

BRIDGER CANYON

ZONING REGULATION



2021

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SECTION 1 ADMINISTRATION

- 1.1 Title and Adoption. This Regulation shall be known as the Bridger Canyon Zoning Regulation (“Zoning Regulation”); and is adopted specifically for the Bridger Canyon Zoning District (“Zoning District”). The Zoning District was created by Resolution of the Board of County Commissioners, Gallatin County, Montana, on July 12, 1971. The Zoning Regulation was adopted on October 26, 1971, and amended thereafter.
- 1.2 Development Pattern. Pursuant to Section 76-2-101 through 76-2-117 MCA there is hereby adopted a development pattern for the Zoning District of the Bridger Canyon General Plan (“General Plan”), and the Zoning Regulation.
- 1.3 Planning and Zoning Commission. Pursuant to Section 76-2-101 MCA, there has been created a Planning and Zoning Commission for the Zoning District which consists of the three County Commissioners, the County Surveyor, a county official appointed by the County Commissioners, and two citizen members appointed by the County Commissioners. The Planning and Zoning Commission shall have the powers given to it by Montana statutes.
- 1.4 Zones. The jurisdiction of the Zoning District is hereby divided into zones or "districts", as shown on the Official Zoning Map, which together with all explanatory matter thereon, the Official Zoning Map is hereby adopted by reference and declared to be a part of this Regulation.
- 1.5 Zoning Map. 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 designation of property in the Zoning District.
 - a. Zoning Map Certificate. The Official Zoning Map shall be available in the County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairman of the County Commissioners attested by the County Clerk, including the Resolution of Adoption number and the date of adoption.
 - b. Zoning Map Changes. If any changes to the Official Zoning Map are made by amendment to this Zoning Regulation in Accordance with Section 14 of the Administrative Regulation, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the Map.
 - c. Zoning Map Replacement. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret due to changes or additions thereto, the County Commission may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map.
- 1.6 Administrative Regulation. Pursuant to County Commission Resolution No. 2019-047 adopted May 21, 2019, there is hereby adopted the Gallatin County “Part 1” Zoning Administrative Regulation (Administrative Regulation). The Administrative Regulation

supplements these Regulations. In the case of a conflict between the Administrative Regulation and these Regulations, the Administrative Regulation shall control. The Administrative Regulation includes the following administrative rules and procedures:

- Title, Adoption, and Applicability
- Definitions
- Application of Zoning Regulations
- Administration
- Non-Conforming Parcels, Uses, and Structures
- Land Use Permits
- Change of Use Permits
- Certificate of Completion
- Zoning Improvements Agreement
- Conditional Uses
- Variances
- Complaints and Enforcement
- Appeals
- Amendments

SECTION 2 PURPOSES

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.

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; and (2) contributes to the comfort, convenience, or necessity of occupants of the principal Building or principal Use.

- 3.2 Agriculture: The conduct of an agricultural activity occurring in connection with the commercial production of farm products as defined under Section 76-2-902, MCA. For the purpose of the Zoning Regulations, agricultural activities do not include game farms, fur farms, animal hospitals, commercial dog kennels, confined animal feeding operations or similar Uses. Agriculture does not include the cultivation, growing, harvesting, or manufacturing of marijuana or marijuana-infused products (excluding hemp or hemp seeds) for sale, or the sale of marijuana or marijuana-infused products (excluding hemp or hemp seeds).
- 3.3 Antenna: Any equipment or device used to receive or transmit electromagnetic waves for the provision of FCC-licensed or authorized wireless transmission 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 antennas designated for amateur radio use, or satellite dishes designed for residential or household purposes.
- 3.4 Antenna Tower (“Tower”). Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas, including Structures that are constructed for wireless communications services including, but not limited to private broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- 3.5 Applicant, Personal Wireless Service Facility. The owner or operator, or authorized representative thereof, of a Personal Wireless Service Facility or Eligible Wireless Services Support Structures who applies for a Conditional Use Permit or Modification.
- 3.6 Arterial Road: A road having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterial Roads with the District include Bridger Canyon Road, Kelly Canon Road, and Jackson Creek Road.
- 3.7 Base Area: The Bridger Bowl base area, as identified and included in the Base Area Plan and official zoning map.
- 3.8 Base Station: The supporting structure and equipment at a fixed location that enable FCC licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass an Antenna Tower or any equipment associated with an Antenna Tower.
- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - (ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment,

regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than an Antenna Tower that, at the time a Request for Modification is filed. Modifications of Eligible Wireless Service Support Structures, supports or houses equipment described in subsection (i) (ii) of this definition that has been reviewed and approved under Section 14, Personal Wireless Service Facilities or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that at the time the Request for Modification filed. Modifications of Eligible Wireless Service Support Structures does not support or house equipment described in subsections (i) (ii) of this definition.

- 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 or manager's residence; and serves only a 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 measured from Grade to the highest point on the roof or Parapet wall. Where a Building utilizes multiple roof styles or pitches, the highest point of each type of roof or Parapet wall shall be in conformance with applicable height regulations as established for the respective roof pitches in each zoning district. Where the vertical difference between Grade is greater than two feet between opposite Elevations of the Building the height of the Building may be increase by one foot (1') for every one foot (1') in Grade difference up to a maximum of six (6) additional feet.
- 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 or Building Envelope: A designated area within a Parcel or Lot within which Dwelling Units, Accessory Buildings, and other Structures are to be or have been constructed.
- 3.14 Campgrounds: Any Lot or land providing temporary overnight occupancy for two (2) or more tents and recreational vehicles including permanent Structures such as a management Office, storage facilities, sanitary facilities, caretaker's residence and Accessory Uses. The definition of campground does not apply to Temporary Uses such as hunting camps, tents or recreational vehicles for personal Use, if the number of tents and/or recreational vehicles does not exceed five.
- 3.15 Campsite: A plot of ground within a Campground intended for exclusive occupation by a tent or recreational vehicle.

