shall include:

- a. A completed conditional use application form and a development plan, prepared by the Applicant or Applicant’s agent.
- b. Cover letter describing the project.
- c. Plans for reclamation of all disturbances associated with project(s), including re-vegetation and noxious weed control.
- d. Copies of Applicant’s FCC licenses or binding commitments from an FCC licensee.
- e. The Lease, if applicable or proof of ownership of the real property on which the Personal Wireless Service Facility will be located.
- f. Proof of legal access to the location of where the Personal Wireless Service Facility will be located, in the form of a public right of way, recorded easement, or other means defining the scope of access.
- g. Evidence documenting the infeasibility of locating the planned Personal Wireless Service Facility upon an existing or approved tower, building or other structure as required by Section 17.3.9.

- h. Elevation plans of the Personal Wireless Service Facility, including all equipment enclosures, fencing, and other improvements accessory to a Facility, with scaled dimensions.
- i. A site development plan prepared by a Montana registered land surveyor, architect or professional engineer, containing the following information:
  - 1) Vicinity maps, including:
    - a) Scale and north arrow.
    - b) The location of all Facilities and electric transmission towers within one mile.
    - c) A copy of the section of the 1:24,000 USGS quadrangle showing the proposed site and latitude and longitude coordinates.
  - 2) A detailed site map, including:
    - a) Scale and north arrow.
    - b) The name, address and telephone number, signature and seal of the professional preparing the site development plan.
    - c) All identifiable Structures located on the parcel, all private and public roads, highways and underground and overhead utilities.
    - d) Surveyed boundary lines, and corners of the parcel containing the proposed Antenna Tower construction and its fall zone.
    - e) The ground elevation of the proposed Antenna Tower's base and all proposed Antenna Support Structures.
    - f) Location and size of all proposed Structures and access to any Personal Wireless Service Facility, including existing roads and any roads proposed to be constructed in connection with construction or operation of the Personal Wireless Service Facility.
    - g) Delineation of vegetative cover and slopes in excess of 30%.

- h) Proposed landscaping including a legend providing a description of plant materials shown on the plan, including typical symbols, names (common and/or botanical name), locations, quantities, container or caliper sizes at installation, heights, spread, and spacing.
  - i) Materials list and photos of proposed fencing materials (if any) that are to be used to enclose the Personal Wireless Service Facility.
  - j) Description of all adjacent land uses and property owner names.
- j. Federal Certifications.
- 1) FAA certification that the proposed Personal Wireless Service Facility has received a “Determination of No Hazard to Air Navigation” and that the Facility and Antenna Towers do not require lighting where such is required by the FAA.
  - 2) If applicable, FCC or other applicable federal agency certification that the maximum radio frequency and electromagnetic frequency emissions meet federal standards. A condition of approval shall require the Applicant to continue to provide this certification on an annual basis to the Planning Department.
- k. Upon direction of the County Planning Department, a proposed mock-up, balloon, or similar test to demonstrate the height, silhouette, or profile of the proposed Personal Wireless Service Facility.
- l. Any additional information as deemed necessary by the Planning Department during any pre-application reviews.

#### 17.4.4 Review Time for Submittals

- a. Within thirty (30) days of the receipt of an application, the Planning Department shall notify an Applicant in writing that its application is:
  - 1) Complete; or
  - 2) Incomplete, including the specific reasons why the application is incomplete and does not meet the submittal requirements.

- b. If the Planning Department informs the Applicant that its application is incomplete within thirty (30) days, the overall timeframe for review is suspended until the Applicant provides the requested information.

17.4.5 Conditional Use Permit Approval.

- a. Applications for a Personal Wireless Service Facility Conditional Use Permit may be approved, conditionally approved, or denied by the Bridger Canyon Planning and Zoning Commission. The Commission may make the granting of the Personal Wireless Service Facility CUP subject to reasonable limitations or conditions, as allowed by all applicable laws and regulations, as it deems necessary or appropriate to protect the health, safety, and general welfare of the citizens of the County and the Bridger Canyon Zoning District; to mitigate or avoid any and all adverse impacts; and to make the proposed Personal Wireless Service Facility conditional use more compatible and consistent with the intent of the Bridger Canyon General Plan and Development Guide and Zoning Regulation.
- b. Timing.
  - 1) An application shall be approved, conditionally approved, or denied within 150 days of its submittal to the Planning Department.
  - 2) The 150-day period may be extended by mutual written consent of the Applicant and the Planning Department.
  - 3) If an application is incomplete as filed, the 150-day timeframe does not include the time the Applicant takes to respond to the Planning Department's requests for additional information under § 17.4.4(b).
- c. Notice of the public hearing to consider the application shall be provided according to the procedure in Section 18.3.6 Conditional Use Permits in this Regulation. In addition, notices advertising the scheduled public hearing for a proposed Personal Wireless Service Facility shall be posted in at least three (3) locations visible to the public on or near the parcel containing the proposed Facility, or on a nearby public road. Such signs shall be posted at least fifteen (15) days prior to any public hearing.
- d. Approval Criteria. The Bridger Canyon Planning and Zoning Commission may grant a permit for a use classified as a Personal Wireless Service Facility Conditional Use Permit only if it is found, in addition to the requirements of Section 18.3 of these Regulations ("Conditional Use Permits") that:

