

**GALLIK, BREMER & MOLLOY, P.C.**

Attorneys at Law  
777 East Main Street, Suite 203  
Post Office Box 70  
Bozeman, Montana 59771-0070

February 9, 2021

Gallatin County Planning and Zoning Commission  
c/o Gallatin County Planning Department  
311 West Main Street  
Room 108  
Bozeman, MT 59715

BY HAND DELIVERY AND EMAIL

RE: Springhill Zoning District and the "Part 1" Zoning Administrative Regulation

Honorable Gallatin County Commissioners and Planning and Zoning Commission Members:

The Springhill Planning District Property Owners' Alliance, Inc. ("Springhill Alliance" or "Alliance") appreciates the time provided thus far, which has allowed them to undertake a preliminary analysis of the Gallatin County "Part 1" Zoning Administrative Regulation ("Administrative Regulation") and the amended Springhill Zoning Regulation, which replaces the current Springhill Zoning Ordinance.<sup>1</sup> However, this analysis has been shortchanged by the limited redline provided by the County, and the short time frame following the Planning Director's January 6, 2021 response to their October 30, 2021 letter, and concerns and issues remain. On behalf of the Alliance, please consider the following requests, comments, issues, and concerns regarding the proposed adoption of the Administrative Regulation to apply to the Springhill Planning and Zoning District ("Springhill Zoning District"). First you will find a timeline, followed by a summary of the requests and substantive issues with supporting information and discussion.

The Springhill Alliance understands the County's expressed goals in adopting the Administrative Regulation are to simplify and clarify. As drafted, the Administrative Regulation and proposed Springhill Zoning Regulation do not accomplish this. **The Alliance is not opposed to those goals, but is not willing to sacrifice the substance of the Springhill Zoning Ordinance without further engagement and revisions of applicable documents as**

---

<sup>1</sup> References to the Springhill Zoning Ordinance refer to the version adopted by the Springhill Planning and Zoning Commission on July 20, 1992. References to the Springhill Zoning Regulation refer to the amended version of the Springhill Zoning Ordinance proposed in conjunction with the County's top down adoption of the Administrative Regulation.

**needed.** In short, the Springhill Alliance continues to request a complete redline and additional time in order for Springhill real property owners to better understand the implications of the County's adoption of the Administrative Regulation. In addition, they request outreach by staff to respond to their concerns and the substantive issues, as further explained below.

### **Timeline**

- May 21, 2019 adoption of the Administrative Regulation with no notice to real property owners in the Springhill Zoning District, as required by Section 76-2-106, MCA. Specifically, notice was not posted in at least three public places within the Springhill Zoning District prior to the adoption of the Administrative Regulation, thus the real property owners were not afforded their constitutional rights to know and participate with respect to this matter, which is of significant public interest as further explained herein.
  - o The County should be aware that no comments were provided by property owners in the Springhill Zoning District in 2019, nor was Springhill represented in the work sessions held in advance of the adoption. There was no attempt at outreach in Springhill to facilitate their participation in the process. Had there been, the current issues could have quite possibly been avoided.
- March 12, 2020 presentation of the Administrative Regulation and adoption for the Springhill Zoning District, with initial objection from Springhill real property owners.
  - o As the Administrative Regulation was adopted by the County in 2019 with no notice<sup>2</sup> to the Springhill Community, thus they were caught off guard by the County's actions.
- June 18, 2020 the Springhill Alliance was formed by Springhill real property owners in order to collectively address the County's proposed adoption of the Administrative Regulation for the Springhill Zoning District, among other purposes.
- September 10, 2020 Planning and Zoning Commission discussion regarding the Administrative Regulation and the Springhill Zoning District, and direction to staff to follow up with Springhill Community member Chum Howe regarding proceeding with the adoption.

---

<sup>2</sup> No notice was provided as required by Section 76-2-106, MCA. Specifically no notice was posted in at least three public places within the Springhill Zoning District prior to the adoption of the Administrative Regulation, thus the real property owners were not afforded their constitutional rights to know and participate with respect to this matter, which is of significant public interest as further explained herein.

- October 30, 2020 letter submitted to the County by the Springhill Alliance which raised concerns regarding the substance of the Administrative Regulation as related to the Springhill Zoning Ordinance and legal issues related to the process by which the Administrative Regulation was adopted.
- November 12, 2020 Planning and Zoning Commission discussion of Springhill Zoning District and Administrative Regulation under Other Business and public comment.
  - o Technological issues precluded participation by the public, including Springhill Alliance members.
  - o Direction to staff indicated further discussion with the community and legal analysis of the proposed amendments to take place before a decision.
  - o No outreach to community and no legal analysis provided to the Springhill Alliance.
- December 2, 2020 Gallik, Bremer & Molloy, P.C. Notice of Appearance submitted.
- January 6, 2021 Response from Planning Director Sean O’Callaghan to the Springhill Alliance’s October 30, 2020 letter.
  - o This January 6, 2021 letter was provided over two (2) months later and did not address the concerns articulated by the Springhill Alliance in the October 30, 2020 letter and questions remain.
- January 13, 2021 Springhill Alliance submitted request for redline and additional time by email to Planning Director Sean O’Callaghan
  - o Request denied based on inapplicable Planning and Zoning Commission Hearing Rules (“Hearing Rules”).
- January 21, 2021 Springhill Alliance submitted follow up request for redline and additional time by letter to the Planning and Zoning Commission.
  - o Denied.

The Planning Director’s response to the Springhill Alliance’s October 30, 2020 questions was provided on January 6, 2021, over two (2) months later. The County then denied the Springhill Alliance’s requests for a complete redline of the proposed changes and additional review time upon receipt of that response, with no explanation. Those requests were made on January 13, 2021 by email and January 21, 2021 by formal letter, and are attached as Exhibits A and B, and

incorporated herein. The denials are attached as Exhibit C and incorporated herein. At least one of the denials incorrectly relies on the Hearing Rules, which do not apply to Legislative Matters such as these.

These Rules do not apply to Legislative Matters, which are governed by Regulation and/or statute.

*See* Hearing Rules, Section II. Purpose.

These Rules govern proceedings and hearings for variances, conditional use permits, appeals, and any other quasi-judicial matter as set forth below for all zoning districts over which the Planning and Zoning Commission has jurisdiction.

*Id.*

Despite the Springhill Alliance's reasonable and well-founded requests, the County has chosen to proceed with the February 11, 2021 Planning & Zoning Commission public hearing on the adoption of the Administrative Regulation, with no explanation of the denial of the requests for a complete redline and additional time to review.