- 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 Antenna Tower.
- 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. Does not include granting individuals’ permission to hunt or fish on private property, outfitting operations or shooting ranges.
- 3.20 Density: The number of Development Rights per unit of land area, which may also be expressed in the inverse as the area required to establish one Development Right.
- 3.21 Domestic Wireless Equipment. Non-commercial wireless communication equipment conforming to height limits, setbacks and other standards in this Regulation, including amateur radios antennas and domestic antennas, such as for the reception of terrestrial or satellite television signals or wireless internet service for household or individual use, but excluding any equipment subject to the requirements of Section 14 Personal Wireless Service Facilities or Modifications of Eligible Wireless Service Support Structures.
- 3.22 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.
- 3.23 Dwelling Unit: A Structure or portion thereof providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking and sanitation.
- a. Dwelling Unit, Accessory: A separate Dwelling Unit located within the principal Dwelling Unit or in an Accessory Building.
 - b. Dwelling Unit, Single-family: A Building or portion thereof containing a single Dwelling Unit for habitation by one or more persons co-residing therein and their domestic Employees.
- 3.24 Electric Transmission Lines: An electric power line, poles, towers and attached appurtenances primarily designed for transmission of electricity between electric substations and which are typically of a capacity of 50kV or greater.

- 3.25 Eligible Wireless Service Support Structure: Any Antenna Tower or Base Station, provided that it is existing at the time the relevant application is filed in accordance with Section 14, Modifications of Eligible Wireless Service Support Structures.
- 3.26 Emergency Services: A Building or Use often supported by government funds to be used in an emergency service capacity including but not limited to police, fire and ambulance stations.
- 3.27 Employee Housing: An efficiency or studio residential unit, as part of a primary residential structure which is located in the 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.
- 3.28 Employee Unit: An employee unit shall mean one single bed, with a maximum of four units in one room.
- 3.29 Employer: A person, persons or entity who owns or operates a business or businesses in the Base Area and whose businesses shall be aggregated for the purpose of determining the number of full time employees or the equivalent.
- 3.30 Essential Services, Type I: Uses including, but not limited to, water pumping stations; stormwater drainage facilities (including collection lines, retention/detention ponds, and drainage ways); sanitary sewer and storm sewer lift stations; local service telephone lines and cables; local service electrical and gas distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; local service gas transmission lines and cables; water and sanitary sewer distribution and collection lines; public and amateur radio antennae and towers; public treatment facilities (water, sanitary sewer and storm sewer); public domestic water storage facilities; water fill stations for firefighting equipment; telephone exchanges and repeater stations (not including Wireless Services Antenna Tower); fire and police stations.
- 3.31 Essential Services, Type II: Uses including but not limited to transport gas, oil, and coal pipelines (interstate and intrastate), electric substations; electrical transmission lines (interstate and intrastate); and public supply facilities (electric and gas).
- 3.32 Existing, Eligible Wireless Service Support Structure: A constructed Antenna Tower or Base Station that has been reviewed and approval under Section 14, Personal Wireless Service Facilities, or under another State or local regulatory review process, such as authorization from the Montana Public Service Commission for the deployment of existing Transmission Equipment on the structure, and including an Antenna Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed under all applicable laws and regulations.
- 3.33 FAA. The U.S. Federal Aviation Administration.
- 3.34 Family: a) A person living alone; b) any number of people related by blood, marriage, adoption, guardianship or other authorized custodial relationship; c) two (2) unrelated

people and any children related to either of them; d) not more than four (4) unrelated people living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.

- 3.35 FCC. The U.S. Federal Communications Commission.
- 3.36 Floor Area, general: The sum of the horizontal areas of each floor of a Building, measured from the outside faces of the exterior walls or from the centerline of walls separating two distinct Uses in the same Building.
- 3.37 Floor Area, livable: The sum of the horizontal heated and habitable floor area of a Building, measured from the outside faces of the exterior walls used for dwelling purposes or from the centerline of walls separating non-dwelling areas and other Dwelling Units. Livable Floor Area does not include such areas as attics, utility closets, carports, and garages.
- 3.38 Floor, Ground: That portion of a building or structure located with its floor between the average ground elevation and the ceiling next above.
- 3.39 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.
- 3.40 Geotechnical Study: A soil analysis indicating the physical properties of soil types and any limitation ratings, and any special design or construction methods proposed to mitigate soil suitability conditions.
- 3.41 Grade: The lowest point of Elevation of the finished surface of the ground. “Finished surface of the ground” shall not include window wells, stairwells, or other similar features, but shall include features such as usable patio areas.
- 3.42 Guest Ranch: Facility which provides accommodations to the general public, offers on-premise recreational or educational programs, and has central dining facilities.
- 3.43 Guest Ranch Quarters: Overnight rooms at Guest Ranches.
- 3.44 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.
- 3.45 Hotel: Any building or portion thereof including any lodging house, rooming house, or dormitory containing six (6) or more guest rooms and occupied or intended or designed for six (6) or more guests whether rent is paid in money, goods, labor or otherwise.
- 3.46 Lease, Personal Wireless Service Facility. With respect to a Personal Wireless Service Facility or Eligible Wireless Support Structure, 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 or Eligible Wireless Support Structure operator a right to construct or operate the same Personal Wireless Service Facility on their property.