- 1) The use conforms to the objectives of the Bridger Canyon General Plan and Development Guide and the intent of these Regulations;
  - 2) The use will not adversely affect nearby properties, residents, natural resources or views;
  - 3) The use meets the standards in Section 17.3;
  - 4) The use increases availability of or access to communications services to residents of and visitors in the Zoning District.
  - 5) The decision to grant or deny conditional approval of the use would not:
    - a) Unreasonably discriminate among providers of functionally equivalent services;
    - b) Prohibit or have the effect of prohibiting the provision of Personal Wireless Services;
  - 6) A public hearing, after notice has been given and has been held.
- e. A decision to deny an application for a Personal Wireless Service Facility shall not be made on the basis of the environmental effects of radio frequency emissions to the extent that the facility complies with the FCC's regulations concerning emissions.
- f. The decision to approve, conditionally approve, or deny an application for a Personal Wireless Service Facility shall be in writing and supported by substantial evidence contained in a written record. If an application is denied, the Planning and Zoning Commission must issue written Findings of Fact and Conclusions of Law that contain a clear statement of the reasons for the denial separate from any references to the oral record.
- g. Upon approval of a Conditional Use Permit for a Personal Wireless Service Facility, the site development plan shall be recorded with the Gallatin County Clerk and Recorder.

17.4.6 A Conditional Use Permit for a Personal Wireless Service Facility shall have a time limit of no more than ten years from the date of issuance. Prior to the end of the ten-year period, the applicant and/or the current structure owner shall be responsible for submitting an application for renewal to the Gallatin County Planning Department. Extension requests do not require public notification. Approvals to extension requests shall be issued in writing upon a determination by the Planning Director that:

- a. Renewal of the Conditional Use Permit shall be based on compliance with the conditions of approval; and
- b. There are no unresolved complaints with the Compliance Department; and
- c. The Tower and Facility shall be maintained and kept in good repair.

17.4.7 Prior to the transfer of ownership of an existing Facility, the Applicant shall submit an application to the Planning Department for transfer of the original Conditional Use Permit. The application must include a statement from the new owner/operator that they agree to abide by all conditions of the issued Conditional Use Permit, evidence of insurance, and proof that either the bond has been updated or a new one has been issued on behalf of the new owner/operator.

17.5 Requests for Modifications.

17.5.1 A request for Modification of an existing Antenna Tower or base station shall be made in writing to the Planning Department.

17.5.2 The Planning Director shall approve a request for Modification if the Modification does not substantially change the physical dimensions of the existing Antenna Tower or base station.

17.5.3 The Planning Director should seek assistance from the County Attorney's Office in determining whether a Modification would result in a substantial change based on applicable Telecommunications Laws and agency interpretations thereof.

17.5.4 The approval of a Request for Modification may be conditioned on the Applicant's compliance with the standards and regulations for Personal Wireless Service Facilities;

17.5.5 Review Time for Submittals

- a. If the Planning Department requires additional information from the Applicant to consider its request for a Modification, it shall notify the Applicant within thirty (30) days from the time it receives the request that the request as submitted is incomplete.
- b. If the Planning Department informs the Applicant that its request is incomplete within thirty (30) days, the overall timeframe for review is suspended until the Applicant provides the requested information.



- c. A request for Modification shall be approved or denied within 90 days of its submittal to the Planning Department. The 90-day timeframe does not include the time that the Applicant takes to respond to the Planning Department's requests for additional information.
- d. The 90-day period may be extended by mutual written consent of the Applicant and the Planning Department.

#### 17.6 Appeals.

Any person adversely affected by any final action or failure to act by Gallatin County or any instrumentality thereof regarding the placement, construction, or modification of a Personal Wireless Service Facility may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction.

#### 17.7 Abandonment and Removal.

- a. If at any time the use of an approved Personal Wireless Service Facility is discontinued for ninety (90) consecutive days, upon proof of such abandonment the Planning Director may declare the facility to be abandoned.
- b. Upon the Planning Director's declaration that a facility is abandoned, the Planning Director shall provide the Applicant with written notice that it shall either (1) continue use of the facility within ninety (90) days or (2) dismantle and remove the facility within ninety (90) days.
- c. Within ninety (90) days of the removal of a facility, the Applicant shall reclaim any area disturbed by the Facility to the satisfaction of the Planning Director and as required by any applicable local, state, or federal law.
- d. If reactivation, remediation, or dismantling does not occur as required herein, Gallatin County may make a claim on the bond provided for herein, or may conduct the work or contract to have the work performed and assess the owner or operator for all costs associated with such work.
- e. The Planning Director may grant an Applicant's request for an extension of the time limits provided in subsection (b) upon the Applicant's showing of good cause.

## SECTION 18 ADMINISTRATION

18.1 Employees and Officers. In accordance with Section 76-2-102 of the Revised Codes of Montana, the Bridger Canyon Planning and Zoning Commission is hereby authorized to appoint and hire such employees and officers as shall be necessary to carry out the provisions of this regulation, including a Zoning Enforcement Agent. The Zoning Enforcement Agent may be an employee of the County of Gallatin and if so, shall perform duties hereunder without renumeration in excess of his regular salary.

18.2 Land Use Permits. No structure shall be built, moved or structurally altered until a land use permit has been issued by the Planning and Zoning Commission or their agent. The fee for land use permits shall be determined by the Planning and Zoning Commission. Structures less than 100 square feet in size do not require a land use permit, but must be in conformance with setback and other requirements.

