



## Conditional Use Permit

### Information and Instructions

Some County Zoning District regulations allow Property Owners/Applicants to apply for a Conditional Use Permit (CUP) to authorize specific uses/construction under certain conditions. Any conditional use or structure must receive approval from the appropriate decision-making body prior to the use/construction commencing. If you wish to apply for a CUP, please use the following information and checklist to complete your application submittal.

#### PROCESS:

---

- Applicant submits a digital and single hard copy of the application. Once application is deemed complete, Planning staff will ask applicant for required number of hard copies to distribute to the governing body.
- Planning staff distributes digital copies of the application to the appropriate departments and agencies for review and comment.
- Planning staff conducts a site visit of the property.
- Public notice of the hearing commences:
  - The County Planning Department sends notice by certified mail to the owners of property adjacent/adjoining to the site.
  - The County Planning Department publishes a notice in the appropriate newspaper(s).
- Planning staff analyzes the application materials and any comments received from reviewing departments/agencies.
- Planning prepares a staff report that analyzes the proposal against the applicable regulations, which is submitted to the applicable governing body or bodies and published online the week before the public hearing.
- Public hearing is held:
  - The applicant or applicant's representative should be present (in person or digitally) at the hearing to answer questions raised by the governing body or public. Please contact staff if this is not possible.
  - Governing body decides on the request (*unless postponed*).
  - In most cases, the governing body attaches conditions (actions the applicant must take or permits they must apply for) when CUP applications are approved. Failing to meet the conditions of approval is a violation of the zoning regulation and jeopardizes the legitimacy of the CUP approval.
- Decisions on CUPs may be appealed to the court of record within 30 days of being made.

## CUP APPLICATION CHECKLIST:

---

**Pre-submittal meeting.** While not required, it is highly recommended for applicants to contact the Planning Department to schedule a pre-submittal meeting to discuss application requirements and hearing procedure.

**Cover letter.** Include a cover letter describing the project. Discuss why a CUP is required and discuss the review criteria (found in the zoning regulation) which typically includes:

*1) How the Use/Structure conforms to the objectives and intent of the applicable District Regulation and applicable growth policy or neighborhood plan; and*

*2) How the Use/Structure will or will not adversely affect nearby properties or their occupants; and*

*3) How the Use/Structure meets the density, coverage, Yard, Building Height, and all other applicable provisions of the Zoning Regulation.*

**Attachments**

- Prepare a site plan, including all existing and proposed structures, architectural projections such as eaves, decks/porches, driveways, parking spaces, landscaping, signage, property lines, watercourses, and easements.
- This must be no larger than 11" x 17", drawn to scale and/or with measurements clearly labeled.
- Depending on the request, floor and elevation plans may also be required to provide a full description of the project.
- Refer to the appropriate section of the zoning regulation and/or state statute and include any other applicable supplemental information.

**Certified Mail**

- Prepare the Certification of Adjacent Property Owners form (included in CUP application).
- List the names, mailing addresses and legal descriptions of the property of the owners adjacent to/adjoining the exterior the subject property on the form. [There is a fee per mailer.](#)
- Adjacency includes property located across the road/highway, watercourses, ditches, etc. as well as "kitty corner." If an adjacent road is owned in fee title, please include the owner of the road on property owner list.
- Provide three sets of mailing labels for each adjacent/adjoining landowner.
- Labels must be smaller than 1" x 2-5/8" (like [Avery 5160](#) / 30 per sheet).

**Submittal.** Compile the above documents and completed CUP application form. In your submittal, include:

- One physical copy of the complete application.
- One digital copy of the application (no file greater than 20 MB); email to [planning@gallatin.mt.gov](mailto:planning@gallatin.mt.gov).
- Submit [required fee\(s\)](#); checks payable to Gallatin County Planning Department.

**Please Note: Once your application is deemed complete by a Planner, they will let you know how many additional hard copies of the application to turn in for the hearing.** If you have any questions regarding the application or need any assistance filling out any part of the application form, please contact the Planning Department.