- 3.47 Lot or Parcel: A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other instrument of record.
- 3.48 Manufactured Home: A residential Dwelling Unit constructed entirely or substantially off-site.
- 3.49 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 Unit when connected to appropriate utilities.
- 3.50 Modification, Modifications of Eligible Wireless Support Structures: Any alteration of an existing Antenna Tower or Base Station that involves: (1) the Collocation of a new Antenna or Transmission Equipment; (2) the removal of an Antenna or Transmission Equipment; or (3) the replacement of an Antenna or Transmission Equipment.
- 3.51 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. Open Space may be owned in private, public or common ownership.
- 3.52 Ordinary High Water Mark: The outermost line caused by water impressing on land and covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include when appropriate, but are not limited to deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface water is not considered to lie within the surface water's high water marks.
- 3.53 Overnight Accommodations: Permanent, separately rentable accommodations which are not available for residential use, except for the proprietors of a bed and breakfast inn. Overnight Accommodations include hotel or motel rooms, hostels, cabins, bed and breakfast inns and time-shared units. Individually owned units may be considered Overnight Accommodations if they are available for overnight rental use by the general public for at least 48 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, Employee Housing, and similar accommodations do not qualify as Overnight Accommodations for purpose of this definition.
- 3.54 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.
- 3.55 Personal Wireless Services. As defined by 47 U.S.C. 332 ("mobile services") commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

- 3.56 Personal Wireless Service Facility (“Facility”). A facility that is or will be used for the provision of Personal Wireless Services typically consists of an equipment enclosure, an Antenna Tower, one or more Antennas, a Base Station and accessory equipment. A Personal Wireless Facility also includes Distributed Antenna Systems, Small-cell facilities, and third-party facilities, such as neutral-host deployments shared by more than one carrier, to the extent that such facilities are or will be used for the provision of Personal Wireless Services.
- 3.57 Place of Worship: A Structure, together with its Accessory Structures and Uses, where persons regularly assemble for religious worship, and which Structure, together with its Accessory Structures and Uses, is maintained and controlled by a religious body organized to sustain public worship.
- 3.58 Plan: The provisions for development of a Planned Unit Development, including a plat of subdivision, all covenants relating to use, location and bulk of Dwelling Units 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 and include the written and graphic materials referred to in this definition.
- 3.59 Planned Unit Development or PUD: An area of land 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 require Open Space to the applicable Zoning Classification.
- 3.60 Planning Department: The Gallatin County Department of Planning & Community Development.
- 3.61 Prominent Ridgeline: Any ridgeline as viewed from any point along a designated Arterial Road corridor, which creates a silhouette with the sky. These Arterial Road corridors shall then establish view points from which to identify Prominent Ridgelines. For the purpose of these guidelines, a canopy of existing trees located on the top of a ridgeline shall be considered a part of the Prominent Ridgeline.
- 3.62 Portal: A rustic entrance gate of stone, log or lumber, or combinations thereof, which may contain words, symbols or brands, indicating the address or identity of a park, farm, ranch or Dwelling Unit. This portal shall not be utilized as a sign for advertising products.
- 3.63 Private Club: Any association and its related facilities except those of which the chief activity is a service customarily carried on as a business.
- 3.64 Recreational Housing: Housing located in the Base Area which does not have restriction on length of stay, and includes attached and detached single family units. This is distinguished from other Dwelling Units by the special requirements.

- 3.65 Recreational Housing, attached: Single family ownership Dwelling Units located in the Base Area that have at least one other single-family owned unit within the same Building structure. Includes Hotels, townhouses, duplexes and condominiums.
- 3.66 Recreational Housing, detached: Single-family homes (i) located in the Base Area and (ii) on individual lots or in a Planned Unit Development.
- 3.67 Road, Access: All off-site roads that connect to an interior development road or a direct driveway approach to a lot. An Access Road may be an Arterial, Collector, Local, or County maintained road.
- 3.68 Road, Arterial: The highest mobility, lowest accessibility functional classification of road that connects communities and activity centers, and connects communities to major state and interstate highways. Arterial Roads within the District include Bridger Canyon Road, Kelly Canon Road, and Jackson Creek Road.
- 3.69 Road, Collector: A principal route to promote the free flow of traffic within residential or commercial areas that carries relatively high traffic volumes and conveys traffic from Arterial Roads to lower-order roads.
- 3.70 Road, County: Any road Right-of-Way under the jurisdiction of Gallatin County, including those dedicated for public use and approved by the County Commission.
- 3.71 Road, Local: The highest accessibility, lowest mobility functional classification of road characterized by their many points of direct access to adjacent properties, and with typically lower traffic volumes and speeds with short trip distances.
- 3.72 Site, Modifications of Eligible Wireless Service Support Structures: For Antenna Towers other than Antenna Towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Antenna Tower and any access or utility easements currently related to the site and for other Eligible Wireless Service Support Structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- 3.73 Ski Lift Facility: Ski Lift Facilities include powered conveyors for transporting skiers or sightseers up a mountainside. Ski Lift Facilities may be either chair lifts, surface lifts, gondolas, or cable cars. Ski facilities also include snow making and related commercial facilities including equipment rental, storage lockers, warming huts, restaurants and bars.
- 3.74 Solar Energy System Accessory: A solar panel or array mounted on a Building, pole or rack that is secondary to the primary Use of the Parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary Use.
- 3.75 Special Events Facility: Facility used on an intermittent basis for activities such as weddings, receptions, picnics, barbecues, dances, private parties, reunions, and banquets.