18.2.1 Land use permits shall be issued only for uses in conformance to these regulations, upon approved conditional use permits or variances, and where authorized by the Planning and Zoning Commission.

18.2.2 Land use permits shall be in writing and shall be in such form as is specified by the Planning and Zoning Commission.

18.2.3 When the Planning Director determines that a Land Use Permit application complies with all applicable requirements of this Zoning Regulation, including any applicable conditions and terms of a Conditional Use Permit or Variance approval, the Planning Director may approve the Land Use Permit application.

- a. The Planning Director is authorized to attach conditions of approval to a Land Use Permit, such as the requirement to obtain a Certificate of Completion, where such conditions are determined to be necessary to: ensure compliance with the requirements of this Zoning Regulation (e.g. parking, landscaping, screening, etc.) or of other approval(s) applicable to the property (e.g. Conditional Use Permit, Variance, etc.), or where other extenuating circumstances exist.
- b. The failure to comply with any condition of approval is a violation of this Zoning Regulation.
- c. Any Land Use Permit issued shall conspicuously state on its face that it may be subject to appeal within 30 days of the Decision to issue it pursuant to this Zoning Regulation or Sec. 76-2-110, MCA and state that commencement of construction activity within the 30-day appeal period or prior to resolution of any appeal shall be at the risk of removal of such improvements by the landowner.

18.2.4 In the event a prospective building does not comply with the provisions of this regulation, the prospective permittee shall apply to the Planning and Zoning Commission for a variance.

18.2.5 Land use permits shall expire one (1) year from the date of issuance. For an extension of the permit, a letter of request shall be submitted prior to the expiration date noting any alterations in the plans as approved on the original permit.

18.2.6 Where new sanitary facilities or the extension of the existing sanitary facilities are contemplated, a land use permit shall not be issued until the builder has first obtained a sewer permit from the County Health Department or approval of sanitary facilities from the State Department of Health, whichever is appropriate.

18.3 Conditional Use Permits and Variances. Provisions of this subsection shall regulate the issuance of conditional use permits and variances.

18.3.1 Variances. Variances from the terms of this Zoning Regulation shall be granted only if it is found that such variances will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the decision of the Planning and Zoning Commission will result in unnecessary hardship.

a. To make this determination, the County Commission shall find:

- i. Exceptional or extraordinary circumstances apply to the subject property that do not apply generally to other properties in the same District or vicinity due to lot size or shape, topography, or other circumstances over which the owners of the property have had no control since enactment of this Zoning Regulation;
- ii. The Variance is necessary for the preservation of the applicant's property right that is substantially the same as that possessed by owners of other property located within in the same District or vicinity in which the subject property is located;
- iii. The approval of the Variance would not be materially detrimental to property located within the same District or vicinity in which the subject property is located; and
- iv. The Variance requested is the minimum Variance needed to alleviate the hardship.

18.3.2 Conditional Use Permits. Conditional Use Permits shall be issued only by the Bridger Canyon Planning and Zoning Commission and may be issued for any of the uses as set forth in this Regulation. Such permit may be granted only if it is found that the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to health,

safety, peace, morals, comfort and general welfare of the Bridger Canyon Zoning District.

18.3.3 Permits, Terms of Issuance. A conditional use permit or variance may be issued for a revocable, temporary, permanent or term period. It may contain such conditions as are authorized by State statute and this Regulation, including but not limited to:

- a. Requiring dedication of rights-of-way;
- b. Requiring improvements of rights-of-way;
- c. Requirements for landscaping to protect adjoining property;
  - (1) If landscaping is required, security shall be provided to ensure that the landscaping is properly installed. Such security shall be in the form of a certificate of deposit or a certified check in the amount equal to 110% of the estimated cost of the landscaping, as approved by the Zoning Enforcement Office, to ensure that the landscaping is installed and maintained for a period of one (1) year. The security and any interest shall be returned one (1) year after the installation of landscaping, if the landscaping has been maintained. The required security shall not be reduced or paid out if the landscaping has not been maintained.
- d. Regulation of placement of uses on the property.
- e. Regulation of height.
- f. Regulation of the nature and extent of the use.
- g. Regulation of the length of time which such use or variance may be permitted.

18.3.4 Security. The Planning and Zoning Commission may in most cases, require guarantees in the form of bonds, cash deposits , certificates of deposit, or certified checks in order to secure compliance with conditions imposed.

18.3.5 Procedure for Issuance. Application:

- a. All applications for conditional use permits or variance shall be filed with the Gallatin County Planning Office, accompanied with the appropriate filing fee.
- b. If an application for conditional use permit or variance is rejected on its merits by the Planning and Zoning Commission, no further application for a

permit for the same use on the same property may be filed for a period of one (1) year from the effective date of such denial except as provided in subsection (c) below.

- c. A further application may be filed by such applicant for such use on such property within such one (1) year period with the permission of the Planning and Zoning Commission. Such permission shall be granted only if the applicant can show and the Planning and Zoning Commission finds (i) a substantial change of conditions on the property from those existing at the time of such previous denial, or (ii) a modification of the original application that addresses the Planning and Zoning Commission's reasons for denial of the original application.