What is the County's rush in adopting the Administrative Regulation? During this unprecedented time, when the world is dealing with a global pandemic, previous Governor Bullock relaxed deadlines related to land use matters, and given the Planning Department's liberal postponement of adoption of amendments to other Part 1 zoning districts, it is entirely reasonable to grant the Springhill Alliance's requests. It is unreasonable for the County to continue on this path of forcing the Administrative Regulations on the real property owners in the Springhill Zoning District, which were adopted without following the Part 1 statutory requirements and without their participation as further explained below.

### **Request #1 – Take It or Leave It**

Based on a preliminary review of the Administrative Regulation compared with the current Springhill Zoning Ordinance, which was required due to the inadequacy of the redlines provided, there are a number of substantive issues that would result from the adoption of the Administrative Regulation, absent revisions. We understand the Administrative Regulation is a "take it or leave it" regulation, and that no revisions are being allowed. **The Springhill Alliance requests that you leave the Springhill Zoning District and Springhill Zoning Ordinance as is at this time, and take no further action to adopt the Administrative Regulation for the Springhill Zoning District. This will allow the Springhill Zoning Ordinance to remain intact unless and until the substantive issues and concerns have been**

**resolved.** This would avoid the ambiguity, conflict, confusion, and substantive issues that would result from the adoption of the Administrative Regulation in the Springhill Zoning District. The ambiguity, conflict, confusion, and substantive issues are further addressed below.

### **Request #2 – Complete Redline and Additional Time**

Planning Director Sean O’Callaghan’s letter of January 6, 2021 has not addressed the substantive issues, conflicts, and concerns posed by the Springhill Alliance. The Springhill Alliance continues to request a thorough and complete redline showing the actual changes proposed – the deletions and additions – to allow Springhill Alliance real property owners to be sufficiently informed as to the amendments proposed, and to allow them to share this information with other real property owners in the Springhill Zoning District. Please see Exhibit A with respect to the inadequacies of the redlines provided. Causing further concern, the two redlines provided thus far show different revisions, an additional revision in the latest version, and a number of the definitions in the Springhill Zoning Ordinance conflict with the definitions for the same terms in the Administrative Regulation, as further explained below. This gives the impression that the changes to the Springhill Zoning Ordinance are not in final form, and that amendments continue to be made.

Based on a preliminary review of the Administrative Regulation compared with the current Springhill Zoning Ordinance, which was required due to the inadequacy of the redlines provided, there are a number of substantive issues that would result from the adoption of the Administrative Regulation – the conflicting definitions among them. In the event the County is intent on proceeding, my clients request outreach and cooperation from the County to address the substantive issues. Continuing the February 11, 2021 public hearing on the adoption of the Administrative Regulation for the Springhill Zoning District to allow the Springhill Alliance and other real property owners in the Springhill Zoning District the opportunity to review the thorough and complete redline requested, would also allow staff to consider and address the conflicts and issues addressed herein, and provide much needed outreach to real property owners in the Springhill Zoning District.

#### *Redline and Additional Time Granted to Other Part 1 Zoning Districts*

In my experience with zoning amendments, the Gallatin Canyon/Big Sky Zoning Regulation being the most recent, a complete redline is usually provided by the Planning Department to the public and interested parties. A complete redline is necessary so those subject to the proposed amendments can see the actual changes proposed within the original text of District’s regulations in order to understand how they may be impacted by those proposed changes. There is no defensible reason why the Springhill real property owners should be treated differently than real property owners in Big Sky.

Forcing the Springhill real property owners to review and compare multiple documents is not a transparent, effective, nor efficient process for them to understand the County’s proposed changes to the Springhill Zoning Ordinance. While a preliminary comparison has been undertaken, the Springhill Alliance continues to request a thorough and complete redline of the proposed changes to adequately and sufficiently inform real property owners in the Springhill Zoning District of the nature and character of the proposed amendments and how they will be impacted.

In another example of unequal treatment, when the amendments to the Gallatin Canyon/Big Sky Zoning Regulation were being proposed, considerable outreach and participation was afforded to those real property owners and interested parties. When a continuance of the adoption process for amending the Gallatin Canyon/Big Sky Zoning Regulation was requested by interested parties in February of 2020, staff approached the Planning and Zoning Commission and requested a continuance, which was granted on February 13, 2020 for a period of one (1) month.<sup>3</sup> My clients have been repeatedly denied the same request – with no justification provided.

The Gallatin Canyon/Big Sky Zoning Regulation, like the Springhill Zoning Ordinance, was enacted under the Part 1 zoning statutes. There is no defensible reason why the real property owners in Springhill are not being afforded the same type of redline, the same outreach, and the same time to consider the zoning amendments as real property owners in Big Sky.

The County’s denials of additional time have put the Springhill Alliance and real property owners in the unfortunate position of having to appear and to have me appear at the Planning and Zoning Commission public meeting on February 11, 2021, during a global pandemic, to make the same reasonable request. The failure to provide a complete redline forces them to expend financial resources on legal counsel to address their concerns, when Planning staff could have attempted to address those.

//  
//  
//  
//  
//

---

<sup>3</sup> See February 24, 2020 Memo from Mathieu Menard and Mayana Rice, County Planning to the Gallatin Canyon/Big Sky Advisory Committee (“Advisory Committee”), RE: Gallatin Canyon/Big Sky Zoning Updates. The zoning amendments proposed at that time included the Part 1 Zoning Administrative Regulations and a full and complete redline was provided to the interested parties.

## **Conflicting Definitions, Additional Definitions and Obligations, and Substantive Issues**

### *Conflicting Definitions*

Based on a preliminary review, the Springhill Zoning Ordinance and the Administrative Regulation contain conflicting definitions. Zoning Regulations should provide predictability for property owners. They should NOT result in conflict and confusion.

The redlines show only four definitions being changed. Definitions for 4.4 Structural Alternation, 4.50 Variance, and Zoning Enforcement Agent were deleted, we assume because the Administrative Regulation contains definitions for those terms. However, there remain other definitions in the proposed Springhill Regulation that are also defined in the Administrative Regulation, including Agriculture, Building, Conditional Use, Single Family Dwelling, Dwelling Unit, and Structure. It is unclear why some duplicative definitions were deleted, and others were not. The duplicative definitions result in conflict, confusion, and ambiguity. It is questionable which definition should apply or whether they would be deemed in conflict thus the Administrative Regulations control.<sup>4</sup> One important example, for this agriculturally based zoning district, is the conflicting definitions for Agriculture. This conflict and the definition in the Administrative Regulation, which imposes a higher bar to qualify as agricultural, are substantive changes and of great concern to the Springhill Alliance.