- 3.76 Structure: Anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.
- 3.77 Subdivision Regulations: Gallatin County Subdivision Regulations, including subdivision review.
- 3.78 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.
- 3.79 Traffic Impact Analysis: An analysis of the effect of traffic generated by a PUD on the capacity, operations, and safety of the planned access points, and public roads with recommended mitigation measures for the anticipated impacts.
- 3.80 Transfer: The conveyance of Development Rights by deed, easement, or other legal instrument authorized by the Regulation to another Parcel and the recording of that conveyance at the Office of the Gallatin County Clerk and Recorder.
- 3.81 Transmission Equipment, Modifications of Eligible Wireless Service Support Structures: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including but not limited to private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- 3.82 Use: Any purpose for which a Building or other Structure or Lot may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, operation or residence.
- a. Use, Accessory: A Use that is incidental and subordinate to the Principal Use of land, located on the same Lot, and under the same ownership.
 - b. Use, Change of: Substitution of one Use for another or the addition of a new Use, specifically regarding the Use of a Structure or on a Lot.
 - c. Use, Conditional: Uses, other than Permitted Uses, that may be allowed in a specific Sub-district, but which require a public hearing by the Planning and Zoning Commission to consider if the Use should be conditioned to maintain and ensure the health, safety, and general welfare of the community and to maintain the character of the Zoning District.
 - d. Use, Permitted: Uses listed as being authorized in a specific Sub-district, generally as a Principal Use or Accessory Use, and which may be approved by the Planning Director pursuant to the administrative process of a Land Use Permit or Change of Use Permit.
 - e. Use, Principal: The primary Use of a Lot.

- f. Use, Seasonal: The Use of a Structure, or Lot to conduct one or more Uses that vary in accordance with the season of the year and are not conducted year-round.
 - g. Use, Temporary: A Use established for a fixed period of time with the intent to discontinue such Use upon the expiration of a time period of no greater than 90 days.
- 3.83 Water Conveyance Facility. Agricultural water user facilities and other facilities that convey water for Agriculture, stock, domestic, fish and wildlife, industrial, irrigation, mining, municipal, power, recreation, aquifer recharge or mitigation, and all their beneficial uses set forth in Section 85-2-101, et seq., MCA. These facilities include, but are not limited to, ditches, canals, pipelines, flumes, wells, infiltration galleries, diversion Structures, headgates, pumps, blowoffs, swales, and associated infrastructure.
- 3.84 Watercourse. Any natural stream, river, creek drainage, waterway, gully, ravine or wash in which water flows either continuously or intermittently and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term Watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water.
- 3.85 Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturation soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition includes Army Corp of Engineers jurisdictional and non-jurisdictional wetlands.
- 3.86 Wind and Solar, Non-Commercial and/or Agricultural Uses: An electrical generation facility using solar or wind energy as its fuel source, and whose primary function is to provide electricity for personal or agricultural use.
- 3.87 Zoning Classification: The zoning classification such as Agricultural Exclusive applicable to a Parcel.
- 3.88 Zoning Commission: The Gallatin County Planning & Zoning Commission.
- 3.89 Zoning District: The Bridger Canyon Zoning District.

SECTION 4 AGRICULTURE EXCLUSIVE DISTRICT (AE)

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

- a. Residential uses that do not impair the rural character of Bridger Canyon;
- b. The cultivation of ground, including the preparation of soil, planting or seeding and raising and harvesting of crops;
- c. The raising, feeding and managing of livestock;
- d. Incidental uses which are customarily and necessarily related to and included within an agricultural pursuit; and,
- e. Incidental unrelated uses which are necessary to protect and promote the health, safety, welfare and convenience of rural residential citizens.

4.2 Permitted Uses.

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

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

- a. Non-commercial airstrips for the use of aircraft used for agricultural purposes together with Accessory Buildings and Structure required therefore.
- b. Religious Organizations and Places of Worship.
- c. The development and processing of natural resources in accordance with Appendix A, *Natural Resources Conditional Use Permits*.
- d. Guest Ranches.
- e. Bed and Breakfast Inns.
- f. An Accessory Building greater than 2,400 square feet of general Floor Area.
- g. Special Event Facilities.
- h. Personal Wireless Service Facilities, subject to Section 14.
- i. Essential Service Type II.
- j. Emergency Services.
- k. Small-scale Wind Energy Systems.

4.4 Requirements.

- a. Minimum Parcel size shall be forty (40) acres with the exception of parcels created by a PUD in accordance with Section 11.

In the event a parcel is divided and the last parcel in the division is within ten percent (10%) of the minimum required forty (40) acre size, a rounding-off of the figure is permitted.

Example:

76 acre parcel

First parcel size = 40 acres = 1 Minimum Parcel

Second parcel size = 36 acres = 1 Minimum Parcel

- b. Building and Structure Minimum Setback Requirements.