18.3.6 Notice of Hearing. Whenever an application for a conditional use permit or variance is filed, a public hearing thereon shall be held within sixty (60) calendar days after the filing of the application. At least fifteen (15) days before such hearing, the Planning and Zoning Commission shall give:

- a. Mail notice to all persons owning property within 300 feet of the exterior boundaries of the area occupied or to be occupied by the use for which the permit is sought, or
- b. Give notice by publishing notice of hearing two (2) times in the newspaper of general circulation in this county.

18.3.7 Decision: After completion of the public hearing, the Planning and Zoning Commission shall make its decision in writing, which decision shall include findings of fact as to whether the criteria established for the issuance of a permit are satisfied.

18.3.8 Appeals to District Court: Any person aggrieved by any Decision of the Planning and Zoning Commission or Gallatin County Commission, within 30 days after such Decision, may appeal to the Eighteenth District Judicial Court. The time to appeal a Decision for a Conditional Use Permit conditioned on the grant of a variance shall not run until a Decision on that Variance.

18.3.9 Revocation and Modification. Conditional use permits and variances are revokable:

- a. By operation of law:
  - (1) Lapse of time. Unless otherwise specifically provided by the Planning and Zoning Commission at the time of issuance of the conditional use permit or variance all conditional use permits and variances granted for an indefinite term which have not been utilized by engaging in the activity or use authorized thereby within one (1)

year after the date of issuance shall automatically expire by operation of law. The date of issuance shall be the date that the conditional use permit or variance become effective.

- (2) Expiration. All conditional use permits issued for a definite term shall automatically expire at the end of the term.
- (3) Re-zoning. Notwithstanding subparagraphs (1) and (2) above, all conditional use permits and variances which have not been utilized by engaging in the authorized use on the site by the date any zoning Regulation becomes effective which re-zoned the property to provide for use regulations inconsistent with that authorized by the permit or variance shall automatically expire on that date by operation of law.
- (4) For purposes of subparagraph (a) above, a conditional use permittee or a variance permittee shall not be considered as engaging in the authorized use on the site until the following conditions are satisfied:
  - (a) Buildings proposed for construction in connection with the proposed use are in the process of actual construction on the site, or
  - (b) If remodeling proposed for existing buildings in connection with the proposed use has actually been commenced on the site, or
  - (c) If no construction or remodeling is contemplated and the permittee is regularly engaged on the site in performing the services or in selling the goods, materials, or stocks in trade of the use, and has secured all necessary federal, state and local permits and licenses.
  - (d) Planned unit developments: A survey of the property has been filed.

b. Upon notice and hearing. Permits and variances may be revoked or modified by the Zoning Commission:

- (1) If there has been:
  - (a) A substantial change of conditions from those at the time the permit or variance was granted.

(b) Revocation or modification is necessary to protect the health, safety, and welfare of the area in which the subject property is situated or the residents of the county, to preserve the integrity of existing use patterns in the area in which the subject property is situated, or

(2) If the person holding the permit or variance has not complied with the conditions upon which it was issued. Modification or revocation may only be had after following the public hearing requirements of this Regulation. Appeals from modification or revocation shall be governed by the public hearing requirements of this Regulation.

18.3.10 Land Use Permits. No land use permit shall be issued other than in accordance with the conditions and terms of the conditional use permit or variance. Construction shall begin within one (1) year of the date the permit is issued or the permit is automatically void.

18.3.11 Extension of Permits.

- a. Not later than thirty (30) days prior to the expiration of a conditional use permit, the holder thereof may file written application with the Planning and Zoning Commission requesting an extension of time and setting forth the reasons for such request. Each application shall be accompanied by the appropriate fee.
- b. Within five (5) days from receipt of such application for extension, the Planning and Zoning Commission shall send a notice of such application by mail to persons, or their successors in interest of record in the County Assessor's Office, who received mailed notice of the original application from the Planning Department. Attached to such application shall be a notice that any person objecting to such extension shall, within fifteen (15) calendar days from the date of posting, notify the granting authority of such objection.
- c. If any objection is received from those notified, extension request will be held according to the public hearing requirements of this Regulation.
- d. If no objection is received, the Planning and Zoning Commission may extend the permit or variance for a period of time equivalent to the original period for which granted, or for one (1) year, whichever is shorter.
- e. An extension may only be granted upon finding of fact by the Planning and Zoning Commission that there has been no change of condition or circumstances would have been grounds for denying the original application.

18.4 Enforcement.

- a. Permits, When Void. All departments, officials, and employees of Gallatin County which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Regulation and shall issue no such permits or licenses for uses, building, or purposes where the same would be in conflict with the provisions of the Regulation and any such permits or licenses, if issued in conflict with the provisions of the Regulation, shall be and the same is hereby declared to be null and void.
- b. Enforcement. It shall be the duty of the Planning and Zoning Commission, its officers, agents and employees to enforce the provisions of this Regulation pertaining to the erection, construction, re-construction, moving, conversion, alteration, or addition to any building or structure. It shall be the duty of all officers of said County herein or otherwise charged by law with the enforcement of County Ordinances to enforce this Regulation and all the provisions of the same.
- c. Compliance. Any person may file a written complaint with the Gallatin County Planning Department whenever a violation of this regulation occurs or is alleged to have occurred. The complaint shall state fully the facts supporting the complaint.