Agriculture in the Springhill Ordinance is defined as follows.

4.2 Agriculture: Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; husbandry; farming; horticulture; forestry; and the science and art of the production of plants and animals for sale. This includes all uses customarily incidental thereto, but does not include any agricultural industry or business such as packing plants, fur farms, animal hospitals, commercial dog kennels, commercial feed lots or similar uses.

Agriculture in the Administrative Regulation is defined as follows.

2.3. 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

---

<sup>4</sup> Administrative Regulation, 1.3 Upon the County Commission's adoption of this Administrative Regulation for a Zoning District, this Administrative Regulation supplements the District Regulation. In the case of a conflict between this Administrative Regulation and a District Regulation, this Administrative Regulation shall control. See further discussion of this provision and applicability to the Springhill Ordinance herein.

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).

The Administrative Regulation definition includes the statutory definition at Section 76-2-902, MCA<sup>5</sup> which imposes additional burdens to qualify as Agriculture or agricultural, such as gross

---

<sup>5</sup> 76-2-902. Definitions. As used in this part, the following definitions apply:

(1) "Agricultural activity" means a condition or activity that provides an annual gross income of not less than \$1,500 or that occurs on land classified as agricultural or forest land for taxation purposes. The condition or activity must occur in connection with the commercial production of farm products and includes but is not limited to:

- (a) produce marketed at roadside stands or farm markets;
- (b) noise;
- (c) odors;
- (d) dust;
- (e) fumes;
- (f) operation of machinery and irrigation pumps;
- (g) movement of water for agricultural activities, including but not limited to use of existing county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities;
- (h) ground and aerial application of seed, fertilizers, conditioners, and plant protection products;
- (i) employment and use of labor;
- (j) roadway movement of equipment and livestock;
- (k) protection from damage from wildlife;
- (l) prevention of trespass;
- (m) construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses;
- (n) conversion from one agricultural activity to another, provided that the conversion does not adversely impact adjacent property owners;
- (o) timber harvesting, thinning, and timber regeneration;
- (p) burning and stubble and slash disposal; and
- (q) plant nursery and commercial greenhouse activities.

(2) "Commercial production of farm products" means the growing, raising, or marketing of plants or animals by the owner, owner's agent, or lessee of land that provides an annual gross income of not less than \$1,500 or that occurs on land that is classified as agricultural or forest land for taxation purposes.

The term includes but is not limited to:

- (a) forages and sod crops;
- (b) dairy and dairy products;
- (c) poultry and poultry products;
- (d) livestock, including breeding, feeding, and grazing of livestock and recreational equine use;
- (e) fruits;
- (f) vegetables;
- (g) flowers;
- (h) seeds;
- (i) grasses;



income minimums or classification for tax purposes, which are not imposed by the definition in the Springhill Zoning Ordinance.

**The definition of Agriculture has substantive implications throughout the predominately agricultural Springhill Zoning Ordinance.** The Springhill Community works collaboratively, sharing agricultural responsibilities within and among large agricultural tracts and smaller parcels, used for agricultural purposes as defined by the Springhill Ordinance, but which may not meet the higher bar of the Administrative Regulation. The proposed definition may also have implications related to the definitions for Agricultural Building at 4.7 and Agricultural Structure at 4.41. For instance, does the Administrative Regulation create a higher bar to qualify as an Agricultural Building or Agricultural Structure? See also the Springhill Regulation at Section 11 Supplementary Regulations, 11.1 Agricultural Structures and Practices, and in particular Section 11.1.1, which refers to Agricultural activities defined under Section 4.2 as exempt. How does the Administrative Regulation definition of Agriculture impact these exemptions and other provisions of the Springhill Zoning Ordinance? Arguably it places a higher bar on those exemptions. Also of concern, how does the Administrative Regulation definition of Agriculture impact the Springhill Development Plan, which includes a number of goals related to Agriculture? **The foregoing substantive issues and conflicts must be addressed in advance of any adoption of the Administrative Regulation for the Springhill Zoning District.**

#### *Additional Definitions*

In addition to the conflicting definitions, the Administrative Regulation contains many definitions that are not currently included in the Springhill Zoning Ordinance, including, but not limited to Actual Construction, Approved Non-Conforming Status, and Certificate of Completion.

A number of these defined terms impose additional burdens and responsibilities on real property owners in the Springhill Zoning District, and likely associated additional costs. For example, the addition of a Certificate of Completion and Change of Use Permit results in additional layers of approval that do not currently apply to the Springhill Zoning District. There are likely many other examples of this. Additional issues related to these conflicting definitions, as well as others, may be identified by the Springhill Alliance upon further review.

- 
- (j) trees, including commercial timber;
  - (k) fresh water fish and fish products;
  - (l) apiaries;
  - (m) equine and other similar products; or
  - (n) any other product that incorporates the use of food, feed, fiber, or fur.

Springhill Alliance members and real property owners need additional time and outreach from Planning staff to understand the additional burdens and responsibilities, as well as the implications of the proposed additional terms.

### **No Reference to Development Rights Fundamental to the Springhill Zoning District**

The Springhill Zoning Ordinance provides for development rights, similar to other Part 1 zoning districts such as Bear Canyon, among others. Development rights are a necessary component of the Springhill Zoning District, directly corresponding to property values and the ability to subdivide property for residential development. *See* Section 10 of the Springhill Zoning Ordinance.

Section 1.6 of the Bear Canyon Zoning Regulation, adopted July 14, 2020 to include the Administrative Regulation, addresses Development Rights.

1.6 Development Rights. Every and each acre in the Zoning District shall have a development right of one dwelling unit. If the allowable density of the particular zone precludes use of the development rights for that given acreage, they may be transferred according to the procedure set forth in this Regulation.

A similar provision is not provided in the proposed Springhill Zoning Regulation. Notice of the development rights in Springhill, similar to the above and providing reference to the applicable Section 10 should be included in any amendment to the current Springhill Zoning Ordinance. A comparable Section 1.6 for Springhill is suggested as follows.

1.6 Development Rights. The Zoning District, and subdivision and development therein, is subject to development rights as further provided in Section 10. Development rights may be transferred according to the procedure set forth in Section 10.

Additional suggestions related to development rights may be provided by the Springhill Alliance and real property owners upon further review.

### **Conditional Use Permits and Removal of Certified Mail Notice Requirement for Adjacent Owners**

The current Springhill Zoning Ordinance notice provisions for a public hearing for a Conditional Use Permit requires that adjacent owners be notified by certified mail, which is removed with the proposed amendments. This is not acceptable to my clients.

13.3.4 Notice of public hearing for conditional use permits shall be published at least once 15 days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be notified by certified mail.