All property lines	25 feet
Public Road right-of-way or road easement	125 feet
Watercourse Ordinary High Water Mark	150 feet*

*Setback from the Watercourse Ordinary High Water Marks may be reduced with an approved Watercourse Mitigation Plan in accordance with Section 12.10.

c. Building Height

1. Maximum Building Height shall be 35 feet for Buildings with roof pitch equal to or greater than 1:4.
2. Maximum Building Height shall be 25 feet for Buildings with roof pitch less than 1:4.
3. Multiple pitch roofs would need to meet the height limit for that portion of roof dependent on type of pitch.
4. Architecture features such as belfries, cupolas, chimneys, and parapet walls shall be allowed to extend no more than 3 feet above the maximum Building Height.

4.5 Additional Standards. See General Development Standards Section 12 and Signs Section 13.

SECTION 5 RECREATION AND FORESTRY (RF)

5.1 Intent. Recreation and forestry, grazing as occupational pursuits, and wildlife habitat as leisure time are important to the aesthetics and economy of Bridger Canyon. Because 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. The purpose of the Recreation and Forestry (RF) District is, when applied to particular land, to encourage the following land use:

- a. Residential uses that do not impair the rural character of Bridger Canyon.
- b. The growing and harvesting of timber and other forest products and related activities, including logging and all operations incidental to and connected therewith.
- c. Recreational uses that are sensitive to surrounding uses, maintain water quality, limit traffic generation, prevent fire hazards, and avoid adverse environmental effects.
- d. The grazing and managing of livestock and all operations incidental to and connected therewith.
- e. The cultivation of ground, including the preparation of soil, planting or seeding and raising and harvesting of crops.
- f. Incidental unrelated Uses with are necessary to protect and promote the health, safety, welfare and convenience of rural residential citizens.

5.2 Uses Allowed.

- a. One (1) Principal single-family Dwelling Unit on each parcel created in conformance with or in existence at the time of original adoption of the Zoning Regulation.
- b. Personal milling of lumber not for commercial purposes
- c. Agriculture, as defined under Section 76.2.902, MCA.
 - (1) The sale on the premises of agricultural products produced thereon.

- (2) The packing, storing, and processing of produce grown on the land, together with Accessory Buildings and Structures required for agricultural production.
- d. Accessory Building(s), where each Accessory Building is equal to or less than 2,400 square feet of general Floor Area.
- e. Essential Services Type I.
- f. Domestic Wireless Equipment
- g. Signs in accordance with Section 13.
- h. Home Occupations
- i. Accessory Solar Energy Systems.

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

- a. Logging camps.
- b. The development and processing of natural resources in accordance with Appendix A, *Natural Resources Conditional Use Permits*.
- c. Seasonal recreational campsites
- d. Ski lift facilities.
- e. Pack stations.
- f. Guest Ranches.
- g. Cross country ski facilities.
- h. Accessory Building greater than 2,400 square feet of general Floor Area.
- i. Essential Services (Type II)
- j. Personal Wireless Service Facilities, subject to Section 14.
- k. Emergency Services.
- l. Small-scale Wind Energy Systems.

5.4 Requirements.

- a. Minimum Parcel size shall not be less than forty (40) acres with the exception of parcels created by a PUD in accordance with Section 11. In the event a parcel is divided and the last parcel in the division is within ten percent (10%) of the minimum required forty (40) acre size, a rounding off of the figure is permitted.

Example:

76 acre parcel

First parcel size = 40 acres = 1 Minimum Parcel

Second parcel size = 36 acres = 1 Minimum Parcel

- b. Building and Structure Minimum Setback Requirements.

All Property lines	25 feet
Public road right-of-way or road easement	125 feet
Watercourse Ordinary High Water Mark	150 feet*

*Setback from the Watercourse Ordinary High Water Mark may be reduced with an approved Watercourse Mitigation Plan in accordance with Section 12.10.

- c. **Building Height.** Maximum Building Height shall be 35 feet for buildings with a roof pitch equal to or greater than 1:4. Maximum Building Height shall be 25 feet for buildings with a roof pitch less than 1:4. Multiple pitch roofs would need to meet the height limit for that portion of roof dependent on type of pitch. Architecture features such as belfries, cupolas, and chimneys shall be allowed to extend no more than 3 feet above the maximum Building Height.

5.5 Additional Standards. See General Development Standards Section 12 and Signs Section 13.

SECTION 6 NEIGHBORHOOD BUSINESS DISTRICT (B-1)

- 6.1 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.
- 6.2 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 13 of this Regulation.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 Parking Plan. A parking plan shall be submitted which includes the number of spaces, location of spaces, and aisles.
- 6.7 Lot Coverage. No more than fifty percent (50%) of the lot area shall be occupied by impervious surfaces.

6.8 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.

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

6.10 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.
- 6.11 Procedures. The parking, screening, and exterior appearance plans required above shall be submitted for review and approval as a part of the re-zoning procedure set forth in Section 14 of the Administrative Regulation. Any changes in use or additions to uses shall be reviewed as a conditional use, as set forth in Section 10 of the Administrative Regulation.
- 6.12 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 9 of the Administrative Regulation.

SECTION 7 BASE AREA BUSINESS DISTRICT (B-2)

7.1 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.

7.2 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 13.
- n. Domestic Wireless Equipment.

7.3 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 14, 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 7.2 and those conditional used listed in Section 7.3 (a-e).

i. Employee housing.

7.4 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.

7.5 District Area. Maximum area of the B-2 District shall be five (5) acres. Areas zoned B-2 are not required to be contiguous.