Upon receipt of a complaint, or upon its own initiative, Gallatin County Planning Department and/or Compliance Department staff shall immediately investigate and take action as provided by the regulation. The investigator shall notify the person of the alleged violation and request access for an inspection. If access is denied, the investigator may seek an administrative warrant. With reasonable cause, the Planning and/or Compliance departments may revoke any land use permit, issue cease and desist orders requiring cessation of any building, moving, alteration or use which is in violation of the regulation and require corrective action, including dismantling or removal of non-complying structures, to remedy the violation.

- d. Injunction. After the exhaustion of administrative remedies and pursuant to MCA § 76-2-113, the County Attorney, in conjunction with the Code Compliance Specialist, may bring an action in the name of the County of Gallatin in the District Court to enjoin any violations of this ordinance.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person/entity who commits, participates in, assists or maintains such violation may each be held accountable for a separate violation.

The prevailing party may be awarded all costs, including attorney’s fees.

- e. Fines. The Planning and Zoning Commission may assess violator’s fines of up to \$500 per day of violation for noncompliance until the violation is remedied. When determining the amount and duration of a fine, the Planning and Zoning Commission



shall consider the nature, circumstances, extent and gravity of the violation, any prior history of such violations, the degree of culpability, and such other matters as justice may require. In addition, the violator may be required to pay administrative costs. If the fine is not paid, it shall become a lien upon the property. An alleged violator may appeal the assessment of a fine to the County Commission as set forth below.

- f. Appeal Process (Violations). An alleged violator may appeal a Gallatin County Planning or Compliance Department's decision regarding a violation in writing via certified mail to the Planning and Zoning Commission within ten (10) business days.

The Planning and Zoning Commission shall hold a hearing within 45 business days from the date that the appeal was received. The Planning and Zoning Commission shall, in writing, affirm, modify or withdraw the Department's decision within 20 business days after the hearing. Once an appeal for a hearing has been made, the Department's decision shall be stayed until the Planning and Zoning Commission has held the hearing and affirmed, modified or withdrawn the determination of the Department. Any final decision made by the Planning and Zoning Commission will be binding upon the Department.

Any person may appeal a final decision of the Planning and Zoning Commission within 30 days to the Eighteenth Judicial District Court.

- g. Appeal Process (Fines). An alleged violator may appeal a Planning and Zoning Commission's assessment of a fine for noncompliance to the County Commission with 10 business days in writing via certified mail. The County Commission shall hear the appeal at a regularly scheduled meeting within 45 business days from the date the appeal was received, and shall, in writing, affirm, modify or withdraw the Planning and Zoning Commission's decision within 20 business days after the hearing. Once an appeal for a hearing has been made, the Planning and Zoning Commission's decision shall be stayed until the County Commission has held the hearing and affirmed, modified or withdrawn the determination of the Planning and Zoning Commission.

Any person may appeal a final decision of the Board of County Commissioners within 30 days to the Eighteenth Judicial District Court.

*(Amended: County Commission Resolution No. 2004-67)*

*(Amended: County Commission Resolution No. 2004-144)*

#### 18.5 Appeals.

- a. Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this Regulation may be taken in writing to the Planning and Zoning Commission.
- b. Appeals from any decision of the Zoning Enforcement Agent may be taken within five (5) working days, in writing, to the Planning and Zoning Commission.

- c. A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this Regulation to be decided after holding a public hearing. Notice of such hearing shall be as set forth in Section 18.3.6 herein.
- d. Any person aggrieved by any Decision of the Planning and Zoning Commission or Gallatin County Commission, within thirty (30) days after such Decision, may appeal to the Eighteenth District Judicial Court.

18.6 Amendments.

- a. This Regulation may be amended whenever the public necessity and convenience and the general welfare require such amendment and according to the procedure prescribed by law, and this Regulation.

18.6.1 An amendment may be initiated by:

- a. The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Gallatin County Planning Office, and shall be accompanied by the appropriate fee payable to the County of Gallatin, no part which shall be returnable to the petitioner; or by
- b. Resolution of intention of the Board of County Commissioners or
- c. Resolution of intention by the Planning and Zoning Commission.

- 18.6.2 Such amendment shall not become effective until after a public hearing has been held before the Zoning Commission, legal notice of which shall have been given in a newspaper of general circulation in the county not less than fifteen (15) days prior to date of hearing.

## **SECTION 19 FEES AND INVALIDATION**

If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations to render the same operative and reasonably effective for carrying out the main purpose and intention of the regulations.

1. Fees - All applications for permits, zone changes, conditional uses, or variances shall be accompanied by the applicable fees, which shall be established by the Planning and Zoning Commission by resolution after public notice and hearing.

No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning and Zoning Commission, unless, or until, preliminary charges and fees have been paid in full.

## **SECTION 20 INTENT.**

The intent of these zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area. Nor are these regulations set up to prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an Regulation, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.

## SECTION 21 ADOPTION

This entire regulation was adopted October 26, 1971, and amended on December 5, 1973, May 4, 1976, May 1, 1980, December 9, 1981, October 29, 1985, October 30, 1985, December 5, 1985, February 23, 1989, June 26, 1991, August 12, 1993, December 9, 1993, January 26, 1999, May 4, 2004 and October 20, 2004.