The Administrative Regulation provides only for Published Notice, defined as follows.

2.20. Published Notice: Notice given consistent with Section 7-1-2121, MCA and the Planning and Zoning Commission's adopted hearing rules.

Section 7-1-2121, MCA only requires notice by publication.<sup>6</sup> The Hearing Rules at Section III, D.2 provide for notice to adjacent owners as discretionary only. See as follows.

- 
- <sup>6</sup> 7-1-2121. Publication and content of notice -- proof of publication. (1) Unless otherwise specifically provided by law and except as provided in 13-1-108, whenever a local government unit other than a municipality is required to give notice by publication, this section applies.
- (2) Publication must be in a newspaper meeting the qualifications of subsections (3) and (4), except that in a county where a newspaper does not meet these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the notice in three public places in the county, designated by resolution of the governing body.
- (3) (a) The newspaper must:
- (i) be of general circulation;
  - (ii) be published at least once a week;
  - (iii) be published in the county where the hearing or other action will take place; and
  - (iv) have, prior to July 1 of each year, submitted to the clerk and recorder a sworn statement that includes:
    - (A) circulation for the prior 12 months;
    - (B) a statement of net distribution;
    - (C) itemization of the circulation that is paid and that is free; and
    - (D) the method of distribution.
- (b) A newspaper of general circulation does not include a newsletter or other document produced or published by the local government unit.
- (4) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.
- (5) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.
- (6) The notice must be published twice, with at least 6 days separating each publication.
- (7) The published notice must contain:
- (a) the date, time, and place of the hearing or other action;
  - (b) a brief statement of the action to be taken;
  - (c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and
  - (d) any other information required by the specific section requiring notice by publication.

**2. Notice.** Unless otherwise provided by statute or applicable Regulation, the Zoning Hearings Coordinator shall give notice of a Hearing pursuant to §7-1-2121, MCA. The notice also may be mailed by certified mail to all owners of real property that are adjacent to the real property in question, which owners shall be determined based on the latest ownership records maintained by the Montana Department of Revenue.

**The discretionary certified mail notice to adjacent property owners of public hearings on Conditional Use Permits is a relaxation of the notice requirement of the Springhill Zoning Ordinance and is not acceptable.** Certified mail notice is necessary to provide adjacent property owners their constitutional right to know and participate in the Planning and Zoning Commission's consideration of a proposed conditional use that may impact their property, a matter of significant public interest to real property owners in the Springhill Zoning District. The minimum notice afforded by the Administrative Regulation is insufficient and property owners should not have to bear the burden of checking the County's website monthly and subscribing to the Bozeman Chronicle to read legal notices just to protect their property interests. Further complicating matters in Springhill, I understand delivery of the Bozeman Chronicle is irregular.

The Administrative Regulation language with respect to the requirement for a Conditional Use Permit is less explicit regarding the necessity of obtaining such a permit, than the requirement in the Springhill Ordinance, 13.2. See as follows for comparison.

10.2 Requirement for a Conditional Use Permit. Conditional Use Permits are required prior to operation of a Use and/or occupancy of a Structure which is listed as a Conditional Use under the applicable District Regulation.

13.2 Conditional Use Requirements: No structure or land may be used for any purpose in any district where such use is not a permitted use, unless such use is listed as a conditional use in that district and approval for that use is obtained through the proper procedure.

---

(8) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105 through 2-3-107.

(9) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice.

(10) If the newspaper fails to publish a second notice, the local government unit must be considered to have met the requirements of this section as long as the local government unit submitted the required information prior to the submission deadline and the notice was posted in three public places in the county that were designated by resolution and, if the county has an active website, was posted on the county's website at least 6 days prior to the hearing or other action for which notice was required.

...

The certified mail notice requirement for adjacent owners and the substance of Section 13.2 should be retained in the proposed Springhill Zoning Regulation with reference to other Administrative Regulation provisions, if adopted.

### **Variance and Change of Use Permits**

The notice provided by the Administrative Regulation is inadequate in the Springhill Zoning District, as discussed above. **Certified mail notice to adjacent property owners is necessary for Variance requests and Change of Use Permits, in order to provide the adjacent property owners, who will be most impacted by those decisions, with the opportunity to know and meaningfully participate in those matters of significant public interest.**

Note also with respect to variances, Section 76-2-106, MCA provides that “[t]he board of county commissioners shall have the power to authorize such variance from the recommendations of the planning commission as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the decision of the planning and zoning commission will result in unnecessary hardship.”

### **Land Use Permits**

The following provision of the Administrative Regulation at Section 6.2 allowing for preparatory site work prior to obtaining an approved Land Use Permit deviates from the original intent of the Springhill Zoning Ordinance, and is an invitation for abuse and adverse impacts on neighboring property owners.

Preparatory site work may occur prior to Land Use Permit approval; however, pouring of concrete or installation of other permanent improvements prior to Land Use Permit approval is prohibited

The terms "preparatory site work" and "permanent improvements" are not defined, resulting in ambiguity and possible confusion. An owner could interpret those terms broadly, to allow any manner of things that may result in scars on the landscape and adverse impacts on adjacent properties and to the Springhill Zoning District as a whole. Examples may include road development without paving, and grading and other potentially significant earthwork to prepare a building site. Preparatory site work has resulted in issues in other Part 1 zoning districts with respect to setbacks. This relaxation deviates from the original intent of the Springhill Zoning Ordinance as such flexibility is not afforded under the current Land Use Permit provisions.

Section 6.3.f. of the Administrative Regulation allowing for “conditional” approval of a Land Use Permit is also contrary to the Springhill Zoning Ordinance and presents further potential for abuse.

Land Use Permit applications shall not be approved if the Planning Director is aware that the project does not conform with the applicable requirements of the Zoning Regulations. If a violation of other lawfully-adopted regulations and approvals (e.g. Subdivision Regulations; Floodplain Regulations, Building by Lease or Rent Regulations, Environmental Health regulations, etc.) is occurring on the property, the Planning Director may approve the Land Use Permit on a conditional basis.

Why would a Land Use Permit be considered, much less approved, if the property or owner is in violation of other lawfully adopted regulations? The conditions may be ignored and the owner proceeds with construction, and asking for forgiveness later – if caught. Violations should be remedied prior to a Land Use Permit application being accepted, so as not to trigger enforcement issues.

The foregoing are of further concern given that no actual certified mail notice is provided to adjacent property owners. Absent certified mail notice to adjacent owners, it is impossible for the adjacent owners to benefit from the appeal provision of 6.3.e.iii, as they would not likely know of the approval until after the time for appeal has lapsed.