7.6 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.

7.7 Building Heights. No building shall exceed thirty-five (35) feet in height.

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

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

7.10 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 shall be made according to the procedure set forth in Section 13 of the Administrative Regulation.

7.11 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.

7.11.1 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.

7.11.2 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.

7.11.3 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.

7.11.4 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.

7.11.5 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.

7.11.6 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.

7.11.7 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.

7.11.8 Appeals. Appeals from the decision of the Zoning Enforcement Agent concerning parking shall be made according to the procedure set forth in Section 13 of the Administrative Regulation.

SECTION 8 RECREATIONAL BUSINESS (B-3)

- 8.1 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.
- 8.2 Permitted Uses.
- a. Guest ranches.
 - b. Rental of sports equipment.
 - c. Picnic areas.
 - d. Signs, in accordance with Section 13.
 - 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.
- 8.3 Conditional Uses.
- a. Overnight accommodations and attached recreational housing, subject to the requirements of Section 11.10.
 - 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 14, and electric transmission lines.
 - f. Employee Housing
- 8.4 Lot Area and Width. Minimum parcel size shall be ten (10) acres.
- 8.5 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.
- 8.6 Building Height. No building shall exceed thirty-five (35) feet in height.
- 8.7 Refuse. All commercial, year-round food service establishments shall have and use bear-proof refuse containers.
- 8.8 Underground Utilities. Local distribution lines shall be installed underground.
- 8.9 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 Planning and Zoning Commission, as set forth in Section 13 of the Administrative Regulations.

8.10 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 8.10 is intended to be inclusive of and not in addition to any parking permitted under Section 9.10. (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.

- 8.10.1 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.
- 8.10.2 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.
- 8.10.3 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.
- 8.10.4 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.
- 8.10.5 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.
- 8.10.6 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.
- 8.10.7 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.
- 8.10.8 Appeals. Appeals from the decision of the Zoning Enforcement Agent concerning parking shall be made according to the procedure set forth in Section 13 of the Administrative Regulations.

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

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

9.2 Permitted Uses.

- a. One 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 13.
- m. Domestic Wireless Equipment.

9.3 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 11.10.
- m. Swimming pools.
- n. Tennis courts.
- o. Sales of sundry items for patron comfort either by vending machines or personal sales area attendant such as the following, but not limited to:
 - (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 14, and electric transmission lines.
 - r. Churches.
- 9.4 Lot Area and Width. Minimum lot size shall be forty (40) acres, unless planned unit development (PUD) provisions apply.
- 9.5 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.
- 9.6 Building Height. No building shall exceed thirty-five (35) feet in height.
- 9.7 Refuse. All commercial, year-round food service establishments shall have and use bear-proof refuse containers.
- 9.8 Underground Utilities. Local distribution lines shall be installed underground.
- 9.9 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 Planning and Zoning Commission, as set forth in Section 13 of the Administrative Regulations.
- 9.10 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 9.10 is intended to be inclusive of and not in addition to any parking permitted under Section 8.10.

(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.

9.10.1 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.

9.10.2 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.

- 9.10.3 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.
- 9.10.4 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.
- 9.10.5 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.
- 9.10.6 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.
- 9.10.7 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.
- 9.10.8 Appeals. Appeals from the decision of the Zoning Enforcement Agent concerning parking shall be made according to procedure set forth in Section 13 of the Administrative Regulations.

SECTION 10 PUBLIC LANDS AND INSTITUTIONS (PLI)

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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 11 PLANNED UNIT DEVELOPMENT (PUD)

11.1 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.

11.2 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.

11.3 Uses Permitted.

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

11.4 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.

11.5 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
0.3	1.5	70

- (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.

11.6 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.

11.7 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.

11.8 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.

11.9 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 11.9(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.

11.10 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.

11.10.1 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 11.6(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.

11.10.2 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
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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

11.10.3 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.

11.10.4 Allocation of Development Rights.

Section 7 establishes the Base Area Business District (B-2). A conditional use of the B-2 District is overnight accommodations and attached recreational housing. Section 8 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 11.10. Section 9 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 11.10. 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 12 GENERAL DEVELOPMENT STANDARDS

12.1 Guest Ranches.

- 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 dining 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 limit off-site automobile travel.
 - (4) Guest Ranches shall be on a Parcel or contiguous Parcels of 40 acres or more.
 - (5) The number of guests shall be limited to one guest per acre but no more than 80 guests at any one time.

12.2 Accessory Dwelling Unit.

- a. Only one Accessory Dwelling Unit per parcel of record is permitted (Development Right not required).
- b. An Accessory Dwelling Unit may be an independent living facility (kitchen and dining are allowed) located within the principal Single-family Dwelling Unit or within a standalone Accessory Building.
- c. Square footage of the Accessory Dwelling Unit shall not exceed 1,200 square feet of livable Floor Area.
- d. The location of any portion of a standalone Accessory Dwelling Unit shall not exceed 150 feet from the principal Single-family Dwelling Unit.
- e. The Accessory Dwelling Unit shall have a shared electrical meter with the principal Single-family Dwelling Unit.
- f. The Accessory Dwelling Unit may not be rented, or sold separately from the principal Single-family Dwelling Unit.
- g. Driveway access to the Accessory Dwelling Unit shall be the same as the principal Single-family Dwelling Unit.
- h. Nothing herein precludes the construction of the principal Single-family Dwelling Unit after an Accessory Dwelling Unit is built provided all applicable regulations are met.
- i. Accessory Dwelling Units are subject to all restrictions in the Regulations applicable to principal Dwelling Units or other Structures including but not limited to setbacks and heights restrictions.
- j. Conversion of Existing Approved Guest Houses or Caretaker's Residences:
 - (1) Any approved Guest House or Caretaker's Residence may continue to be used, subject to continued compliance with conditions attached to the CUP authorizing such use