1. This Regulation was amended by Resolution No. 1995-46 of the Gallatin County Commissioners on August 22, 1995.
2. This Regulation was amended by Resolution No. 1996-4 of the Gallatin County Commissioners on January 16, 1996.
3. This Regulation was amended by Resolution No. 1997-34 of the Gallatin County Commissioners on July 1, 1997.
4. This Regulation was corrected on August 8, 1997, by direction of the Gallatin County Attorney's Office to change the word "*ORDINANCE*" TO "*REGULATION*" throughout this document.
5. This Regulation was amended by Resolution No. 1999-01 of the Gallatin County Commissioners on January 26, 1999.
6. This Regulation was amended by Resolution No. 2004-67 of the Gallatin County Commissioners on May 4, 2004.
7. This Regulation was amended by Resolution No. 2004-144 of the Gallatin County Commissioners on October 20, 2004.
8. This Regulation was amended by Resolution No. 2008-131 of the Gallatin County Commissioners on October 22, 2008.
9. This Regulation was amended by Resolution No. 2010-123 of the Gallatin County Commissioners on November 30, 2010.
10. This Regulation was amended by Resolution No. 2014-078 of the Gallatin County Commissioners on July 22, 2014.
11. This Regulation was amended by Resolution No. 2014-093 of the Gallatin County Commissioners on September 9, 2014.
12. This Regulation was amended by Resolution No. 2014-103 of the Gallatin County Commissioners on September 30, 2014.
13. This Regulation was amended by Resolution No. 2019-013 of the Gallatin County Commissioners on January 22, 2019.
14. This Regulation was amended by Resolution No. 2019-024 of the Gallatin County Commissioners on March 5, 2019.

## APPENDIX A

## NATURAL RESOURCE CONDITIONAL USE PERMITS

1. Natural Resource Conditional Use Permits. All exploration and development relating to non-renewable natural resources, including: oil, gas, and coal bed methane production, including test wells, production wells, compressor stations; commercial quarries; and, surface and underground mining, shall require review in accordance with the provisions of Section 18.3 of these Regulations and the conditional use permit process described herein (Appendix A).
2. The Bridger Canyon Planning and Zoning Commission may grant a permit for a use classified as a Natural Resources Conditional Use Permit only if it is found:
  - a. The use conforms to the objectives of the Bridger Canyon General Plan and Development Guide and the intent of these Regulations;
  - b. The use will not adversely affect nearby properties, residents, groundwater, streams and wetlands;
  - c. That non-renewable resource exploration and development occurs in a responsible manner;
  - d. The use contributes and guarantees payment of an appropriate share of the costs for public services and facilities;
  - e. That financial security has been provided to mitigate any adverse effects;
  - f. The use meets density, height, setback, lighting, and all other regulations of the district in which it is located, unless otherwise provided in these Regulations;
  - g. The use meets all other applicable federal, state, and local regulations; and
  - h. A public hearing, after notice has been given, has been held.
3. Procedure for Obtaining a Natural Resources CUP. An applicant for a Natural Resources CUP shall submit the preliminary application, as described in Section 4. below, accompanied by the appropriate fee, to the Planning Department. Upon determination that the application is complete, the Planning Department shall schedule a hearing before the Bridger Canyon Planning and Zoning Commission and provide the required legal notice. The Planning and Zoning Commission may not deny a preliminary application but shall take public comment on the content of the Initial Development Plan. The Bridger Canyon Planning and Zoning Commission shall provide the applicant with its comments on the Initial Development Plan in writing within 30 working days of the public hearing on the preliminary application.

Subsequent to completion of the preliminary application process, an applicant for a Natural Resources CUP may submit the final application, as described in Section 5. below, accompanied by the appropriate fee, to the Planning Department. Upon determination that the application is complete, the Planning Department shall schedule a hearing before the Bridger Canyon Planning and Zoning Commission and provide the required legal notice. The Bridger Canyon Planning and Zoning Commission shall consider the application material, applicant testimony, the Staff Report and public comment. The Bridger Canyon Planning and Zoning Commission shall not grant a

Natural Resources CUP unless the findings required under Section 2. are satisfied. The Bridger Canyon Planning and Zoning Commission shall provide the applicant with written findings regarding its decision.

4. Preliminary Application. Applicant shall submit a Preliminary Application to the Planning Department. Fifteen copies of the application shall be provided, accompanied by all fees established under the Planning Department Fee Schedule. The Preliminary Application shall include the following information:
  - a. A completed conditional use application form and an Initial Development Plan, prepared by the Applicant or Applicant's agent. Said plan, which shall be the preparatory basis for the Environmental Impact Study, shall address all of the following:
    - Cover letter describing project and submittal material;
    - Copy(s) of all associated mineral leases;
    - Copy(s) of all orders from the Montana Board of Oil and Gas Conservation, and associated stipulations;
    - Name and location of all water wells, springs, and surface water within a one-and-a-half mile radius of the parcel boundaries of the proposed project;
    - Detailed site inventory map and site development plan (1" = 50'), to include all existing and proposed structures, well pad location(s), rights-of-way, fencing, lighting, pipelines, pertinent surface features, areas of wildlife and wildlife habitat, and all development and mitigation measures associated with application. Applicant shall submit color photos of well location, and or area from proposed well to north, south, east and west;
    - Complete written description of project including but not limited to: proposed hours of operation, duration of project, operation of project, including staffing schedule(s) and estimated trips per day; traffic study and/or other information as required by the Gallatin County Road and Bridge Superintendent; fire and disaster mitigation plan(s); etc.;
    - An approved Noxious Weed Control and Revegetation plan through the Gallatin County Weed Control District;
    - Plans for reclamation of all disturbances associated with project(s); and
    - Any additional information as deemed necessary by the Planning Department during any pre-application reviews.
  - b. Name and address of all property owners within a one-and-a-half mile radius of proposed project, including postage for certified mail to each address.
5. Final Application. Applicant shall submit a Final Application to the Planning Department. The full fee established under the Planning Department Fee Schedule shall accompany all Final Applications. The Final Application shall include a completed conditional use permit application, a Final Development Plan, and an Environmental