### **Intent of the Springhill Ordinance**

The intent of the Springhill Zoning Ordinance is “to regulate and promote the orderly development of the area” and to “fully utilize lands for grazing, horticulture, agriculture or for the growing of timber.” See Springhill Zoning Ordinance at Section 2.1. The latter was deleted by the new proposed version of the Springhill Zoning Regulation.

Regulation and orderly development in the Springhill Zoning District is underscored by a number of the substantive provisions, including those related to development rights and the requirement of a conditional use permit for subdivision of land. The Springhill Alliance prefers that the original intent of the Springhill Zoning Ordinance be preserved in the event amendments are adopted.

**The proposed amendments undermine the agricultural and community centric focus of the Springhill Zoning Ordinance, which was the intent when the local community approached the County thirty years ago to adopt zoning in the Springhill Community.**

## **No Timely Statutory Notice and Violation of Constitutional Rights to Know and Participate**

The Gallatin County “Part 1” Zoning Administrative Regulation was adopted pursuant to County Commission Resolution No. 2019-047 on May 21, 2019. *See* Administrative Regulation, Section 1.1. However, no notice was provided at that time to Springhill real property owners as required by 76-2-106(1), MCA. See as follows.

**76-2-106. Adoption of development district.** (1) Adoption by the planning and zoning commission of the development district or any change therein may be in whole or in part but must be by the affirmative vote of the majority of the whole commission, provided, however, that prior to any such adoption, a public hearing shall have been held not less than 15 days after notice thereof shall have been posted in at least three public places within the area affected.

(Emphasis added.)

Amendments to a zoning regulation are a matter of significant public interest as they impact property rights. No notice was posted in the Springhill Zoning District, as required by statute, in advance of the 2019 adoption of the Administrative Regulation, and no opportunity to participate was afforded the owners in the Springhill Zoning District. Notice provided now is ineffective as the Administrative Regulation has already been adopted by its very language.

The Constitution of Montana, Article II, Declaration of Rights provides as follows.

**Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

**Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

These companion Constitutional rights work together and are necessary for effective citizen participation.

The right-of-participation and right-to-know sections of the Montana Constitution encourage open government and maximize citizen access to the decision-making

institutions of state and local government. Both rights enhance the freedom of information which is the cornerstone of democracy.<sup>7</sup>

The “reasonable opportunity for public involvement” stated in Resolution 2019-047 was not afforded to the Springhill Community. Without the statutorily required notice, they were not aware of the draft Administrative Regulation posted on the internet, nor of the work sessions held on February 14, 2019 and April 11, 2019, nor of the public hearing on May 9, 2019. There was no outreach to the Springhill Community in advance of the 2019 public hearing in which the Administrative Regulation was adopted – a final decision in which they were not afforded an opportunity to participate. The notice posted in January of 2021 was insufficient – it was too late to allow real property owners in the Springhill Zoning District the opportunity to ask questions and provide comments on the Administrative Regulation, adopted in 2019. Had they been contacted or provided notice as required by the Part 1 zoning statutes, they most certainly would have participated in the process – possibly avoiding the issues they are facing today.

In adopting the Administrative Regulation, Resolution 2019-047 states that “strict adherence to the Administrative Regulation is necessary to maintain consistency between the District Regulations.” As Planning has described and Planning and Zoning Commission members have acknowledged, it is a “take it or leave it” Regulation. This further underscores the lack of participation being afforded to the Springhill Community now.

Based on the failure to provide the required statutory notice in the Springhill Zoning District prior to adoption of the Administrative Regulation in 2019, those Regulations were unlawfully adopted in 2019. The County cannot bootstrap the unlawfully adopted Administrative Regulation for the Springhill Zoning District now by following the procedural requirements, when the County has already adopted the “take it or leave it” Administrative Regulation. **Contrary to Resolution 2019-047, the current process does not allow an “additional opportunity for public participation” given that strict adherence to the Administrative Regulation is required. In fact no real opportunity to meaningfully participate in the adoption of the Administrative Regulation has been provided for the Springhill Zoning District. Given the foregoing, my clients’ Constitutional rights to know and to participate have been violated.**

### Advisory Committee

The Springhill Alliance is exploring the local community’s interest in the possibility of a Springhill Zoning Advisory Committee, which supports the request for additional time and

---

<sup>7</sup> Fritz Snyder, *The Right to Participate and the Right to Know in Montana*, 66Mont. L. Rev.297 (2005), Available at: <http://scholarship.law.umt.edu/faculty/12>



outreach. One reason for their interest is that they would be provided advance notice in the future if/when the County proposes to amend the Springhill Zoning Ordinance. The request for additional time would allow the Springhill Alliance the opportunity to conduct outreach in the community with respect to interest in a Springhill Zoning Advisory Committee and possibly engage Planning staff to advise them with respect to this.

### **Findings Pursuant to Section 21.1, Springhill Zoning Ordinance**

The Planning and Zoning Commission must make findings consistent with the amendment procedure in the Springhill Zoning Ordinance, as follows, to adopt or recommend adoption of the Administrative Regulation.

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

**Based on the substantive issues and concerns identified in this letter and in the public comment submitted, it is abundantly clear that the public necessity, convenience and general welfare do NOT require the proposed amendment to adopt the Administrative Regulation and the amended Springhill Zoning Regulation for the Springhill Zoning District.**


### **Conclusion**

The Springhill Alliance members comprise 41 of the 61 real property owners in the Springhill Zoning District. This majority respectfully requests the following:

- That the Planning and Zoning Commission direct Planning staff to prepare **a full and complete redline** with all proposed deletions to the Springhill Zoning Ordinance text shown as strikethrough, and all proposed additions to text shown as underline, and provide that to them;
- **Additional time to review that redline** upon receipt and share it with other real property owners in the Springhill Zoning District for further discussion;
- **Outreach by Planning staff**; and,
- **Revisions to address the conflicts and substantive issues that the adoption of the Administrative Regulation and the amended Springhill Zoning Regulation will create in the Springhill Zoning District.**

Such additional time would necessarily require the February 11, 2021 public hearing on the adoption of the Gallatin County Part 1 Zoning Administrative Regulation for the Springhill Planning and Zoning District be continued.

RESPECTFULLY,  
GALLIK, BREMER & MOLLOY, P.C.