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

12.3 Accessory Buildings and Structures.

- a. Individual Accessory Buildings allowed as a Permitted Use are limited to 2,400 square feet of general Floor Area regardless of the size of the property.
- b. Conditional Use Permit approval is required for any Accessory Building greater than 2,400 square feet of general Floor Area.
- c. Accessory Buildings equal to or less than 200 square feet of general Floor Area are not required to obtain a Land Use Permit.
- d. Structures may include but are not limited to, flagpoles, playground equipment, bird feeders and other similar structures are not required to obtain a land use permit.
- e. Temporary buildings and structures with no permanent foundation that is removed after a specific period of no greater than 90 days, are not required to obtain a land use permit.
- f. All Buildings and Structures shall meet all required regulations including but not limited to setbacks, height, and buildable area, regardless of size or permitting requirements.
- g. Portals and Accessory Solar Energy Systems require Land Use Permits, regardless of minimum size.
- h. Accessory Solar Energy Systems Standards.
 - (1) Height. Accessory Solar Energy Systems are subject to the following height requirements:
 - i. Building or roof-mounted Solar Energy Systems solar energy collections shall meet the maximum Building Height.
 - ii. Ground or pole-mounted Accessory Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
 - (2) Setbacks. Accessory Solar Energy Systems shall meet all required setbacks for Structures

12.4 Hillside Standards.

- a. Driveways and roads shall not be located on cross slopes that exceed 30 percent.
- b. No Buildings shall be located on portions of a lot in excess of 30 percent slope.
- c. No part of any Building shall break the silhouette created by the ridgeline and the sky as viewed from any point along an Arterial Road. For the purpose of these guidelines, a canopy of existing trees located on the top of a ridgeline shall be considered a part of the ridgeline.

12.5 Temporary Occupancy. The intent of this Subsection is to provide for temporary occupancy during the construction of a Principal Dwelling Unit, and to accommodate temporary visitors. A temporary Dwelling Unit may be a Recreational Vehicle, Mobile Home, tepee, tent, or yurt. A Temporary Dwelling Unit is required to obtain a Land Use Permit and is subject to the following requirements.

a. A property owner may reside in a temporary Dwelling Unit while a principal Dwelling Unit is under construction, for a maximum of one year, provided:

- (1) A Land Use Permit has been approved for a permanent Single-family Dwelling Unit, with a removal date;
- (2) Said mobile home or tepee does not violate any valid existing deed restrictions;
- (3) Temporary Dwelling Unit must comply with all siting requirements outlined in the Regulation;
- (4) The temporary site shall be bear-proof;
- (5) Temporary Dwelling Units 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. Temporary visitor occupancy of a temporary Dwelling Unit is permitted provided:

- (1) Only one (1) temporary Dwelling Unit may be occupied on a residential Lot at any one time.
- (2) The temporary Dwelling Unit may not occupy any Lot for a period longer than three (3) weeks in any 90 day time period except for storage purposes of a Recreational Vehicle.
- (3) No fire source shall be allowed for any soft wall temporary Dwelling Unit.

12.6 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 operator’s or manager’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 Building which would change the character thereof. Any alteration to the exterior of the Building 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 meet all requirements of Section 13.
- 12.7 Exterior Lighting. All exterior lighting fixtures shall be designed, constructed, and placed in such a manner to ensure that:
- a. Direct or reflected light is not to be directed off the property.
 - b. All light sources are shielded. Lighting fixtures shall be downward facing having one hundred percent (100%) cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
 - c. There shall be no lighting of a blinking, flashing, or fluttering nature, included changes in light intensity, brightness or color. The sole exception to this requirement is temporary holiday lights with no commercial message.
 - d. Beacon lights are not permitted.
 - e. Exterior lights may not be left on all night. Motion, heat, or similar detecting switches may be used.
 - f. No lights may be placed at an elevation higher than the tallest Building on the property.
- 12.8 Dwelling Unit Foundations. All Dwelling Units shall be built on permanent foundations (mortar or concrete), including mobile homes and pre-fabricated structures. Tie downs, cinderblocks and other products (hay or wooden platforms) do not constitute a permanent foundation.
- 12.9 Watercourse and Wetland Vegetative Buffer. Areas of native vegetation within 100 feet of an Ordinary High Water Mark of a Watercourse and/or a delineated Wetland boundary shall be retained. The control and maintenance of noxious weeds, deadfall, and selective pruning may be allowed within the 100-foot area.
- 12.10 Watercourse/Wetlands Mitigation Plan.
- a. An Applicant may deviate from the 150-foot Watercourse/Wetland setback by submitting a plan proposing measures to mitigate the impacts of the proposed development on the Watercourse/Wetland. A Watercourse/Wetlands Mitigation Plan must be approved by the Planning and Zoning Commission as a Conditional Use in accordance with the Administrative Regulations. A Watercourse/Wetland mitigation plan shall include the following:
 - (1) A written explanation of the existing characteristics of the Watercourse/Wetland (e.g. drainage area, average channel width and depth during both peak annual flow and base-flow conditions, slope of streambed, riparian vegetation, flooding history, channel migration history, and erosion problems), fish and wildlife habitat, storm water management, and water quality. It is recommended that the descriptions be supplemented with photographs.
 - (2) A written explanation of the anticipated impacts of the proposed development on the existing characteristics described above.