Impact Statement (EIS), conducted by a third-party Montana State licensed professional engineer (PE) qualified to evaluate the project's impacts, at the Applicant's expense. The Final Application shall also contain all required Performance Bonds and other securities and fees as indicated below.

a. Applicant shall provide the Final Development Plan based on information provided in the (EIS). The Final Development Plan shall:

- Provide evidence of the fee simple surface owner's consent;
- Document plans to protect property values of surrounding properties;
- Document plans for fire protection and emergency response, including comments by the Bridger Canyon Fire District;
- Document adequate water quantity for the proposal;
- Demonstrate plans for protecting surface and ground water quality;
- Demonstrate plans for conservation of important fish, wildlife and plant habitat;
- Demonstrate plans for compliance with local, state and federal air quality regulations and/or standards;
- Demonstrate plans for landscaping and its long-term maintenance so as to limit soil erosion and be in compliance with local, state and federal soil management and conservation regulations and/or standards;
- Demonstrate plans to comply with all applicable weed control regulations;
- Include a schedule of phased-in development to diffuse impacts over time;
- Demonstrate plans for compliance with §§ 85-2-205 and 82-11-175, MCA, and other applicable local, state and federal laws or regulations regarding disposal of all ground water involved with the proposal;
- Demonstrate plans for reclamation for all disturbances associated with the project(s); and
- Address all comments raised by the Bridger Canyon Planning and Zoning Commission as a result of their review of the Preliminary Application.

b. The EIS shall include:

- Appraisal of current property values for all properties within one-and-a-half miles of the parcel boundaries of the proposal;
- An analysis of effects of proposed development on fire and emergency response systems;
- Thorough collection of fish, wildlife and plant inventories within all areas impacted by the proposal;
- Collection of baseline data of existing surface and ground water quality and quantity;
- Collection of baseline data of existing air quality;
- Collection of baseline data of existing noise levels;
- An analysis by a qualified person or entity of the Final Development Plan's specific measures to protect and conserve: (1) property values; (2)



water quality and quantity; (3) agricultural and conservation usage; (4) plant and wildlife habitat; (5) air quality; and (6) noise levels; and

- A Monitoring Schedule for effective third party monitoring, on at least a monthly basis, by a State of Montana licensed and bonded environmental engineer, of all development, as stated in the submitted Final Development Plan. The Bridger Canyon Planning and Zoning Commission shall approve the Monitoring Schedule. The licensed and bonded environmental engineer third party monitor shall be agreed upon by the Bridger Canyon Planning and Zoning Commission and the Applicant. The Monitoring Schedule shall contain all the requirements listed in Section 6.

6. Monitoring Schedule. The Monitoring Schedule must provide a mechanism for prompt notification to any and all local, state, or federal agencies involved in any permit or certification required for the proposal. The purpose of such notification is to ensure adequate enforcement of existing local, state and federal laws and regulations to protect private property and other rights of Montana citizens and Montana's natural resources. The Monitoring Schedule shall require the Applicant to prepare and submit to the Planning Department a Monthly Monitoring Report.

- a. Monthly Monitoring Report. The Monthly Monitoring Report shall include a description of all data collected during the period, as well as data trends collected over time, detailed descriptions of any and all spills, leaks, contaminations, regardless of whether the spill, leak or contamination is a violation of local, state or federal laws or regulations. The Monthly Monitoring Report shall also include a detailed description of any violation of local, state, or federal laws or regulations and any corrective action taken. The Monthly Monitoring Report shall be a requirement of conditional approval and the failure to supply such Monthly Monitoring Report may be grounds for revocation of a Natural Resource CUP.
- b. Monitoring Expenses/Performance Bonds. Such monitoring shall be at the sole expense of the Applicant, and a specific Monitoring Performance Bond shall guarantee all costs of monitoring. The Monitoring Performance Bond shall be approved by the Gallatin County Attorney and made payable to the environmental engineer selected as the third party monitor. Gallatin County shall be a beneficiary of the Monitoring Performance Bond and shall have express authority to collect upon said bond in the event Applicant, their successors or assigns, fails to adequately monitor the project. The Monitoring Performance Bond shall be updated annually and shall provide for payments and expenses of all monitoring for no less than a 10-year period from the date of each update. Failure to maintain payment to the monitor and failure to maintain an adequate Monitoring Performance Bond for all monitoring expenses for no less than 10 years from the date of each update shall be cause for revocation of the conditional use permit. The Monitoring Performance Bond shall be in addition to any required reclamation bond or other performance bond required by any other local, state, or federal agency.