---

Jecyn N. Bremer  
Attorney at Law

- c: Client
  - Erin Arnold, Senior Civil Deputy County Attorney, Gallatin County Attorney's Office,  
[Erin.Arnold@gallatin.mt.gov](mailto:Erin.Arnold@gallatin.mt.gov)
  - Sean O'Callaghan, Planning Director, Gallatin County Planning Department,  
[Sean.OCallaghan@gallatin.mt.gov](mailto:Sean.OCallaghan@gallatin.mt.gov)
  - Randy Johnson, Planner, Gallatin County Planning Department,  
[Randy.Johnson@gallatin.mt.gov](mailto:Randy.Johnson@gallatin.mt.gov)

**From:** jbremer  
**To:** ["Arnold, Erin"](#); [O"Callaghan, Sean"](#); ["Johnson, Randy"](#)  
**Subject:** Springhill Zoning + Part 1 Zoning Administrative Regulation - request  
**Date:** Wednesday, January 13, 2021 4:12:56 PM

---

Erin, Sean, and Randy:

I left a message with Erin this afternoon, but given the timing, I wanted to reach out to all of you.

I appreciate Sean's response of January 6, 2021 with the table. I have shared this with my clients, but questions remain. In order for my clients to have a meaningful opportunity to review the proposed changes, we request a full and complete redline of the Springhill Zoning Ordinance with the changes proposed to incorporate the Part 1 Zoning Administrative Regulation (Administrative Regulation). The Staff Report dated March 12, 2020 contains a partial redline at Exhibit B that does not reflect the text being deleted from the Springhill Regulation in all Sections. See for example Section 2, Intent, which merely states that it is replaced by Section 3, Administrative Regulation, and does not show the text being deleted from the Springhill Ordinance. As with previous zoning amendments prepared by the County planning, Gallatin Canyon/Big Sky being the last I was involved with, a complete redline is usually provided to the public and interested parties.

A redline will allow my clients to be sufficiently informed as to the amendments proposed, and to share the actual changes being made with other real property owners in the Springhill Zoning District, which will allow them the opportunity to prepare for the Planning and Zoning Commission meeting to discuss the proposed amendments, and comment at least on the changes.

I understand there may be notice requirements and it may take time to prepare the redline, if one does not currently exist, thus my email. I will also be submitting a formal letter request on behalf of my clients.

Upon receipt of the redline, my clients would appreciate at least 60 days to review the redline reflecting the Administrative Zoning amendments and to conduct outreach and share the redline with other real property owners in Springhill. Given Sean's response to their October 30, 2020 letter on January 6, 2021, this seems reasonable.

Thank you in advance.

Jecyn

Jecyn Bremer  
Attorney at Law  
Gallik, Bremer & Molloy, P.C.  
777 East Main, Suite 203  
Post Office Box 70  
Bozeman, Montana 59771-0770  
Ph: (406) 404-1728  
Email: [jbremer@galliklawfirm.com](mailto:jbremer@galliklawfirm.com)



The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

**GALLIK, BREMER & MOLLOY, P.C.**

Attorneys at Law  
777 East Main Street, Suite 203  
Post Office Box 70  
Bozeman, Montana 59771-0070

January 21, 2021

Gallatin County Planning and Zoning Commission  
c/o Gallatin County Planning Department  
311 West Main Street  
Room 108  
Bozeman, MT 59715

BY HAND DELIVERY AND EMAIL

RE: Request for Information and Additional Time on Behalf of Springhill Planning District Property Owners' Alliance, Inc.

Honorable Gallatin County Commissioners and Planning and Zoning Commission Members:

This firm represents the Springhill Planning District Property Owners' Alliance, Inc. ("Springhill Alliance"). Springhill Alliance members comprise 41 of the 61 real property owners in the Springhill Zoning District. We are in receipt of Planning Director Sean O'Callaghan's letter of January 6, 2021, and appreciate the attempt to address some of the concerns conveyed by the Springhill Alliance in their letter of October 30, 2020. As you are aware, that letter articulated the group's opposition to the County's adoption of the Gallatin County Part 1 Zoning Administrative Regulation for the Springhill Planning and Zoning District, Gallatin County, Montana. However, the January 6, 2021 letter did not address their concerns and questions remain. In an effort to address those, we request a thorough and complete redline showing the actual changes being made – the deletions and additions – to allow those owners to be sufficiently informed as to the amendments proposed, and to share this information with other real property owners in the Springhill Zoning District. We also request that the February 11, 2021 public hearing on the adoption of the Gallatin County Part 1 Zoning Administrative Regulation for the Springhill Planning and Zoning District be continued to a date certain to allow the Springhill Alliance and other real property owners in the Springhill Community the opportunity to review the thorough and complete redline requested.

**Request for Redline**

The Staff Report dated March 12, 2020 contains a partial redline at Exhibit B with the following note.

(note: deletions to text shown as ~~strikethrough~~, additions to text shown as underline.)

This is not fully accurate in that the redline does not show the entirety of the text being deleted from the Springhill Regulation in all Sections, nor the language proposed to be added. See, for example Section



2, Intent, which merely states that it is replaced by Section 3, Administrative Regulation, and does not show the text being deleted from the Springhill Ordinance. This is true for Sections 5 and 6, and for Sections 12 through 22. Section 4 as presented in the Exhibit B redline is incomplete as only the deleted definitions are reflected and it appears at least one definition is being revised, which is not shown in that redline, as further discussed below.

As with previous zoning amendments proposed by Planning, the Gallatin Canyon/Big Sky Zoning Regulations being the last I was involved with, a complete redline is usually provided by the Planning Department to the public and interested parties. A complete redline is provided, I understand, so parties can see the actual changes with the original text of district's regulations in order to understand the scope of the amendments proposed and how they may be impacted by those changes. This allows them to meaningfully participate in the public meetings related to the proposed amendments. It is also a more efficient process for the public to accurately see the changes being proposed. The Gallatin Canyon/Big Sky Zoning Regulations example is just such a redline, as evident in the document entitled ZoningUpdateMarkup (March 2020).pdf, on file and of record in the Planning Department, which I and other interested parties received at the time those amendments were proposed. It is a 163 page document, so I did not attach it for reference, but encourage you to request a copy and review the scope of that redline. The Gallatin Canyon/Big Sky Zoning Regulations were undergoing a comprehensive amendment process, so changes in addition to those related to the Part 1 Zoning Administrative Regulations are shown in redline. The important point is that Part 1 Zoning Administrative Regulations were completely shown in the multiple redlines provided to real property owners and interested parties. There is no defensible reason why the Springhill real property owners should be treated differently than real property owners in Big Sky.

In another example of this unequal treatment, when the amendments to Gallatin Canyon/Big Sky Zoning Regulations were being proposed, considerable outreach and participation was afforded to those real property owners and interested parties. The Gallatin Canyon/Big Sky Zoning Regulation, like the Springhill Zoning Ordinance, was enacted under the Part 1 zoning statutes. There is no defensible reason why the real property owners in Springhill are not being afforded the same outreach, and the opportunity as those in Big Sky to review the amendments by complete redline, as well as the opportunity to participate in the amendments the County is making to the Springhill Zoning Ordinance.