- (3) A detailed plan describing the proposed protective measures, which may include, but are not limited to: Watercourse/Wetland setbacks, Building Envelopes, vegetated buffers or other appropriate landscaping, stream restoration, the type and/or location of septic systems, stormwater management, etc.
 - (4) A written explanation of how proposed protective measures will be implemented and enforced.
 - (5) A written explanation of how proposed protective measures are expected to provide equivalent or better protection of the Watercourse/Wetland-associated resources that the Watercourse/Wetland setback described in these Regulations.
 - (6) A written explanation of the impact, if any, that the protective measures are expected to have on flood and erosion risks experienced by the subject property and upstream and downstream properties.
- b. Watercourse/Wetland Mitigation Plan Approval. To approve a Watercourse/Wetland mitigation plan, the Zoning Commission shall make the following findings at a public hearing:
- (1) The mitigation proposed by the plan is expected to provide equivalent or greater protection of the existing Watercourse/Wetland – associated resources (e.g. fish and wildlife habitat, water quality, riparian vegetation, and overall Watercourse health) than the setbacks described in this Regulation.
 - (2) The plan includes appropriate and adequate provisions for implementation and enforcement of protective measures.
 - (3) Implementation of the plan is not expected to adversely impact flood and erosion risks experienced by the subject property and upstream and downstream properties.

12.11 Home Occupation. A Home Occupation is a use that is considered accessory to a Dwelling Unit, and conducted such that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for Home Occupations included in this section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood. Unless the Home Occupation requires a CUP, all property owners wishing to carry on a Home Occupation shall obtain written permission from the Gallatin County Planning Department. Conducting a Home Occupation without approval of the Gallatin County Planning Department shall be considered a violation of this Regulation and be subject to the enforcement procedures contained herein.

The following steps shall be followed:

- a. The property owner shall request in writing a review of the proposed Home Occupation with an explanation of the Home Occupation addressing all of the standards listed below, and submit this request to the zoning enforcement agent or their designee.
- b. The Home Occupation application shall be used.

- c. The Planning Department shall approve the written request if the proposed Home Occupation complies with the standards for Home Occupations below.

The following standards apply to Home Occupations:

- a. Home Occupation activities shall not be visible or audible beyond the property lines of the dwelling unit in which such Home Occupation is located.
- b. Home Occupations shall not include uses involving outside storage, garages or accessory building and storage areas.
- c. There shall be no demand for parking beyond that which is required for a single dwelling unit.

Home Occupations Requiring a Conditional Use Permit. Home Occupations, not meeting the above standards, may be approved as a conditional use permit by the Planning & Zoning Commission in residential zoning districts, provided findings in support of such use are approved.

Factors to be included in such review shall include, but are not limited to, the following potential residential neighborhood impacts:

- a. Residential neighborhood character
- b. Time of operation
- c. Type of waste generated and disposal system
- d. Adequate water and waste water facilities
- e. Excessive noise, dust, vibrations, glares
- f. Environmental contamination
- g. Substantially increased off-street parking
- h. Any other significant or unusual non-residential neighborhood impacts

12.12 Refuse Storage.

- a. All refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals. Refuse containers shall be stored on the property out of sight except within 24 hours of the pickup.
- b. Community refuse containers (dumpsters) shall not be visible from a height of five feet (5') above grade from any adjacent road or property. To screen visibility of a refuse container a solid fence may be constructed at a sufficient height to conceal a refuse container.

12.13 Parking Requirements for AE and RF Zoning Districts.

- a. Two (2) off-street Parking spaces shall be provided for each Dwelling Unit.
- 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 the Regulation.

SECTION 13 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 14 PERSONAL WIRELESS SERVICE FACILITIES

14.1 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.

14.2. Regulation of Personal Wireless Service Facilities.

14.2.1 A Conditional Use Permit and a Land Use Permit is required to place or construct any Personal Wireless Service Facility.

14.2.2 If any of these provisions conflict with any applicable Telecommunications Laws, the requirements or limitations of the Telecommunications Law shall control.

14.2.3 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.

14.3 Standards.

14.3.1 A Personal Wireless Service Facility shall comply with all applicable Telecommunications Laws.

14.3.2 Servicing and construction shall occur during normal business hours, except as required for emergencies and repair of unscheduled breakdowns or outages.

14.3.3 No Personal Wireless Service Facility shall be permanently staffed.

14.3.4 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.

14.3.5 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%.

14.3.6 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.

14.3.7 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.

14.3.8 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.

14.3.9 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.

14.4 Conditional Use Permits (Personal Wireless Communication Facilities).

14.4.1 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 injury (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.

14.4.2 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 14.7 (“Abandonment and Removal”).

14.4.3 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 14.3.9.
- 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.

14.4.4 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.

14.4.5 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 10.3 of the Administrative 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 10 of the Administrative 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 14.3;
 - 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.

14.4.6 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.

14.4.7 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.

14.5 Requests for Modifications.

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

14.5.2 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.

14.5.3 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.

14.5.4 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;

14.5.5 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.

14.6 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.

14.7 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 15 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.

SECTION 16 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 10 of the Administrative 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.

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