7. Conditional Approval. Final Applications for a Natural Resource Conditional Use Permit may be approved, conditionally approved or denied by the Bridger Canyon Planning and Zoning Commission. If a Final Application is denied, the denial shall constitute a finding that the Applicant has failed to sufficiently demonstrate that the conditions required for approval do exist. The Bridger Canyon Planning and Zoning Commission shall make the granting of the Natural Resource CUP subject to reasonable limitations or conditions as it may deem necessary to protect the health, safety, and general welfare of the citizens of the County and the Bridger Canyon Zoning District; to mitigate or avoid any and all adverse impacts on nearby property, residents, groundwater, streams and wetlands; to ensure that resource exploration and development occurs in a responsible manner and contributes and guarantees payment of an appropriate share of the costs for public services and facilities; and to make the proposed Natural Resource conditional use more compatible and consistent with the intent of the Bridger Canyon General Plan and Development Guide and Zoning Regulations. Said conditions may include but not be limited to the following:
- a. Specific requirements for vehicular ingress and egress;
  - b. Specific requirements of hours of operation;
  - c. Specific requirements for the discharge of groundwater and surface water;
  - d. A fee for discharged effluent, based upon one and one-half times the total estimated or actual costs of all environmental cleanup or mitigation performed by or for any public agency, in order to achieve compliance with these Regulations;
  - e. Specific requirements for control of odors, smoke, dust, airborne particles, vibration, glare and noise emissions from point and non-point sources;
  - f. Specific requirements for placement and height of structures required for the conditional use on the subject property;
  - g. Specific requirements for dedication, improvements and/or maintenance of rights-of-way;
  - h. Limitation of length of time or term such conditional use may be permitted;
  - i. Conditions for the approval may include changes to the Development Plan based upon information and data from the EIS and the public hearing(s) and the written comments from the public, so as to improve environmental and property protection;
  - j. The Bridger Canyon Planning and Zoning Commission shall impose conditions requiring the developer to use best available low-impact technologies, such as aquifer recharge, clustered development, directional drilling, mufflers for compressor stations, discharge water desalination, infiltration or treatment, etc., to minimize impacts on underground water reserves, rivers and streams, and surface resources; and
  - k. The Bridger Canyon Planning and Zoning Commission shall impose conditions requiring the Applicant to guarantee complete reclamation of all disturbed areas. This guarantee shall be accomplished by requiring, in addition to the Monitoring Performance Bond, *supra*, any Applicant for any mineral, oil and gas exploration or extraction, along with all contractors and subcontractors to post separate site-specific performance bonds for each tract of property affected by the proposed Natural Resource CUP. Said performance bonds shall be approved by the Gallatin

County Attorney, payable to Gallatin County, and shall be equal to or greater than the current value of the property plus the potential cleanup cost of any resultant air, land or water pollution or degradation, as estimated by the required Development Plan and Environmental Impact Study. Failure to maintain adequate performance bonding shall be cause for revocation of the CUP.

8. Expiration/Extension. The Bridger Canyon Planning and Zoning Commission may issue a Natural Resource CUP for a definite term. Extensions can be obtained through written application with accompanying fee made at least sixty (60) days prior to expiration. A public hearing will be held and property owners within one-and-a-half miles of the project's parcel boundaries will be notified by certified mail. Notice of the public hearing shall be published at least fifteen (15) days prior to the hearing, in a newspaper of general circulation.
9. Definitions.
  - a. Commercial Quarry. A facility, business, function or area and related activities where 1) stones, sand, gravel, or rock fragment are mined or excavated and/or processed using any available technology for off-site distribution, sale, or use; or 2) raw materials are processed into concrete products using any available technology for off-site distribution, sale, or use; or raw materials are processed into asphalt products using any available technology for off-site distribution, sale, or use.
  - b. Conditional Use. A use that may be commenced only upon approval of 1) a Conditional Use Permit and compliance of all applicable requirements and conditions and or 2) A Natural Resources Conditional Use Permit and compliance of all applicable requirements and conditions.
  - c. Environmental Assessment (EA). A statement of the effect of proposed development, and other major private or governmental actions, on the environment.
  - d. Environmental Impact Study (EIS). The detailed study of the potential effects of designated development on the local environment.
  - e. Excavation, Commercial. Any excavation or removal of natural materials for profit, which is not related to site preparation for development.
  - f. Excavation, Personal. The process of altering natural (grade) elevation by any activity by which natural materials are cut, dug, quarried, uncovered, or relocated for personal use on site. Does not include ordinary gardening, ground care, or agricultural purposes.
  - g. MCA (Montana Code Annotated). The collection of Montana statutes classified by subject.
  - h. MDEQ. Montana Department of Environmental Quality.

- i. Mineral Resource Development (Mining). The extraction of minerals, including solids, such as coal and ore; liquids, such as crude petroleum; and gases, such as natural gases. Including any operation that mines sand and gravel or mixes concrete or batches asphalt.
- j. Mineral Rights. One of a number of distinct and separate rights associated with real property that gives the owner of rights certain specified privileges, such as to extract, sell, and receive royalties with respect to minerals.
- k. Mining. The extraction of minerals, including solids, such as coal and ore; liquids, such as crude petroleum; and gases, such as natural gases. Including any operation that mines sand and gravel or mixes concrete or batches asphalt.
- l. Quarry. A place whence stones, sand, gravel, or rock fragments are extracted for the purpose of being employed in building, making roads, and the like.
- m. Quarrying Operations. Any activities where 1) stones, sand, gravel, or rock fragment are mined or excavated and/or processed using any available technology or 2) raw materials are processed into concrete products using any available technology or raw materials are processed into asphalt products using any available technology.