In order for the real property owners to effectively review, compare, and understand the County's proposed changes to the Springhill Zoning Ordinance, we request a thorough and complete redline of those proposed changes. Such a redline showing the deletions as strikethrough and additions as underline is necessary to adequately and sufficiently inform the real property owners in Springhill and the interested parties of the nature and character of the proposed action. A complete redline will also allow them the opportunity to prepare for the Planning and Zoning Commission meeting to discuss the proposed amendments, and comment at least on the changes.

### **Request for Additional Time to Review Redline**

Upon receipt of the redline, my clients would appreciate additional time to review the redline reflecting the Administrative Zoning amendments and to conduct outreach and share the redline with other real property owners in Springhill. An additional sixty (60) days would be appreciated, and given Planning Director Sean O'Callaghan's response to their October 30, 2020 letter on January 6, 2021, this seems reasonable.

As noted previously, when the amendments to Gallatin Canyon/Big Sky Zoning Regulations were being proposed, considerable outreach and participation was afforded to that community and interested parties. When a continuance of the adoption process for amending the Gallatin Canyon/Big Sky Zoning Regulations was requested by interested parties in February of 2020, staff approached the Planning and Zoning Commission and requested a continuance, which was granted on February 13, 2020 for a period of one (1) month.<sup>1</sup> The Springhill Community real property owners merely ask to be treated the same.

### **Previous Request to Staff**

As you will note from the emails attached as Exhibit A to this letter, I contacted staff about this request for a redline of the proposed amendments and additional time to review it on January 13, 2021. There was no response to my request for a redline, rather a vague reference to information being posted on the Planning Department's website under What's New and Happening Now by close of business on January 15, 2021. The request for additional time to review the redline was denied, with no reason for the request for additional time provided.

This was surprising. The redline requested is entirely reasonable and consistent with the County's treatment of amendments in other zoning districts, as explained above. It would also make good on the representation in the Exhibit B redline, excerpted above, that deletions to text are shown as strikethrough and additions to text are shown as underline, which has not fully been the case with the redlines provided.

The partial redline attached to the March 12, 2020 Staff Report may be sufficient to show the County's intention to gut the Springhill Regulations of its administrative provisions, previously vetted with community involvement when those Regulations were adopted. However, the partial redline does not allow real property owners the opportunity to actually see and understand what is being deleted and what is being added. They deserve the same consideration granted to real property owners and interested parties in other County zoning districts, such as those Gallatin Canyon/Big Sky, as well as reasonable time to review the complete redline and share it with other real property owners in Springhill.

---

<sup>1</sup> See February 24, 2020 Memo from Mathieu Menard and Mayana Rice, County Planning to the Gallatin Canyon/Big Sky Advisory Committee ("Advisory Committee"), RE: Gallatin Canyon/Big Sky Zoning Updates. The zoning amendments at time included the Part 1 Zoning Administrative Regulations and a full and complete redline was provided to the and interested parties.

The initial denial of their request for additional time puts my clients in the unfortunate position of having to appear and to have me appear at the Planning and Zoning Commission public meeting on February 11, 2021 to make the same reasonable request. The failure to provide a complete redline forces them to expend financial resources on legal counsel to address their concerns.

It is patently unfair that Mr. O'Callaghan was able to take as much time as he needed to respond to their concerns, and they would be denied a reasonable request for additional time to review a redline of the proposed changes that they have not yet been provided, and the time to share that with real property owners in the Springhill Community.

### **Request for Waiver of Re-Noticing Fees**

The 2018 Hearing Rules for the Planning and Zoning Commission, Section III.D.3, provides that "[t]he party making the request for postponement shall be responsible for any costs associated with re-noticing the matter." The denial of my request of January 13, 2021 puts my clients in the position of being required to pay for the re-noticing pursuant to the foregoing 2018 Hearing Rule. The request to staff was made in advance of the noticing to avoid the noticing being provided prematurely, thus we request that this requirement be waived.

### **Information Posted January 15, 2021**

While we appreciate the planner's attempt at further clarification with the revised redline posted on the County's website on January 15, 2021, that redline is still not a full and complete redline that shows all of the additions and deletions. Contributing to my client's concerns and demonstrating the necessity of the request for a full and complete redline, a quick comparison of the recent redline provided and the cursory redline provided with the March 12, 2020 staff report at Exhibit B, shows an amendment that was not reflected in the March redline. At a glance, the recent redline is different at least as to Section 4 in that it shows an additional definition change, which is to 4.46 Transfer of Development rights.

We have not yet fully compared the two incomplete redlines otherwise. As you may imagine, that the redline purporting to show the changes has further changed in the interim period does not give the real property owners confidence that the information provided clearly, completely, accurately shows the amendments in full that are being proposed. This again demonstrates the necessity of my client's request for a full and complete redline in order to fully inform the real property owners of the amendments being made by the County and additional time to review it.

### **Advisory Committee**

In addition to the request for a full redline of the proposed amendments to the Springhill Zoning Ordinance and time to review that, my clients are interested in the possibility of a Springhill Advisory Committee. One reason is at least they would be provided advance notice in the future when the County attempts to amend the Springhill Zoning Ordinance. The request for additional time would allow the



Springhill Alliance the opportunity to conduct outreach in the community with respect to interest in a Springhill Advisory Committee and possibly engage Planning staff to advise them with respect to this.

### Conclusion

We respectfully request the Planning and Zoning Commission request that staff prepare a full and complete redline with the proposed deletions to the Springhill Zoning Ordinance text shown as strikethrough, and additions to text shown as underline and provide that to my clients, along with additional time to review that redline upon receipt and share it with other real property owners in the Springhill Zoning District. Such additional time would necessarily require the February 11, 2021 public hearing on the adoption of the Gallatin County Part 1 Zoning Administrative Regulation for the Springhill Planning and Zoning District be continued.

Thank you in advance for your consideration of this request.

RESPECTFULLY,  
GALLIK, BREMER & MOLLOY, P.C.



---

Jecyn N. Bremer  
Attorney at Law

- c: Client  
Erin Arnold, Senior Civil Deputy County Attorney, Gallatin County Attorney's Office,  
[Erin.Arnold@gallatin.mt.gov](mailto:Erin.Arnold@gallatin.mt.gov)  
Sean O'Callaghan, Planning Director, Gallatin County Planning Department,  
[Sean.OCallaghan@gallatin.mt.gov](mailto:Sean.OCallaghan@gallatin.mt.gov)  
Randy Johnson, Planner, Gallatin County Planning Department,  
[Randy.Johnson@gallatin.mt.gov](mailto:Randy.Johnson@gallatin.mt.gov)

**From:** [O'Callaghan, Sean](#)  
**To:** [jbremer](#); [Arnold, Erin](#); [Johnson, Randy](#)  
**Cc:** [Semerad, Eric](#)  
**Subject:** RE: Springhill Zoning + Part 1 Zoning Administrative Regulation - request  
**Date:** Thursday, January 14, 2021 2:56:35 PM

---

Hi Jecyn,

Pursuant to the adopted Planning and Zoning Commission Hearing Rules, we discussed your request for a delay in the Planning & Zoning Commission hearing on the above referenced matter with Eric Semerad, the P&Z Chairman. Chairman Semerad has decided to proceed with the hearing scheduled on February 11, 2021. Information related to this matter will be posted on the Planning Department's website under What's New and Happening Now by close of business on January 15, 2021.

Respectfully,

**Sean O'Callaghan, AICP, CFM**  
*Planning Director*  
*Floodplain Administrator*  
*Open Lands Coordinator*

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

Phone: (406) 582-3130  
Fax: (406) 582-3135  
[sean.ocallaghan@gallatin.mt.gov](mailto:sean.ocallaghan@gallatin.mt.gov)

**From:** jbremer <jbremer@galliklawfirm.com>  
**Sent:** Wednesday, January 13, 2021 4:16 PM  
**To:** Arnold, Erin <Erin.Arnold@gallatin.mt.gov>; O'Callaghan, Sean <Sean.OCallaghan@gallatin.mt.gov>; Johnson, Randy <Randy.Johnson@gallatin.mt.gov>  
**Subject:** Springhill Zoning + Part 1 Zoning Administrative Regulation - request

Erin, Sean, and Randy:

I left a message with Erin this afternoon, but given the timing, I wanted to reach out to all of you.

I appreciate Sean's response of January 6, 2021 with the table. I have shared this with my clients, but questions remain. In order for my clients to have a meaningful opportunity to review the proposed changes, we request a full and complete redline of the Springhill Zoning Ordinance with



the changes proposed to incorporate the Part 1 Zoning Administrative Regulation (Administrative Regulation). The Staff Report dated March 12, 2020 contains a partial redline at Exhibit B that does not reflect the text being deleted from the Springhill Regulation in all Sections. See for example Section 2, Intent, which merely states that it is replaced by Section 3, Administrative Regulation, and does not show the text being deleted from the Springhill Ordinance. As with previous zoning amendments prepared by the County planning, Gallatin Canyon/Big Sky being the last I was involved with, a complete redline is usually provided to the public and interested parties.

A redline will allow my clients to be sufficiently informed as to the amendments proposed, and to share the actual changes being made with other real property owners in the Springhill Zoning District, which will allow them the opportunity to prepare for the Planning and Zoning Commission meeting to discuss the proposed amendments, and comment at least on the changes.

I understand there may be notice requirements and it may take time to prepare the redline, if one does not currently exist, thus my email. I will also be submitting a formal letter request on behalf of my clients.

Upon receipt of the redline, my clients would appreciate at least 60 days to review the redline reflecting the Administrative Zoning amendments and to conduct outreach and share the redline with other real property owners in Springhill. Given Sean's response to their October 30, 2020 letter on January 6, 2021, this seems reasonable.

Thank you in advance.

Jecyn

Jecyn Bremer  
Attorney at Law  
Gallik, Bremer & Molloy, P.C.  
777 East Main, Suite 203  
Post Office Box 70  
Bozeman, Montana 59711-0770  
Ph: (406) 404-1728  
Email: [jbremer@galliklawfirm.com](mailto:jbremer@galliklawfirm.com)

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.

**From:** [Arnold, Erin](#)  
**To:** [jbremer](#)  
**Cc:** [O'Callaghan, Sean](#); [Johnson, Randy](#)  
**Subject:** FW: Springhill Zoning + Part 1 Zoning Admin Regulations  
**Date:** Monday, January 25, 2021 11:01:37 AM  
**Attachments:** [2021\\_0121\\_Request\\_For\\_Addtl\\_Time.pdf](#)

---

Hello Jecyn,

The Chair of the Planning & Zoning Commission, Eric Semerad, has considered the requests in your January 21<sup>st</sup> letter. He has decided that the Planning & Zoning Commission will proceed with consideration of the hearing on the adoption of the Part 1 Zoning Administrative Regulation for the Springhill Planning and Zoning District on February 11<sup>th</sup>.

During the hearing, the Planning & Zoning Commission will have the opportunity to consider the requests in your letter, including whether to continue adoption of the Administrative Regulation and the request for a different redline-version of the amendments to the Springhill Zoning Regulation.

Erin

Erin L. Arnold  
Chief Civil Deputy County Attorney

**Gallatin County Attorney's Office**  
Judge Guenther Memorial Center  
1709 West College Street, Suite 200  
Bozeman, Montana 59718  
(406) 582-3745

---

**From:** Corrie Larson <[Corrie@galliklawfirm.com](mailto:Corrie@galliklawfirm.com)>  
**Sent:** Thursday, January 21, 2021 12:36 PM  
**To:** Planning <[Planning@gallatin.mt.gov](mailto:Planning@gallatin.mt.gov)>; Commission <[Commission@gallatin.mt.gov](mailto:Commission@gallatin.mt.gov)>  
**Cc:** Arnold, Erin <[Erin.Arnold@gallatin.mt.gov](mailto:Erin.Arnold@gallatin.mt.gov)>; O'Callaghan, Sean <[Sean.OCallaghan@gallatin.mt.gov](mailto:Sean.OCallaghan@gallatin.mt.gov)>; Johnson, Randy <[Randy.Johnson@gallatin.mt.gov](mailto:Randy.Johnson@gallatin.mt.gov)>; jbremer <[jbremer@galliklawfirm.com](mailto:jbremer@galliklawfirm.com)>  
**Subject:** Springhill Zoning + Part 1 Zoning Admin Regulations

Please see attached Request for Information and Additional Time on behalf of our clients. Hard copies will be delivered to Planning and BOCC today.

**Corrie Larson**  
**Administrative Assistant**  
**Gallik, Bremer & Molloy, P.C.**  
**777 E. Main St., Suite 203**  
**PO Box 70**  
**Bozeman MT 59771-0070**  
**ph: 406-404-1728**

**fax: 406-404-1730**

The information contained in this communication may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.